



Working to Reform Marijuana Laws

Supreme Court Rules Feds Can Arrest State-Recognized Medical Cannabis Patients

State Laws Authorizing Physician-Supervised Use Of Marijuana Unaffected By Ruling

Washington, DC: The US Supreme Court today reversed a Ninth Circuit Court of Appeals decision which found that the federal prosecution of patients who cultivate and possess marijuana for their own medicinal use is an unconstitutional exercise of Congress' Commerce Clause authority. As a result, the court struck down an injunction barring the Justice Department from arresting the respondents -- California medical cannabis patients Angel McClary Raich and Diane Monson -- for violating the federal Controlled Substances Act. Ms. Raich and Ms. Monson had filed suit in federal court in 2002 seeking to bar the US Justice Department from taking legal action against them for their state-sanctioned use of medicinal cannabis.

"While we are disappointed with the Court's decision, the bottom line is that state and local laws protecting medicinal cannabis patients and their physicians remain in place and are unaffected by this ruling," NORML Executive Director Allen St. Pierre said. Eleven states -- Alaska, California, Colorado, Hawaii, Maine, Maryland, Montana, Nevada, Oregon, Vermont and Washington -- have passed laws exempting patients who use cannabis under a physician's supervision from state criminal penalties.

"With this ruling, Congress and the Justice Department have a choice: They can choose to waste taxpayers' dollars and undermine states' rights by arresting and prosecuting seriously ill patients who possess and use medical cannabis in compliance with state law, or they can choose more worthwhile priorities, like protecting national security and targeting violent criminals," St. Pierre said. He added that Congress is expected to vote later this month on a bipartisan amendment sponsored by Reps. Dana Rohrabacher (R-CA) and Maurice Hinchey (D-NY) that would prohibit the federal government from spending taxpayers' dollars to prosecute patients who comply with their state's medical marijuana laws. Also pending in Congress is House Bill HR 2087, "the States' Rights to Medical Marijuana Act," sponsored by Reps. Barney Frank (D-MA), Ron Paul (R-TX), Sam Farr (D-CA), Rohrabacher, and Hinchey, along with 31 co-sponsors, which would reclassify marijuana under federal law to properly recognize its medical utility and enable physicians to legally prescribe it under controlled circumstances.

"The Court's decision today underscores the need for Congress to amend federal law to recognize cannabis' therapeutic utility," St. Pierre said. "Throughout our history, the public has looked to state legislatures and Congress -- not the courts -- to be the architects of public policy. With 80 percent of Americans as well as numerous health organizations, including the American Nurses Association and the American Public Health Association, in favor of legalizing the physician-supervised use of medicinal cannabis, it's time for the federal government to butt out of doctors' decisions regarding which medicine is the most safe and effective for their patients."

Respondents co-counsel, NORML Legal Committee member David Michael agreed. "This decision is a great leap backwards by the Supreme Court, in eroding the Rehnquist Court's Commerce Clause legacy and creating chaos by pitting the Federal Government against its own citizens and their individual states," he said. "Where the Supreme Court has failed, it is now up



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to Congress to protect the citizens of this country and their states from an overreaching federal government."

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