High Time

Medical marijuana is rolling along as antidrug legislators dig in

April 1, 1999 By Doug Ireland

One of the few issues on which the AIDS community is aligned with a majority of Americans is medical marijuana. Last November, voters overwhelmingly approved medical marijuana referenda in five states—Alaska, Arizona, Colorado, Nevada, Oregon and Washington—plus the District of Columbia. National public opinion polls regularly show that more than 60 percent of Americans favor medipot. Wherever the issue was on the ballot last fall, voters decided to "just say no" to the madness of making people suffering from AIDS, cancer, multiple sclerosis and glaucoma the victims of the failed and expensive war on drugs.

The electorate is clearly ahead of the political establishment on this one. Speaking for the Clinton administration, Gen. Barry McCaffrey—the drug czar who has stymied the 1996 California referendum legalizing medical marijuana there by using federal licensing laws to threaten doctors who prescribe cannabis for their patients—thumbed his nose at the voters, calling the latest results "silly and sad."

But McCaffrey and his cronies soldier on. The most bizarre case of the voters' will being frustrated was in DC, where AIDS activist Wayne Turner and his late partner, Steve Michael, led a successful signature drive to put medical marijuana on the ballot. An amendment to last year's federal budget bill by neanderthal GOP Rep. Bob Barr prohibited DC from spending money on such a referendum, and Clinton refused to use his line-item veto power to kill it. So, even though exit polls showed that DC voters approved medipot by 59 percent, the Barr amendment prevented the nation's capital from releasing and certifying the election results (an American Civil Liberties Union lawsuit to force certification is pending.)

And beyond Washington, the cannabis crackdown continues nationwide. The latest available FBI statistics show that the number of pot-related arrests has soared from 250,000 in 1990 to 695,201 in 1997 (87 percent of those arrests were for simple possession, not for sale or manufacture). Meanwhile, 20 percent of the population lives in jurisdictions that have voted to legalize medical marijuana, and this may soon expand. A medipot initiative will place the issue before Maine voters this fall, plans are being laid for a Florida referendum next year, and medical-marijuana activists are polling to see if it makes sense to put the issue on the ballot in Missouri and several other Midwestern states. Election law technicalities will force Nevada and Colorado to vote again on the issue in 2000. However, only half the states allow for referenda, which means that medical

marijuana can be legalized elsewhere only through legislative actions, a more onerous undertaking.

Other next steps? “Making sure the initiatives work where passed,” says Bill Zimmerman, director of Americans for Medical Rights (AMR), which spearheaded the victorious initiatives to the tune of $3 million. “For example, Oregon has a hostile legislature controlled by hard-right conservatives, which will try to override the voters. In Washington, where the governor has been relatively cooperative, we’ll work to extend the reach of the initiative to patient categories [not included in the current law].” AMR is planning a major education campaign that will include mailings to doctors—“most of whom don’t know how to use marijuana to help their patients”—and toll-free numbers for patients to inform them of their rights. And of course, lobbying legislatures in nonreferendum states will be crucial.

On the federal level, things have changed since the early ’80s, when two of the four principal cosponsors of the first bill to legalize medical marijuana were Newt Gingrich and conservative GOP Rep. Bill McCollum, who reversed their positions after the Reagan administration declared its destructive war on drugs. Now, Democratic Rep. Barney Frank has introduced a bill that would allow the states to legalize medical marijuana if they choose. The Frank bill currently has some two dozen cosponsors, but even though this is essentially a states’ rights measure, only two are Republicans (Californian Brian Bilbray and Texan Ron Paul).

Nonetheless, the simple fact is that a solid majority of Americans agree with Minnesota’s new governor, Jesse “The Body” Ventura, who says: “My goodness, a doctor can give you a prescription for morphine, and yet they can’t prescribe marijuana? This should be left up to the medical community for people who are that ill or in that much pain.”

To get involved, contact Americans for Medical Rights, 1250 6th St., Suite 202, Santa Monica, California 90401; e-mail: amr@lainet.com. For a selection of essential reading material about medical marijuana—and extensive contact information about organizations nationwide—see “Get Baked.”

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