Pipe Dreams, Part II

March 21, 2009 By David Weiss

It now appears that the U.S. government will limit prosecutions of medical marijuana sellers in those states where medical marijuana can be legally purchased:

U.S. Attorney General Eric Holder said federal agents will now target marijuana distributors only when they violate both federal and state laws, a departure from the policy of the Bush administration.

It's not seen by many as a move by the Obama administration toward the legalization of marijuana. Obama's dismissal of legalization in the recent "town hall" discussion makes that clear. However, it could end much of the confusion among state and federal authorities dealing with the mishmash of laws in which cultivating, using and selling pot for medical purposes is allowed by states but outlawed by the federal government. "This signals, in my mind, a true kind of federalism," said Jody Armour, a law professor at the University of Southern California. "The federal government is allowing states to take chances, to take experiments and see what happens."

California is one of 13 states that allows medical use of marijuana. Over the past 2 1/2 years, the federal Drug Enforcement Administration has raided at least 80 dispensaries in California, the majority in the Central District that extends from the Central Coast down to Orange County and includes Los Angeles. Yet criminal charges have only been filed in several of those cases against the biggest distributors accused of breaking both federal and state laws, said Thom Mrozek, spokesman for the U.S. attorney's office in the Central District of California.

"What we have done in all of our narcotic cases is to focus on large-scale traffickers," Mrozek said. "In terms of what happens in the future, the federal government will continue to enforce federal narcotics law."

(read the rest of the article on Yahoo at Medical Marijuana)

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