



Marijuana Legalization Appeal Receives Unprecedented Support With the Filing of Nine Amicus Briefs

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The plaintiffs in a landmark lawsuit seeking to declare the federal law that criminalizes marijuana unconstitutional have received an enormous boost. A total of nine (9) amicus briefs have been filed in support of the plaintiffs' appeal to the U.S. Supreme Court in *Washington v. Barr*. Among those who have submitted amicus briefs are seven members of Congress, including Earl Blumenhauer, Barbara Lee, Jamie Raskin, and Tulsi Gabbard; 19 major organizations; and two eminent cannabis researchers and scientists (see attached). "The organizations and individuals filing amicus briefs and the lawyers who drafted them are an all-star roster for the legalization movement," said Fatima Afia, an Associate at Hiller, PC, *pro bono* co-counsel for the plaintiffs in *Washington v. Barr*. "We couldn't be more pleased and honored to have their support."

According to the CATO Institute, "among the thousands of [cert] petitions [filed each year] only a few receive support from amici." As computed by the SCOTUS Blog, just eight cases since 2008 have inspired as many amicus brief as this appeal. Michael Hiller, lead *pro bono* counsel for the *Washington v. Barr* plaintiffs, offered an explanation for why this appeal has generated so much interest: "The briefs filed in support of our appeal are representative of what can only be described as national recognition, including by the federal government itself, that cannabis is safe and medically effective. Criminalizing cannabis under the pretext that it has no medical utility and is too dangerous to be administered even under strict medical supervision is not just absurd; it's unconstitutionally irrational. The federal government owns at least two medical cannabis patents, distributes cannabis to patients around the Country under the auspices of the FDA's Investigational New Drug Program, has acquiesced to legalization-programs in 38 U.S. States and Territories (70% of the Country), and has approved at least one medical cannabis drug (Epidiolex) for distribution to children without a prescription. Yet the federal government maintains that cannabis is as dangerous as heroin, has no medical uses in the U.S. and is too dangerous to administer - claims which do not square with reality and which place millions of Americans, and billions in investment capital, at risk."

When asked why his clients weren't satisfied with waiting for a legislative solution, Hiller's answer came swiftly - "Congress passed a law that, on a daily basis, infringes upon the rights of Americans to treat with a lifesaving medication, and which has been used as a pretext to arrest

and incarcerate persons of color. The remedy for this recurring and pervasive violation of the Constitution lies *not* with the legislative body that created the problem, but rather with the U.S. Supreme Court, the guardian of America's constitutional rights."

A decision by the U.S. Supreme Court is expected during this 2020-21 Term.