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Justice Says It Won't Go After Medical Marijuana Users

By Theo Emery

A collective sigh of relief — or was that the long exhale of bong hits? — no doubt followed Monday's announcement from Attorney General Eric Holder that federal prosecutors will not go after medical-marijuana users who abide by state laws governing the drug's use for legitimate treatment purposes. ([See pictures of cannabis culture.](#))

"It will not be a priority to use federal resources to prosecute patients with serious illnesses or their caregivers who are complying with state laws on medical marijuana," Holder said in a statement accompanying the release of the new policy guidelines.

The announcement codified a major policy shift from the Bush Administration, which aggressively pursued medical-marijuana users and distributors in states that had relaxed their drug laws to allow patients with certain conditions — including glaucoma and AIDS — to use marijuana to ease their symptoms. Fourteen states now make allowances for medical-marijuana use, including California, Colorado, Maryland, Michigan, New Mexico and Oregon. ([Watch a video about a medical-marijuana home-delivery service.](#))

Holder had described the broad outlines of the policy in March, but Monday's announcement represented the official Administration position, laying out the policy in a memorandum from Deputy Attorney General David W. Ogden to U.S. Attorneys.

Holder made clear that the department would not turn a blind eye to those who use medical-marijuana laws as a fig leaf for illegal use, saying that traffickers exploiting the laws should still expect to be pursued. "We will not tolerate drug traffickers who hide behind claims of compliance with state law to mask activities that are clearly illegal," Holder said. ([See pictures of the great American pot smoke-out.](#))

The announcement sparked a range of reactions. Calvina Fay, executive director of the Drug Free America Foundation, gave little weight to the announcement, saying that the policy has essentially been in place since earl

this year. An opponent of medical-marijuana laws, she said the policy may provide "free rein" to prosecutors previously unsure of whether those who used medical-marijuana laws as a smokescreen for trafficking should be prosecuted, which she would support.

"We think they should be even more aggressive, and we could have said the same thing about the previous Administration too. We think the [marijuana] dispensaries should be shut down — all of them should be shut down, and they should be shut down yesterday," she told TIME.

In contrast, NORML, the National Organization for the Reform of Marijuana Laws and a leading proponent of legalization, called the move a "major victory" for those seeking drug-law reforms. Tim Lynch, director of the Project on Criminal Justice at the libertarian Cato Institute, says the new policy announcement was a significant step that was "long overdue."

"The memorandum is a recognition that they have got to deploy or employ these resources in a rational and an effective way, and using police time to arrest people who are ill and are using marijuana for medical purposes is a gross misallocation of resources," he says.

He pointed out another dividend, this one political: to help the Administration draw a clear distinction from its predecessor for the benefit of left-leaning Obama supporters angered with the continuing war in Afghanistan and the renewal of the U.S. Patriot Act.

"This may be an attempt to show, Look there are differences, we are reversing some of the policies and priorities of the Bush Justice Department," he says, "and this is an example of that."

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