

The Volokh Conspiracy

- Home
- About
- E-Mail Policy
- Linking Policy
- Stuff
- Who Are We?
- Search
- Blogroll
- Archives

Angel Raich to Undergo Brain Surgery; DOJ Issues New Medical Marijuana Policy

Randy Barnett • October 19, 2009 9:38 am

On October 28th, Angel Raich—my client in *Gonzales v. Raich*—will undergo brain surgery at Stanford Medical Center for a tumor, one of the conditions from which she was suffering throughout the litigation. After radiation to shrink the tumor failed, a risky surgery was deemed her only option. **You can read about 43-year-old Angel's fight to stay alive, including viewing images of her tumor before and after radiation, and make a donation here.** I admire Angel for her will to survive, while making something positive of all her frightening illnesses, and wish her all the best.

In other news,

AP (10/19, Barrett) reports that the Justice Department today was slated to send federal prosecutors a new policy on medical marijuana prosecutions, which says the administration "will not seek to arrest medical marijuana users and suppliers as long as they conform to state laws." Two Justice Department officials "described the new policy to The Associated Press, saying prosecutors will be told it is not a good use of their time to arrest people who use or provide medical marijuana in strict compliance with state laws." The new policy "is a significant departure from the Bush administration, which insisted it would continue to enforce federal anti-pot laws regardless of state codes." In a blog for The Hill (10/19, 21K), Bridget Johnson reports that the new guidelines "will suggest that it's not a good use of time to go after users and distributors of medical marijuana in the 14 states that allow such usage, while encouraging that illegal pot operations involving violence, firearms and sale to minors still be pursued."

(This is a Cato News Summary that was sent to me by email for which I have no link.) This development demonstrates a genuine benefit of a system of federalism, even when the courts will not police the line between state and federal power by limiting the federal government to its enumerated powers. It also substantiates our claim that enforcement of the prohibition of medical cannabis in states where it was regulated was not "essential to the broader regulatory scheme" of the Controlled Substances Act. In *Raich*, the Supreme Court adopted a highly deferential "rational basis" approach to the

government's claim that it was. You can hear the oral argument at which this issue was discussed here.

Categories: Uncategorized

