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Majority Backs Medical Marijuana, but Feds Won't Budge

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Carl Franzen
Contributor

(Jan. 20) -- When it comes to reforming the nation's health care system, Americans are [firmly divided](#). But a surprisingly large majority now agrees that if you're sick, you should be allowed to pass the peace pipe.

Eighty-one percent of U.S. adults favor legalizing marijuana in a medical context, according to a telephone poll conducted by [ABC News](#) and the [Washington Post](#) last week. In 1997, 69 percent of respondents were in favor

of the idea.

The news led some, such as the Raw Story's Stephen C. Webster, to conclude that "[the medical marijuana debate among American voters is over](#)." Indeed, voters in nine states have approved medical marijuana provisions, beginning with California in 1996.

But it's not just citizens who are catching whiffs of a budding new era: The legislatures of five other states, most recently [New Jersey](#), also passed their own laws setting up specific, government-sponsored programs that provide controlled access to the plant to ill patients -- [bringing to 14](#) the grand total of states where medical marijuana is available.

Studies have shown that marijuana can help fight pain in some patients and ease nausea that often accompanies cancer treatments.

Despite the Obama administration's recently stated tolerance for state-sponsored medical marijuana measures (the Justice Department announced last year it [won't prosecute patients abiding by state laws](#)), pot is an illegal drug under federal law, and users can be punished under a number of [strict penalties](#). Since 1970, the DEA has [classified marijuana as a Schedule 1 substance](#), alongside heroin and LSD, all of which have been deemed to have a "high potential for abuse" and "no currently accepted medical use."

Yet scientists seeking federal clearance to grow and study their own marijuana crops for therapeutic effects continue to find their requests rebuffed. "Marijuana is the only major drug for which the federal government controls the only legal research supply and for which the government requires a special scientific review," [The New York Times reports](#). That supply is grown on a single plantation at the University of Mississippi. Meanwhile, scientists investigating other illegal drugs such as LSD can turn to many other suppliers.

Despite strong support from local voters, state efforts to allow medical marijuana use often have gone up in smoke because of federal restrictions.

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The first to fail was Arizona. Voters approved a ballot measure in 1996 allowing physicians to prescribe the drug. But they are [barred from doing so professionally](#) since it is against federal law. Some states got around this barrier by using other words such as "recommend" instead of "prescribe." A new provision to change Arizona's medical marijuana wording is gaining steam and may end up on the ballot later this year, [CollegeNews](#) reports.

In 1998, the District of Columbia's vote to legalize medical marijuana was superseded by congressional action. Congress recently [cleared the way](#) for the medical marijuana program to begin, though, so the D.C. council is moving ahead with plans to set up [five dispensaries](#).

Finally, in 2003, Maryland Gov. Robert Ehrlich [signed a bill](#) that allows people arrested and prosecuted on possession charges to use "medicinal necessity" in their defense, which they must prove with a physician's recommendation. But the state's [terminally patients are still irked](#) that they have turn to unreliable black market sources to procure their medicine.

So while medical marijuana activists can cheer at the news that voters are on their side, the government is still in many cases behind the (high) times.
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