



POLITICS DAILY
Memo to the Left: The Public Option Is Dead, Get Over It



SHAKY PLANET
Spate of Quakes Is Not Unusual, Scientists Say



CHARGE AND COUNTERCHARGE
Former Edwards Aide Strikes Back at Hunter

OPINION

Opinion: An Obama Promise That's Gone Up in Smoke

Updated: 21 days 1 hour ago

Print Text Size

E-mail More

Jacob Sullum
Special to AOL News

(Feb. 23) -- During his presidential campaign, Barack Obama made it clear that, if elected, he would take a different approach to medical marijuana.

"Prosecuting and raiding medical marijuana users," he [said](#) in the summer of 2007, is "really not a good use of Justice Department resources." Later he [extended](#) that statement to include medical marijuana growers and [promised](#) that "I'm not going to be using Justice Department resources to try to circumvent state laws on this issue." Early in his administration, Obama's attorney general, Eric Holder, [reiterated](#) these points.

The Drug Enforcement Administration apparently didn't get the message.

Two weeks ago, DEA agents busted a medical marijuana grower in Highlands Ranch, Colo. After the raid, Jeffrey Sweetin, the special agent in charge of the DEA's Denver office, [declared](#): "It's still a violation of federal law. It's not medicine. We're still going to continue to investigate and arrest people." Last week the DEA [raided](#) a medical marijuana dispensary in Culver City, Calif.

These busts were the latest in a series of DEA raids that have violated President Obama's campaign promise to stop interfering with [medical marijuana laws](#), which [14 states](#) and the District of Columbia have enacted.

The Obama administration's failure to deliver on his promise is due not only to resistance from hard-liners like Sweetin but also to its own mixed signals.

Consider the [memo](#) that the Justice Department sent U.S. attorneys in November, telling them they "should not focus federal resources" on prosecuting people who grow or possess marijuana for medical purposes in compliance with state law. The memo said only "individuals whose actions are in clear and unambiguous compliance with existing state laws" would be eligible for the Justice Department's newfound tolerance. That language leaves a lot of leeway for federal interference in states where the requirements of medical marijuana laws are a matter of dispute.

California's law, for example, lets patients "collectively or cooperatively" grow marijuana and distribute it to each other, but local officials [disagree](#) with state officials and each other about what exactly that means. Last month the Los Angeles City Council [approved](#) new regulations



ADVERTISEMENT
Advertisement

TOP NEWS

AP Real-Time Web

- [GOP assails Dems on approach to health bill](#)
- [Fed weighs how and when to signal higher rates](#)
- [Thai protesters pour own blood at government HQ](#)
- [Clashes erupt in Jerusalem; US envoy cancels trip](#)
- [Mexican tour bus overturns in Texas, killing 2](#)
- [Tiger Woods to return to golf at the Masters](#)

FANHOUSE
BRACKET CHALLENGE
CATCH THE MADNESS
WIN UP TO \$10,000,000

SPOTLIGHT

Lauren Frayer
Contributor
[They Got Rhythm, Study of Babies Finds](#)



Ed Mazza
Contributor
[Panda Is Emblem of This Year's Earth Hour](#)



Broderick Perkins
Contributor
[High Marks Given to Homeowners Associations](#)



[Meet the Team >](#)

THE GRID

for medical marijuana dispensaries. Meanwhile, City Attorney Carmen Trutanich and Los Angeles County District Attorney Steve Cooley maintain the dispensaries are completely illegal because they exchange pot for money, even though [guidelines](#) from California Attorney General Jerry Brown permit such transactions.



David McNew, Getty Images

Dave Warden, a bud tender at Private Organic Therapy (P.O.T.), a non-profit co-operative medical marijuana dispensary, displays various types of marijuana available to patients in Los Angeles, California.

Chris Bartkowicz, the Colorado grower arrested this month, says the patients he was supplying had designated him their "primary caregiver," a status that would allow him to grow at least six plants per patient. The Colorado Board of Health is [considering](#) regulations that would limit caregivers to five patients each and require them to do more than supply marijuana, but those rules weren't in place at the time of Bartkowicz's arrest.

Even if Colorado's courts would say that Bartkowicz's operation was legitimate, the Justice Department seems to be reserving the right to favor its own interpretation of state law. Among the factors that could expose a medical marijuana supplier to federal prosecution, the November memo lists "financial gains or excessive amounts of cash."

But Colorado's [law](#) says nothing one way or the other about how much compensation a caregiver can receive from a patient. So on what basis does the federal government decide that a grower's "financial gains" are illicit or that the amount of cash he has is "excessive?"

The Justice Department may think it's outrageous for medical marijuana growers to turn a profit, or even to get reimbursed for their expenses, but Colorado's law says no such thing. This sort of second-guessing is inconsistent with the president's commitment to respecting state autonomy in this area.

Meanwhile, drug warriors like Sweetin do not even pretend to be interpreting state law, as the new policy ostensibly requires. And given Obama's [choice](#) to head the DEA -- a Bush holdover who enthusiastically oversaw the agency's medical marijuana raids as acting administrator and as special agent in charge of the L.A. office -- it's no wonder Sweetin feels confident in asserting that the president's promises mean nothing.

Jacob Sullum, a senior editor at [Reason](#) magazine, is the author of [Saying Yes: In Defense of Drug Use](#) (Tarcher/Penguin).

To submit an op-ed to AOL News, write to opinion@aolnews.com.

Filed under: [Opinion](#)

[Follow AOL News on Facebook and Twitter.](#)

2010 AOL Inc. All Rights Reserved.

[Print](#) | [E-mail](#) | [Digg](#) | [AIM](#) | [Twitter](#) | [Facebook](#) | [More Options](#)

New Comments System on the Way

Valued AOL News readers, we have heard your feedback and are shutting off our commenting system as we work to improve the experience for you.

NEWS FROM OUR PARTNERS



POPULAR ON AOL NEWS

1. [Teacher Writes 'Loser' on Student's Assignments](#)
2. [Rielle Hunter Breaks Silence on Edwards Affair](#)
3. [Boy Being Brainwashed by Mother, Grandparents Say](#)
4. [International Probe Targets Secretive Catholic Group](#)
5. [Possible Suicide Cluster Has Cornell on Edge](#)
6. [US Consulate Victims in Mexico 'Targeted,' FBI Says](#)
7. [Gay Air Force Sergeant Booted After Cops Out Her](#)
8. [11 Rare Tigers Starve to Death at China Zoo](#)
9. [Opinion: What America Will Look Like in 2050](#)
10. [Shrimp-Like Creature Found Under Antarctic Ice](#)

POLITICS DAILY

- [Petraeus: Time to Reconsider 'Don't Ask, Don't Tell'](#)
- [Marshall Leads Democratic Pack for N.C. Senate Nomination, but Most Voters Are Undecided](#)
- [Chaos Theory - New Textbooks, Y'all!](#)
- [GOP's Campbell Catches Up to Boxer in California Senate Race](#)
- [College Tea Party Groups Boost Campus Conservative Ranks](#)

[More Stories »](#)

goodnewsnow

- [Woman Gets Kidney From Landlord](#)
- [Obama Donates \\$1.4 Million Nobel Prize](#)
- [Glenn Close Has Genome Mapped](#)
- ['Miracle' Elephant Calf Takes First Steps](#)
- [Number of Millionaires in US Rebounds](#)

[More Stories »](#)

<p>'Shut the Hell Up': Virgin America No Angels During 19-Hour Ordeal</p> <p>Masterful Move? Tiger Uses Venerable Tournament for Return to Golf</p> <p>'Foreshock': Could Calif. Quake Signal Reform?</p> <p>Health Care Reform's Final Countdown?</p> <p>Did 'Runaway' Prius Driver Hit the Gas?</p> <p>More Stories »</p>	<p>House Dems may try new tactic in health care vote</p> <p>Texas tour bus crash kills 2, injures 18</p> <p>Tiger Woods returning to golf</p> <p>Northern Plains brace for flooding</p> <p>Magnitude 4.4 quake shakes part of L.A.</p> <p>More Stories »</p>	<p>John Legend: Bill Maher, You're Wrong on Education</p> <p>Music's Big Night</p> <p>Make the World Better, One Step at a Time</p> <p>Will Paula Choose Simon?</p> <p>America's Debt Gets Scary</p> <p>More Stories »</p>	<p>War Over 'The Vote' Is Bing the New Buzz Word in China?</p> <p>New Cybercrime Target: Going Local</p> <p>Officials: U.S. Missile Attack Kills 9 in Pakistan</p> <p>Ayatollah Tries to Ban Iranian Bonfire Night to Cut Protest</p> <p>More Stories »</p>	<p>Top Names for Rich Babies</p> <p>Democrats Who Vote 'No' May Be Vulnerable</p> <p>10 Young Stars With Too Much Plastic Surgery</p> <p>Vogue Fawns Over Post-Baby Gisele Bundchen</p> <p>Google Appears to Defy Chinese Censorship Laws</p> <p>More Stories »</p>	<p>Why Isn't Obama Leading Financial Reform?</p> <p>Regina Benjamin on Childhood Obesity</p> <p>America May Truly Be In Decline</p> <p>America May Truly Be In Decline</p> <p>Liberals' Five Favorite Republicans</p> <p>More Stories »</p>
--	---	---	--	--	--

<p>S salon.com</p> <p>The death of the library book</p> <p>College coach canned after bummed SATs</p> <p>PepsiCo cuts sugary drinks from schools worldwide</p> <p>Tiger Woods plans return</p> <p>N.J. court OKs tea party group's bid to oust senator</p> <p>More Stories »</p>	<p>TIME.com</p> <p>Jerusalem Settlements Clash Risky for the U.S., Israel</p> <p>Juarez Killings: Mexico's Calderon Steps Up Drug War</p> <p>Toyota's Counterattack: Can It Recover?</p> <p>The Pope's Role in a German Priest's Sex-Abuse Scandal</p> <p>Health Care Reform: TV Ads Give Taste of Fall Campaign</p> <p>More Stories »</p>	<p><i>The Washington Post</i></p> <p>U.S. Chamber targets vulnerable Democrats</p> <p>Pelosi may pass bill without vote</p> <p>Tiger Woods returning to golf</p> <p>Snubbing U.S. not good for Israel</p> <p>Petraeus sees tough year ahead</p> <p>More Stories »</p>	<p><i>Atlantic</i></p> <p>Morning Vid: Glenn Beck's U.S. History Fail</p> <p>We'd Be Excited About Twitter's @Anywhere If Only We Knew What It Did</p> <p>5 Best Tuesday Columns</p> <p>LIGHTNING ROD: Supreme Court Spouse Throws Tea Party</p> <p>Is the Israeli-American Alliance Fraying?</p> <p>More Stories »</p>
--	--	--	--

Best of the Web >>>

<p>"Miracle" Elephant</p>  <p>"Stillborn" calf gets up, takes its first steps.</p>	<p>Gaga Collapses</p>  <p>Singer faints while performing on stage.</p>	<p>Stern vs. 'Precious'</p>  <p>Mom of actress angered by Stern comments.</p>	<p>On Scene: SXSW</p>  <p>See AOL's coverage of South by Southwest.</p>	<p>The Big Stuff</p> <ul style="list-style-type: none"> NCAA Tournament Brackets Ford Police Inceptor Taxes St. Patrick's Day SXSW 2010 UFC 111 Results Comic books 	<p>Hot Site: Burbia</p>  <p>The web's wackiest pics.</p>
--	---	--	---	--	---

AolNews.

SEARCH >

<p>What's Hot</p> <ul style="list-style-type: none"> Rielle Hunter Pictures Tiger Woods Ides of March Thai Protesters US Consulate Shooting LA Earthquake Dancing Babies Reagan Billboard 	<p>On AOL News</p> <ul style="list-style-type: none"> AOL News Team About AOL News Steve Pendlebury Buck Wolf James Graff Andrea Stone 	<p>AOL News Topics</p> <ul style="list-style-type: none"> The Point Nation World Science Health AOL News' Top Stories 	<p>Quick Links</p> <ul style="list-style-type: none"> Politics Daily FanHouse Fantasy Football Jay Mariotti Lisa Olson NFL NBA MMA Pacquiao vs Clotey 	<p>More Sites</p> <ul style="list-style-type: none"> Switched Asylum Lemondrop Engadget DailyFinance BloggingStocks WalletPop Moviefone Horoscopes 	<p>Sites and Services</p> <ul style="list-style-type: none"> Download AOL News Toolbar TV Listings Watch TV Shows Health Info Celeb Gossip Singles
--	---	--	---	--	---

Latest news, weather, health, business, sports, science, money, entertainment, world news, elections, weird news and more.

AolNews.

[Terms of Use](#) | [Privacy Policy](#) | [Trademarks](#) | [AOL A-Z](#) | [HELP](#)
 © 2010 All Rights Reserved AOL News. © AOL Inc. All Rights Reserved.