

Exclusive: 'Politics of pot' endangering state medical marijuana laws

By [Stephen Janis](#)
Wednesday, June 16th, 2010 – 9:39 am

Share

[+ reddit this!](#) [Stumble This!](#)

Mark Zeitlin manages Harmony House, a medical marijuana dispensary in North Hollywood, California.

His product is popular and his services — providing medicinal marijuana — are in demand. But Mark has a problem. L.A. County prosecutors want to put him out of business.

"I have AIDS patients, cancer patients, people with all sorts of illness to treat, but the government is trying to shut me down," he told Raw Story.



One of [439 facilities](#) ordered to be shuttered last week by the L.A. County prosecutors as part of a crackdown on medical marijuana, Zeitlin said the booming business of medicinal healing through cannabis is under siege.

"Unofficially I think there are over 1,200 dispensaries in L.A. County, now I think they're saying they want it down to like 150," he said.

Story continues below...

"It's politics," he averred. "I think someone is trying to get elected, but there are people that need us and we're being threatened with a \$2500-a-day fine and imprisonment. It's not constitutional."

Zeitlin's constitutional argument may be uncertain, but he may be right about the politics of pot.

Current L.A. County Prosecutor Steve Cooley is the [Republican nominee](#) for the statewide office of attorney general. The crackdown by his office on medicinal marijuana dispensaries came shortly after he won the Republican primary for the state's attorney general job.

On the eve of a potentially tough election race in a Democratic state, the highly publicized get-tough stance on dispensaries garnered the veteran prosecutor local, state and [even national headlines](#).

But just as California led the way in the battle to loosen restrictions on the use of medicinal marijuana in 1996, workers in the medicinal marijuana business like Zeitlin are worried that the backlash in Los Angeles could be trend in a politically motivated government crackdown against the medical use of the natural herb.

"Do I think it's a trend? Yeah," he said.

A comprehensive review by Raw Story of recent steps taken by state and local governments to stall, limit or ban medical marijuana shows a pattern of tightening restrictions across the country in many of the states that have passed medical marijuana laws, a shift that comes after the [Obama administration](#) pledged the Justice Department would no longer [pursue medical marijuana growers](#).

And in some case, like Los Angeles and New Jersey, the crackdown either precedes or comes after a tight election in a politically divided state.

Follow us!



Take Our
Democracy Back!
[StandforDemocracy.com](#)

Paid for by
MoveOn.org
Political Action.
[http://moveon.org](#)
Not authorized by
any candidate or
candidate's
committee

HELP
WANTED

Get Raw Story updates!

Email:

Join

“ - In Los Angeles, prosecutors released a list last week of 439 medical marijuana dispensaries that must either shut down or face fines of up to \$2500 day and criminal charges, part of a citywide effort to crack down on the proliferation of medical marijuana facilities. Prosecutors estimate more than 2500 that have sprung up across the city since medical marijuana was legalized and said a loophole in city law that allowed **over the counter purchases was being abused**.

- Colorado Governor Bill Ritter signed into law an **ordinance** that allows local communities to shutter or ban medical marijuana dispensaries altogether. The ban allows municipalities to opt out of the state medical marijuana law by either referendum or statute. Ritter, a Democrat, has exited the governor's race, but his party faces a stiff battle in the fall, with a recent Rasmussen poll showing Republican Scott McInnis continuing to hold a slight lead over Democratic candidate John Hickenlooper.

- The election of Chris Christie, Republican governor in New Jersey **has stalled** the state's recently-passed medical marijuana bill. The newly elected Governor persuaded the legislature this month to push back the effective date of the new law nearly a year. The governor says he needs more time to implement regulations for the bill signed by Democratic Governor Jim Corzine who was defeated last November by Christie in a tight race. Critics said the newly-elected governor is simply stalling until he builds support for the repeal of the state's medical marijuana law.

- The New Jersey medical marijuana law and similar ordinance approved in Washington D.C are the first to preclude licensed patients from growing their own marijuana. The provision leaves patients with few options if government officials close down or limit the number of legal dispensaries.

- Residents of New Mexico who approved a state constitutional amendment to allow medical use in 2007 say state officials are **dragging their feet** in approving the vendors where medical marijuana can be purchased. Since 2007 only 5 dispensaries have been authorized to serve patients. Also, it's taken up to seven months for a single application to be approved, leaving many people who are eligible to use medical marijuana unable to obtain it.

- On the local level the Aurora, Colorado city council **has approved a November ballot measure** that would place a moratorium on medical marijuana dispensaries within city limits. Aurora is one of the first Colorado cities to take advantage of the more restrictive recently enacted state law.

Marijuana advocates who have been at the forefront of the battle to legalize it concede that opportunism can still drive the politics of pot, even when it goes against voter-approved laws. But they stop short of saying the tightening of laws is a trend.

"In some cases you have someone like Cooley who thinks it is politically expedient to crackdown on dispensaries, I don't know why," said Ethan Nadelmann, the Executive Director of the Drug Policy Institute, in an interview with Raw Story.

A major player in drafting medical marijuana legislation in states like California and Colorado, Nadelmann thinks some of the backlash against medical pot is simply a reaction to poor planning.

"When you have responsible laws like in Northern California, you don't have a problem," he said.

"It's part of a cultural struggle too. Some people think, if you bring it above ground you give it legitimacy, but the truth is if you push it underground you force the people who have legal access to use the black market."

Aurora councilman says most registered pot use is recreational

But in states like Colorado, there is also suspicion the medicinal value of pot may not be driving demand.

"I think 80 percent of the people who have registered for it want it for recreational use and 20 percent for legitimate purposes," Aurora City Councilman Robert Broom explained in an interview with Raw Story.

In Colorado, nearly 65,000 people signed up for medical marijuana cards in the past several years as the state began to grant more licenses for marijuana dispensaries. The onslaught of applicants prompted the Colorado Department of Public Health to stop offering assistance to new applicants.

"Due to high volume of applications, the office of vital records will no longer review applications,"

the health department's website says.

Broom has been a supporter of Aurora's moratorium on dispensaries that will be up for a voter referendum this fall.

"I understand that marijuana does have health benefits. But these dispensaries can be a magnet for crime, they have both money and drugs which makes them attractive targets for criminals," he said.

"There's also the issue can the town allow something that on a Federal level is illegal?"

Efforts to push back against the growing widespread use of medical marijuana doesn't shock addiction specialist Dr. Michael Hayes, who has spent his entire career in the middle of this country's love-hate relationship with psychotropic substances.

"I'm not surprised," Hayes said. "I'm actually more surprised at how much progress has been made towards decriminalization."

For over four decades, Hayes has been at the forefront of dealing with a myriad of addictions as director of the Center for Addiction Treatment at Maryland General Hospital in Baltimore, Maryland.

With a front-row seat on what he says is the destructive and often misguided emphasis on criminalizing drugs, Hayes has been a lifelong advocate of decriminalization for a variety of substances.

"It just delays the process of people starting treatment if they need it," he says.

And that is why he is worried about the current trends.

"It's the politics that messes everything up," he said. "The easiest way to get elected is to criminalize a drug or crack down on people's use of a drug."

"All the studies on the decriminalization show that the crime, higher uses, all the so-called bad things that were predicted to happen, just did not happen."

In his own practice treating people with opiate addictions, marijuana has been a useful, albeit unofficial tool. But Hayes said the politics have made it difficult for him too look the other way.

"We have people at my methadone clinic whose only problem is they smoke a little weed, and we ignored it because they were doing well," he said.

"But a few years ago the state required us to test for it, and it breaks my heart that I can't give people the freedom from the clinic they deserve.

"It's really a shame," he said.

Part of the problem, Hayes and advocates say, is the slippery slope of criminalization that opens the door for more government intervention, which usually means putting addicts in jail.

"A great deal of the times it's the Feds that drive this," he said. "And it doesn't help to imprison people for using drugs."

Growing, selling, and even smoking marijuana was legal in the U.S. until 1937 when Congress passed the [Marijuana Tax Act](#). The law placed strict regulations on personal use and growing of pot and hemp, guidelines that eventually became the basis for a national prohibition that prompted [750,000 arrests](#) in 2008 for simple possession alone.

Since then, only [fourteen states and the District of Columbia](#) have mustered support to pass laws relaxing criminal penalties associated with the use of marijuana, all under the guise of medical use.

"It's the lesser of many evils; if I had a choice between alcohol and marijuana, I'd take marijuana," Hayes said.

That's why Zeitlin says Harmony House is fighting back.

Bolstered by a legal theory that the shuttering of his business is unconstitutional because some dispensaries are being allowed to stay open, Zeitlin says a LA circuit court judge has granted his business a temporary stay of closure while the owner appeals the order to shut down.

"We have people to take care of," he said. "We're going to fight."

ADVERTISEMENT