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# Did the V.A. Unseat Marijuana From Schedule I?

Thursday, August 19, 2010

By Mike LaSalle

On July 22, 2010 the Department of Veterans Affairs issued **VHA DIRECTIVE 2010-035**, specifically allowing VA patients the right to use Medical Marijuana without fear of federal interference. "Fourteen states have enacted laws authorizing the use of medical marijuana," the Directive observes. "Medical conditions associated with the use of medical marijuana include, but are not limited to: glaucoma, chemotherapy induced nausea, multiple sclerosis, epilepsy and chronic pain."



The new Directive **does not allow VA doctors to prescribe Marijuana** to their patients, but for the first time, **a federal agency has acknowledged that Marijuana has medicinal applications**, and pledged not to interfere with patients who have a doctor's prescription in the 14 states where Marijuana is accepted under law.

This is a critical point, and one that should get everyone's attention: *Is Marijuana still a Schedule I drug?*

To be a Schedule I drug, a substance **must meet 3 qualifications**:

1. There is a lack of accepted **safety** for use of the drug or other substance under medical supervision, AND
2. The drug or other substance has no currently **accepted medical use** in treatment in the United States, AND
3. The drug or other substance has a high **potential for abuse**.

With respect to Item 1, **Safety: Marijuana ingestion** has **never been listed** as a cause of death; it is physically impossible for a human being to die from purposely ingesting too much Marijuana.

Item 2, the **"No currently Accepted Medical Use"** clause is clearly invalid across the **14 states** where medical marijuana is permitted by law: Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington. By definition, in each of these states, Marijuana does indeed have a "currently accepted medical use."

Finally, Item 3: **Potential for Abuse**. I submit that a rational adult might rightly conclude that many drugs — including alcohol and cigarettes — have a far higher **potential for abuse** than Cannabis. By the same token, given that at least **42% of the US population has tried Marijuana** at least once, it is evident that Marijuana should not be classified or grouped together with drugs like heroin, cocaine or meth-amphetamines.

In order to be a considered a Schedule I drug, Marijuana must fit *each* of these three classifications.

But, on July 22, 2010, an **agency of the U.S. Federal Government directed its medical staff to accept the fact that Marijuana has medical value in the states where it is legal**.

According to the **definition of Schedule I** under the Controlled Substances Act, if a drug has *any medical value*, then it *cannot* be a Schedule I drug.

The precursor to this recent VA Directive may have been **Gonzales v. Oregon**, a 2006 Supreme Court decision — the first major case under Chief Justice John Roberts — wherein the Court ruled that a physician who prescribed a drug legally under state law was not subject to federal enforcement under the Controlled Substances Act.

In light of **Gonzales v. Oregon**, the VA's acknowledgement that Marijuana has medical value now seems inevitable: for all practical purposes, Marijuana is no longer a Schedule I drug.

Game Over.

Visit **Veterans For Medical Marijuana** and **DrugScience.org** for more information about the medical uses of Cannabis.

Related:

NYT, 20 OCT 2009: **U.S. Won't Prosecute in States That Allow Medical Marijuana**

"People who use marijuana for medical purposes and those who distribute it to them should not face federal prosecution, provided they act according to state law, the Justice Department said Monday in a directive with far-reaching political and legal implications."

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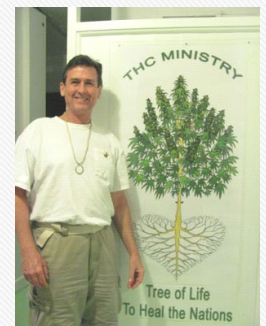
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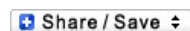
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 **Mel Marshall** 2010-08-30 at 5:40 pm


Great Job, Mens News Daily! The more we bring this into the light, the sooner we can change these unjust laws. I want to buy American-grown, right from the store ASAP!


#103120 

 **Mark Godbey** 2010-08-27 at 11:25 pm

By advocating for marijuana sales and gay marriage, Mens News Daily will quickly lose its appeal to most men, who are largely conservative.

Most men oppose legalization of marijuana and oppose gay marriage by a 2-1 majority.

#103003 


 **Mike LaSalle** 2010-08-26 at 11:02 pm


500 economists and three Nobel Laureates signed this:  
<http://www.prohibitioncosts.org/endorsers.html>

Harvard economist Jeffrey Miron estimated the government would save \$7.7 billion per year in enforcement costs alone. He also said that tax revenues on Cannabis could yield upwards of \$6.2 billion per year.

How much sense does this need to make before we get off the Prohibition merry-go-round?

<http://www.prohibitioncosts.org/mironreport.html>  
ref: *Martin D. Carcieri, Obama, the Fourteenth Amendment, and the Drug War, Akron Law Review Fall 2010*

#102979 

 **John Gilmore** 2010-08-25 at 11:27 pm

The courts have ruled that those “Schedule 1” criteria really don’t matter anyway. Congress is free to put any drug into any schedule, regardless of what the criteria say, because the criteria restrict the agencies, not Congress.

So since it was Congress who put marijuana into Schedule 1, it can stay there forever until either Congress changes it, or an agency changes it. And the agencies involved are so corrupt that even if their office building was surrounded by growing fields of state-legal medical marijuana, they’d still decline to notice the truth. There’s too much money for them in continued lying.



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Malcolm Kyle

2010-08-21 at 9:53 am

1) In response to passage of California's medical marijuana law, the White House had the Institute of Medicine (IOM) review the data on marijuana's medical benefits and risks. The IOM concluded, "Nausea, appetite loss, pain and anxiety are all afflictions of wasting, and all can be mitigated by marijuana." While noting potential risks of smoking, the report added, "we acknowledge that there is no clear alternative for people suffering from chronic conditions that might be relieved by smoking marijuana, such as pain or AIDS wasting." The government's refusal to acknowledge this finding caused co-author John A. Benson to tell the New York Times that the government "loves to ignore our report ... they would rather it never happened." Joy, JE, Watson, SJ, and Benson, JA. Marijuana and Medicine: Assessing the Science Base. National Academy Press. 1999. p. 159. See also, Harris, G. FDA Dismisses Medical Benefit From Marijuana. New York Times. Apr. 21, 2006

2) Donald Tashkin, a UCLA researcher whose work is funded by NIDA, did a case-control study comparing 1,200 patients with lung, head and neck cancers to a matched group with no cancer. Even the heaviest marijuana smokers had no increased risk of cancer, and had somewhat lower cancer risk than non-smokers (tobacco smokers had a 20-fold increased lung cancer risk). Tashkin D. Marijuana Use and Lung Cancer: Results of a Case-Control Study. American Thoracic Society International Conference. May 23, 2006.

3) Researchers at the Kaiser-Permanente HMO, funded by NIDA, followed 65,000 patients for nearly a decade, comparing cancer rates among non-smokers, tobacco smokers, and marijuana smokers. Tobacco smokers had massively higher rates of lung cancer and other cancers. Marijuana smokers who didn't also use tobacco had no increase in risk of tobacco-related cancers or of cancer risk overall. In fact their rates of lung and most other cancers were slightly lower than non-smokers, though the difference did not reach statistical significance. Sidney, S. et al. Marijuana Use and Cancer Incidence (California, United States). Cancer Causes and Control. Vol. 8. Sept. 1997, p. 722-728.

4) In a 1994 study the government tried to suppress, federal researchers gave mice and rats massive doses of THC, looking for cancers or other signs of toxicity. The rodents given THC lived longer and had fewer cancers, "in a dose-dependent manner" (i.e. the more THC they got, the fewer tumors). NTP Technical Report On The Toxicology And Carcinogenesis Studies Of 1-Trans-Delta-9-Tetrahydrocannabinol. CAS No. 1972-08-3, In F344/N Rats And B6C3F Mice, Gavage Studies. See also, "Medical Marijuana: Unpublished Federal Study Found THC-Treated Rats Lived Longer, Had Less Cancer," AIDS Treatment News no. 263, Jan. 17, 1997.

5) Federal researchers implanted several types of cancer, including leukemia and lung cancers, in mice, then treated them with cannabinoids (unique, active components found in marijuana). THC and other cannabinoids shrank tumors and increased the mice's lifespans. Munson, AE et al. Antineoplastic Activity of Cannabinoids. Journal of the National Cancer Institute. Sept. 1975. p. 597-602.

In the period 1919-1933 the US experienced a bloody era of violence and killings that started to decline only when the Volstead Act was finally repealed.

Why was it ever enacted? Because the first feminist movement in the United States, the Women's Temperance Union, bolstered by church and other social engineering movements argued correctly that alcohol was extremely addictive and led to family distress, unemployment and violence against women and children.

In 1923 the executive council of the American Federation of Labor issued an address to the American people after an exhaustive investigation of the effects of the Volstead Act. It was shown by this investigation that there had been---

A general disregard of the law among all classes of people, including those who made the law.

Creation of thousands of moonshiners among both country and city dwellers.

The creation of an army of bootleggers.

An amazing increase in the traffic in poisons and deadly concoctions and drugs.

An increased rate of insanity, blindness, and crime among the users of these concoctions and drugs.

Increase in taxes to city, State, and National Government amounting to approximately \$1,000,000,000 per year.

Source: THE NATIONAL PROHIBITION LAW HEARINGS April 5 to 24, 1926  
<http://www.druglibrary.org/schaffer/History/e1920/senj1926/roberts.html>

Since prohibition was repealed, there have still been problems with alcohol addiction along with associated health issues, but the vast majority of people's drinking has not led to the downfall of society. If we can handle the regulation of alcohol, one of the most powerful, addictive and dangerous of drugs, we can handle just about anything, and that includes cocaine and amphetamines.

And everything is readily available right now to all of us anyway. Drugs of all varieties are cheap and plentiful, and the basic economics of drug dealing remain: Take one dealer off the street, and another takes his place. Something that simply doesn't happen for other more real crimes, such as murder, embezzlement or burglary.

Person

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DR. HELEN SMITH

"The cause of freedom is not the cause of a race or a sect, a party or a class - it is the cause of humankind, ..."

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Dr. Helen 2010-08-30 05:13:00

"I wish I didn't work so hard."

Dr. Helen 2010-08-26 05:22:00

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Historically, the prohibition of any mind altering substance has never succeeded in providing what is needed, which is a safer environment for the user, addict, their family and society at large. It always has, and always will, spawn far worse conditions than those it claims to be able to alleviate.

#102614



**Dave Wilkinson**

2010-08-20 at 5:16 pm

You're right! It's a total contradiction. But this is nothing new. The government has been sending out 300 joints a month to four patients for years under court order. The whole concept of prohibition is institutional, as Hoam Rogh in "Satan's Smoke" and many other legal experts have noted.

Unfortunately, we don't live by rule of law. The Powers rule, and this laughable contradiction is just the latest in a long line of them.

Love and peace,  
Dave

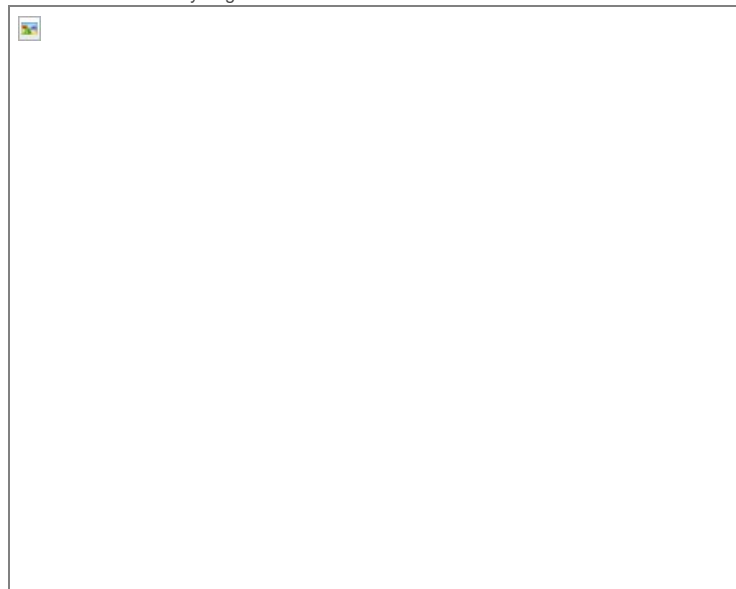
#102609



**Mike LaSalle**

2010-08-20 at 4:57 pm

Conservatives who say "legalize it"...



#102608



**Jabberwocky**

2010-08-20 at 3:08 pm

"In light of Gonzales v. Oregon, the VA's acknowledgement that Marijuana has medical value now seems inevitable: for all practical purposes, Marijuana is no longer a Schedule I drug.

Game Over."

Lets not count our chickens just yet, this sucker ain't hatched yet. I've never known the government to have consistent or rational policies when it comes to drugs before, so I'm expecting some bureaucratically enabled convoluted logic to keep the game rigged against the pro-marijuana crowd.

#102606

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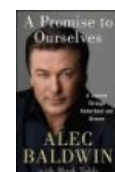


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The much improved 8th Edition of Save the Males by activist Richard Doyle is available here.

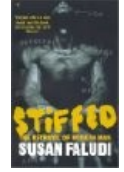
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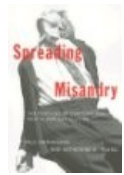


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