

Federal 'clarification' on medical marijuana not a change in policy

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By [Stephen C. Webster](#)
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A memo meant to clarify the Department of Justice (DoJ) position on how federal authorities should treat medical marijuana does not reflect any substantive change in policy from prior administrations, despite some reports to the contrary.

The "clarification" was apparently needed after a prior "clarification" in 2009 gave many the impression that the DoJ would not prosecute medical marijuana patients and dispensaries in states that had authorized such programs.

That document, **called the "Ogden memo,"** did not actually provide for a change in policy, but instead directed U.S. attorneys to be cognizant of how they are using department resources, suggesting that prosecuting medical marijuana patients was not a good use of government funds.

In an addendum to the Ogden memo released this week by the DoJ, Deputy Attorney General James Cole reiterates that the Ogden memo was not meant to be a change in policy and that the department is "committed to the enforcement of the Controlled Substances Act in all States."

That same sentence from the Cole memo also appeared in the Ogden memo, and **the point has remained a constant** in all of Attorney General Eric Holder's public statements about marijuana.

Cole goes on to note that since the Ogden memo's issuance, a number of very large, privately held medical marijuana enterprises have sprung up, and that the department should treat these as any other criminal enterprise as mandated by Congress.

Cole's memo adds that the stipulations of the Ogden memo are still very much in place: the department does not believe prosecuting medical marijuana patients is a good use of resources.

As for private producers of marijuana turning millions in profits -- they're fair game.

An **ABC News** poll found last year that eight in 10 Americans favor legalizing medical marijuana.

Use of the drug as recommended by doctors is currently **permitted in 16 states and Washington, D.C.**

[Read the Cole memo here](#) (PDF).

Correction: A prior version of this article said doctors could "prescribe" medical marijuana. They can only recommend it.

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