

Opinion: Obama blowing smoke about medical marijuana

By Chris Roberts, SF Weekly

That familiar odor wafting from San Francisco street corners, storefronts, and the neighborhood growhouse? It's the smell of legality. Medical cannabis is the law of the land in California, 14 other states, and the District of Columbia. Yet, as many marijuana users will tell you, protection under state law hasn't guaranteed protection under federal law at all.

It was more obvious under the George W. Bush administration, which pledged to "ignore" state medical marijuana laws and go after marijuana users. For eight years, the federal government "subverted" the will of the states, according to the ACLU, and in the process ignored the Constitution's guarantees of state sovereignty, as many a pot user has tried to argue in court.

So when Barack Obama's new administration delivered a message on medical marijuana in February 2009, it was heard loud and clear: The federal government was getting out of the business of busting pot in California and other states where voters had approved medicinal application of the plant. Obama the candidate promised as much during the campaign, and now the new attorney general, Eric Holder, had made it so by issuing guidelines protecting those following state law. Federal policy on medical marijuana had changed.

For that campaign promise – and for pledges to end the Iraq war and reform health care – Obama won many votes from San Franciscans, including people like the 30 medical cannabis users gathered at a former brothel on Mission Street on a recent evening. The low- and no-income folk who constitute the patient advocacy and activist network Axis of Love cannot use

their Medicare and Medi-Cal benefits to buy their preferred tonic – federal law makes it thus – and so they must rely on the charity of a few San Francisco cannabis dispensaries for their medicine. Pot and meals are dispensed daily, free of charge, under the supervision of activist Shona Gochenaur. “Obama got a ton of votes from our community,” she says, “for the many campaign promises he made that things would change.”

That the man in the White House was even willing to put “medical” and “marijuana” together in the same sentence was a step forward for California’s cannabis advocates. They had endured such spectacles as the sentencing to five years in federal prison of a pair of El Dorado County providers – Mollie Fry, a breast cancer survivor, and Dale Schafer, a hemophiliac – and the DEA seizing six plants belonging to Angel Raich, who had an inoperable brain tumor. Legal outdoor growers were living in fear after an unprecedented string of DEA raids in the state’s pot-producing counties in 2007. In the Bay Area, the U.S. Attorney’s Office, headed in the last years of Bush’s presidency by Reagan appointee Joseph Russoniello, sought stiff sentences against two brothers for running a dispensary in Hayward.

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