

Views: Medical Marijuana Victories

With new medical marijuana laws enacted in Vermont and Montana, 2004 was a year of significant progress toward legal access to medical marijuana for people living with HIV and all U.S. patients who need it. It became increasingly clear that the battle would ultimately be won, with strong support emerging in some of the most conservative corners of the country. It became equally clear that we still face fierce resistance, a sort of political trench warfare against well dug-in, wealthy, powerful opponents.

First, the good news: Vermont and Montana now have laws that protect people with AIDS and other serious illnesses who use medical marijuana to relieve pain, nausea, appetite loss and other symptoms. Newly-published research, in the January issue of the *Journal of Acquired Immune Deficiency Syndromes*, shows that patients suffering nausea from their anti-HIV drugs stay on their medication regimens more consistently if they use marijuana. This is important, as previous research has shown that adherence to one's treatment regimen is critical to keeping the virus in check and resistance at bay.

Information about Vermont's medical marijuana law is available at <http://www.vmpp.org> — the web site of the Vermont Marijuana Policy Project (the local affiliate of the national Marijuana Policy Project, based in Washington, D.C.). As this is being written, MPP and VMPP are finalizing details of a program to assist low-income Vermont patients who cannot afford the \$100 fee required to register with the program and receive a state-issued medical marijuana identification card.

The VMPP program should be up and running by the time you read this, and complete details are available at <http://www.vmpp.org>. The MPP Foundation has chipped in \$2,000 to get the fund started, and hopes to generate enough private donations to ensure that no Vermont patient has to risk arrest and jail because they cannot afford the registration fee.

OITM readers without Web access can contact VMPP statewide organizer Nancy Lynch at 802-223-0800 for more information.

Now the bad news: fierce resistance. Last spring, Vermonters witnessed a parade of officials from the White House Office of National Drug Control Policy trooping through



Montpelier in a failed effort to stop the medical marijuana bill. Sadly, opponents did succeed in narrowing the law's provisions so that it applies only to patients with HIV/AIDS, cancer or multiple sclerosis.

But even this cloud has a silver lining: It is now plain that these opponents are true dead-enders. They cannot win, even as they cling to discredited arguments and obviously phony "facts."

These dead-enders — mostly in the Bush administration, the federal Department of Justice, some other law enforcement agencies and a few private think tanks that do their bidding — are still fighting, in the U.S. Congress, state legislatures, and most recently in the U.S. Supreme Court. There the Bush administration is seeking the right to arrest patients even when their activities are legal under state law, and even when the patient's doctor determines that medical marijuana is essential to their survival (note: this case *cannot* overturn state laws, but it could mean that patients still face the small-but-not-impossible risk of federal prosecution). But in the long run they won't prevail.

Why am I so certain? For one thing, public opinion is overwhelmingly against them. Measures to permit medical use of marijuana continued an unbroken winning streak at the polls during 2004, most prominently with a decisive November win in the state of Montana. George W. Bush carried this highly Republican, conservative state with 59 percent of the vote, but the medical marijuana initiative got 62 percent, outpolling the president by three points. A bit of number-crunching shows that even a lot of Montanans who voted to ban same-sex marriage also voted to legalize medical marijuana. Clearly, even so-called "family values" voters don't see anything pro-family in locking up sick people for using a medicinal

herb their doctor has recommended.

2004 also saw a string of local victories. In August, voters in the city of Detroit passed a local medical marijuana law by 59 percent to 41 percent, despite the opposition of the mayor and the city's two daily newspapers. In November, similar measures passed in the cities of Columbia, Missouri, and Ann Arbor, Michigan, with 69 percent and 74 percent of the vote, respectively.

That's no surprise.

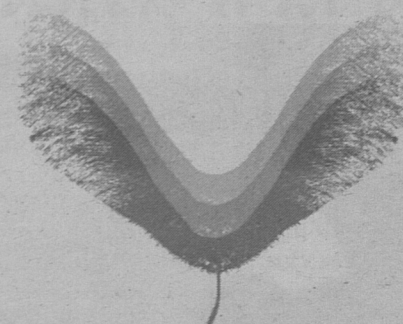
National and state polls on medical marijuana consistently show overwhelming margins in favor — including 75 percent support in independent, statewide polls in Alabama and Texas conducted during 2004. These are among the reddest of the conservative "red states" that pundits speak of so often, the very heart of Pres. Bush's political base. What is striking in these polls is how support for medical marijuana cuts across every age group, race, ideology or political affiliation.

Sixty-seven percent of Texas Republicans — not a bunch of latte-sipping liberals — support legal access to medical marijuana for the seriously ill. There is simply no constituency for arresting and jailing seriously ill patients for using medical marijuana, and sooner or later America's spineless politicians will be dragged kicking and screaming toward a policy based on science, compassion and common sense.

Vermont Gov. James Douglas discovered this last year. He opposed the medical marijuana bill and would have made his fellow Republicans in the White House very happy had he vetoed it. But support for the measure was so overwhelming that he didn't dare. And last November, medical marijuana supporters succeeded in defeating three hostile incumbents, helping to shift control of the Vermont House of Representatives to the Democrats.

So the tide is with us, in Vermont and elsewhere. The public wants marijuana policies based on reason and science, not myth and superstition; and when the public leads, politicians will eventually follow. ▼

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