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Why conservatives should urge high court to OK medical marijuana

California voters have decided — and feds should butt out, Libertarians say

WASHINGTON, DC — The Supreme Court should strike a blow for state autonomy and patients' rights by allowing the use of medical marijuana, the Libertarian Party said after Wednesday's oral arguments in a controversial California case.

"California voters have decided that doctors should be able to prescribe medical marijuana, and the federal government has no business interfering with that law," said Steve Dasbach, Libertarian Party national director. "It's time for the Supreme Court to realize that politics and medicine don't mix — and to order an end to the harassment of AIDS and cancer victims and their doctors."

The Supreme Court heard arguments on Wednesday on whether to carve out a "medical necessity" exception to federal drug laws in order to respect the will of the voters in states that have legalized medical marijuana. The case, *U.S. vs. Oakland Cannabis Buyers' Cooperative*, arose from efforts by federal drug agents to shut down several California clubs that provide medical marijuana legally under Proposition 215, a referendum that authorized medical marijuana in 1996. A ruling is expected in June.

"Conservatives who cheer states' rights should realize this is a slam-dunk decision," Dasbach said. "The Constitution gives the federal government no authority whatsoever to wage a war on drugs, much less a war on life-saving drugs like medical marijuana. California voters have decided — and the federal government should butt out."

So why were no Republicans who call themselves strict constructionists standing in front of the high court on Wednesday to declare their support for states' rights in California?

"Because conservatives love the power they get from big-government programs like the War on Drugs far more than they love the Constitution," he said. "That's why the rights of Americans in all 50 states will always take a back seat to their beloved drug war."

More important than the legal argument is the moral argument for medical marijuana, Dasbach said.

"What kind of government sentences AIDS and cancer victims to a grueling, slow-motion execution by denying them doctor-prescribed medication?" Dasbach asked. "Ours does. But no civilized society should tolerate political leaders who impose death sentences on helpless individuals for using medication that politicians don't approve of."