

Marijuana Medicalization: Bad Cause, Bad Faith

Thomas Szasz, M.D.

On January 31, 2003, marijuana grower Ed Rosenthal—“deputized” by the City of Oakland, California, to grow “medical marijuana”—was convicted on marijuana cultivation and conspiracy charges in San Francisco. The conviction provoked a chorus of indignation. An editorial in the *San Francisco Chronicle* (February 7, 2003) declared: “The state must take the lead in how to implement Proposition 215, the medical marijuana law.” Indeed. However, there is no evidence that the “state” means business. If the State of California really wanted to provide marijuana for selected patients, it would not have delegated the job to famed “ganja guru” Ed Rosenthal.

In 1996, soon after Californians approved Proposition 215, the federal government announced that it would prosecute doctors who recommended marijuana for patients. In 2001, the Supreme Court, in an 8-0 ruling, rebuffed the Ninth Federal District Court’s pussyfooting with the “medical necessity” rhetoric (used also by advocates of physician-assisted suicide). Marijuana medicalizers act as if they were not aware that medical rhetoric is the federal government’s game: drug prohibition is justified on the ground that it “protects” 280 million Americans from the dread disease of “drug abuse.”

Thomas Szasz, M.D. is a member of the CCLE Board of Advisors and professor emeritus of psychiatry at the State Univ. of New York Health Science Center. He is the author of over 30 books, including *The Myth of Mental Illness* and *Our Right to Drugs*.

Most people who support medical marijuana consider themselves liberals. Liberals have consistently opposed “states’ rights,” a slogan that has become synonymous with racism. Liberals continue to be the core constituents of the

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struggle to transform the United States from the Founder’s creation of a Republic, a confederacy (that dreaded word) of states, into a monolithic national state, with a single central government regulating all but the most trivial affairs of its citizens.

This struggle began with the Civil War and the abolition of states’ rights permitting the ownership of slaves, and continued up until the civil rights legislations of the 1960s. This is the legacy to which the liberal medical marijuana advocates now appeal. They are fighting a bad cause in bad faith.

Rosenthal claimed that, having been “deputized” by Oakland authorities, he was entrapped: “I was following 215 in good faith. I had been made an officer of the city and been immunized.”

Good faith is the last thing anyone with a conscience can claim in this affair. If the California State authorities had wanted to implement Proposition 215, they ought to have assumed the task of growing and distributing marijuana under the direction of the State’s health department, by State health department personnel, on State premises. The fact that they didn’t—and have not announced any plans to do so now—speaks for itself.

Prohibition, let us recall, was also a federal law. Anti-Prohibitionists did not try to circumvent it with phony claims

about states' rights and vacuous arguments about "medical necessity." (Countless cancer patients who "need" opiates are denied the drug.) Prohibition was repealed because, in the end, Americans were ready to reclaim their fundamental right to drink liquor, a right that, in principle, does not differ from the right to drink milk (which may be more harmful for adults than alcohol).

Either we have the right to poison and kill ourselves with food, alcohol, and drugs, or we don't. For nearly half a century I have opposed drug prohibition and the increasing power of the therapeutic state. I am not arguing for marijuana prohibition. I am arguing for individual liberty, personal responsibility, and the rule of law. The way to deal with bad laws is by repealing them, not by multiplying them.

Note

On June 4, 2003, US District Court Judge Charles Breyer sentenced Ed Rosenthal to one day in federal prison, with credit for time served—basically setting him free. He had been convicted on three counts of marijuana cultivation in January 2003. For more details, see the CONTEXT section.

Librarians Use Shredder to Resist Patriot Act

Associated Press,
May 28, 2003
www.ap.org

Palo Alto librarians say they'll delete computer records and shred files as an act of resistance to the USA Patriot Act, the federal anti-terrorism law that allowed the FBI easy access to library records. Librarians say they're committed to fighting for readers' privacy. „We've had a longstanding policy of confidentiality of library records, and in light of the passage of the Patriot Act, we're reviewing and tightening our business practices,” said Diane Jennings, the acting city librarian.

To that end, they will delete all computer records within six days of the transaction. All written records, such as including inter-library loan requests, book reserve lists and sign-up lists for the library's public computers, will be shredded immediately.

A report released by the Justice Department showed that FBI agents have obtained records from 50 libraries throughout the country. More than 100 communities nationwide, including the city of Palo Alto, CA and the CLE's town of Davis, CA have passed resolutions protesting the Patriot Act.

Ed Rosenthal Gets One-Day Sentence

Bay City News,
June 4, 2003
www.kron.com

In a move that delighted medical marijuana supporters and enraged the DEA, US District Judge Charles Breyer sentenced medical marijuana activist and author Ed Rosenthal to one day in jail, with credit for time served.

The 58-year-old Rosenthal said he believed he was acting in accordance with California's 1996 Proposition 215, a law that sanctioned medical marijuana. He had been deputized by City of Oakland officials to grow *cannabis* for medical marijuana clubs.