S-3889.1 _____

SENATE JOINT MEMORIAL 8028
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State of Washington   **59th Legislature**   **2006 Regular Session**

By Senators Kohl-Welles, Keiser, Thibaudeau and McCaslin

Read first time . Referred to .

 1   TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,
 2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
 3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
 4 UNITED STATES, IN CONGRESS ASSEMBLED:
 5   We, your Memorialists, the Senate and House of Representatives of
 6 the State of Washington, in legislative session assembled, respectfully
 7 represent and petition as follows:
 8   WHEREAS, Congress has devised a closed regulatory system making it
 9 unlawful to manufacture, distribute, dispense, or possess any
10 controlled substance except in a manner authorized by the Controlled
11 Substances Act (CSA), 21 U.S.C. Secs. 841(a) (1), 844(a); and
12   WHEREAS, Congress has classified marijuana as a Schedule I drug
13 making the manufacture, distribution, or possession of marijuana a
14 criminal offense, with the sole exception being the use of the drug as
15 part of a Food and Drug Administration preapproved research study; and
16   WHEREAS, The Supreme Court of the United States on June 6, 2005,
17 held in the case of *Gonzales v. Raich* that Congress's Commerce Clause
18 authority includes the power to prohibit the local cultivation and use
19 of marijuana in compliance with California law; and

1   WHEREAS, Under *Gonzales v. Raich*, states may not prohibit the
2   federal government from prosecuting medical marijuana patients under
3   federal law; and

4   WHEREAS, The California law dealt with the intrastate,
5   noncommercial cultivation and possession of cannabis for personal
6   medical purposes as recommended by the patient's physician; and

7   WHEREAS, There are currently at least eleven states, including
8   Washington, that authorize the use of marijuana for medicinal purposes;
9   and

10 WHEREAS, Congress's Commerce Clause authority should be exercised
11 in a way that protects historic spheres of state sovereignty from
12 excessive federal encroachment and maintains the distribution of power
13 fundamental to our federalist system of government; and

14 WHEREAS, One of federalism's chief virtues is that it promotes
15 innovation by allowing for the possibility that a single state may, if
16 its citizens choose, serve as a laboratory to try novel social and
17 economic experiments -- "experiments in liberty" -- without risk to the
18 rest of the country, and our federalist system, properly understood,
19 should allow the growing number of states providing for medicinal
20 marijuana to decide for themselves how to safeguard the health and
21 welfare of their citizens; and

22 WHEREAS, State legislation limits the number of medical marijuana
23 users and isolates activities relating to medicinal marijuana from the
24 illicit market, and medical marijuana has not created a social or
25 criminal problem in any of the states that authorize the use of
26 marijuana for medicinal purposes; and

27 WHEREAS, The Supreme Court of the United States in *Gonzales v.*
28 *Raich* noted that "perhaps even more important than legal avenues is the
29 democratic process, in which the voices of the voters allied with these
30 respondents may one day be heard in the halls of Congress"; and

31 WHEREAS, No one argues that permitting use of other types of drugs
32 under medical supervision has undermined the CSA's restrictions and
33 purposes;

34 NOW, THEREFORE, Your Memorialists respectfully request that
35 Congress amend federal drug laws to allow the states to decide for
36 themselves whether to allow marijuana to be used for medical purposes
37 so long as it is for personal, medicinal use only and is not bought,
38 sold, or transferred for interstate commerce.

1   BE IT RESOLVED, That copies of this Memorial be immediately
2 transmitted to the Honorable George W. Bush, President of the United
3 States, the President of the United States Senate, the Speaker of the
4 House of Representatives, and each member of Congress from the State of
5 Washington.

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