

Backers rally at Capitol for

legal marijuana

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By DELORA JONES 10/7/90
Register Staff Writer

Marijuana should be legalized to replace gasoline as fuel and trees as paper.

These were some of the arguments heard by about 250 tie-dyed T-shirt- and jeans-wearing supporters of legal marijuana Saturday at a Help End Marijuana Prohibition rally on the front steps of the Iowa Capitol.

Capitol statues and steps were decorated with banners in large green letters bearing such slogans as "America's Premiere Renewable Resource" and "Make It Legal for Agricultural Use."

"People have a twisted view of what marijuana is," said Leo Bopp, a Cedar Rapids native who helped organize the rally.

Des Moines was a stop on the Help End Marijuana Prohibition 60-city tour, which began in August and will end in a Nov. 10 rally in Washington, D.C., Bopp said.

Ben Masel, Wisconsin director of the National Organization for the Reform of Marijuana Laws, spoke at the rally.

"What we hear from candidates is that a lot of them think it should be legal, but are afraid to put their jobs on the line," Masel said.

HEMP members and supporters stood behind tables full of T-shirts, buttons and stickers that read "An Acre of Hemp = 20 Barrels of Oil" and books on "Marijuana Growing Tips."

George McMahon of Ottosen supports legalizing marijuana. He carries a medicine container of crushed marijuana and smokes 10 marijuana cigarettes daily, he said.

Another right imperiled

It was a classic case of chutzpa. Two Oregon men, fired as drug counselors for using peyote in religious ceremonies, appealed their denial of unemployment benefits to the U.S. Supreme Court citing a violation of their rights under the First Amendment's religion clause.

The court, in a 6-3 decision, upheld the Oregon Employment Division's ruling. That might have been the end of it except that Justice Antonin Scalia, practicing the sort of judicial activism abhorred by conservatives, seized on the Oregon peyote case to mow down 27 years of First Amendment precedent.

Scalia's opinion for the court changes the landscape of First Amendment law in a way that astonished legal scholars and horrified religious groups. It has triggered a bi-partisan effort in Congress to provide a remedy.

In "Oregon Employment Division vs. Smith" the court eliminated the Constitution's shield against government regulation that interferes with the free exercise of religion. As a result, an endless list of formerly protected religious practices may now be subject to government regulation, from prosecuting a Catholic church for offering wine to minors, to prohibiting Jews from wearing yarmulkes at work or in school.

For the past 50 years the court had adopted progressively more strict tests to determine the validity of government laws affecting religious beliefs. A high-water mark was reached in a 1963 case in which the court held that governmental actions that pose a "substantial burden" on religious practices must be justified by some "compelling state interest." The classic case came in the 1972

Amish schools decision, which exempted Amish children from Wisconsin's mandatory school-attendance law.

Using these tests in the Oregon peyote case, the court might fairly have concluded that the state's interest in combating illegal drugs was sufficient to outlaw sacramental use of peyote by American Indians. But Scalia went even further: He said the test is irrelevant in criminal cases, writing, "We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the state is free to regulate."

This breathtaking and gratuitous swipe at decades of precedent drove Justice Sandra Day O'Connor, who supported the outcome of the Oregon case but not its rationale, to write a lengthy dissent. She rejected Scalia's assertion that the political process is better equipped to accommodate religious minorities.

She recalled Justice Robert H. Jackson, who wrote 50 years ago that "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

If ever there was an occasion for the court rethink a bad decision, this is it. If the court won't do so, Congress should move with dispatch to repair the damage.

Drug eases his pain, but brings arrest

By DAN EGGEN
Register Staff Writer

The violent, uncontrollable muscle spasms have returned to Ladd Huffman's legs again, after almost a decade of virtual freedom from the pain they bring.

He also is falling down a lot more these days, as he did often during the

first years of his battle with multiple sclerosis.

The debilitating disease of the central nervous system — a condition with no known cause or cure — has caused him to frequently lose control of his bladder and bowels, another problem he said had all but disappeared.

All of this, Huffman says, is because they have taken his medicine.

Huffman's medicine was marijuana, and he has been arrested for growing it.

Huffman, 40, was arrested at his Calumet home in July by O'Brien County sheriff's deputies, who confiscated about \$30,000 worth of marijuana from his property. Two felony charges were filed against him — one for drug possession and one for growing marijuana.

The sheriff's office and the county attorney say they are treating the incident as any other case of bringing a

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drug user to justice.

Sheriff Michael Anderson said marijuana possession is illegal. Period. The law doesn't make exceptions for people who suffer from chronic diseases.

"That's what we based the arrest on — the possession of it is illegal in Iowa," he said.

"I don't feel sorry for him," Anderson added. "He knew it was illegal to have, and that's really the only way I can view it."

For Huffman, who says he has smoked marijuana regularly for nine years, the case is about finding relief from constant pain.

Others — especially those on Huffman's side — say the case is about the nationwide debate over marijuana and how it is controlled. In their view, the case exemplifies the disagreement over whether marijuana has medicinal value and whether patients should have more access to a substance that is more tightly controlled than some drugs, such as cocaine and morphine.

Some say the case underscores the fight to legalize marijuana entirely.

Huffman said he was diagnosed as having multiple sclerosis in 1977, when he was 27. Some victims are affected relatively mildly, while others — such as Huffman — are severely disabled.

For the next four years, Huffman said, he underwent the kind of treatment most multiple sclerosis victims get, attempting to flatten the peaks of a disease he describes as a "roller coaster" of pain.

Depressants

This treatment included a variety of prescription drugs, including depressants. Those drugs lived up to their name, Huffman said.

"I was really sick. I was sick sick," he said. "I was depressed, suicidal, everything. They made me use 'downers.' Everything they gave me made me worse."

In 1981, he decided to try a treatment of his own: marijuana.

"I stopped using prescription drugs

ening nausea. They also point to studies that support their claims — studies that others dispute.

Some — such as the National Organization for the Reform of Marijuana Laws and the Alliance for Cannabis Therapeutics — claim that the judgment of mainstream medical organizations and the government are suspect for two reasons: They are caught up in drug war hysteria and work at the behest of the giant pharmaceutical companies.

For example, they say it is much easier to get federally sanctioned pills of THC, the active chemical in marijuana, than it is to get marijuana itself.

"This drug war, it has everybody paranoid," said Huffman. "They can't see if marijuana has any benefits because they've already decided it doesn't."

Cultural Component

Arthur Caplan, head of the University of Minnesota's Center for Bio-medical Ethics, thinks the opposition to marijuana has a cultural component.

"As a culture, we find it easier to accept something shaped like a pill from a man in a white coat than to accept a plant or similar organic material," Caplan said.

At best, most medical experts will concede that marijuana has what Caplan calls a "palliative" effect: It may help dull pain and make getting through a disease easier.

Caplan agrees there is little evidence showing that marijuana has medicinal qualities. But he thinks the drug's palliative qualities should be enough to loosen restrictions for medical use.

"A major problem in all of medicine is a Puritanical attitude about treatment," said Caplan. "We often expect patients to go through lots of pain. We should not make that a pre-condition of treatment."

Robert Randall, head of the Alliance for Cannabis Therapeutics, said he is seeing an increasing number of people turning to marijuana for medicinal use — and more fighting in the courts to do so legally.

A number of government officials — including a Drug Enforcement Administration law judge and an advisory panel to the California attorney general — have recommended loosening restrictions on or decriminalizing marijuana. In both cases, the suggestions were overruled by superiors.

Huffman said he would happily have sought federal approval to use marijuana, but there is too much red tape.

Randall, whose organization will help doctors through the application process, said the paperwork usually takes at least a year. Three agencies — the Food and Drug Administration, the Drug Enforcement Administration and the Justice Department — must approve an application.

Despite the interest of national groups in his case and its symbolism, Huffman hopes to get through the ordeal with as little trouble as possible. Ideally, he would like to use marijuana with the blessing of the government. Even without that approval, he does not rule out using marijuana again to ease his pain.

Huffman still faces trial on the drug charges. O'Brien County Attorney Bruce Green, who is prosecuting the case, said he was certain a judge would take the circumstances of Huffman's drug use into account.

"I'm hard-pressed to see any judge that would put him in a penitentiary or anything," said Green.

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Ladd Huffman
The pain is back

and started using pot," said Huffman. "I've been real good ever since. It helps my legs a lot. I have constant pain in my legs, but not bad with pot. It helped my emotional outlook, too."

Huffman said he started growing his own marijuana because he was uncomfortable about buying the drug from dealers. Because his wife, children and friends knew the drug made him feel better, they were supportive of his illegal drug use, he said.

Many in the medical industry and government — including the Multiple Sclerosis Society — say there is no scientific evidence to show marijuana has any medicinal value.

"There's no evidence that it works, despite this guy's experience," said Stephen Reingold, vice president for research and medical programs at the MS Society in New York. "I'd say to people, 'If you feel it will help you, go ahead. But you have to be aware of the consequences of your actions.'"

"The bottom line is that use of marijuana is illegal," Reingold said.

A number of sufferers of MS — as well as those who must undergo chemotherapy, or have diseases such as glaucoma or epilepsy — say their experiences are proof that marijuana is effective in combating pain and less-