

---

HOUSE JOINT MEMORIAL 4033

---

State of Washington

59th Legislature

2006 Regular Session

By Representative Nixon

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, the people of the state of Washington, respectfully represent  
6 and petition as follows:

7 WHEREAS, Congress has devised a closed regulatory system making it  
8 unlawful to manufacture, distribute, dispense, or possess any  
9 controlled substance except in a manner authorized by the Controlled  
10 Substances Act (CSA), 21 U.S.C. Secs. 841(a) (1), 844(a); and

11 WHEREAS, Congress has classified marijuana as a Schedule I drug  
12 making the manufacture, distribution, or possession of marijuana a  
13 criminal offense, with the sole exception being the use of the drug as  
14 part of a Food and Drug Administration preapproved research study; and

15 WHEREAS, The Supreme Court of the United States on June 6, 2005,  
16 held in the case of *Gonzales v. Raich* that Congress's Commerce Clause  
17 authority includes the power to prohibit the local cultivation and use  
18 of marijuana in compliance with California law; and

19 WHEREAS, Under *Gonzales v. Raich*, states may not prohibit the

1 federal government from prosecuting medical marijuana patients under  
2 federal law; and

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

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

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

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

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

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

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

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

1       BE IT RESOLVED, That the Secretary of State shall submit this  
2 memorial to the people for their adoption and ratification, or  
3 rejection, at the next general election to be held in this state, in  
4 accordance with Article II, section 1 of the state Constitution and the  
5 laws adopted to facilitate its operation; and

6       BE IT FURTHER RESOLVED, That copies of this memorial shall, upon  
7 adoption and ratification by the people of the state of Washington, be  
8 transmitted by the Secretary of State to the Honorable George W. Bush,  
9 President of the United States, the President of the United States  
10 Senate, the Speaker of the House of Representatives, and each member of  
11 Congress from the State of Washington.

--- END ---