

## 'I Really Consider Cannabis My Miracle'; Patients Fight to Keep Drug of Last Resort

by Evelyn Nieves, Washington Post; 1/30/2005.

Originally posted: 2/8/2005; [[www.doctordeluca.com/Library/WOD/CannabisMyMiracle05 .htm](http://www.doctordeluca.com/Library/WOD/CannabisMyMiracle05.htm)]

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She is good for two hours. Then the pains start bullying her again. Her back, her neck, her head, her insides -- all the warring parts of her body -- rise up to beat her. If she hesitates to act, they throw her down, throttle her, make her wish she were dead.

So Angel McClary Raich takes more marijuana, buying another two hours.

Diane Monson is a bit luckier. She can function for up to four hours before her spine reverts to being her enemy. Then she needs another dose of cannabis.

In California, Monson and Raich are not so different from about 100,000 other chronically sick people. They are users of medical marijuana, or cannabis, examples of why the state's voters passed a law in 1996 legalizing the drug for the seriously ill or dying. But the U.S. Justice Department considers all marijuana a dangerous controlled substance. To the federal government, Raich and Monson are illegal drug users.

That divide is at the heart of *Ashcroft v. Raich*, which brought the two women to the U.S. Supreme Court on Nov. 29 to plead for their right to their doctor-recommended medical marijuana, and put them in the headlines for several days.

The Supreme Court arguments were the latest in a series of legal battles between the women and the federal government. In 2002, Monson and Raich sued Attorney General John D. Ashcroft after Monson's house was raided by Drug Enforcement Administration agents who seized her six marijuana plants from her patio.

Monson and Raich eventually won an injunction against the raids in the U.S. Court of Appeals for the 9th Circuit, which the federal government appealed to the high court. A ruling is expected sometime before July.

*Ashcroft v. Raich*, which debates whether the federal government exceeded its authority to regulate interstate commerce by imposing national drug laws on state-sanctioned medical cannabis that is not sold, transported across state lines or used for nonmedicinal purposes, will have crucial implications for at least 30 pending federal marijuana cases. The cases all involve medical cannabis growers, patients and dispensary operators who were raided by federal agents in several of the 11 states that have legalized medical cannabis.

*Ashcroft v. Raich* also is considered important for those watching the debate over states'

rights vs. federal authority.

But for Raich and Monson, the case is personal.

They want to be able to live their lives. Medical marijuana, they say, makes that possible. Raich, a 39-year-old mother of two teenagers, suffers from an inoperable brain tumor, wasting syndrome, tumors in her uterus, endometriosis and other ailments. She says medical marijuana is keeping her alive.

Monson, a 47-year-old accountant who lives in the Northern California town of Oroville, has suffered from a degenerative back disorder for 25 years. Without medical cannabis, she says, she would live, but in such excruciating pain that it would hardly be worth it.

Raich and Monson are worried. The public is sympathetic to their situations; polls show up to 80 percent of Americans approve of medical marijuana. But the federal government has remained steadfast against reclassifying marijuana and has repeatedly rejected applications from university researchers who want to study the drug as medicine. During the oral arguments, several Supreme Court justices raised skeptical questions, concerned that even small amounts of medical marijuana, obtained for free, were part of a national market for licit and illicit drugs -- and thus subject to federal regulations.

Even if the court rules that federal agents can continue to raid medical marijuana patients and growers, the women say, they will continue to use marijuana as medicine. They say they have no choice.

Raich has been sick longer, with multiple ailments. As a young teen, she had scoliosis and wore a back brace. She was diagnosed with endometriosis at 16. In her twenties, as a mother of young children, she developed wasting syndrome -- doctors still do not know why -- and could not keep food down. She started having seizures, and doctors found a deep brain tumor. Eventually she became partially paralyzed on one side. In 1995, she ended up in a wheelchair. She was withering away. She was also in constant pain. Nothing her doctor prescribed touched it.

In 1997, during a doctor's visit, a nurse who had witnessed Raich's suffering for years took her aside and asked her if she had ever considered medical marijuana.

Sitting in her den with her husband, Robert, a lawyer whom she met when he was helping the Oakland medical cannabis cooperative that she belonged to in its legal struggles with the Justice Department, Raich recalled how reluctant she was to become a marijuana user.

"I was really offended at the suggestion," said Raich, who is a pale 98 pounds on a 5-foot-4 frame. "I was very conservative. I was taught that drugs are bad. And I followed the law. I've never even gotten a speeding ticket."

But one night, Raich said, her daughter approached her. "She wanted to know why I

couldn't do the things that other mommies do. I promised my children that I would do anything I possibly could to get better."

That night, she added, "I faced my own conservative ways and my own moral judgments and I realized that because I loved my children so much and so deeply -- they are my world -- that I would do everything I possibly could for them."

She asked family members to buy some marijuana on the street. "I immediately felt relief," she said. "It didn't cure my pain, but it definitely made me feel better. It didn't make me vomit and it made me hungry, which I didn't normally feel." She asked her doctor about it, and he agreed that she should try cannabis as a therapy.

She joined the Oakland Cannabis Buyers Cooperative, she said, and found that medical-grade cannabis cultivated for patients was more potent than street-corner pot. The more she smoked or inhaled, she said, the more sensations she began feeling. She could eat. She could move. Within a year and a half, she felt strong enough to learn how to walk again. After four years in a wheelchair, she put it away.

"The minute I became a medical cannabis user," she said, "I became an advocate." In fact, Raich found Monson after reading about her. Monson and her husband had been raided by federal agents in August 2002. Despite being shown her doctor's note, the agents confiscated the plants she had spent so much time cultivating.

"It was extremely stressful," Monson said of the raid. She had started using medical cannabis in 1998, after her doctor of 20 years recommended it. Many other painkillers they had tried had failed. For a time, Monson said, she was on Vioxx, which has since been taken off the market because of safety concerns.

Monson, an avid gardener with an orchard of apple, pear, peach, apricot, cherry and fig trees, started growing marijuana. "I had some success the first year. By 2002, I had a pretty good stash," she said. "I had them in full sun, out in the open, thinking I was in full compliance with California law."

Earlier this year, when her husband of 25 years was stricken with pancreatic cancer, Monson gave him medical cannabis to ease his pain and help increase his appetite. He died six months ago.

"I make oils and tincture and vapors," she said. "I experiment because the government, which says it's so unhealthy to smoke it, is not studying it. We're not getting the best delivery system, so we're not getting the full benefits of a drug that can help so many people."

Monson, a literacy volunteer in Oroville who also manages several rental properties she owns, said none of her businesses or passions have suffered since she began using medical cannabis. In fact, they have thrived.

She plans to grow her marijuana plants again this year.

Raich, too sick to grow her own, is extremely grateful that she has caregivers growing it for her. "May of this year my brain tumor specialist said that my tumor had stabilized," she said. "I really consider cannabis my miracle. I really owe my life to it, and I'm not going to let anyone, including the government, take it away from me."

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