

# Realists have a Religious Right to Medical Marijuana

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The Church of Reality doctrine already covers the use of illegal drugs by church members in general, but recent court decisions regarding the use of medical marijuana have now made necessary a stronger and more specific statement about our position on medical marijuana in particular. This edict is in response to the decision of the Ninth Circuit Court of Appeals in the case of *Reich v. Gonzales* in which the court failed to infer a fundamental right for a person to take measures to alleviate their pain and suffering. They denied the petitioner's bid that, as a matter of law, she has the right to use marijuana to preserve bodily integrity, avoid pain, and preserve her life.

The Constitution provides a right to exercise one's religion, yet not the right to preserve one's own life. We therefore are declaring that preserving one's own life is part of the exercise of our religion.

Governments and Law are part of an evolutionary process. As with our Doctrine, the constitutions of nations are designed to serve the people and to give people as comprehensive a set of rights as they know how to at the time. But also as with our Doctrine, sometimes they leave important rights out and sometimes they just get it wrong. For example, here in the United States it took our nation almost 90 years to realize that black people are humans and to end slavery. It took almost 150 years to recognize that women are humans and have the right to vote. Governments are often slow to respond and the job of the courts is to interpret the law, and not to write the law, even when they know the law is wrong. Fortunately for those of us in the Church of Reality, we are able to more quickly respond to things that just don't make any sense. Our evolution is faster than that of the governments. As it should be.

The courts however have upheld the right to religious freedom under the First Amendment and recognized the strict scrutiny test when it comes to the imposition of federal law on religious freedom. So even though you don't have a Constitutional right to break federal law to fight for your life, you do have a right to break federal law when it comes to your religious rights. Because religious law trumps federal law, we in the Church of Reality are not dependent upon the courts and the legislature to figure out that we have a fundamental religious right to break federal law in order to preserve our lives and avoid pain and suffering. We are legally entitled to grant that right ourselves and therefore we hereby do so. This edict is intended to provide a clear and unambiguous statement as to where this church stands on this issue.

Members of the Church of Reality have an absolute right to use Marijuana for any medical purpose that they see fit regardless of whether or not it is lawful to do so.

The Church of Reality recognizes the vast amount of scientific and medical data in support of the medical use of marijuana and the fact that at this time 10 states have passed laws allowing the use of medical marijuana in spite of it being illegal under federal law. We are not subject to the greed and politics behind the opposition to this harmless drug which is the only reason it remains illegal. Nor do we ignore the fact that thousands of licensed physicians are prescribing marijuana to patients, in some cases advising them that it is worth obtaining marijuana illegally because it has unique properties that no other known substance has.

It was never the intent of drug laws to prevent people from receiving the medications they need.

The Church of Reality in general is a law-abiding religion that recognizes that law and order are necessary for a well functioning and stable society. Likewise, we recognize the real dangers of drug abuse and we have a moral position to be functional members of society and that drug abuse can cause injury to this individual, their family, their community, and the public in general. We recognize that there is a legitimate government purpose to prevent the abuse of narcotics. We support obeying the law even if the law is imperfect, as nothing is perfect, as long as it is reasonable to do so. However, when laws cross the line of reason to the point where the restrictions of law pose a danger to the health and safety of our members then we have both a right and a duty to break the law. Medical marijuana restrictions cross the line where it is unreasonable for us to endure its illogical encumbrances on our religious freedoms.

We cannot pursue the understanding of reality if we have to worry about being arrested over sick people needing medicine.

The Church of Reality is a religion based on the pursuit of the understanding of reality as it really is. In order to pursue the understanding of reality, we support the {In:Positive Evolution} of the human race so that the expansion of the

{In:Tree of knowledge}, which represents the sum total of human understanding, can progress. In order to have a stable community, our members have to be secure in their persons and their individual security and liberty must be protected. This includes the person's right to treat their illnesses and alleviate their pain and suffering so that they can recover and be a productive member of society. It is also necessary that other people who are currently healthy are secure in the knowledge that they have access to life-saving drugs without fear of arrest and imprisonment. A Realist is not required to give their life to the government to support a false description of reality that flies in the face of science. Marijuana laws are political laws and have no basis in the real world.

The Church of Reality is also a community of strongly individualistic people who come together as {In:Explorers} to explore reality. Our worldview is that this is the only life we have and that we are in control of our {In:Personal Evolution} and the writing our own Life Story. Thus we value our religious right to make our own choices and make our own mistakes. In short, we have the right to be wrong. Sometimes people make bad choices, but they are our bad choices to make. Our religious cultural values include the right to be in control of our own lives and to take a higher level of {In:Personal Responsibility} for our own choices. This is particularly important when it comes to our health, our bodies, and treating our illnesses. We understand that laws that apply to people in general do not necessarily apply to individuals in particular and that reasonable people can make reasonable exceptions in reasonable circumstances. Thus we respect the right of people to make their own medical decisions because it is after all, their life. The concept of {In:Self Ownership} is one of our fundamental values.

The Church of Reality is a unique religious culture in that evolution is central to our core worldview. We pursue reality as a community and the pursuit of reality is an evolutionary process that by definition involves change. We define ourselves as the caretakers of the future of the human race. It is our job to think ahead and be the experimental branch where the important concepts for future generations are developed. It is our task to make people aware that humanity is on the verge of taking control of its own evolution and that we can and should choose to determine what it is that we are going to evolve into. Because this is central to our religious mission, the members of our religion require a greater freedom from the rule of law so that we can explore new directions and correct the mistakes of our past. We in the Church of Reality value {In:Intellectual Tithing} where we contribute new ideas to the Tree of Knowledge. New ideas require an environment where individuals are free.

The law allows for exceptions so that religions can evolve, and the evolution of religion allows the law to evolve. The law is dependent on law breakers for its own evolution.

It is our view that the purpose of religious freedom is to create the kind of environment in which humanity can evolve forward. Rigid and inflexible laws lead to rigid and inflexible cultures in which human evolution becomes stagnant and the Tree of Knowledge rots. Without freedom, governments and law can't evolve and the law itself requires law breakers in order to improve itself. In 1670 William Penn was arrested and put on trial for illegally preaching a Quaker sermon. Even though the judge demanded a guilty verdict the jury refused, leading to the birth of the concept of jury nullification (of law) in which a jury can decide to acquit a person who is clearly guilty of breaking the law. The law itself now recognizes the importance of protecting the public from its own flaws by allowing people to legally break the law to serve a higher purpose. Had it not been for the law breakers, preaching a Quaker sermon might still lead to imprisonment. Were that the case, religions like the Church of Reality would not be allowed to exist.

Thus the use of drugs for medical reasons, whether they be legal or not, is a logical extension of our religious lifestyle. Through the First Amendment and the Religious Freedom Restoration Act, the government has recognized that religions have the power to assert exceptions for religious practices over federal law if the law puts a substantial burden on the religious act. As the {In:First One} of the Church of Reality, I have the authority to issue edicts in the name of this religion and I hereby do so.

It is obvious that individuals possess a fundamental right to alleviate their pain and suffering, and just because the government has yet to figure that out, it doesn't mean that we are subject to the same restrictions. I therefore declare specifically that the Church of Reality recognizes as a religious right that church members have access to marijuana specifically and any other drug in general that they determine has medical value to them.

## Acting with Compassion

Because all of humanity shares the Tree of Knowledge and because we are all interdependent members of the human race, we have a duty to be compassionate with others and a right to receive compassion from others. Compassion is important to Realists which is why the {In:Principle of Compassion} is one of our {In:Sacred Principles}. We Realists take care of each other and as we give care we also receive care. This care includes our relationships with people both within our religion and for those who are not yet Realists. Our {In:Principle of Inclusiveness} includes everyone on the planet. Humanity is but a single living organism for which we are all but a part.

The Church of Reality considers compassion to be more important than the rule of law.

Members of the Church of Reality cannot sit by watching people suffer because they lack access to medicines that could either save their lives or relieve their pain and suffering. We are not subject to restricting ourselves to artificial laws that separate people who need medicine from medical supplies. We have a duty to put the common sense needs of the people who are in our care above the needs of the state when it comes to treating people whom we reasonable believe would benefit from a legally prohibited drug.

What kind of religious people would we be if we watch someone suffer and fail to do something about it because we felt compelled to obey a law that clearly wasn't intended to cause the suffering?

If, for example, a person has cancer and needs marijuana to help them be able to keep food down, a Realist has a religious duty to provide marijuana to a person who is not a church member as an act of compassion. Similarly, if a sick Realist needs marijuana, that patient has the right to receive marijuana from someone who is not a church member, without the act of compassion being prosecuted by the state. If a person is dying and they are in pain, it is compassionate to give the dying person whatever medication they require even if the medication causes the death of the patient. We recognize that because narcotics laws designed to keep drugs out of the hands of drug abusers often have an unintended side affect of causing doctors to under prescribe narcotics for people who need them. Our religious duty is to use good sense and to use our judgment to make reasonable exceptions to relieve the pain and suffering of the sick and dying.

Our religious culture requires us to apply reason and wisdom and go beyond the limits of law when it is in the best interest of society to do so.

We as Realists are a culture of thinking people. It is our nature to apply reasonableness and good judgment to specific situations and to fill the gap between the general rule of law and common sense. We are required by our religion to think rather than to merely obey. We are not just good citizens and productive members of society. Our calling is a leadership role in society where we prepare ourselves to use {In:reason} and {In:wisdom} in order that we may be the kind of heroes that every person hopes to be when the time comes to make tough choices in the face of difficult circumstances. We are the {In:dreamers} who move humanity in the {In:sacred direction} and our commitment to our principles does not allow us to permit someone to suffer over a rule that is not applicable to the situation with which we are faced. We are a culture of {In:courage}, and therefore we are compelled to reject any law in situations in which the law just doesn't make any sense.

## Marijuana Laws will be Overturned in the Future

The Church of Reality recognizes that anti-marijuana laws are just totally wrong and that there is no basis in reality to support these laws. It is my conclusion as the First One that in the future, and probably the near future, current drug policy will collapse like a house of cards and hopefully will be replaced with something that makes sense. In both court cases where the medical marijuana issue lost, it only barely lost. The Supreme Court and the Court of Appeals both recognized that a medical necessity to use marijuana existed, and both decisions contain language indicating that the legislature should pass laws regarding that issue. The Ninth Circuit stated in its opinion:

## Raich v. Gonzales

The Lawrence Court noted that, when the Court had decided *Bowers v. Hardwick*, 478 U.S. 186 (1986), "[twentyfour] States and the District of Columbia had sodomy laws." *Lawrence*, 539 U.S. at 572. By the time a similar challenge to sodomy laws arose in *Lawrence* in 2004, only thirteen states had maintained their sodomy laws, and there was a noted "pattern of nonenforcement." *Id.* at 573. The Court observed that "times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress." *Id.* at 579.

Though the *Lawrence* framework might certainly apply to the instant case, the use of medical marijuana has not obtained the degree of recognition today that private sexual conduct had obtained by 2004 in *Lawrence*. Since 1996, ten states other than California have passed laws decriminalizing in varying degrees the use, possession, manufacture, and distribution of marijuana for the seriously ill. See Alaska Stat. § 11.71.090; Colo. Rev. Stat. § 18-18-406.3; Haw. Rev. Stat. § 329-125; Me. Rev. Stat. Ann. tit. 22, § 2383-B; Mont. Code Ann. § 50-46-201; Nev. Rev. Stat. § 453A.200; Or. Rev. Stat. § 475.319; R.I. Gen. Laws § 21-28.6-4; Vt. Stat. Ann. tit. 18, § 4474b; Wash. Rev. Code § 69.51A.040. Other states have passed resolutions recognizing that marijuana may have therapeutic value, and yet others have permitted limited use through closely monitored experimental treatment programs.

We agree with Raich that medical and conventional wisdom recognizes the use of marijuana for medical purposes is gaining traction in the law as well. But that legal recognition has not yet reached the point where a conclusion can be drawn that the right to use medical marijuana is "fundamental" and "implicit in the concept of ordered liberty." See *Glucksberg*, 521 U.S. at 720-21 (citations omitted). For the time being, this issue remains in "the arena of public debate and legislative action." *Id.* at 720; see also *Gonzales v. Raich*, 125 S. Ct. at 2215.

As stated above, Justice Anthony Kennedy told us that "times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress." *Lawrence*, 539 U.S. at 579. For now, federal law is blind to the wisdom of a future day when the right to use medical marijuana to alleviate excruciating pain may be deemed fundamental. Although that day has not yet dawned, considering that during the last ten years eleven states have legalized the use of medical marijuana, that day may be upon us sooner than expected. Until that day arrives, federal law does not recognize a fundamental right to use medical marijuana prescribed by a licensed physician to alleviate excruciating pain and human suffering.

The Church of Reality has come to the same conclusion as the Ninth Circuit Court, but where the court is powerless to act on these conclusions, the Church of Reality is not. We are a religion that is based in reality and through the powers of the First Amendment and RFRA we need not wait for the legislature to come to the conclusion that the courts have. We come to this conclusion today.