

Sometimes opportunity only knocks

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The left hand and the right hand 12/14/02

Perhaps it is a case of the left hand not knowing what the right hand is doing — but the current federal government's plans dealing with the decriminalization of marijuana have certainly descended from curiosity to downright confusion.

Friday, the federal government found itself in the awkward position of having its Justice Department lawyers being asked by the Supreme Court of Canada whether they really wanted to go ahead with a court case involving marijuana use.

After all, federal Justice Minister Martin Cauchon had already announced that he intended to follow the recommendations of a special parliamentary committee, which recommended that the minister decriminalize the possession of marijuana in amounts less than 30 grams.

The problem is, the minister's department is in the midst of a case against three marijuana activists, a case in which the federal government has submitted documents claiming that marijuana use is connected to increased likelihood of cancer, automobile accidents, psychiatric problems and drug addiction.

That case was scheduled to proceed on Friday morning, while the justices of the Supreme Court were left scratching their heads — why proceed with an action, when the issue might quickly be moot?

The justices took the unusual action of having their registrar write to all the lawyers involved, asking whether the case should be put over until the federal government clearly elucidates the direction it plans to take.

It all smacks of bad planning, or at least, bad timing.

And it also suggests that the federal government doesn't really have a clear handle about where it wants to go, and what it wants to do when it gets there.

The problem is that the government seems to be making both sides of the case at the same time; the concerns raised in the Justice Department's documents echo the very concerns that groups ranging from doctors to addictions counsellors to the association that represents the nation's police officers have made.

And you get into a quick conundrum: if the federal government believes its representation to the Supreme Court is true — as it should, given that this is Canada's highest court of law — then how can it also, in good conscience, work towards decriminalizing a substance it maintains is a scourge?

Perhaps the federal government should do what Newfoundland and Labrador's premier, Roger Grimes, has done; back away from the issue until it decides cohesively how it plans to move forward. After first saying he supports the legalization of marijuana use, even to the point of establishing a tax regime for the drug, Grimes said Thursday that his statements about legalizing marijuana should be taken as merely a personal opinion.

At least the federal government will have some time to think about its next move: the House of Commons shut down for the next seven weeks on Friday, giving the minister of justice and his lawyers a good long time to clear the air.

Maybe then they will be able to come to a common position about whether marijuana is a recreational drug — the possession of which deserves nothing more than a simple ticket — or a health-threatening, dangerous-driving, psychiatric-problem-causing chemical that should still be punished all the way to the Supreme Court of Canada.

The two positions do not look like easy ones to reconcile.

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