

Another Proposed Florida Constitutional Amendment to Legalize Medical Marijuana.

By Thomas R. Cuba, February 29th, 2016

Caution: This essay is not about medical marijuana. It is about the amendment process.

In 2014, a movement arose putting the a question on the ballot in the state of Florida regarding the legalization of medical marijuana. It failed, but not by much.

It was not a good amendment, and while it may or may not have been a good idea, it was, and still is, the wrong way to achieve the goal. Remember, this is not about marijuana - it is about the process and our form of government.

From the outset, we must recognize that such a movement represents pure Democracy and abandons the concept of a Republic. That alone makes it repugnant.

The problem in 2014 and the problem in 2016 is that the people, rightfully engaged in a process of directing government to bend to their will, isn't voting on the amendment. The voters vote on a *summary*.

For no other reason than that, the amendment ought to be held unconstitutional. It is unconstitutional for the same reason that federal actions passing laws which legislators had not read ought to be unconstitutional, or, at the least unethical to the point of dereliction.

The voters are being asked to approve something they will not have read. They don't know what they are voting to approve or reject. The vote, therefore will be invalid.

But there is a simple correction. A much more appropriate ballot item would be as follows:

The people of the state of Florida do hereby direct the legislature to prepare, and the governor to sign, appropriate legislation which would legalize the production, taxation, prescription, and use of marijuana (Cannabis) for appropriate medical purposes. Such legislation is to be effective within 24 months of the passing of this amendment.

It is two sentences and 52 words in length and expresses the wishes of the people without abandoning the Republic.