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U.S. New Home Sales Rose to Record in November as Financing Lures Buyers

Ann Woolner

Commentary. Ann Woolner is a columnist for Bloomberg News.
 The opinions expressed are her own.

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A Judge's Defiance, A Hemp Matter, A Peaceful Exit: Ann Woolner

By Ann Woolner

Atlanta, Dec. 27 (Bloomberg) -- You might think a judge would be the last person to dispute the power of a court to make people do what they'd rather not.

Consider Roy Moore, chief justice of the Alabama Supreme Court, who says he not only can but MUST disobey a federal court order he thinks is unconstitutional.

Moore has been ordered to remove from the rotunda of the state judiciary building a 5,280-pound granite monument to the Ten Commandments, which he installed last year.

Moore says the order, not the monument, violates the requirement of church-state separation. "I'm bound to the Constitution, not this federal court," Moore told U.S. District Judge Myron Thompson at a hearing last week.

That's one of the legal controversies from earlier columns that this end-of-the-year column updates, along with what has happened to the U.S. ban on hemp food products and Attorney General John Ashcroft's attempt to stop doctors from helping terminally ill Oregonians hasten their deaths.

The Ten Commandments case, covered in a Nov. 22 column, started when Moore installed the monument and three lawyers sued, saying they often go to the court and the religious display makes them feel like outsiders.

Moral Foundation

Last month Thompson ordered the monument's removal and last week he set a Jan. 3 deadline. Moore dug in.

"I ran on the pledge to restore the moral foundation of the law," Moore testified last week, according to the Fulton County Daily Report in Atlanta.

Push seemed to be approaching shove. Then, on Monday, Thompson ruled the monument can stay put while Moore appeals.

Would Moore obey any higher court ruling if he believes it's unconstitutional?

"That remains to be seen," Moore testified.

In another case, the U.S. Drug Enforcement Administration has been trying to make illegal a tasty item that can't get you high. It's hemp, and its seeds and oils show up in certain nutrition bars and other foods sold by health food stores, not drug dealers.

"We eat the stuff here, and we don't get high," says Andre Lemay, spokesman for Canada's Department of Foreign Affairs and International Trade, confirming my own finding in a column on Dec. 7, 2001.

Hemp is legally grown in Canada. It's in trouble in the U.S. because it comes from the same plant as marijuana. The difference is that hemp contains almost no tetrahydrocannabinol, or THC, the substance that makes marijuana mind-altering.

Poppy

Canada allows 10 parts per million of THC in hemp food, but the DEA decided in October 2001 it's illegal in the U.S. if it has more than zero, an amount advocates say is scientifically impossible to guarantee. A lawsuit has stalled the DEA policy.

Now comes a complaint against the U.S. under the North American Free Trade Agreement by Kenex Ltd., a Canadian hemp products company with a U.S. subsidiary. Kenex, which says the government seized a 1999 shipment, claims \$20 million in damages from the zigzags in the U.S. policy.

Kenex says, among other things, the policy favors its competitors. The U.S. "has arbitrarily chosen not to impose an absolute ban on poppy seed products, even though they contain trace amounts of opiates," says the NAFTA complaint, filed in August. An arbitration panel is being named to hear the complaint.

In the meantime, the Hemp Industries Association based in Occidental, California, has sued the DEA. The 9th U.S. Circuit Court of Appeals heard arguments in April though it hasn't yet issued a ruling.

The lawsuit has stopped the DEA from enforcing its zero tolerance policy. Eric Steenstra, president of the advocacy group Vote Hemp, based in Merrifield, Virginia, says hemp bars are back on the shelves.

Choosing the Time

Karl Stansell died a fortunate man. At 68, he had little pain and the ability to choose the time, the place and the people who'd be with him as he left this world.

Stansell was especially fortunate because as cancer was taking from him such simple functions as swallowing, he got a chance to add strength to a cause in which he believed. He went to court with other terminally ill Oregonians to preserve the state's Death with Dignity Act.

"It was one of the things he felt very strongly about," says his widow, Mary Stansell.

The only law of its kind in the nation, the Death With Dignity Act allows terminally ill patients to get prescribed medications to hasten their deaths.

Ashcroft tried to stop this in November 2001 when he directed the DEA to suspend prescription-writing privileges of physicians who assist in suicides.

Seeking Dignity

Stansell, diagnosed with terminal cancer four months earlier, joined a court challenge to the order. A federal judge immediately blocked Ashcroft's order, and later ruled that the attorney general had no authority to interfere with the state's job of regulating medical practices.

The decision is now on appeal before the 9th Circuit, which hasn't set a date for argument.

Since the judge blocked Ashcroft's order, at least 32 Oregonians have ended their lives with the help of prescribed medications, said George Eighmey, executive director of Compassion in Dying of Oregon. He doesn't know how many more have done so without contacting his group.

Richard Holmes, quoted in my columns on Nov. 22, 2001 and April 26 about the case, died Sept. 9 in the arms of his son, never using the drugs he'd gone to court to obtain, according to obituaries.

Stansell, a retired postal worker, did plan his own death, having consulted with his minister, who was there when he died on Dec. 18, 2001.

"He was completely at peace," says his widow.



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