

# MARIJUANA POLICY REPORT

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## Most Presidential Candidates Support Medical Marijuana Access

MPP's campaign to persuade the presidential candidates to take positive positions on medical marijuana access has resulted in 10 of the 16 candidates pledging to end the federal government's raids on patients if elected.

The efforts of MPP's campaign — Granite Staters for Medical Marijuana (GSMM) — have been noted by the media, including CNN, *The New York Times*, and numerous other outlets. *Campaigns and Elections* magazine called GSMM a "fixture on the campaign trail" and praised its staffers for "following the candidates' every step."

MPP's full-time staffer in New Hampshire, along with a cadre of patients and other volunteers, attend up to a dozen campaign events each week. They press the candidates for their positions on protecting patients

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**Former Sen. John Edwards (D-N.C.) signs MPP's "stop arresting patients for medical marijuana" pin for Manchester resident Linda Macia, after promising to end federal raids on patients and caregivers at a town meeting in Manchester, N.H., on June 8.**

## Coming Next Issue:

- ▶ Ballot drives conclude in Massachusetts and Michigan
- ▶ MPP launches ballot initiative in Maine
- ▶ Medical marijuana bill introduced in Congress
- ▶ State legislatures debate marijuana-related bills nationwide

## Marijuana Initiatives Launch in Massachusetts and Arizona

MPP is currently involved in two new campaigns to place statewide marijuana initiatives on the ballots in Massachusetts and Arizona: MPP is assisting with a decriminalization measure in Massachusetts and spearheading a medical marijuana measure in Arizona.

### Decriminalization Initiative in Massachusetts

The Massachusetts initiative would remove the threat of arrest and jail for the possession of up to one ounce of marijuana. If passed, Massachusetts would treat marijuana possession as a civil infraction rather than a criminal offense, punishable by a \$100 ticket rather than the current penalties of up to six months in jail and a \$500 fine.

The measure also would eliminate the severe collateral sanctions that marijuana arrests in Massachusetts trigger. Currently, a low-level marijuana possession arrest in the state triggers a Criminal Offender

Record Information (CORI) report — a black mark that lingers long after the minor offense, jeopardizing the ability to obtain jobs, housing, and school loans, as well as other collateral punishments. The initiative would remove the threat of a CORI report for marijuana possession charges.

Since 2000, Massachusetts residents have approved 41 out of 41 local marijuana-related initiatives by an average of 63% of the vote. Of these, 30 urged state legislators to support legislation to make the possession of up to one ounce of marijuana punishable by a citation and a small fine, as opposed to arrest and jail. This string of local victories — as well as growing support for such legislation in the state legislature and in the news media, including the *Boston Globe* — bodes well for the initiative.

The campaign is being run by the Committee for Sensible Marijuana Policy (CSMP), with long-time Massachusetts activist Whitney Taylor at the helm. MPP is providing funding to CSMP to collect

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**P.O. Box 77492 • Capitol Hill  
Washington, D.C. 20013  
tel 202-462-5747 • fax 202-232-0442  
mpp@mpp.org • www.mpp.org**

MPP, founded in January 1995, is a 501(c)(4) lobbying organization. Because MPP devotes 100% of its efforts toward influencing public policy, contributions are not tax-deductible.

MPP Foundation, founded in May 1996, is a 501(c)(3) educational organization. Contributions to MPP Foundation are tax-deductible.

MPP Medical Marijuana Political Action Committee, founded in September 2003, supports candidates for federal office who have taken action or pledged to take action to ensure that patients have safe and legal access to medical marijuana.



## FROM THE EXECUTIVE DIRECTOR

A medical marijuana bill is signed into law in New Mexico. In Minnesota, the Senate passes a medical marijuana bill. An Illinois legislative chamber votes on medical marijuana for the first time since 1978. A similar bill reaches the governor's desk in Connecticut for the first time, only to have her veto it with a flimsy excuse. New York's governor renounces his previous opposition to medical marijuana as legislation passes the state's Assembly. Rhode Island's legislature overwhelmingly overrides a gubernatorial veto to make that state's medical marijuana law permanent. In Vermont, a bipartisan coalition of legislators enacts an expansion of the state's medical marijuana law to cover more patients and medical conditions.

Meanwhile, on Capitol Hill, an amendment that would forbid the Justice Department — which includes the DEA — from using taxpayer dollars to interfere with state medical marijuana laws receives record-breaking support...

With recent advances across the nation, we've never been so close to ending the government's war on medical marijuana patients.

Yet as growing scientific understanding, political will, and public support combine to create momentum for sensible, compassionate protection for medical marijuana patients, the opposition becomes more desperate. Their tactics become more ruthless. And the threat they pose to seriously ill people becomes more real.

Three fronts in their war on medical marijuana are particularly troubling.

### Ignoring the Will of the Voters

In San Diego, county supervisors sued the state of California rather than obey a law requiring them to establish a medical

marijuana identification card program.

A Superior Court judge sensibly tossed the case last December, raising hopes that the supervisors' taxpayer-funded legal adventure had ended.

But supervisor Bill Horn — ignoring the weakness of the county's legal arguments — complained that the judge just "gave us the politically correct opinion that we ignored the will of the voters," and he and his colleagues voted to appeal.

With luck, the Fourth District Court of Appeals will demonstrate the same "politically correct" attitudes about the will of the voters that the Superior Court judge showed. If not, expect medical marijuana opponents to use the ruling to argue that local and state governments no longer need to respect state laws or their constituents.

### Casting Their Lot With the Feds

It's clear that medical marijuana foes, many of whom are otherwise states-rights fans from way back, now see federal interference as their best hope for keeping medical marijuana patients cowed.

This could explain why six of the 16 presidential hopefuls have promised, if elected, to continue the DEA's raids on patients and providers in the 12 medical marijuana states — like the raids this summer in California and Oregon.

These heartless candidates would probably also endorse the DEA's recent expropriary tactic: threatening landlords in the Los Angeles and Santa Barbara areas who lease space to medical marijuana dispensaries — activity that's legal under California state law — with prison time and forfeiture of their property.

As the *Los Angeles Times* opined, this action represents "a deplorable new bullying tactic," and one designed to scare off the many states that are considering

new medical marijuana laws. If you can't beat 'em, terrorize 'em.

### The "Good" (and Expensive) Medical Marijuana

While drug-warrior policymakers directly interfere in state medical marijuana laws, their counterparts charged with the unenviable task of articulating cruel anti-medical marijuana policies to an increasingly skeptical public believe they may finally have a winning argument. And it comes in a convenient spray.

Called Sativex, this liquid made from natural marijuana is already approved in Canada and will soon begin U.S. testing. Medical marijuana opponents are already hailing Sativex as the final word in the debate on medical marijuana. With this fine pharmaceutical product, they say, why should anyone be allowed to smoke that nasty weed?

If Sativex does prove safe and effective for some patients, that's wonderful news. The prospect of not one, but two new options for suffering patients should be cause for celebration.

But Sativex clearly has drawbacks. For one, it takes much longer to work than marijuana that's vaporized or smoked — an hour or more, according to the official Canadian prescribing information. And it's expensive.

So what sense does it make to use that as a justification to make patients who respond well to marijuana — also proven safe and effective — criminals? Does anybody think the advent of acetaminophen should have meant that aspirin users should go to jail?

## MPP advocates harm-reduction-based marijuana policies.

**Heather Azzi**  
campaigns analyst

**Dan Bernath**  
assistant director of communications

**John Berry**  
new media producer

**Michèle Brinson**  
graphic designer

**Sara Cannon**  
office administrator

**Stuart Cooper**  
new hampshire campaign manager

**Michael Crispin**  
network & systems engineer

**Pierre Crutchfield**  
web developer

**Troy Dayton**  
senior development officer

**Alison Green**  
chief of staff

**Joe Haptas**  
outreach director

**Sarah Hench**  
membership coordinator

**Aaron Houston**  
director of federal policies

**Mark Hughes**  
communications assistant

**Zane Hurst**  
legislative analyst

**Mika Jones**  
director of VIP relations

**Rob Kampia**  
executive director

**Rick Kelley**  
assistant director of state campaigns

**Neal Levine**  
director of state campaigns

**Sarah Lovering**  
assistant director of membership

**Krystal Martinez**  
petition organizer

**Nathan Miller**  
legislative analyst

**Ben Morris**  
national field coordinator

**Bruce Mirken**  
director of communications

**Karen O'Keefe**  
assistant director of state policies

**Salem Pearce**  
director of membership

**Eric Smith**  
director of information technology

**Nydia Swaby**  
grants and hiring coordinator

**Whitney Taylor**  
massachusetts campaign manager

**Stephanie Vogel**  
grants and outreach director

**Kevin Wadzuk**  
legislative assistant

**Ray Warren**  
director of state policies

**FELLOW:**  
**Rana Ghaleb**

**VOLUNTEER**  
**CARTOONIST:**  
**Mark Mitcham**

## Cancer Society Endorses Medical Marijuana Access

On June 23, America's second largest cancer organization, the Leukemia & Lymphoma Society, passed a resolution in support of medical marijuana access. A direct result of MPP's efforts, the statement notes that the organization "supports legislation to remove criminal and civil sanctions for the doctor-advised, medical use of marijuana by patients with serious physical medical conditions" and urges the DEA to cease raiding patients and providers and to allow medical marijuana research.

## U.S. Mayors Adopt Drug Policy Reform Resolution

The U.S. Conference of Mayors — the official nonpartisan organization of cities with populations of 30,000 or more — adopted in May a resolution advocating a harm-reduction approach to drug policy.

The statement noted that the conference "believes the war on drugs has failed" and included a call for alternatives to incar-



**Don Duncan of the California Patients Group talks to reporters through his Hollywood dispensary's door, broken down by the DEA during a raid on July 25.**  
*Photo courtesy of Shay Sowden.*

cerating nonviolent drug offenders. The conference represents more than 1,000 cities across the country.

## DEA Steps Up Intimidation of Dispensaries

In June and July, the DEA conducted extensive medical marijuana raids in several California counties and in Oregon, including raids on at least 10 Los Angeles sites in late July. Most were aimed at medical marijuana dispensaries operating legally under state and local laws, and in several cases individual patients were detained. Also that month, the agency began threatening Los Angeles-area landlords who lease space to medical marijuana dispensaries with prison time and forfeiture of their property. A similar tactic was employed against Santa Barbara-area landlords in September, and several dispensaries were closed as a result. A *Los Angeles Times*

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and provide them with information about medical marijuana's efficacy.

Sen. Barack Obama (D-Ill.) — the last of the Democratic candidates to commit to ending federal interference in state medical marijuana laws — made his August 21 pledge after seven separate encounters with MPP. MPP's success with Sen. Obama was covered by the *Boston Globe* and *Reason*.

Sen. John McCain (R-Ariz.) clashed with MPP's campaign after he backtracked from his original commitment to states' rights. In April, Sen.

McCain pledged "to let states decide" whether to allow medical marijuana, only to flip-flop in August, claiming that "there's other ways of relieving pain and applying medical help" than marijuana. A few days later, he brusquely dismissed a follow-up question from MPP, saying, "I don't think everyone came here today to hear about marijuana." Then in late September, the senator asserted that the DEA was not arresting "the dead" and called any cases of patient persecution "a well-kept secret." He also expressed frustration at MPP's omnipresence at his

events. Sen. McCain's comments were covered by the local press, as well as by the *Chicago Tribune* and *Reason*.

And Gov. Mitt Romney's (R-Mass.) October 8 encounter with a muscular dystrophy patient — in which he seemed angry and turned his back on the patient who wanted to talk to him about medical marijuana — was featured on CNN and numerous news blogs.

Visit [www.GraniteStaters.com](http://www.GraniteStaters.com) for MPP's complete voting guide and to support the campaign during the final months of the primary season. **MPP**

From [Initiatives](#), page 1

signatures to place the initiative on the November 2008 ballot, as well as assisting with other aspects of the campaign.

To learn more, visit [www.SensibleMarijuanaPolicy.org](http://www.SensibleMarijuanaPolicy.org).

## Medical Marijuana Initiative in Arizona

MPP is currently working to place a medical marijuana initiative on Arizona's November 2008 ballot.

If passed by a majority of voters, the initiative would allow seriously ill patients to use marijuana with their doctors' approval as well as institute commonsense safeguards

and restrictions to prevent abuses of the program, such as as statewide registry ID card program and reasonable limits on how much marijuana can be cultivated and possessed. In addition, the initiative would allow nonprofit dispensaries to sell medical marijuana to card-carrying patients.

A March 2007 poll found that 68% of Arizona voters support removing criminal penalties for medical marijuana use, and, in fact, Arizona voters have already passed two medical marijuana ballot measures, once in 1996 and again in 1998. However, due to the flawed wording of these initia-

tives and a hostile state legislature, neither has successfully protected Arizona's medical marijuana patients from arrest and jail. But because of a change in state law that now prevents the legislature from blocking the implementation of initiatives, chances are strong for the passage of an initiative that will keep Arizona's medical marijuana patients safe.

Arizona residents who would like to be involved in the campaign should contact MPP Campaigns Analyst Heather Azzi at [hazzi@mpp.org](mailto:hazzi@mpp.org). **MPP**

editorial condemned the maneuver as “a deplorable new bullying tactic.”

## **Court Rules Against Car Seizures**

In July, the California Supreme Court ruled that cities can no longer seize automobiles whose drivers are arrested for allegedly buying drugs or soliciting prostitutes. The ruling overturns the laws of more than two dozen cities — from Oakland to Los Angeles — that allowed police to seize an automobile immediately after the driver’s arrest. The 4-3 ruling said only state law can mete out punishment for drug and prostitution offenses and that without authorization from the California Legislature, cities can’t pass seizure ordinances that are harsher than state and federal laws. Even drivers suspected of buying a small amount of marijuana, which is a low-level crime punishable by a \$100 fine, faced seizures in many of the cities with the ordinances.

## **Court Strikes Down Right to Life-Saving Drugs**

In August, the U.S. Court of Appeals for the District of Columbia Circuit ruled in an 8-2 decision that terminally ill patients do not have a constitutional right to have access to life-saving drugs that are being tested by the FDA in clinical trials, even if it has already been established that the experimental drugs are safe to use. The ruling by the full court reversed an earlier 2-1 decision in favor of the Washington Legal Foundation and its client, the Abigail Alliance for Better Access to Developmental Drugs, that there is a right of access to such life-saving drugs. A strong 29-page dissenting opinion was issued by Judge Judith Rogers and joined by Chief Judge Douglas Ginsburg.

## **North Dakota Farmers Sue to Grow Hemp**

Two North Dakota farmers who were issued the state’s first licenses to grow industrial hemp are suing the federal government for permission to do so — without which their state permits are worthless, since federal law does not distinguish between industrial hemp and marijuana. The DEA has not acted on the farmers’ applications, submitted in

February, and in August the DEA filed a motion for dismissal of the lawsuit. In response, the farmers asked a federal judge to rule that they can legally grow industrial hemp under North Dakota regulations. Oral arguments are expected in the case later this year.

## **Court Allows Warrantless Car Search and Seizure**

In June, the Ninth U.S. Circuit Court of Appeals overturned a lower court’s ruling that had held that drug seizures would be inadmissible in court if Fourth Amendment violations were present. In 2004, DEA agents tracking a drug ring staged a carjacking to obtain the vehicle of an Oregon couple whom they suspected of transporting illegal drugs. The agents then got a search warrant for the car without telling the judge about the caper. Although the lower court forcefully found that the government agents lied to, stole from, and terrified these citizens during a warrantless search and seizure that no court had approved, the Ninth Circuit ruled that the police escapade was legal since the cops already had probable cause to seize and search the car — thanks to the vehicle exception to the Fourth Amendment created by the courts because of the war on drugs.

## **Trucker Sues DEA Over Seized Cash**

A trucker who lost nearly \$24,000 in cash after it was seized by a New Mexico police officer in August and turned over to the DEA is suing to get his money back. Just north of El Paso, Texas, Anastasio Prieto was stopped at a weigh station and was asked for permission to search his truck for “needles or cash in excess of \$10,000.” When Prieto — who does not like banks and carries his savings as cash — said that he was carrying \$23,700 in cash, officers seized the money and turned it over to the DEA, while DEA agents photographed and fingerprinted Prieto despite his objections, then released him without charges after he had been detained for six hours. Border patrol agents and their drug-sniffing dogs found no evidence of illegal drugs in his truck. DEA agents told Prieto that to get his money back, he would have to

prove it was his and not the proceeds of illegal drug sales — a process that could take up to a year.

## **Drug Dealer Calls Police After Marijuana Stolen**

After two men robbed a would-be marijuana dealer at gunpoint in September and got away with a quarter-pound of marijuana, the dealer called the police. The man showed police a medical marijuana ID card but admitted that he had arranged to sell the marijuana to the men who stole it from him. The dealer was not arrested. “From our standpoint,” said a Santa Cruz police spokesperson, “it’s more important to address the fact there are individuals out there who are willing to use a weapon to commit robberies.”

## **Supreme Court Toughens Sentencing Rules**

In June, the U.S. Supreme Court made it harder for most defendants to challenge their federal prison sentences. Appeals courts that review prison terms imposed by trial judges may deem them reasonable if they fall within federal sentencing guidelines adopted in the mid-1980s, the high court said.

## **Santa Barbara Marijuana Initiative Upheld**

In July, a California Superior Court judge upheld a voter-enacted initiative that directs police to focus resources on serious crimes by making marijuana use the lowest law enforcement priority. Citing California’s ban on lawsuits that punish public participation in the political process, the court dismissed the city of Santa Barbara’s challenge of the law. MPP’s grants program provided funding for the initiative, which was passed into law last November by 65% of voters.

## **Federal Marijuana Ban Turns 70**

August 2 marked the 70<sup>th</sup> anniversary of the enactment of federal marijuana prohibition. The law, known as the Marijuana Tax Act, theoretically established a tax on producers, sellers, buyers, and prescribers of marijuana, but in fact its requirements were so onerous and the penalties for noncompliance so draconian that it effectively functioned as a ban, leading to the removal of marijuana from the U.S. Phar-

macopoeia in 1942. The law was superseded by the Controlled Substances Act of 1970, which placed marijuana — along with heroin and LSD — in the most restrictive category of drugs, Schedule I, which is reserved for substances deemed to have no medical use. Federal government estimates indicate that marijuana use has increased approximately 4,000% since the Marijuana Tax Act took effect.

### **California Pays for Medical Marijuana Program Expenses**

In July, the California Department of Health Services agreed to reimburse a disabled Clearlake woman for her medical marijuana-related expenses. Between 2000 and 2003, Sylvia Price had been allowed to deduct the cost of her marijuana — around \$430 per month — from her share-of-cost for home care services provided by the state. After she went public about her arrangement in April 2003, county Social Services officials terminated her medical marijuana deduction, saying it conflicted with federal laws outlawing marijuana. In the administrative hearings that followed her appeal, the department found her marijuana-related expenses to be “bona fide” and issued her a check for the period between May 2003 and May 2004. However, while medical marijuana expenses can be applied to a deductible, a spokesperson said, the department cannot pay for the marijuana itself because it is not FDA-approved.

### **Colorado Patient Convicted of Felony Cultivation**

Thirty-eight-year-old Jack Branson, a 20-year HIV patient who uses marijuana for medical purposes, was convicted in August of felony marijuana cultivation but was sentenced to only one year of unsupervised probation. He was acquitted of a felony possession charge. The conviction stems from a 2004 arrest for growing a dozen marijuana plants, which were seized by a law enforcement task force. At the time, Branson was not registered with Colorado’s Department of Public Health as a medical marijuana patient (although he had a verbal recommendation from a doctor and has since submitted the requisite paperwork).

### **Wisconsin Towns Decriminalize Marijuana**

Although possessing small amounts of marijuana continues to be a misdemeanor under state law, several Wisconsin localities now direct police to issue municipal tickets instead. Madison paved the way over 30 years ago, and local law enforcement does not currently prosecute any amount under 28 grams. Washburn and Two Rivers recently passed ordinances directing police to issue tickets for minor marijuana possession. Amounts and penalties vary: For example, Fitchburg tickets amount under 25 grams and fines offenders \$1,300, while Two Rivers tickets amount under eight grams with fines as low as \$50. Localities with similar ordinances include Onalaska and La Grange, as well as Eau Claire, Chippewa, LaCrosse, and Dane counties. Because violations of local ordinances cannot be expunged (unlike violations of state law), the efforts have received a mixed review from reform advocates.

### **Denver Court Rules Caregiver Is Allowed Six Patients**

In July, a senior Denver district judge issued a preliminary statewide injunction suspending Colorado’s arbitrary policy that limits the number of medical marijuana patients a caregiver can assist. During a closed meeting in 2004, the Department of Health set the number at five with no input from the public or medical community. The court criticized the department’s establishment of the five-patient policy, stating that it was lacking in scientific evidence and labeling the decision “arbitrary and capricious.” Brian Vicente, head of Sensible Colorado — an MPP grantee — was the lead attorney for plaintiff Damien LaGoy.

### **Federal Court Denies Access to Medical Marijuana Patients’ Records**

In September, a chief U.S. district court judge quashed 17 subpoenas seeking the medical records of 17 medical marijuana patients in Oregon’s medical marijuana program (OMMP) and a private clinic. The federal government had claimed it needed the records in order to conduct a criminal investigation into three individuals for growing marijuana. In rejecting

the government’s argument, the court held that the integrity of OMMP, privacy rights of Oregon’s citizens, and doctor-patient privilege outweighed the government’s interest in conducting a criminal investigation. The court also stated that the subpoenas were unreasonable because the documents requested contained highly sensitive information that had marginal, if any, relevance to the reason they were sought.

### **Council Rejects Federal Marijuana Eradication Funding**

In June, the Hawaii County Council respected the wishes of its citizens by voting unanimously to reject \$582,000 from the federal government’s “Green Harvest” marijuana eradication program. The money had helped to fund the Hawaii Police Department’s 29-year-old practice of renting helicopters for eradication efforts. More than 70 residents showed up for one hearing to urge the council to reject the money, citing the disturbance of livestock, frightening of children, invasion of privacy, and police harassment as reasons to just say no to the money.

### **Denver Voters Approve Latest Marijuana Reform Measure**

On November 6, Denver voters passed a city ordinance designating adult marijuana possession as Denver’s lowest law enforcement priority by an overwhelming vote of nearly 56%. The measure was successfully placed on the ballot by Citizens for a Safer Denver — the MPP grantee responsible for the successful initiative that decriminalized adult marijuana possession in Denver in November 2005. Although the 2005 initiative eliminated all city-level penalties for adult possession, Denver police continue to use state law to fine people who are caught with marijuana. Advocates are hopeful that the successful passage of Initiated Question 100 will send another strong message to police and prosecutors.

### **Congress Pressures DEA**

In September, U.S. Reps. John Oliver (D-Mass.) and Dana Rohrabacher (R-Calif.) organized a sign-on letter with 43 other members of Congress, urging

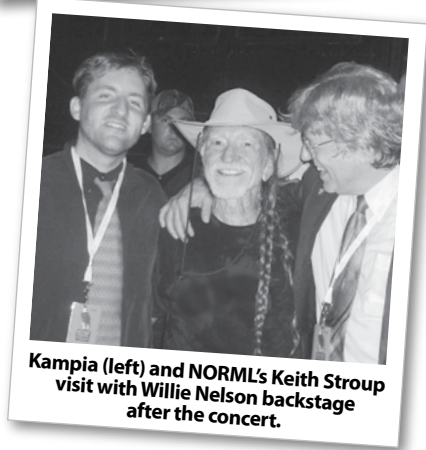
[See In Brief, page 6](#)

# Austin Freedom Fest

On August 10, legendary country singer Willie Nelson performed at the Austin Freedom Fest, a benefit concert to support marijuana policy reform. The sold-out event at the Austin, Texas, venue The Backyard also featured the Grammy award-winning band Asleep at the Wheel (with MPP VIP Advisory Board member Ray Benson), former NFL star Mark Stepnoski, MPP VIP Advisory Board member Jackie “The Joke Man” Martling, and country singers Carolyn Wonderland and Paula Nelson.



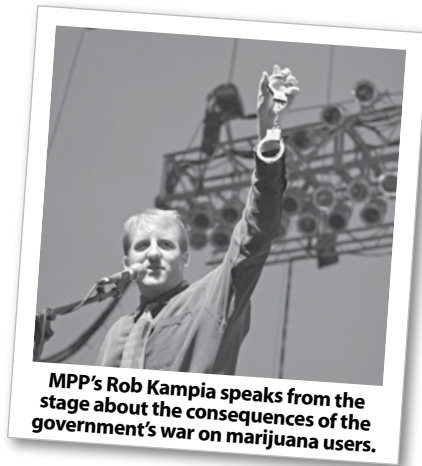
Volunteers Noelle Davis, Ann del Llano, and Tracey Hayes distribute MPP's literature to concert goers.



Kampia (left) and NORML's Keith Stroup visit with Willie Nelson backstage after the concert.

Just before Willie Nelson took the stage, MPP Executive Director Rob Kampia addressed the crowd to talk about the importance of MPP's work in Texas and nationwide.

All proceeds from the event are being used to support MPP's work to end marijuana prohibition in the U.S.



MPP's Rob Kampia speaks from the stage about the consequences of the government's war on marijuana users.



Kampia, former NFL star Mark Stepnoski, and MPP VIP Advisory Board member Jackie "The Joke Man" Martling enjoy the pre-concert festivities backstage.

# In Brief

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the DEA to grant a license to the University of Massachusetts to produce marijuana for research purposes. The DEA, which currently controls such licenses, has consistently blocked meaningful marijuana research — which prevents researchers from taking the necessary steps toward FDA clinical trials. The DEA often cites marijuana's lack of FDA approval when arguing against medical marijuana access — a position disingenuous at best, given its role in preventing research.

## Federal Funding for Student Drug Testing Decreases

Federal funding for the establishment of student drug testing programs has fallen from \$7.2 million to less than \$2 million over the last two years. Only seven states received money for the programs for the 2007-2008 school year, while 21 states received money in 2005. School districts use the funding to implement random drug testing programs for students who participate in competitive extracurricular activities.

## FBI Adopts More Realistic Drug Use Policy

Citing the realities of a society in which 100 million Americans have tried marijuana, the FBI loosened its restrictions on marijuana use in January (although the change went unreported until August). Whereas job applicants were previously automatically disqualified for using marijuana more than 15 times, the new guidelines only require potential employees to have abstained from marijuana for at least three years. The change, described by an MPP official in news reports as “a small step toward sanity,” comes as the FBI struggles to recruit qualified candidates. **MPP**

# Boston Reception

On September 14, the Committee for Sensible Marijuana Policy (CSMP) hosted a reception in Boston to launch a signature drive for an initiative to be placed on the statewide ballot in Massachusetts in November 2008.

The event was hosted by Woody Kaplan and Wendy Kaminer. Among the guests was bestselling author and MPP VIP

Advisory Board member Tom Robbins, who discussed his mother's struggle with glaucoma and read passages from his novel *Villa Incognito*.

The event raised nearly \$25,000 in support of CSMP's signature gathering efforts. (See “Initiatives,” p. 1.) **MPP**



Campaign manager Whitney Taylor explains the campaign's goals to reception attendees, including MPP's Rob Kampia (standing, right) and MPP VIP Advisory Board member Tom Robbins and his wife, Alexa D'Avalon (seated, left).

## Marijuana Policy Reform in “Bong Hits 4 Jesus” Case

A U.S. Supreme Court decision this summer dealing with student speech touched upon marijuana policy reform. In the June *Morse v. Frederick* decision, justices upheld the suspension of a student for displaying a banner with the phrase “Bong Hits 4 Jesus” during a school-sanctioned event. Although the case was primarily about censorship, the decision included interesting comments about marijuana prohibition.

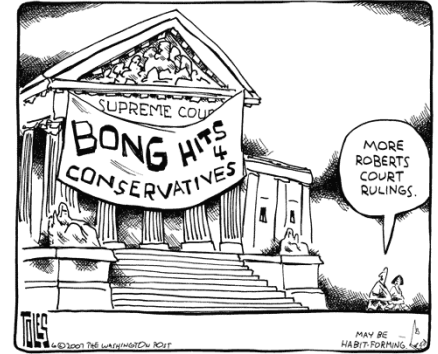
The majority opinion, by Chief Justice John Roberts, implied that any speech adversarial to a school’s “anti-drug mission” could be banned. Concurring in part and dissenting in part, Justice Stephen Breyer noted problems with banning advocacy of the “illegal” use of drugs, warning that “speech advocating a change in drug laws might also be perceived as promoting disregard of existing laws.”

The majority upholding the suspension included a concurring opinion by Justices Samuel Alito and Anthony Kennedy, in which the two agreed that the school could censor a student banner but were careful to distinguish advocating illegal drug use from advocating drug policy reform.

Justice Alito made clear that the concurring opinion “provides no support for any restriction of speech that can plausibly be interpreted as commenting on any political or social issue, including speech on issues such as the wisdom of the war on drugs or legalizing marijuana for medicinal use.” Thus, he and Kennedy would not allow a school system’s “educational mission” to include suppressing debate about drug laws.

Justice John Paul Stevens, joined by Justices Ruth Bader Ginsburg and David Souter, filed a strongly worded dissent in which Justice Stevens spoke eloquently about prohibition itself:

“[T]he current dominant opinion supporting the war on drugs in general, and our anti-marijuana laws in particular, is reminiscent of the opinion that supported the nationwide ban on alcohol consumption when I was a student. While alcoholic beverages are now regarded as ordinary articles of commerce, their use was then condemned with the same moral fervor that now supports the war on drugs ... But just as prohibition in the 1920s and early 1930s was secretly questioned by thousands of otherwise law-abiding patrons of bootleggers and speakeasies, today the actions of literally thousands of otherwise



law-abiding users of marijuana, and the majority of voters of each of the several states that tolerate medical use of the product, lead me to wonder whether the fear of disapproval by those in the majority is silencing opponents of the war on drugs. Surely our national experience with alcohol should make us wary of dampening speech suggesting — however inarticulately — that it would be better to tax and regulate marijuana than to persevere in the futile effort to ban its use entirely.”

Although the decision was a blow to free-speech advocates, drug policy reform advocates were nevertheless encouraged by the opinion that compared alcohol and marijuana prohibition — and called the latter “futile.” **MPP**

## Veterans’ Medical Marijuana Organization Launches

In August, the first-ever organization to advocate for veterans’ rights to medical marijuana access launched. Veterans for Medical Marijuana Access (VMMA) is based in Kalamazoo, Michigan, and is funded by MPP’s grants program.

VMMA Executive Director Martin Chilcutt says, “The VMMA is serious about minimizing whatever potential harm comes from using marijuana. I’ve talked to a good number of vets from around the country at conventions, on the phone, and at veterans’ hospitals. They tell me there’s a real concern about being arrested and also about the threats of withholding treatment by the VA [Veterans Affairs] if you test positive for marijuana. That is why we take this issue so seriously.”

VMMA is reaching out to veterans organizations and medical organizations, both locally and nationally, to increase support for medical marijuana access. Chilcutt — a veteran of the U.S. Naval Air Force

Air Intelligence Division who has a service-connected disability — says that another primary focus of the organization is helping to preserve the doctor-patient relationship. “Privacy rights are a big issue when it comes to medical marijuana,” says Chilcutt, a licensed psychotherapist. “Vets need to know it’s safe to openly discuss this topic within the VA health care system.”

VMMA saw early success this summer when it garnered the endorsement of Veterans for Peace, a St. Louis-based veterans’ organization devoted to promoting alternatives to war.

For more information, visit [www.veteransformedicalmarijuana.org](http://www.veteransformedicalmarijuana.org). **MPP**



# Medical Marijuana Initiative Campaign Continues in Michigan

At press time, MPP's signature drive to qualify a statewide medical marijuana initiative for Michigan's November 2008 ballot was entering the home stretch. The Michigan Coalition for Compassionate Care (MCCC), MPP's campaign committee, has been spearheading the signature gathering effort since May, and prospects look good for the passage of an effective medical marijuana law next year.

After formally qualifying for the ballot in mid-November — by collecting approximately 480,000 raw signatures — the campaign will begin in earnest. MCCC has retained a former Michigan state legislator, Dianne Byrum, as its spokesperson, and she will be tapping into widespread support across the state.

In recent years, Michigan activists have passed local medical marijuana initiatives in five cities — Ann Arbor, Detroit, Ferndale, Flint, and Traverse City — by an average of 64% of the vote. The current statewide campaign has already seen a strong showing of support from Michigan activists, patients, and volunteers who have played key roles during the drive and whose help will be crucial in 2008.

If passed, the initiative would allow seriously ill patients who find relief from marijuana to use it with their doctors'



During his June trip to Michigan, MPP Executive Director Rob Kampia visits with volunteer Richard Clement, who collected signatures in Lansing.

approval; permit qualifying patients or their caregivers to cultivate their own marijuana for medical use, with limits on the amount they could possess; create registry identification cards, so that law enforcement officials could easily tell who is a registered patient, and establish penalties for false statements and fraudulent ID cards; allow patients and their caregivers who are arrested to discuss their medical use in court; and keep commonsense restrictions on the medical use of marijuana, including prohibitions on public use of marijuana and driving under the influence of marijuana.

Please visit [www.StopArrestingPatients.org](http://www.StopArrestingPatients.org) for updates and to get involved. **MPP**

## Grants Program

The grants program administered by the Marijuana Policy Project supports, with grants of up to \$60,000, efforts that foster measurable changes in U.S. public policy that will lead to marijuana being regulated similarly to alcohol and to marijuana being available for medical use.

The grants program will consider proposals for many types of projects related to marijuana policy reform, including local lobbying efforts or initiative campaigns in support of medical marijuana or making marijuana a jurisdiction's lowest law enforcement priority. We are also looking to fund

efforts to build support for marijuana policy reform among mainstream organizations in local communities and nationwide, with the goal of raising the profile of the issue with legal associations, religious groups, health groups, women's advocacy and family groups, minority groups, and political parties, among others.

Grant application guidelines and all relevant contact information are available at [www.mpp.org/grants](http://www.mpp.org/grants). The grants program does not fund political parties or candidates for office, statewide ballot initiatives, or hemp-related projects. **MPP**

## In Memoriam

The marijuana policy reform community lost five valuable proponents this summer.

In May, psychiatrist **Tod Mikuriya** died at his home in Berkeley from complications of cancer at the age of 73. Considered the grandfather of the medical marijuana movement in the U.S., Dr. Mikuriya was an architect of Proposition 215 in California and often said he viewed his work as "a means of righting a historical wrong" — the backlash against marijuana that began in the "reefer madness" era of the 1930s.

In July, drug war prisoner advocate **Virginia Resner** also succumbed to cancer after an almost six-year battle, at the age of 60. Most recently, she was involved with Ed Rosenthal's court case as president of Green Aid in Oakland.

In August, filmmaker and Libertarian activist **Aaron Russo** also died after a six-year struggle with cancer, at the age of 64. An MPP member since 2002 and an MPP VIP Advisory Board member since 2003, Russo ran for the Libertarian Party presidential nomination in 2004. He told the *Las Vegas Sun* that after his death he wanted his headstone epitaph to read "Freedom Fighter."

Also in August, Ohio Patient Network founding member **Joe Zoretic** suffered a fatal heart attack at the age of 38.

His long-time activism in drug policy reform took on more urgency when his wife became disabled;



Dee Dee and Joe Zoretic

he assumed the risk of her use of medical marijuana, serving a month in jail in 2005.

A few days later, **Meril Draper** died of trauma from a motorcycle crash, at age 50. Mr. Draper was an active participant in Seattle's annual Hempfest and a prolific letter-to-the-editor writer. **MPP**

# Media Highlights

## Medical Marijuana in New York

In New York, media interest increased after the Assembly passed MPP's medical marijuana bill on June 13 and MPP pressured the Senate to do the same. MPP staffers were quoted in newspapers statewide, including articles in *The New York Times*, *New York Sun*, *Buffalo News*, and the Gannett wire service. MPP also amplified its paid radio and print advertising campaign with positive coverage in the online daily *Raw Story*, as well as WRVO-FM in Oswego/Syracuse and the *Times Herald-Record* in the Hudson Valley and the Catskills.

## Marijuana "Eradication"

MPP strove to change the tone of California coverage of law enforcement's annual summer campaign to "eradicate" marijuana growing operations that often occur in public parks and lands.

MPP officials were quoted questioning the campaign in news stories throughout California, including the *Redding Record Searchlight*, *Stockton Record*, *Santa Rosa Press Democrat*, *Eureka Times Standard*, *Los Angeles City Beat*, KNVN-NBC and KHSL-CBS in Redding, and KPFF-FM in Los Angeles. MPP's Bruce Mirken was quoted in supportive editorials appearing in the *Sacramento News & Review* and *Chico News & Review*, and an op-ed by MPP's Ray Warren criticizing the opera-

tions appeared in the influential legal paper the *Los Angeles Daily Journal*.

## Medical Marijuana Dispensary Raids

Federal interference in medical marijuana states increased this summer as DEA officials raided numerous dispensaries. MPP officials condemned the raids in several publications, including *Los Angeles City Beat* and the *San Mateo County Times*. MPP's Bruce Mirken was also cited in an *Orange County Register* editorial.

## MPP-Sponsored Report on Collateral Sanctions

A report by attorney and MPP grantee Richard Glen Boire describing the patchwork of collateral sanctions marijuana offenders experience — which are often more severe than the actual sentence they receive — was covered by *USA Today*, the *San Francisco Chronicle*, the national magazine *In These Times*, the *Wilmington, Delaware News-Journal*, and other publications.

## MPP in Print and On Air

MPP's benefit concert in Austin, Texas — with Willie Nelson and Ray Benson — drew considerable local coverage, and MPP's Rob Kambia appeared in the *Fort Worth Star-Telegram* and on KPFT-FM in Austin. In August, Kambia also appeared on the Austin, Texas ABC affiliate KVUE



MPP's Rob Kambia discusses a new Texas law allowing police the option of citing — rather than arresting — minor marijuana offenders on the Austin, Texas, ABC affiliate KVUE on August 24.

to discuss a new Texas law allowing police the option of citing — rather than arresting — minor marijuana offenders. In addition, Kambia sat down for a feature-length interview by the *Austin Chronicle*, in which he called Drug Czar John Walters "an ugly man with a cold heart."

An op-ed by Mirken, criticizing the federal government's spin of its annual National Survey on Drug Use and Health, appeared in the *San Francisco Chronicle*, the *Buffalo News*, and on AlterNet. An op-ed by Kambia, marking the 70th anniversary of the first federal anti-marijuana law, appeared online in the *Pittsburgh Post-Gazette*. And an op-ed arguing for taxing and regulating marijuana by Warren was published in the *Raleigh News & Observer*. **MPP**

## MPP's Lobbyist Makes Two High Profile Appearances



In Showtime's documentary, MPP's Aaron Houston confronts notorious prohibitionist Rep. Mark Souder (R-Ill.) about his support for federal raids on medical marijuana patients.

In the crucial weeks before this year's vote in the U.S. House on the Hinchey-Rohrabacher medical marijuana amendment (see "In Congress," p. 11), MPP lobbyist Aaron Houston made two national media appearances.

On July 9, Showtime aired "In Pot We Trust," a new documentary on medical marijuana that features Houston lobbying on Capitol Hill. On the first night it aired, the film attracted more than one million viewers.

And on July 26, Houston appeared on Comedy Central's hugely popular television show "The Colbert Report," to spar with the show's host about medical marijuana. **MPP**



Houston explains MPP's goals to "The Colbert Report" host Stephen Colbert on Comedy Central on July 26.

# State Legislative Briefs

## New York



MPP continues to work toward passage of a medical marijuana law in New York. In June, the Assembly passed MPP's bill by a 92-52 vote. However, the legislature adjourned later that month without the Senate taking action on the bill.

The New York Legislature periodically returns for special sessions, and it is possible that the Senate will take up the bill before the next regular session begins in January. The chances of the Republican-dominated Senate doing so was bolstered in July by the release of a new, statewide poll that MPP commissioned.

The poll showed that 55% of Conservative Party voters support patients' rights to grow and use limited amounts of marijuana if their doctors recommend it, compared with 35% of respondents who opposed the idea. The Conservative Party in New York provides a crucial base of support for many Republican senators.

And Republicans were even more supportive: Polls conducted in six state Senate districts held by Republican incumbents found support for medical marijuana ranging from 63% to 76% among all voters, and 52% to 69% among Republicans alone.

To highlight the polls' findings, MPP ran a series of newspaper ads in eight state Senate districts held by Republican incumbents, as well as radio ads in one district. As a result, a significant number of constituent phone calls have been generated to the senators. In addition, a number of patients have come forward and are now lobbying their senators on behalf of the legislation.

With Senate Majority Leader Joseph L. Bruno (R-Brunswick) expressing support, patients are hopeful for Senate action before the end of the year.

## Vermont



On July 1, the Vermont Department of Public Safety issued new application forms for ID cards, pursuant to the state's newly improved medical marijuana law that MPP helped pass in May. Upon review of

the proposed form for a doctor's recommendation, an MPP staffer noted that some of the provisions did not comply with the new law. After being alerted, the department acknowledged the error and corrected the form.

The new law increases the number of plants that patients and caregivers can grow, reduces the application fee for ID cards, and expands the medical conditions covered by the law.

## Illinois



MPP and local activists are working toward the introduction of a new medical marijuana bill in Illinois next year. MPP grantee John Walker has established the Illinois Compassion Action Network ([www.IllinoisCan.com](http://www.IllinoisCan.com)) and will work closely with MPP's lobbyist in Springfield to coordinate the extensive group of supportive nurses, doctors, patients, clergy, and other opinion leaders who spoke out for compassionate medical marijuana legislation last year, when a medical marijuana bill received its first-ever floor vote in the Senate.

On September 20, filmmaker Jed Riffe premiered his award-winning documentary "Waiting to Inhale" in Chicago to a packed house. MPP is working with Riffe to arrange a number of other showings of the documentary around the state this fall to build public awareness of the medical marijuana issue.

## California



MPP and its full-time grantee, Safe Access Now, have continued making progress on the county-by-county implementation of medical marijuana ID cards.

Three new counties voted to implement ID cards this summer, including two conservative and initially reluctant counties — Lassen and Orange counties. The all-Republican Orange County Board of Supervisors voted 4-1 on July 17 to implement ID cards. This vote came despite fierce opposition from law enforcement and initial reluctance from most of the county supervisors. In late June, the Lassen County Board of

Supervisors unanimously voted to implement ID cards. Among the "yes" votes was Supervisor Bob Pyle, who had told a local newspaper in 2005 that ID cards were "nothing more than another scheme from the enemy within to destroy this society."

Monterey County also began issuing ID cards this summer.

When Safe Access Now's campaign began in late 2005, only four million Californians lived in counties that had voted to implement ID cards; now, more than 25 million do.

In another positive development for medical marijuana patients and their allies, state Sen. Carol Migden (D-San Francisco) introduced legislation this July — S.B. 529 — that would provide clearer recognition of dispensaries under state laws. The legislation is expected to be amended to prevent medical marijuana dispensaries from having to pay sales taxes from past years. California's legislative session does not end until the fall of 2008, so the legislation will continue to evolve over the next year. **MPP**

## Donor Spotlight

**"I rarely give money to nonprofit organizations, but I regularly contribute to MPP. In my 40 years of political activity,**



Eric Garris has been an MPP member since 2002.

**I have never seen a lobbying/educational organization as cost-effective as MPP. I know that every dollar I give MPP will bring real results."**

— Eric Garris, director, Antiwar.com

## Marijuana and Epilepsy

An article in the Spring 2007 issue of *Reviews in Neurological Diseases* presents a detailed report on a 45-year-old man who had suffered epileptic seizures since the age of 18. Despite a variety of pharmaceutical epilepsy treatments, the seizures continued. At the suggestion of a friend, the patient tried smoking marijuana, and the frequency of seizures dropped dramatically, occurring most often when he had not used marijuana.

The article also discusses the considerable data showing that cannabinoids, marijuana's active components, can help control seizures, including small human trials of cannabidiol. The authors note, "Several case reports similar to ours suggest anti-convulsant effects of marijuana," and cite a Canadian survey in which 68% of epileptic patients reported that marijuana reduced the severity of seizures and 54% reported that it reduced seizure frequency.

## Medical Marijuana Pain Study Needs Volunteers

Volunteers are needed for a study of marijuana's ability to increase opioid pain drugs' efficacy, allowing pain patients to get better relief with smaller doses of narcotics. University of California-San Francisco researcher Dr. Donald Abrams is currently conducting an important pilot study that could lay the groundwork for critical research in this area.

Patients for this trial of vaporized medical marijuana must:

- have ongoing chronic pain,
- be 18 or older,
- be on a stable, twice-daily dose of sustained-release oxycodone or morphine for at least two weeks before enrollment,
- not use marijuana for a month prior to entering the study, and
- not be a cigarette or cigar smoker, or be willing not to smoke for two weeks before starting the study.

Participants will need to spend five days and nights in a clinical research center at San Francisco General Hospital, in addition to an initial screening visit, and can receive \$520 for participating. For more information, call (415) 476-9554, ext. 315, or e-mail [pcouey@php.ucsf.edu](mailto:pcouey@php.ucsf.edu).

## Marijuana and Drug Use Level Off, but Drug Warriors Declare Victory

When the 2006 National Survey on Drug Use and Health, the federal government's main survey of illegal drug use, was released on September 6, the government spin machine went into overdrive. White House Drug Czar John Walters touted "fewer teens using drugs today," and Secretary of Health and Human Services Mike Leavitt cited "very encouraging trends."

Yet the survey actually found drug use essentially unchanged from 2006 — up slightly in some categories, down slightly in others, but with almost no statistically significant changes — and still at a level far higher than 15 years ago. And the number of Americans reporting marijuana use in the past month rose slightly, to 14.8 million. Among the few statistically significant changes was a disturbing increase in past-month use of deadly inhalants (solvents, glues, spray paints, etc.) and sedatives among 14- to 15-year-olds.

## THC: An Anti-Cancer Agent

In June, a laboratory study published in the *International Journal of Cancer* reported THC anti-tumor action — namely, that THC killed colorectal cancer cells by causing apoptosis, or programmed cell death. THC also blocked two important chemical pathways that allow colorectal cancer cells to survive and proliferate out of control.

Another study, published in the July issue of *Oncogene*, found that certain kinds of lung cancer cells carry the CB1 and CB2 receptors, through which cannabinoids act, and that THC inhibited the growth of lung cancer cells. The researchers wrote, "Our study suggests that cannabinoids like THC should be explored as novel therapeutic molecules in controlling the growth and metastasis of certain lung cancers."

## Anti-CB1 Diet Drug Dead in U.S.

Pharmaceutical company Sanofi-Aventis has for the time being dropped efforts to get its diet drug rimonabant approved in the U.S. The drug — approved in many European countries — works by blocking the CB1 receptor, the mechanism through which THC produces many of its effects, including "the munchies," and through which the body's natural, marijuana-like

## Medical Marijuana Amendment Receives Record Vote

On July 25, the U.S. House of Representatives voted on a measure to protect medical marijuana patients from federal arrest and prosecution. The



During the House floor debate, Congressman Maurice Hinchey (D-N.Y.) points out the widespread support that medical marijuana enjoys from medical organizations.

amendment, introduced by U.S. Rep. Maurice Hinchey (D-N.Y.), would have prevented the U.S. Department of Justice — which includes the DEA — from spending taxpayer dollars to raid, arrest, or prosecute seriously ill patients in the 12 states where medical marijuana is legal. In its fifth consideration in five years, the measure received a record 165 votes.

The amendment needs 218 votes to pass through the House and over to the Senate, which has never voted on medical marijuana legislation.

An analysis of voting trends among current House members reveals that if everyone who has ever voted "yes" on the amendment had all voted "yes" this year, the amendment would have received 189 votes, bringing it within 29 votes of guaranteed passage.

The momentum for passing a meaningful medical marijuana measure at the federal level is continuing to grow. Now that the legislation has received 165 votes, MPP is now targeting a smaller number of districts to pick up the remaining 53 votes that are needed to reach a 218-vote majority. **MPP**

chemicals (endocannabinoids) stimulate appetite. The company pulled the plug in June after an FDA advisory committee unanimously recommended against approving the drug — primarily because of concerns over such psychiatric side effects as depression, anxiety, and suicidal thoughts. The committee's conclusion supports the notion that activating the CB1 receptors, as marijuana does, has positive effects, while "anti-marijuana" mechanisms have negative effects. **MPP**



MPP's newspaper and medical marijuana playing cards are available for purchase.

Visit [www.mpp.org/newspaper](http://www.mpp.org/newspaper) and [www.mpp.org/playingcards](http://www.mpp.org/playingcards) for more information.

To order, call (202) 462-5747, ext. 132.



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Visit [www.mpp.org/giving](http://www.mpp.org/giving) to get started!

If your automobile is no longer of use to you, it can still go a long way toward supporting MPP's work to end marijuana prohibition. MPP will get money from the sale of your used vehicle at auction, and you will get a tax deduction. To get started, make a toll-free call to 1-866-MPP-GIVE (1-866-677-4483), or e-mail [donations@charitableautoresources.com](mailto:donations@charitableautoresources.com), to contact an MPP vehicle donations representative, who will schedule a pickup that's convenient for you.

Visit [www.mpp.org/giving](http://www.mpp.org/giving) for more information.



Ten people have already donated their cars to MPP: Let your car lead the way toward ending marijuana prohibition in the U.S.!

## ASK YOUR DOCTOR TO SPEAK OUT FOR MEDICAL MARIJUANA ACCESS

Visit [www.mpp.org/action](http://www.mpp.org/action) to download and print our "Statement of Principle Allowing the Medical Use of Marijuana." The next time you have a doctor's appointment, ask your doctor to sign it and then mail it back to us.



## For the price of your daily cup of coffee, you can help end marijuana prohibition:

Join MPP's monthly pledge program at \$5 or more per month, and you'll be providing MPP with the core support needed to achieve our goals. As a token of our gratitude, we'll send you one of our membership gifts.

Visit [www.mpp.org/pledge](http://www.mpp.org/pledge) to sign up today (and [www.mpp.org/membershipgifts](http://www.mpp.org/membershipgifts) to see your gift choices).