

MARIJUANA POLICY REPORT

Volume 13, Number 2 – Summer 2007

Rhode Island and Vermont expand medical marijuana laws, New Mexico passes new one

Medical marijuana patients won important victories when two medical marijuana states strengthened their existing laws and a third state passed a new law protecting patients from arrest.

Courtesy of the Providence Phoenix (Rhode Island)



Rhode Island

In June, Rhode Island — which passed MPP's bill into law last year, becoming the 11th medical marijuana state — made its law permanent. The original legislation included a sunset provision, so the change is key for the nearly 270 registered patients in the state. Without the law, their right to use marijuana to treat very debilitating conditions would have expired on June 30.

As happened last year, legislators had to override a veto by Gov. Donald Carcieri (R). Both chambers did so in June, with 88% of the House and 84% of the Senate voting to override. MPP, in conjunction

See [State Laws](#), page 3

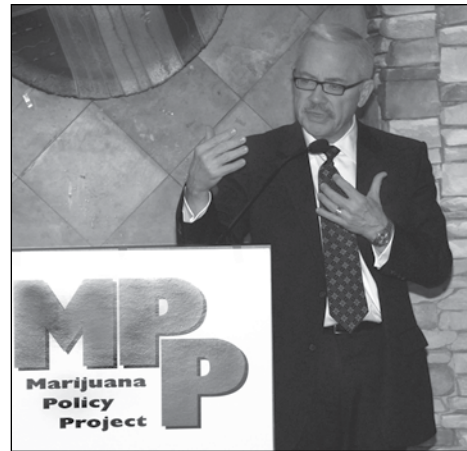
Congressman Bob Barr Joins With MPP

Former U.S. Rep. Bob Barr (R-Ga.), one of the top three leading prohibitionists when he served in Congress from 1995 to 2003, is now lobbying on behalf of MPP's legislative agenda.

MPP contracted with Barr in March, news that surprised many in the drug policy reform community as well as members of Congress, since Barr had previously fought against efforts by MPP and others to reform marijuana policy.

Barr's change of heart stems from what he describes as his increasing disillusionment with the erosion of civil liberties and Republicans' inability to cut government spending while they controlled both the White House and Congress. Late last year, Barr changed his party affiliation from Republican to Libertarian and began talks with MPP.

Explaining to FOXNews.com how he arrived at MPP, Barr said, "[Government] has become significantly more invasive since 9/11, and government power over the medical use of marijuana is one of those areas" where federal authority over the states is being questioned by "a lot of



Former Congressman Bob Barr (R-Ga.), MPP's newest congressional lobbyist, delivers the keynote address at MPP's Grants, Education, and Activist Training workshop on April 20.

conservatives and liberals alike."

Barr's work with MPP marks a new chapter in his politics. In 1998, after the residents of Washington, D.C., approved the use of marijuana for medical purposes with 69% of the vote, Barr spearheaded passage of what became known as the "Barr Amendment," a federal spending restric-

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- ▶ MPP launches medical marijuana ballot initiative in Arizona
- ▶ MPP launches "decriminalization" initiative in Massachusetts



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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

Earlier this year, the anniversary of a little-known government report quietly passed, receiving about as much attention from policymakers and the media as it first did 35 years ago.

On March 22, 1972, the National Commission on Marihuana and Drug Abuse delivered the results of an exhaustive, yearlong study to President Nixon and outlined recommendations for a marijuana policy that would eschew myth and fear in favor of reality-based harm reduction.

It's not as if the commission was stacked with progressives or people inclined to be hostile to the president's policies. Nixon handpicked this largely conservative group, led by Pennsylvania Gov. Raymond Shafer, a Republican, and comprising congressmen, senators, law enforcement officers, and physicians.

Nor did the commission take a radical stance on marijuana policy. Although it criticized the immorality and futility of incarcerating small-time marijuana users, the group's report stopped well short of recommending regulation comparable to alcohol or tobacco.

It did, however, warn policymakers of the potential consequences of exaggerating the dangers of marijuana. Two of the group's main concerns were particularly — and tragically — prophetic.

The first was that arresting marijuana users causes far more harm than the drug itself. One of the commission's surviving members, the physician J. Thomas Ungerleider, recalled decades later that the group was stunned to learn that at the time 200,000 Americans were

being arrested each year for marijuana. In 2005, nearly 800,000 marijuana-related arrests were made, 89% of which were for simple possession.

The other concern involved what Ungerleider called "the drug abuse industrial complex." The report warned that as more taxpayer dollars were sunk into the anti-marijuana bureaucracy, that bureaucracy's own economic interests would perpetuate — not mitigate — the war on marijuana. Today, in the White House Office of National Drug Control Policy and allied federal agencies, we have a multibillion-dollar empire headed by a drug czar.

Despite the far-reaching consequences of ignoring the commission's recommendations, the lack of response to the National Commission on Marihuana and Drug Abuse would not be the last time the federal government would ignore its own advice on marijuana policy.

In 1988, for example, the DEA's own chief administrative law judge, Francis L. Young, ruled that "[m]arijuana, in its natural form, is one of the safest therapeutically active substances known," recommending its removal from the list of Schedule I drugs — those with no known medical value. The DEA ignored the ruling, and marijuana is still officially considered more dangerous than cocaine and methamphetamine, which are permitted for medical use under federal law.

In 1999, at the direction of the White House, the National Academy of Sciences' Institute of Medicine (IOM) issued a report on marijuana's medical value, stating, "Nausea, appetite loss, pain, and

anxiety are all afflictions of wasting, and all can be mitigated by marijuana." Years later, the IOM committee co-chair, Dr. John Benson, noted that the federal government "loves to ignore our report — they would rather it never happened."

In February of this year, after the DEA had spent years burying an application by a University of Massachusetts scientist to grow research-grade marijuana, another DEA administrative law judge, Mary Ellen Bittner, issued an opinion directing the DEA to approve the request. So far, the DEA has not responded. (See "Lawsuit," p. 8.)

And why should they? For 35 years, the government has successfully stifled any criticism — even by its own public servants — of its senseless war on marijuana users.

Who knows what Nixon expected from Shafer's group when he charged it with developing effective recommendations for marijuana policy, or where we'd be today if the commission's recommendations had received the attention they deserved? Clearly, to policymakers, marijuana policy was more a matter of political expediency and ideology than a public health issue.

Back then, the National Commission on Marihuana and Drug Abuse charitably called that a "signal of misunderstanding." After 35 years, let's call it willful ignorance.

MPP advocates harm-reduction-based marijuana policies.

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with the Rhode Island Patient Advocacy Coalition (RIPAC), led the efforts to make the law permanent.

Rhode Island's legislation also benefited from the state medical community's strong support. The act is named for House sponsor Rep. Thomas C. Slater (D-Providence), who is battling cancer, and Edward Hawkins, the late nephew of its Senate sponsor. Hawkins passed away due to complications from AIDS in 2004.

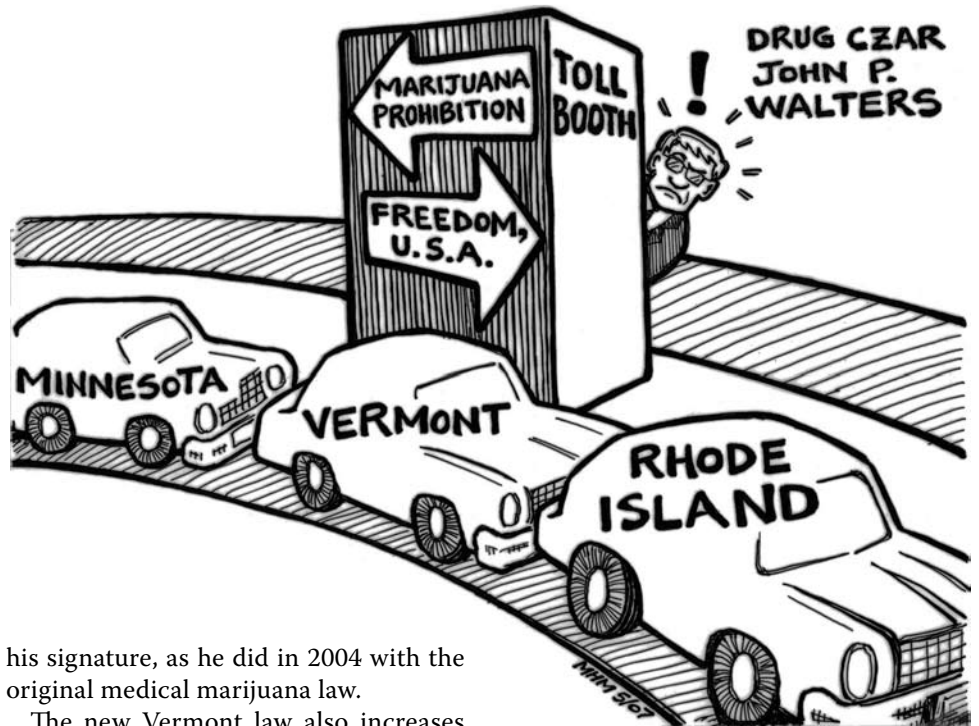
This year's bill removed the original law's sunset provision, doubled the length of time medical marijuana ID cards are valid, and capped the amount of marijuana caregivers can possess. The state police were among the law's few opponents, and they indicated an openness to regulated distribution.

Because of the need to maintain a veto-proof margin, this year's efforts were focused on deleting the sunset provision. However, patients are hopeful that future legislation will improve access to their medicine even further.

Vermont

With MPP leading the way, this year the Vermont Legislature also passed a bill to improve the state's medical marijuana law, with overwhelming bipartisan votes in both chambers. The bill expands current law by adding conditions under which patients can qualify to use medical marijuana. Previously, only patients suffering from cancer, HIV/AIDS, or multiple sclerosis could qualify. In accordance with the bill, the state added serious conditions that cause nausea, wasting, chronic pain, or seizures to the law.

On May 31, Gov. Jim Douglas (R) allowed the bill to become law without



his signature, as he did in 2004 with the original medical marijuana law.

The new Vermont law also increases the number of plants patients and caregivers are allowed to grow from three to nine, and it reduces the non-refundable annual application fee from \$100 to \$50, making the program more affordable to many sick patients whose only source of income is social security or disability and who otherwise might not be able to register for the program.

New Mexico

On April 2, Gov. Bill Richardson (D) signed New Mexico's medical marijuana legislation into law, making New Mexico the 12th state to remove state-level penalties for the cultivation, possession, and use of medical marijuana by patients who have the approval of their physicians.

Gov. Richardson was the first governor

in history to enact a medical marijuana law while running for president. And the bill he signed is the only state medical marijuana law to require a state government to license producers to cultivate and distribute medical marijuana.

In New Mexico, the Drug Policy Alliance had been working to pass this new medical marijuana law ever since then-Gov. Gary Johnson (R) began advocating for drug legalization in 1999. This year, the Senate approved the bill with a 32-3 vote, and the House passed the bill with a 36-31 vote. The new law took effect on July 1.

Visit ri.mpp.org, vt.mpp.org, and nm.mpp.org for more information on these three states. **MPP**

From [Barr](#), page 1

tion that prevented the medical marijuana law from taking effect. As a result, seriously ill District residents continue to be treated as criminals simply for using their doctor-recommended medicine. (In 2002, MPP unsuccessfully sued to overturn this amendment.) Now MPP will be working with Barr to repeal the amendment he authored.

Barr will also be lobbying with MPP to kill the White House drug czar's failed anti-marijuana advertising campaign. A recent

government study showed that these ads not only fail to reduce teen marijuana use, but in some cases actually increase it. As Barr notes, "A lot of conservatives have expressed great concern over the taxpayer money that is being wasted on this poorly run advertising campaign."

Additionally, Barr will be lobbying on MPP's behalf in support of the Hinchey-Rohrabacher medical marijuana amendment. This amendment would prevent the

U.S. Department of Justice (which includes the DEA) from interfering in the growing number of states with medical marijuana laws. In a March 30 Associated Press article discussing the addition of Barr to MPP's ranks, MPP's Aaron Houston said, "He [Barr] brings a great deal of credibility and a lot of gravitas to the cause ... We hope he serves as an example to some of his former colleagues, particularly on the GOP side of the aisle." **MPP**

Cops Plant Marijuana to Cover Murder

In April, three Atlanta police officers were charged — and two pleaded guilty — in connection with the death of 92-year-old Kathryn Johnston, the result of a botched “no knock” drug raid on her home. A search warrant stating crack cocaine was being sold in her apartment allowed the officers to cut through the burglar bars protecting Johnston’s home and burst through her door without identifying themselves. Johnston, who lived alone, apparently mistook the plainclothes officers for intruders and fired on them. She didn’t hit any of the officers. The police responded, firing 39 shots, killing Johnston and apparently wounding three of their own. After her death and a fruitless search of her home, the officers planted marijuana to justify the raid. The FBI is investigating the incident.

Court Rules Against Dying Medical Marijuana Patient

On March 14, a panel of the 9th U.S. Circuit Court of Appeals rejected medical marijuana patient Angel Raich’s latest appeal, potentially sentencing her to death. Because Raich’s doctors believe medical marijuana is essential to her survival, she argued that for the government to deprive her of her medicine would violate the Fifth Amendment, which states that no person may be “deprived of life ... without due process of law.” In June 2005, the U.S. Supreme Court narrowly ruled against Raich in an earlier case, declaring that the federal government may enforce federal marijuana laws even



in medical marijuana states. In that decision, however, Justice John Paul Stevens hinted that the court might be receptive to medical-necessity or right-to-life arguments. In May, Raich announced the end of her litigation battle, vowing to take her fight to Congress instead.

Tyrone Brown Freed

Tyrone Brown, who has been serving life in prison for a petty marijuana crime, was set free in March by the governor of Texas. Brown had served 17 years of a life sentence for testing positive for marijuana while on probation for a \$2 holdup he committed when he was 17. Brown’s harsh sentence received national attention after ABC’s news magazine “20/20” aired a story contrasting Brown’s sentence with that of another probation violator. As a result of the story and the public outcry that followed, Brown received a “conditional pardon” — meaning he is still subject to supervision — from Texas Gov. Rick Perry (R).



MPP Pushes Presidential Candidates on Medical Marijuana

In April, MPP launched a nine-month effort to persuade the presidential candidates to take strong, public, positive positions on medical marijuana during the presidential primary campaign in New Hampshire, which is the first state to hold a primary (on January 22, 2008). The campaign, Granite Staters for Medical Marijuana (GSMM), is helmed by veteran New Hampshire lobbyist and MPP staffer Stuart Cooper.

Thanks to GSMM’s persistence during the last presidential primary, medical marijuana issues became a mainstream part of the 2004 campaign dialogue and received extensive nationwide press coverage. GSMM’s work in 2004 was praised in the largest newspaper in New Hampshire, the *Union Leader*; columnist John DiStaso wrote, “Of all the special interest groups so far involved in the primary campaign, advocates of medical marijuana have been the most active and most visible to this point.”

Already, in the first weeks of this year’s campaign, most of the 18 Democratic and Republican candidates for president have asserted positive positions on medical marijuana access. Sen. John McCain (R-Ariz.), Sen. Chris Dodd (D-Conn.), Sen. Joe Biden (D-Del.), former Wisconsin Gov. Tommy Thompson (R), and New Mexico Gov. Bill Richardson (D), who just signed New Mexico’s medical marijuana law in April, all told GSMM they would end the federal raids on medical marijuana patients if elected. Another candidate, former Sen. Mike Gravel (D-Alaska), was questioned about marijuana while appearing as a guest on C-SPAN, and he quickly answered; “That one is real simple. I would legalize marijuana.” Additionally, Reps. Dennis Kucinich (D-Ohio), Ron Paul (R-Texas), and Tom Tancredo (R-Colo.) have publicly supported an end to the DEA’s raids on medical marijuana patients and their caregivers in the past.

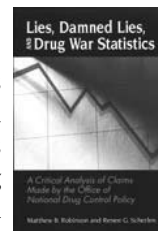
Please visit www.granitestaters.com for further information and to help GSMM build on the impressive start to this campaign. **MPP**



GSMM Campaign Manager Stuart Cooper (left) asks Sen. Chris Dodd (D-Conn.) about his views on medical marijuana in New Hampshire on May 12.

New Book Takes Drug Czar’s Office to Task

The drug czar’s office routinely refused to accurately report its failures in achieving its goals and often resorted to statistical manipulation to cover up those failures, according to two Appalachian State University professors. In their recently published *Lies, Damned Lies, and Drug War Statistics: A Critical Analysis of Claims Made by the Office of National Drug Control Policy*, the pair analyzes the drug czar’s annual reports from 2000 to 2005, examining three broad sets of success claims in the reports — in reducing drug use, in “healing” drug users, and in disrupting drug markets. The authors conclude with the suggestion that the drug czar’s office be terminated or



removed from the White House, as the office acts as a “generator and defender of a given ideology in the drug war.” Visit www.mpp.org/reading to order a copy today.

Drug Czar’s 2008 Budget

Released in February, the fiscal year 2008 budget for the drug czar’s office — the money the White House is requesting from Congress — is business as usual, as it includes roughly twice as much money for law enforcement as for treatment and prevention. Two controversial programs, random student drug testing and the drug czar’s media campaign, are slated to receive budget increases. (The media campaign consists largely of anti-marijuana TV ads, and a government report released last year showed the ads to be ineffective.) Several prevention and treatment programs are facing budget cuts. Congress will make final allocation decisions in the fall.

U.S. Development of Sativex Moves Forward

In February, London-based GW Pharmaceuticals announced a “strategic cannabinoid alliance” with the Japanese firm Otsuka Pharmaceutical Company. The two companies will work together to seek FDA approval for U.S. marketing of Sativex, GW’s liquid marijuana extract currently available in Canada for treatment of multiple sclerosis symptoms. The companies also hope to develop other marijuana-based medicines. The firms plan a clinical trial of Sativex for patients with advanced cancer whose pain is inadequately controlled by traditional medication. The trial is expected to begin before the end of 2007, but dates have not yet been announced.

Netherlands Ranks Highest In Child Well-Being

A February UNICEF report evaluating the well-being of children in affluent nations placed the Netherlands (where a system of official “tolerance” allows adults to possess and purchase marijuana from regulated businesses) at the top of a list that included most European nations. The U.S. ranked next to

last, just above the United Kingdom. The White House drug czar’s office, which regularly claims that the Dutch system is bad for kids, did not comment on the report, which used a point scale to assess kids’ well-being in six different dimensions. Notably, the Netherlands ranked well in the dimensions of “health and safety” and “behaviors and risks,” while the prohibitionist U.S. rated the worst and second worst of all countries, respectively, in the same categories.



Supreme Court Rules in “Bong Hits 4 Jesus” Case

In June, the U.S. Supreme Court tightened limits on student speech, ruling against a high school student and his “Bong Hits 4 Jesus” banner. Schools may prohibit student expression that can be interpreted as advocating drug use, Chief Justice John Roberts wrote for the court in a 5-4 ruling. In March, the court heard arguments in the case. Former White-water special counsel Kenneth Starr spoke on behalf of the Juneau (Alaska) School District, which the 9th U.S. Circuit Court of Appeals ruled last year had violated a student’s right to free speech by suspending him for unfurling the banner across the street from the school.

Marijuana Prisoners Cost \$1 Billion Per Year

U.S. taxpayers spent more than a billion dollars locking up people convicted of marijuana offenses in 2004, according to a February report from the U.S. Department of Justice’s Bureau of Justice Statistics. The report, titled “Drug Use and Dependence, State and Federal Prisoners, 2004,” noted that 12.7% of drug offenders in state prison and 12.4% of

drug offenders in federal prison were serving time on marijuana charges, equaling roughly 44,000 people. The cost of incarcerating those people, according to Department of Justice prison expense data, is about \$1 billion per year. These statistics directly contradict the common misperception that offenders of marijuana laws rarely go to prison.

Legal Resident Faces Deportation for One Joint

A Michigan man who immigrated to the U.S. when he was nine now faces deportation for an arrest for misdemeanor marijuana possession, a case which was eventually expunged. Though Michigan law does not consider it a conviction, immigration courts do. Police found the man in possession of marijuana when he tried to break up a fight. His only hope is now with Congress, which can — as it has on rare occasions — pass a law to declare someone a lawful permanent resident of the United States.

Rosenthal Convicted on Marijuana Charges

In May, self-proclaimed “Guru of Ganja” Ed Rosenthal was convicted in federal district court of marijuana cultivation and conspiracy charges, after the judge prohibited Rosenthal’s lawyers from telling the jury that he was growing the marijuana for patients. The conviction comes just months after the same judge dismissed money-laundering and tax evasion charges against Rosenthal in March, saying that federal prosecutors had vindictively re-indicted him after he publicly criticized them in the wake of his successful appeal of his 2003 marijuana cultivation conviction. In that case, Rosenthal — again not allowed to give the circumstances around his marijuana cultivation — was sentenced to only one day in jail after the jury protested upon hearing the rest of the story. The 9th U.S. Circuit Court of Appeals then overturned that conviction in 2006. Judge Charles Breyer has stated that he will not give Rosenthal any more jail time.



“The academic community that works on drug policy is almost uniformly second-rate. They’re fighting battles over dogma that doesn’t really exist anymore, that’s in the past.”

—Drug Czar John Walters, in a March 2007 interview, when asked about the perception that his office focuses on interdiction at the expense of treatment

Marijuana Odor Not Enough for Warrantless Home Search

In March, the Utah Supreme Court held in a 4-1 decision that the odor of burning marijuana is not sufficient to allow police to enter a residence without a warrant. Justice Ronald Nehring wrote for the majority, “We decline to grant the aroma of burning marijuana a place on an exclusive, limited roster of exceptions to the requirement that a warrant be secured before a lawful search can occur. The aroma of marijuana must be accompanied by some evidence that the suspects are disposing of the evidence, as opposed to casually consuming it.”

Colorado Patient Faces Felony Charges

Thirty-eight-year-old Jack Branson, a 20-year HIV patient who uses marijuana for medical purposes, is facing up to six years in state prison for growing a dozen marijuana plants, which were seized by a law enforcement task force in 2004. At the time of his arrest, Branson wasn’t 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). Branson says he would consider a prison sentence of more than six months to be the equivalent of capital punishment, since he probably can’t live longer than that without his HIV medicine. Branson’s trial is scheduled for August.

Drug Czar Again Warns of Potency Scare

In April, the drug czar’s office warned of a doubling in marijuana potency since the mid-1980s and claimed that this

increase could be causing an increase in teen admissions for marijuana treatment. The drug czar’s office failed to mention, however, that the claim of doubled potency marks a major retreat from Drug Czar John Walters’ prior claims of a 30-fold increase in potency; that federal figures indicate that arrests, not actual addiction, are responsible for increased teen treatment admissions; and no evidence shows that the announced 8.5% average level of THC is in any way harmful. Much of the U.S. media reported the announcement uncritically, prompting *Slate* columnist Jack Shafer to dub it the “Stupidest Drug Story of the Week.”

Oregon Court Upholds Marijuana “Possession” Conviction

In April, an Oregon court of appeals upheld the 2003 felony drug possession conviction of a man who helped a friend — a medical marijuana patient under Oregon’s law — move the friend’s marijuana plants to his new home. The 6-4 decision noted that Oregon’s drug laws provide some exemptions but helping a friend move marijuana plants to a new home isn’t one of them. Four dissenting judges argued that the man didn’t possess the marijuana in a legal sense because he acted at the direction of his friend, who had a legal right to have the marijuana.

Dutch Coffee Shops Unaffected by Possible Smoking Ban

A tobacco smoking ban — similar to ones that other European countries have enacted and which could go into effect in 2008 in the Netherlands — will not be the end of Amsterdam’s coffee shops, say owners and legislators. The ban might encourage the use of vaporizers and pipes, rather than the consumption of marijuana with tobacco in joints, but a spokesperson for the Dutch Cannabis Retailers organization says that most of the more than 700 coffee shops in the Netherlands would not even be affected by it anyway, as they resemble cannabis drive-ins, where people line up, buy, and leave. So far the majority of Dutch parliamentarians have urged that the coffee shops be exempt from any smoking ban.

MPP Newsletter Plugged by *Utne Reader*

In March, *Utne Reader* — a magazine that reprints articles from alternative media — featured MPP’s newsletter, the *Marijuana Policy Report*, in its weekly feature “From the Stacks.” The summary noted, “With a new case involving pro-pot free speech hitting the Supreme Court last week, marijuana is still making headlines, and we’re eager to read MPP’s take on the issue.” Visit www.mpp.org/utne to read the feature.



Fun Facts: Drug Policy Reform Organization Budgets

Organization	Approximate Total Budget
Drug Policy Alliance	\$8,000,000
Marijuana Policy Project	\$6,500,000
ACLU Drug Law Reform Project	\$3,000,000
Americans for Safe Access	\$1,400,000
MAPS	\$1,080,000
NORML	\$800,000
Law Enforcement Against Prohibition	\$454,000
DrugSense (Media Awareness Project)	\$380,000
Drug Reform Coordination Network	\$335,000
Interfaith Drug Policy Initiative	\$288,000
Students for Sensible Drug Policy	\$234,000
Safer Alternative for Enjoyable Recreation	\$125,000

Party at the Playboy Mansion

MPP hosted its second annual party at the Playboy Mansion in Los Angeles on May 14. The event raised a net profit of more than \$160,000 to support MPP's efforts to end marijuana prohibition nationwide.

More than 500 MPP supporters enjoyed a jam-rock performance by the Grammy Award-winning band Blues Traveler, and DJ Pooh played music that kept the crowd dancing all night. Comedian Joe Rogan from NBC's "Fear Factor" and Comedy Central's "The Man Show" emceed the event, and fire dancers performed on decks in the pool in front of a waterfall.

Among the many celebrities in attendance were TV and radio personality Adam Carolla; VH1's "My Fair Brady" stars Adrienne Curry and Christopher Knight; actor Cedric Yarbrough of Comedy Central's "Reno 911"; "Miami Ink" tattoo artist Kat Von D; and musicians Ken Jordan and Scott Kirkland from the Crystal Method.

MPP Executive Director Rob Kampa presented comedian Bill Maher with MPP's Public Face of Reform Award as a token of appreciation for Maher's outspoken views on the need for marijuana policy reform in the U.S. For more pictures from the event, visit www.mpp.org/playboy. **MPP**



Fire dancers entertain the crowd in one of three performances during the evening.



MPP VIP advisory board member Bill Maher accepts the Public Face of Reform Award from MPP's Rob Kampa.



Jam-rock band Blues Traveler performs its hit singles atop the Mansion's famed grotto.



Musician and MPP advisory board member Ray Benson speaks to the media about why he supports MPP's mission.



DJ Pooh spins his tunes.

Boynton Beach Party

On April 28, MPP hosted its first-ever fundraising event in Boynton Beach, Florida, at the beachside home of a major MPP supporter. Jackie "The Jokeman" Martling entertained guests, and MPP Executive Director Rob Kampa spoke to the crowd about the need for marijuana policy reform in Florida and nationwide.

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



(from left) Kampa, Jackie "The Joke Man" Martling, and MPP member John Ferber relax on the beach.



MPP's Nydia Swaby and event co-host Sarina Polak catch some rays.



Partygoers enjoy the sun at a private beachfront house bedecked with an MPP banner.



Martling (left) and Ferber take bids on a painting that raised \$800 for MPP's work.

Medical Marijuana Advocates Win Lawsuit Against DEA

On February 12, medical marijuana advocates won a major victory against the federal government, when the DEA's own administrative law judge (ALJ) ruled that the DEA has been improperly blocking medical marijuana research. (Visit <http://media.mpp.org/ALJfindings.pdf> to read the decision.)

MPP's grants program provided money for the lawsuit, and news of the victory garnered widespread media coverage.

Currently, any researcher who wants to study the therapeutic effects of marijuana must obtain permission from the DEA and a supply of government-grown marijuana from the National Institute on Drug Abuse. Professor Lyle Craker of the University of Massachusetts at Amherst, working in conjunction with the Multidisciplinary Association for Psychedelic Studies, applied to the DEA in 2001 for permission to grow a private supply of marijuana for use in clinical research. The DEA delayed a decision for nearly three-and-a-half years and then finally rejected Dr. Craker's appli-

cation, falsely claiming that international treaties prevented it from granting permission.

The ALJ ruling in February means that the decision to authorize the clinical trials needed to persuade the FDA to approve marijuana as a prescription medicine is now in the hands of America's top drug cop, DEA chief Karen Tandy.

Unlike in other areas of U.S. jurisprudence, the DEA administrator can ignore the ruling of the DEA's ALJ. Indeed, this happened in 1988, when the DEA's ALJ ruled that marijuana has medical value and should therefore be reclassified from Schedule I to Schedule II under federal law. The DEA administrator refused to do so, and, as a result, federal law still incorrectly asserts that marijuana is as dangerous as heroin and LSD — and that cocaine and methamphetamine have more medical value than marijuana.

The case was officially referred to the DEA leadership in May. It is unclear when (or if) Tandy will make a decision. **MPP**

MPP Launches Medical Marijuana Initiative Campaign in Michigan

In May, MPP officially launched a campaign to pass a statewide medical marijuana ballot initiative in Michigan. The Michigan Coalition for Compassionate Care (MCCC), MPP's campaign committee, has begun gathering signatures to put the initiative on the November 2008 ballot.

Signature-gathering is a notoriously difficult process, as validity rates hover around 55%. So even though Michigan law only requires the campaign to collect 304,101 signatures in order to place the initiative on the ballot, MCCC will actually need to collect about 550,000 raw signatures to succeed. But support across the state is strong: 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. Plus, fully 59% of Michigan voters favor a statewide medical marijuana measure, according to a public opinion poll commissioned by MPP.

MCCC will be relying on activists throughout Michigan and supporters from both inside and outside the state to commit either to collecting signatures or to donating or raising money to get the initiative on the ballot. Indeed, within days of the campaign launch, MCCC had already secured one-quarter of the volunteer corps it will need to collect the required signatures.

Please visit www.StopArrestingPatients.org for the latest developments in this exciting effort and to get involved today. **MPP**

Voters Approve Medical Marijuana Initiative in Flint, Michigan

On February 27, Flint became the fifth city in Michigan to pass a medical marijuana ballot initiative, which won with 62% of the vote. The campaign was spearheaded by the Flint Coalition for Compassionate Care and its local volunteers. MPP's grants program provided much of the campaign's funding, and MPP staff provided strategic support to the activists on the ground.

The initiative amends the Flint City Code by exempting patients who use medical marijuana under the direction of a licensed physician from arrest for possession or use of their medicine.

Flint joins four other Michigan cities — Ann Arbor, Detroit, Ferndale, and Traverse City — in protecting medical marijuana patients, and local activists hailed the wide margin of victory as evidence of the broad base of support for medical marijuana access in Michigan.

This support will be crucial to the success of MPP's Michigan ballot question campaign, which has already begun gathering signatures for a statewide medical marijuana initiative in 2008.

MPP



Medical marijuana patient and Flint Coalition for Compassionate Care Chair Charles Snyder suffers from nail-patella syndrome — a rare, genetic bone disorder that causes chronic pain, severe nausea, and muscle spasms.



MPP's on-the-ground-organizer in Michigan, Krystal Martinez, oversees the petitioners charged with collecting the roughly 550,000 signatures needed to place a medical marijuana initiative on the ballot in November 2008.

Media Highlights

Marijuana's Therapeutic Value for Neuropathic Pain

MPP played a major role in publicizing a February study in *Neurology* indicating medical marijuana's effectiveness in alleviating a debilitating pain common for HIV/AIDS patients. The *San Francisco Chronicle* and the *Sacramento Bee* both quoted MPP's Bruce Mirken, who also discussed the study on San Francisco's ABC affiliate KGO-TV, KQKE-AM in San Francisco, KSCO-AM in Santa Cruz, and "The Ed Schultz Show" (which broadcasts in Minnesota, the Dakotas, and parts of Canada). In addition, Mirken and Rob Kampia had op-ed columns about the study published in the *Washington Blade* and AlterNet, respectively.

Bob Barr's Work with MPP

Former congressman and medical marijuana opponent Bob Barr made headlines when he decided to lobby his former Republican colleagues on behalf of MPP. MPP officials were quoted about Barr's work in FOX News Online, the *Washington Examiner*, and the Associated Press.

Medical Marijuana in Statehouses

MPP received significant media coverage in all six states where it was lobbying for medical marijuana legislation during the 2007 legislative sessions — in Illinois, Minnesota, New Hampshire, New York, Rhode Island, and Vermont. Stories featuring MPP included the *Chicago Sun Times* and the *Times* of Ontario, Illinois; Minnesota Public Radio, the *Star Tribune* in Minneapolis/St. Paul, the *West Central Tribune*, and the *Pilot Independent*

in Walker, Minnesota; the *Valley News* in New Hampshire; *The New York Times* and the *New York Sun*; the *Pawtucket Times* of Rhode Island; and the *Times Argus* and the *Call* of Woonsocket, Vermont.

Court Rules Against Dying Medical Marijuana Patient

The 9th U.S. Circuit Court of Appeals' March ruling that Angel Raich can be prosecuted by the federal government for using medical marijuana — despite evidence that it is the only thing keeping her alive — generated considerable media coverage, as well as public outrage. Outlets quoting MPP included the Associated Press, *The New York Times*, the *Los Angeles Times*, National Public Radio, and numerous television and radio affiliates in Oakland, San Francisco, and San Diego. MPP's Kampia told the Associated Press: "This is literally a matter of life and death for Angel and thousands of other patients, and we will keep fighting on both the legal and political fronts until every patient is safe."

Medical Marijuana Dispensaries

Medical marijuana dispensaries received a great deal of local coverage throughout California, notably over federal raids that occurred earlier this year. MPP officials were quoted in the *Los Angeles Times*, the Spanish-language Univision Web site, *Los Angeles City Beat*, the *Desert Sun* in Palm Springs, the *Amador Ledger Dispatch* in Northern California, and the *Los Angeles Business Journal*.

MPP in Print and on Air

In March, MPP's Kampia and Aaron



MPP's Rob Kampia appears on FOX News Channel's "The Big Story" to discuss controversies regarding medical marijuana and children on March 9.

Houston both appeared on FOX News Channel shows to discuss controversies regarding medical marijuana and children. Kampia appeared on "The Big Story," and Houston appeared on "Studio B"

MPP was mentioned in stories about New Mexico's new medical marijuana law, on KKOB-AM in Albuquerque and in the *Free New Mexican* in Santa Fe.

MPP's Mirken was cited in a *USA Today* story about discrimination against medical marijuana patients in the workplace; he noted that state laws lack protections for employees who use the medicine legally.

Mirken also appeared on several radio and TV shows to discuss marijuana policy, including "Access Unlimited" on Los Angeles' KPFK-FM, CBS national radio, the "Tom DeSabra Show" on Washington, D.C.'s WMET-AM, and "Speak Out," a cable TV show on the Filipino Channel.

Houston was also quoted in *Roll Call*, the paper covering Congress, on MPP's campaign contributions. **MPP**



MPP's Aaron Houston (right) talks with "Studio B" host Shepard Smith about minors' use of medical marijuana on FOX News Channel on March 11.

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 ballot initiative campaigns in support of medical marijuana or making marijuana the lowest law enforcement priority. The program also seeks 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. The grants program does not fund political parties or candidates for office, statewide ballot initiatives, or hemp-related projects. **MPP**

State Legislative Briefs

South Carolina



The marijuana policy reform community was saddened this spring by the death of Sen. William Mescher (R-Berkley County), a well-respected member of the state's business community and Republican Party. Displaying a stubborn courage that was the hallmark of his legislative career, shortly before his death he had sponsored South Carolina's first medical marijuana bill in recent history. (Sen. Mescher's first wife died of cancer, and his courageous stand for reform in a conservative Southern state illustrates the significance of a personal understanding of the role medical marijuana can play in the lives of the sick and dying.) Due largely to the senator's influence and stature, the bill received a public hearing and is now being studied by a subcommittee. MPP will be working with South Carolina activists to ensure that Sen. Mescher's courageous stand for compassion moves forward.

New Hampshire



Medical marijuana advocates nearly won an upset victory in New Hampshire in March when the 400-member House of Representatives came within nine votes (177-186) of defeating a motion to kill a medical marijuana bill based on MPP's model bill. The closeness of the vote, which included 24 Republican legislators, surprised many observers. The 177 votes the measure received far exceeded the 116 votes a similar measure garnered in 2005. MPP worked closely with local libertarian groups and Stuart Cooper of the New Hampshire Marijuana Policy Initiative to gain bipartisan support for the legislation. MPP will return to New Hampshire in January to support a similar bill in the Senate and once again seek a vote in the House of Representatives.

Minnesota



The Minnesota House of Representatives adjourned at the end of May without taking action on MPP's medical

marijuana bill, which had already been approved by five committees in the House, as well as the entire Senate, in a 35-29 vote. However, the momentum for reform in Minnesota is strong, so the bill is well-positioned for passage early next year.

Illinois



Compassion and common sense also made strides in Illinois in May when a medical marijuana bill (based on MPP's model bill) received its first-ever floor vote in the Senate. While the bill, sponsored by Sen. John Cullerton (D-Chicago) was not successful (it was defeated in a 22-29 vote), it is noteworthy that a number of senators abstained or did not vote, and as a result, less than half the state Senate ended up voting against the bill. Based on that encouraging showing, MPP expects to return to Illinois next year with new bills in both the Senate and the House, where several Republican members have expressed support for reform.

New York



On June 13, the New York Assembly passed MPP's medical marijuana bill by a 92-52 vote, marking the first time that such a bill has received a vote on the floor of either chamber of the legislature. Unfortunately, the legislature adjourned at the end of June without the Senate taking action on the bill. However, at press time, MPP's lobbyist was spearheading talks with the Senate's Republican leaders and the Democratic governor's office with an eye toward enactment of a solid medical marijuana law later this summer, during a special session. Response from leaders of both parties has been positive.

California



MPP continues to work with Safe Access Now, an MPP grant recipient, and other local activists to ensure that all California counties adopt an ID card system for medical marijuana patients, as required by state law. During the past six months, Butte,

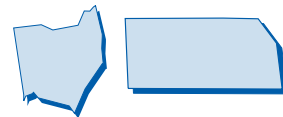
Inyo, Toulumne, Plumas, and Yolo counties have implemented ID cards, meaning that a majority of California's 58 counties are now issuing the cards. Los Angeles County, which has previously approved cards, activated its system on June 1. MPP continues to work with local activists to ensure that Orange County adopts an ID card system as well.

Maine



An effort to strengthen Maine's existing medical marijuana law fell short in the most recent legislative session. However, support for medical marijuana remains strong in the state: When voters adopted the current law by ballot initiative in 1999, it won 61% of the vote and carried every county. Recent polls indicate that support for the law has risen to 67%. Because Maine's law does not provide for a supply system for patients and has a very restrictive list of qualifying conditions, local activists are planning a ballot initiative to improve the law. The Maine Marijuana Policy Initiative, an MPP grant recipient, and others will play a crucial role in building public support for comprehensive reform during the coming year.

Ohio and Kansas



The Kansas Compassionate Care Coalition and the Ohio Patient Action Network, both MPP grantees, have been working toward the introduction of medical marijuana bills in their respective states early next year. MPP expects to actively support legislation promoted by each organization. **MPP**

Locales Where Marijuana-Flavored Candy is Banned:

- Chicago, Illinois • Suffolk County, New York
- Alameda County, California

The Georgia Legislature is currently considering a statewide ban on candy containing hemp essential oil (but lacking measurable quantities of THC).

New Data Show Efficacy of Medical Marijuana for Pain, Safety of Vaporizers

A trio of new studies published early this year provided important new information on the efficacy and safe use of medical marijuana.

In February, a University of California at San Francisco (UCSF) study in the journal *Neurology* showed that medical marijuana can provide safe, effective relief for a type of pain that is notoriously resistant to treatment with conventional pain drugs. The trial involved HIV/AIDS patients suffering from peripheral neuropathy, a painful condition stemming from nerve damage caused either by HIV itself or by the drugs used to treat it. There are no FDA-approved treatments for the condition, which eventually afflicts about one-third of those infected with HIV. The pain, usually centered in extremities such as the feet and hands, can range from mild tingling to agony so severe that patients describe feeling like they are on fire. In this extreme form, the pain can be disabling, making it difficult to walk or even stand.

Neuropathic pain (pain stemming from damage to the nerves) is also common in other illnesses, including multiple sclerosis and diabetes. It often does not respond to conventional pain drugs, including highly addictive opiates.

UCSF researcher Dr. Donald Abrams and colleagues tested the efficacy of smoked marijuana on both HIV neuropathy and a type of laboratory-induced pain specially designed to provide objective measurement. In both types of pain, marijuana provided significant relief, with the first marijuana cigarette reducing pain by an average of 72%. This is particularly significant given that — like all U.S. clinical trials of marijuana — Abrams' study had to be conducted using government-supplied marijuana that is of notoriously poor quality and low potency. The side effects noted were almost all related to marijuana's psychoactive effects (e.g., sedation, disorientation) and were generally mild.

In April, two new studies — one from Abrams' team at UCSF and another from Dr. Mitch Earleywine at the University at Albany, State University of New York — documented the potential safety benefits of vaporizing marijuana instead of smoking

it. While this information is important for anyone using marijuana, it is of particular importance in the medical marijuana debate, as opponents of medical marijuana access often deride smoking. Moreover, in its landmark 1999 report, the Institute of Medicine described the respiratory hazards of smoking as the most serious safety concern for medical marijuana and called for development of “a nonsmoked, rapid-onset cannabinoid delivery system.”

Abrams' study, in the journal *Clinical Pharmacology and Therapeutics*, compared smoking to a commercially available vaporizer called the Volcano in 18 volunteers. The subjects inhaled three different strengths of marijuana either as smoked cigarettes or vaporized using the Volcano. Unlike smoking, a vaporizer does not burn the plant material, but heats it just to the point at which THC and the other active components, called cannabinoids, vaporize. The vapors are collected in a detachable plastic bag with a mouthpiece for inhalation. The researchers then measured the volunteers' plasma THC levels and the amount of expired carbon monoxide (CO), which is considered a reliable marker for the unwanted combustion products in smoke.

The two methods produced similar THC levels (although vaporization levels were slightly higher) and were judged equally efficient for administration of cannabinoids. The big difference was in expired CO. As expected, there was a sharp increase in CO levels after smoking, while “little if any” increase was detected after vaporization. “This indicates little or no exposure to gaseous combustion toxins,” the researchers wrote. “Vaporization of marijuana does not result in exposure to combustion gases, and therefore is expected to be much safer than smoking marijuana cigarettes.”

Earleywine's study, published in the *Harm Reduction Journal*, involved an Internet survey of nearly 7,000 marijuana users. Participants were asked to identify their primary method of using marijuana (joints, pipe, vaporizer, edibles, etc.) and were asked six questions about respiratory symptoms. Adjusting for variables such as age and cigarette use, vaporizer users were found to be 60% less likely than smokers to report respiratory symptoms such as cough, chest tightness, or phlegm. The effect of



MPP's Bruce Mirken (far left) poses with fellow participants in a Conant Foundation public forum about a recent study showing marijuana to be effective at relieving peripheral neuropathy in HIV/AIDS patients: (from left) Allen Hopper of the ACLU Drug Law Reform Project, Dr. Donald Abrams, former California state Sen. John Vasconcellos, and Dr. Marcus Conant (moderator).

vaporizer use was more pronounced the larger the amount of marijuana used.

“Our study clearly suggests that the respiratory effects of marijuana use can be decreased by use of a vaporizer,” said researcher Earleywine, who is also an MPP board member. He noted that the study might have actually underestimated the potential benefits of vaporization, because participants were only asked about their primary means of using marijuana. If some of the vaporizer users in the study also smoked occasionally, the benefit from vaporizing 100% of the time would likely be greater than Earleywine's results indicate.

MPP

Drug-Screening Policies

Situations when employers require drug tests, according to a recent survey.

Applicants offered jobs **84%**

When drug use is suspected **73%**

After an accident on the job **58%**

Random employee testing **39%**

SOURCE: 2006 survey by Society for Human Resource Management, Feb. 5, 2007

Courtesy of The Ledger (Lakeland, FL)

MPP's Benefit Concert

Featuring Willie Nelson and
Ray Benson of Asleep at the Wheel

August 10, 2007

THE BACKYARD
Austin, Texas

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If you aren't already subscribed to our e-mail list, please sign up at www.mpp.org/subscribe so that we can send you free alerts on breaking news updates and important legislative developments in your state and in Congress.

(Don't worry — we only send out a handful of messages each month!)

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, to contact an MPP vehicle donations representative, who will schedule a pickup that's convenient for you.

Visit www.mpp.org/giving for more information.



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



Reason • Compassion • Justice

Register Now!

MPP is proud to be a co-host of the Drug Policy Alliance's 2007 International Drug Policy Reform Conference in New Orleans, Louisiana (December 5-8). Please visit conference.drugpolicy.org for more information.

ASK YOUR DOCTOR TO SPEAK OUT FOR MEDICAL MARIJUANA ACCESS

Visit 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.

