

MARIJUANA POLICY REPORT

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MPP Launches “War on Drug Czar” Campaign

For the better part of three decades, the federal government has been waging a highly publicized and heavily financed “War on Drugs.” While this war has always been misguided, over the past 20 years it has become an increasingly political battle. It has reached the point where the nation’s most prominent drug warrior, Drug Czar John Walters, who directs the White House Office of National Drug Control Policy (ONDCP), now seems more focused on fighting drug policy reformers than on reducing drug use in America.

In a sense, this is a compliment to MPP’s efforts. If MPP were not experiencing such great success, the federal government would not have to dedicate its resources toward



Rob Kampia discusses MPP’s legal complaints against the drug czar on the nationally televised *The O’Reilly Factor* on December 20, 2002.

thwarting reform efforts. At the same time, it is impossible to ignore the power that the feds wield. For example, the drug czar is spending more money on anti-marijuana

see [War on Drug Czar](#), page 10

Maryland Medical Marijuana Bill Inches Closer to Becoming Law

On March 18, after three dramatic votes, the Maryland House of Delegates passed a weakened version of H.B. 702, the Darrell Putman Medical Marijuana Research Act. Earlier in the day, H.B. 702 was defeated by a vote of 68–62, but co-sponsor Del. Bobby Zirkin (D–Baltimore) refused to give up on Maryland’s medical marijuana patients, leading a successful motion to reconsider the bill. In the end, medical marijuana won the day by a vote of 73–62.



Former medical marijuana users Lawrence Silberman and Erin Hildebrandt look on as cancer survivor and bill co-sponsor Sen. David Brinkley (R) testifies February 26 before the Maryland Senate Judicial Proceedings Committee.

On February 6, Del. Dan Morhaim (D–Baltimore), the only physician in the House, introduced H.B. 702 with 55 co-sponsors. Sen. Paula Hollinger (D–Baltimore), a nurse, had previously introduced an identical bill, S.B. 502, in the Senate with 19 co-sponsors.

The original version of the House bill would have protected medical marijuana patients and their caregivers from arrest. It also would have authorized the state’s Board of Physician Quality Assurance to distribute ID cards, requiring the board to collect data from medical marijuana patients and their doctors in order to report to the legislature and governor on the efficacy and safety of medical marijuana.

The current version of the bill allows patients to use an “affirmative defense” in court. If a patient arrested for marijuana can prove that he or she used it for medical purposes, a judge may impose a civil fine of no more than \$100. While the new medical

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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.



We Might Have Just Turned the Corner in Congress

Two or three years from now, we could very well point to Ed Rosenthal's conviction, subsequent jury outrage, and national media firestorm as the turning point that led to Congress' rolling back the federal government's war on medical marijuana users.

Please see page 7 for a synopsis of the criminal conviction of Ed Rosenthal, who grew medical marijuana for patients in the San Francisco Bay Area. In short, he was convicted on January 31 by a federal jury because the judge refused to allow Ed to use such phrases as "medical marijuana," "Proposition 215," and "caregiver" when defending his actions in court.

Immediately after the trial, the jurors rejected their own verdict upon discovering — to their horror — that Ed was a medical marijuana caregiver, not a large-scale, for-profit drug dealer (as the U.S. Justice Department claimed). Juror Marney Craig said, "I did something so profoundly wrong that it will haunt me for the rest of my life. I helped send a man to prison who does not belong there."

The New York Times wrote in an editorial, "The Bush administration's war on medical marijuana is not only misguided but mean-spirited."

This firestorm sparked an idea at the MPP office. Could it be that members of Congress who were previously opposed to making marijuana medically available — or even allowing states to do so — would at least support changing federal law to remove the gag that currently prevents medical marijuana defendants from putting on a real defense in court?

We drafted a bill that is now known as the "Truth in Trials Act" to accomplish this goal. We sought out a new sponsor and found U.S. Rep. Sam Farr (D-CA), who had never before introduced a medical marijuana bill. And we sought out new co-sponsors, landing Reps. Howard Berman (D-CA),

Adam Schiff (D-CA), and Ellen Tauscher (D-CA), none of whom had ever co-sponsored a medical marijuana bill in Congress. Amazingly, a total of 28 House members signed on as original sponsors of the bill.

On April 10, we held a news conference with three members of Congress to mark the introduction of the bill, which will be prominently featured in our next newsletter.

Of course, Ed Rosenthal's wrongful conviction isn't the only tragedy in California. On October 25, 2001, the feds raided Scott Imler's Los Angeles Cannabis Resource Center, as well as Lynn and Judy Osburn's medical marijuana cultivation plot nearby. Afterwards, a spokesperson for the U.S. Justice Department said, outrageously, "The recent enforcement is indicative that we have not lost our priorities in other areas since Sept. 11," according to The New York Times on October 31.

On September 5, 2002, the DEA uprooted Mike and Valerie Corral's medical marijuana plot in Santa Cruz, handcuffing Susan Pfeil — a paraplegic — to her bed.

On July 11, 2002, a federal jury convicted Bryan Epis of a marijuana crime; he was then sentenced to a 10-year mandatory minimum prison sentence. Similar to Ed's case, Bryan was barred from explaining to the jury that he had been growing marijuana to treat his own serious back injuries from a car accident, as well as to provide marijuana to other patients in northern California.

Bryan said it best when he recently wrote (from prison) that he was found guilty under federal law of "conspiracy to follow California law."

We need to change this destructive and cruel federal law. And I think we are now well on our way.

Robert D. Kump

Maryland Bill, from page 1

marijuana bill still lessens the threat of criminal penalties, seriously ill patients would be subject to arrest for using their medicine.

MPP recruited medical marijuana patients to testify before the Senate Judicial Proceedings Committee on February 26 and Del. Joe Vallario's (D-Prince George's) House Judiciary Committee on March 4. MPP also mailed

letters to nearly 72,000 constituents of key members of both committees, asking them to contact their legislators in support of medical marijuana. As a result, members of both committees received thousands of postcards and phone calls in support of medical marijuana.

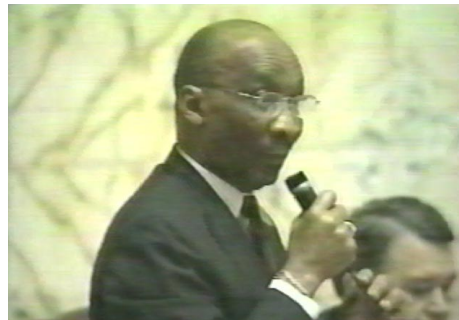
Despite widespread public support for medical marijuana and compelling testimony from patients, Chairman Vallario refused to allow a comprehensive medical

marijuana bill out of his committee, instead substituting the same weakened bill that his committee passed last year. On March 7, this "affirmative defense" bill passed the House Judiciary Committee by a 13-7 vote and made its way onto the House floor.

Since its victory in the House of Delegates, the bill squeaked through the Senate Judicial Proceedings Committee by a 6-5 vote on March 20 and the Senate Education, Health, and Environmental Affairs Committee by a 7-2 vote the next day. As this newsletter went to press, the bill was expected to sail through the full Senate, where nearly half of its 47 members are co-sponsors. Gov. Bob Ehrlich (R), a co-sponsor of the federal medical marijuana bill when he was in the U.S. House of Representatives last year, has repeatedly declared his support for medical marijuana. MPP fully expects Gov. Ehrlich to sign the bill into law. **END**



In the Maryland Senate debate on March 24, lead sponsor Sen. Paula Hollinger (D) urges her fellow senators to have compassion for Maryland's medical marijuana patients.



Co-sponsor Sen. Nathaniel Exum (D) recounts the passing of his 25-year-old daughter from cancer: "If we could have gotten her marijuana, we would have done that for her."

State Action Update

Vermont: Medical Marijuana Bill Passes Senate

Armed with encouraging results from a state medical marijuana committee, supportive legislators ushered medical marijuana bill S. 76 through the Vermont Senate by a vote of 22–7 on March 13.

Last year, the Vermont Medical Marijuana Study Committee was created as a compromise between the House's effective medical marijuana bill and the Senate's severely weakened one. The committee's positive report has greatly helped the medical marijuana movement in Vermont.

By a unanimous 5–0 vote, the entire Senate Health and Welfare Committee introduced S. 76 as a committee-sponsored bill on February 9. The bill then passed through the Judiciary Committee on February 27 with a 5–1 vote, with only a minor amendment. The following day, S. 76 swept through the Finance Committee with a 6–0 vote.

The subsequent victory on the floor of the Vermont Senate sent the bill to the House, where it must now pass the Health and Welfare Committee and the Judiciary Committee in order to receive a vote on the House floor.

While newly elected Gov. Jim Douglas (R) has acknowledged the benefits of medical marijuana, recent media accounts indicate that he does not want to challenge the federal government's inhumane stance on the issue. Thankfully, he has given no indication that he plans to veto S. 76 if it arrives on his desk. The most likely scenario is that he will ask his Republican colleagues in the House to stall on the bill so that it never reaches his desk. MPP is planning several strategies to ensure that Gov. Douglas follows the will of Vermont's citizens and legislators and signs the bill if it passes both chambers.

Connecticut: Medical Marijuana Bill Awaiting Critical Committee Vote

As this edition of *Marijuana Policy Report* went to print, Connecticut's medical marijuana bill, H.B. 5100, was awaiting a critical committee vote.

On January 13, four Connecticut representatives and one senator—led by Rep. Jim Abrams (D–Berlin and Meriden)—co-sponsored the bill, which was immediately referred to the Joint Judiciary Committee. Last year, the committee failed to take action on Abrams' bill, killing it through inaction and dashing the hopes of Connecticut's medical marijuana patients.

The 43-member committee is almost evenly split on the issue, and a vote was expected by late March. MPP has mailed letters to more than 36,000 Connecticut voters, targeting the districts of 12 key committee members. As a result, the representatives and senators of the Joint Judiciary Committee will each receive about 100 pro-medical marijuana postcards and phone calls in the days before the vote takes place.

If the medical marijuana bill passes through the Joint Judiciary Committee, it will move on to the Joint Public Health Committee, where prospects for passage look good. A victory in this committee would give medical marijuana its first vote on the floor of the Connecticut House of Representatives.

New York: Looming Battle for Medical Marijuana

On March 3, Assemblyman Richard Gottfried (D–Manhattan) introduced a medical marijuana bill, A. 5796, in the New York Assembly with 27 other co-sponsors.

The bill has since been referred to the Assembly Health Committee, which Assemblyman Gottfried chairs. MPP has sent out a mailing to all 60,000 New York doctors, seeking to enlist their support for the bill.

Over the past few months, Assemblyman Gottfried has garnered

public support and awareness for medical marijuana with public hearings in New York City and Albany. On March 12, a resolution urging the legislature to pass A. 5796 was introduced in the New York City Council. It is likely that the resolution will pass, and MPP looks forward to welcoming New York City as an ally in the fight to protect medical marijuana patients.

Massachusetts: Important Marijuana Bills Introduced

On November 5, citizens from 16 Massachusetts legislative districts voted to instruct their legislators to remove criminal penalties for possession of small amounts of marijuana, and citizens from an additional three districts voted to instruct their legislators to remove penalties for possession of any amount of marijuana. This year, MPP and other Massachusetts activists have already begun the process of turning these local election victories into a good state law.

Sen. Charles E. Shannon (D–2nd Middlesex) has introduced S.B. 207, which would make possession of less than one ounce of marijuana punishable by only a \$100 civil fine. Rep. Patricia Jehlen (D–27th Middlesex) has cross-filed an identical bill, H.B. 2392, in the House. The bills have both been referred to the Joint Criminal Justice Committee, and a hearing is scheduled for April 9.

The fight for medical marijuana has also begun for the 2003 session. Rep. Frank Smizik (D–15th Norfolk) introduced H.B. 2965, a bill that would protect patients from arrest. This bill has been referred to the Joint Committee on Health Care, where it is likely doomed because one of the committee co-chairs is hostile to medical marijuana.



Visit the legislative monitoring site for your state using the pull-down menu on MPP's home page, or go directly there by typing your state's name or two-letter abbreviation after MPP's address. For example:

<http://www.mpp.org/NY>

Media Botches Reporting on Two “Gateway Theory” Studies

Two well-publicized studies examined the so-called “gateway theory,” the notion that marijuana somehow leads people, especially adolescents, toward the use of more dangerous drugs. Prohibitionists often claim that marijuana must remain illegal to prevent this “gateway effect.”

In a study published in the December 2002 issue of the journal *Addiction*, Andrew Morral and colleagues at the RAND Corporation took a new look at the most commonly cited evidence for the gateway effect: the fact that people who use marijuana are more likely to eventually use hard drugs than those who never try marijuana. Does this mean that marijuana induces an interest in hard drugs, or could other factors—such as a general propensity to try drugs and/or take risks—explain the apparent progression?

Applying statistical modeling techniques to data from U.S. government-funded drug use surveys, Morral and his team concluded, “Our model demonstrates how the observed correlations in the use of marijuana and hard drugs may be entirely due to individuals’ propensity to use drugs and their opportunities to use them.” In other words, some people may just be more interested in trying drugs. They may use marijuana first because it’s the easiest to obtain, not because it causes them to try other substances.

But some media outlets reported erroneously that Morral had disproved the gateway theory. The scientist, to his credit, wrote letters-to-the-editor explaining that he hadn’t gone that far, but had simply shown that the statistics cited in support of the gateway hypothesis could be completely explained without it.

Another study, appearing in the January 22 issue of the *Journal of the American Medical Association*, appeared to bolster the gateway theory. Michael Lynskey and colleagues looked at 311 pairs of Australian twins, nearly half of them identical. Comparing those who used marijuana before age 17 with their twins who tried it later or not at all, they found that the earlier marijuana users were more likely to try other drugs as they

got older. This pattern held true for both identical and fraternal twins.

This, Lynskey wrote, was “consistent with early cannabis use having a causal role as a risk factor for other drug abuse.” The researchers noted that identical twins would share any genetic propensity to use drugs and that twins raised in the same home should also share the same environmental factors. Although they added, “It is not possible to draw strong causal conclusions solely on the basis of the associations shown in this study,” media accounts consistently cited the study as supporting the gateway hypothesis.

However, as University of Southern California psychologist Mitch Earleywine pointed out in a commentary published in the *Santa Fe New Mexican*, there were good reasons to doubt such a conclusion. First, Lynskey omitted from his analysis any twins who used hard drugs before trying marijuana, so anyone reversing the alleged gateway path wasn’t even considered. Second, the article stated—but the media failed to acknowledge—“Early regular use of tobacco and alcohol emerged as the two factors most consistently associated with later illicit drug use and abuse/dependence.” Yet the discussion section of Lynskey’s paper failed to even consider that these might be the real gateway drugs.

Both Lynskey and the media failed to address an even more fundamental issue. Something clearly caused some of these youths to try marijuana at a younger age than their twin siblings, so before they ever touched marijuana there was already a measurable difference in their drug-trying behavior. In other words, early marijuana use was most likely a marker for some factor or trait the researchers failed to identify. Nevertheless, it’s a safe bet this study will be cited by prohibitionists as “proof” of the gateway effect.

Federal Government Finds State Medical Marijuana Laws Working Well

Prohibitionists were disappointed by the November 2002 report from the U.S. General Accounting Office, which examined the experiences of Alaska, California, Hawai‘i, and Oregon in implementing their medical marijuana laws. The GAO investigation, instigated by arch-prohibitionist Rep. Mark Souder

(R-IN), found no cause for alarm, noting that most law-enforcement officials described the laws as having little or no impact on their work. Most users enrolled in state medical marijuana registries were found to be over age 40 and using marijuana to treat chronic pain or muscle spasms.

The U.S. Justice Department claimed that the GAO was too soft on the medical marijuana states. Robert F. Diegelman, an acting U.S. assistant attorney general, reviewed the report and complained that state medical marijuana laws create “legal loopholes for drug dealers and marijuana cultivators to avoid arrest and prosecution.” The GAO, however, stood by its findings.

British Lung Foundation Distorts Findings on Marijuana and Lung Cancer

In one of the most shameless examples of junk science seen in some time, the British Lung Foundation released a report titled “A Smoking Gun? The Impact of Cannabis Smoking on Respiratory Health.” Breathlessly announced on BLF’s Web site as a “shocking new report,” the document—unsigned and undated but released in early November—actually contained no new data.

BLF consistently took the most damning information out of context and omitted contradictory data. For example, it noted that one chemical in marijuana smoke can affect a cancer-suppressing gene, potentially increasing the risk of lung cancer, without noting that in decades of trying, scientists haven’t found evidence that smoking marijuana actually increases lung cancer rates. It darkly warned that increased marijuana potency in recent years “suggests that earlier studies may underestimate the effects”—without bothering to consider that more potent marijuana means that users smoke less and thus inhale less tar and other unwanted components of smoke.

Many media outlets accepted the report uncritically, but *AIDS Treatment News* noted, “The BLF paper on marijuana is not a scientific or medical review but a political document—a fact the press largely overlooked. It appears to have been rushed into print now in order to counter recent efforts in the UK and elsewhere to ease the drug war.”

MPP Media Highlights

MPP continues to aggressively seek media coverage on its many projects. Whether through speaking on live local radio shows, staging press conferences, providing comment for national wire stories, or writing op-eds for newspapers nationwide, MPP strives to counter the misleading and often inaccurate information put out by the federal government and other prohibitionists.

MARYLAND

MPP's bill to protect Maryland medical marijuana patients from arrest has been consistently covered by the local print media. After the modified House bill passed the Maryland Senate, the story was covered in *The Washington Times*, Hagerstown's *Herald-Mail*, and Baltimore's *Sun* (all 3/27). MPP was quoted in *Washington Post* (3/27) and Associated Press (3/26) articles, and *The Washington Times* (3/26) ran a letter-to-the-editor from MPP's Bruce Mirken criticizing Drug Czar John Walters' condemnation of the bill. Mirken also spoke to WNAV-AM (2/18) and WHUR-FM (3/27) about medical marijuana efforts in Maryland and elsewhere.

The *Sun* (3/25) detailed the time and money MPP spent to pass the bill, and the *Herald-Mail* (3/2) and *Sun* (3/27) ran features on Erin Hildebrandt, a Maryland mother of five who has worked with MPP to tell lawmakers how medical marijuana has helped her.

The bill's progress through hearings and votes in both chambers of the legislature was covered reliably in the *Sun* (1/17, 2/27, 3/19, 3/21), *The Washington Post* (2/27, 3/13), the *Herald-Mail* (2/27), *Carroll County Times* (2/27), *Montgomery Gazette* (1/17, 1/22), and the Associated Press (2/28, 3/18).

"If you want to play to win, you got to spend the money."

— MPP's Rob Kampia in the *Sun* in Baltimore (3/25)

VERMONT

MPP's efforts to pass medical marijuana legislation in Vermont have resulted in reliable coverage by local and some national media outlets. Vermont Public Radio (2/7 and 3/12) and the *Barre-Montpelier Times-Argus* (2/6 and 3/14) covered the bill's progress through committees and the full Senate, and the Associated Press ran a story (3/12) on the Senate vote.



Sen. James Leddy (D-Chittenden) speaks in favor of S. 76 on March 13, moments before the Vermont Senate overwhelmingly passes the bill.

MPP vs. DRUG CZAR

NEVADA CAMPAIGN—Coverage of MPP's assault on Drug Czar John Walters' illegal campaign against Nevada's Question 9 kicked off with a FoxNews.com article (11/19), followed by a scathing indictment of the drug czar's activities in *Reason* on-line (12/3).

After MPP filed its official complaint with the federal Office of Special Counsel, MSNBC.com (12/4/2002 and 12/7/2002), Reuters (12/5/2002), the *Las Vegas Review-Journal* (12/5/2002), *Las Vegas Sun* (12/5/2002), and *Austin Chronicle* (12/20/2002) covered the story. *The Washington Times* (12/8/2002) and the *Las Vegas Review-Journal* (12/8/2002) ran MPP's Rob Kampia's op-ed outlining the basis of the lawsuit. Kampia then appeared on Fox News Channel's *The O'Reilly Factor* (12/20/2002) to explain the unprecedented move against the drug czar.

MPP's complaint to the Nevada Secretary of State was covered with articles in the *Las Vegas Review Journal* (1/16), *Las Vegas Sun* (1/16),

"We want to win this war and end marijuana prohibition, and one of the ways that we're going to win this war is to emasculate the drug czar so that he can't spend taxpayer money opposing us."

— Rob Kampia on Fox News' *The O'Reilly Factor* (12/20/2002)

and *Reason* on-line (1/16), and it was mentioned in the *Cato Daily Dispatch* (1/17). The story also resulted in an Associated Press story that ran in the *San Francisco Chronicle* (1/16) and several Nevada papers, including the *Reno Gazette-Journal* (1/17).

Walters' refusal to provide an account of his campaign expenses was covered by the *Las Vegas Review-Journal* (1/29), *Las Vegas Sun* (1/29), the Associated Press, and columns in the *Las Vegas Tribune* (2/5) and Texas' *Times Record News* (2/8). In *These Times* magazine (2/24) also reported on the story.

TV AD—MPP's groundbreaking television ads were covered by a *National Journal* article (3/5) and an Associated Press story that ran in newspapers nationwide, including the *Milwaukee Journal Sentinel* (2/27), *Indianapolis Star* (3/2), and *Sarasota Herald-Tribune* (2/27), as well as on the Web sites of the *Boston Globe*, Excite.com, and *FindLaw Legal News*.

WAR ON MEDICAL MARIJUANA

MPP commented in the print and broadcast media about the Ed Rosenthal case. MPP's Bruce Mirken kept in constant contact with San Francisco-based and national journalists, updating them on the progress of the trial. Mirken was quoted in the *Oakland Tribune* (2/1) and had letters-to-the-editor published in the *San Francisco Bay Guardian* (2/12), *San Mateo County Times* (3/5), and *New York's Forward* (3/7). Additionally, MPP's Rob Kampia spoke on the nationally syndicated *American Breakfast* radio show (1/28) about the ramifications of the Rosenthal trial. MPP also worked with Rosenthal juror Marney Craig, whose op-ed denouncing the verdict ran in the *San Jose Mercury News* (2/6).

"This trial had about as much in common with justice as the Soviet show trials during Stalin's regime. The judge's instructions to the jury were perhaps more truthful than he realized when he told them they couldn't consider their sense of justice. Justice clearly had no place in Judge Breyer's courtroom, and that ordained the result."

— MPP's Bruce Mirken on the Ed Rosenthal verdict in the *Oakland Tribune* (2/1)

BEHIND THE SCENES

MPP also worked behind the scenes to publicize other efforts to reform the marijuana laws. Through news releases and calls to key reporters, MPP brought national press attention to the Dutch government's recent move to put government-sanctioned medical marijuana in pharmacies. An Associated Press article (3/17) on the Dutch program ran in newspapers across the U.S. and Canada.

Additionally, MPP kept the national media apprised of developments in the Monson/Raich lawsuit against the federal government; this work resulted in several Associated Press (10/9/02, 1/9, 3/10) and *Oakland Tribune* (10/10/2002, 10/31/2002, 12/18/2002, 3/11) articles that ran in newspapers across California. The *Chicago Tribune* (10/10/2002) and *San Francisco Chronicle* (3/11) were among others covering the story.

"All we ask is that he follows the law and play by the same rules we had to obey. We reported our campaign expenditures, and he should report his."

— MPP's Steve Fox in *In These Times* magazine (2/24) on Drug Czar John Walters' refusal to detail his Nevada campaign expenditures

Leroy Stubblefield

Leroy Stubblefield became the first person in Oregon to have his medical marijuana seized by federal agents when they raided his home in September 2002 and removed 12 plants from an indoor grow room. Neither Stubblefield nor his two caregivers—Steve Russell and Clarence VanDeHay—were arrested during or since the raid.



Leroy Stubblefield is the first Oregon medical marijuana patient to have his medicine seized by federal agents.

Confined to a wheelchair since 1969, Stubblefield became a quadriplegic after a serious car accident the day after he returned from a tour of duty in Vietnam. He suffers from sleep apnea and post-traumatic stress disorder, both of which his doctors believe are linked to his combat experience. Medical marijuana eases Stubblefield's pain and reduces his reliance on other medications, including methadone. He has been legally certified as a medical marijuana patient under Oregon state law since 1999; Russell and VanDeHay are both state-licensed medical marijuana caregivers.

State law permits up to seven plants (three mature, four immature) per person, so the 12 plants seized from Stubblefield and his caregivers were well within the legal limits. The Portland-based Hemp & Cannabis Foundation (THCF) replaced Stubblefield's plants after the raid. On January 13, THCF filed a lawsuit against the DEA and U.S. Attorney General John Ashcroft, asking for an injunction against future medical marijuana raids in Oregon. As this newsletter went to press, no hearing date had been scheduled.

Valerie and Mike Corral

Months after the September 5 raid of their medical marijuana garden, Wo/Men's Alliance for Medical Marijuana (WAMM) founders Valerie and Mike Corral continue their fight against the federal government.

Shortly after the WAMM raid, the Corrals filed a lawsuit against the DEA, seeking the return of their seized property—including 167 marijuana plants. Though the motion was denied in late 2002, an appeal was being planned as this newsletter went to press.

On December 10, Valerie and Mike Corral were deputized by the Santa Cruz City Council with a 7-0 vote. According to the Associated Press, "They now have the authority to cultivate, distribute and possess medical marijuana under the city's ordinance."

And the City and County of Santa Cruz have joined the Corrals and their legal team—Ben Rice and Gerald Uelman—in seeking an injunction against further raids of the WAMM property, which was also in progress as this newsletter went to press.



Valerie and Mike Corral, founders of the Wo/Men's Alliance for Medical Marijuana, continue to fight for the right to provide medical marijuana to seriously ill people.

Caught in the Crosshairs: The Feds' War on Medical Marijuana Users

The federal government's war on medical marijuana continues unabated in California and now also in Oregon. As U.S. Attorney General John Ashcroft ignores the very real threat of domestic terrorism and instead pursues seriously ill people and their caregivers, the American public is becoming increasingly incensed at the feds' skewed priorities. Newspapers across the country—from *The New York Times* to Florida's *St. Petersburg Times* to Baltimore, Maryland's *Sun*—joined the California press to decry the Rosenthal verdict, railing against federal laws that allow only partial truths to be heard in medical marijuana trials.

Steve McWilliams

On February 7, Steve McWilliams pleaded guilty to a felony charge of marijuana cultivation in an unusual plea bargain with federal prosecutors. McWilliams, who runs Shelter from the Storm, a San Diego medical marijuana dispensary, faces a possible six-month prison term.

Federal agents raided McWilliams' home, which he shares with business partner Barbara MacKenzie, on September 24. Twenty-five plants, loose marijuana, and growing equipment were seized. Local television crews were on hand for the raid, thanks to a heads-up letter sent to McWilliams by U.S. Attorney Carol Lam just days earlier, who threatened arrest if he did not stop growing marijuana. McWilliams was formally arrested a couple of weeks later.

McWilliams has been arrested several times on various medical marijuana charges. In a July 1999 raid of the garden that supplied Shelter from the Storm, county authorities refused to press charges, leaving the choice to prosecute up to their federal counterparts. As part of the current plea bargain, federal prosecutors dropped all charges from the 1999 raid, meaning McWilliams no longer faces a five-year mandatory minimum sentence.

As a condition of his pre-sentencing release, McWilliams, a medical marijuana patient himself, is subject to regular drug testing. As a result, he can no longer use marijuana and must use less-effective Marinol instead.

McWilliams' attorney, David Zugman, told the *San Diego Union-Tribune* that his client would likely receive up to three years' probation instead of jail time. Additionally, the plea bargain allows McWilliams to appeal his case to the Ninth U.S. Circuit Court of Appeals—an unusual agreement because most plea bargains preclude further appeals. The Ninth Circuit ruled in a separate case in October that doctors cannot be barred from recommending marijuana to their patients—and in 1999 ruled that the Oakland Cannabis Buyers' Cooperative could use a "medical necessity" defense to federal marijuana charges (a decision later reversed by the U.S. Supreme Court).

McWilliams is scheduled to be sentenced in April by U.S. District Judge James Fitzgerald, who was part of the unanimous 1975 Alaska Supreme Court decision declaring marijuana a relatively harmless substance and that the state has no right to penalize adults for using it in private.



Steve McWilliams, a medical marijuana patient and caregiver, pleaded guilty to federal cultivation charges rather than face a jury trial in which he could not mention the medical aspects of his case.



Medical marijuana patients Diane Monson (left) and Angel Raich (right) filed a lawsuit to prevent the federal government from prosecuting them.

Diane Monson and Angel McClary Raich

On March 10, U.S. District Judge Martin J. Jenkins refused to grant an injunction against the federal government on behalf of medical marijuana patients Diane Monson and Angel McClary Raich. The two women were seek-

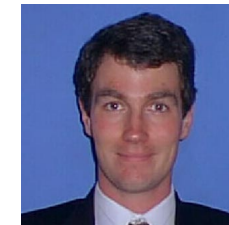
ing to prevent future raids or arrests related to their use, possession, and/or cultivation of medical marijuana. Monson's home was raided in August and six plants were seized by federal agents, despite a plea from the county's district attorney to leave Monson's medicine alone.

Robert Raich, husband of Angel and lead counsel in *U.S. v. Oakland Cannabis Buyers' Cooperative*, filed the suit in October with attorneys David Michael and Randy Barnett. The suit specifically addressed the constitutional aspects of medical marijuana that weren't covered in the U.S. Supreme Court's *Oakland* decision: Federal interference with medical marijuana violates the Fifth, Ninth, and Tenth Amendments; it oversteps the powers given to Congress under the Commerce Clause; and medical necessity is a valid defense for patients.

Angel McClary Raich used to obtain medical marijuana from the Oakland cooperative before the Supreme Court decision barred it from distributing marijuana. She suffers from a long list of serious health problems, including an inoperable brain tumor, fibromyalgia, scoliosis, severe weight loss, seizures, and post-traumatic stress disorder, none of which respond to traditional medicines. Her physician, Dr. Frank Lucido, submitted written testimony supporting her medical need for marijuana, as did Monson's physician, Dr. John Rose. Monson uses medical marijuana to relieve chronic back pain and spasms.

Judge Jenkins' March order struck down virtually all of the lawsuit's arguments. Jenkins pointed to a large body of legal precedent in ruling that Congress was acting within its constitutional powers when it enacted the Controlled Substances Act, which applies even in cases like Raich's and Monson's where no interstate commerce exists. Additionally, he ruled that patients do not have a fundamental right to obtain and use marijuana as medicine—and that the Supreme Court's ruling on medical necessity also applies to manufacture, possession, and use.

Raich and Monson filed a Notice of Appeal with the Ninth Circuit Court of Appeals on March 12.



Jeff Jones

Jeff Jones, head of the Oakland Cannabis Buyers' Cooperative, was sentenced to three months in federal prison for influencing potential jurors for the Bryan Epis trial. Less than a week after his sentencing, however, Jones' sentence was overturned by a repentant judge, who instead ordered three years' probation.

On June 24, Jones was one of a group of protesters distributing leaflets to potential jurors entering the courtroom where medical marijuana patient and caregiver Bryan Epis was later found guilty of cultivating marijuana and sentenced to 10 years in federal prison. U.S. District Judge Frank C. Damrell, Jr., dismissed the entire pool of potential jurors as a result of the leaflets, and Jones was arrested.

After a brief non-jury trial in December, Jones was found guilty of "an attempt to influence jurors" by U.S. Magistrate Peter A. Nowinski. During the trial, Jones' attorney, Michael Bigelow, blamed Judge Damrell for needlessly dismissing 42 potential jurors, claiming that the judge had acted out of "pique, rather than reason." Judge Nowinski was visibly upset by these remarks and found Jones guilty.

At the February 27 sentencing, Judge Nowinski ignored the recommendation of Jones' probation officer—who advised continued probation rather than jail—and sentenced the activist to spend three months in federal prison and to pay restitution of \$3,925 (the cost of gathering a second jury pool).

Judge Nowinski later had a change of heart. On March 3, the day Jones was prepared to surrender himself to the Atwater Federal Prison, Judge Nowinski reversed his sentence, assigning Jones three years of supervised probation instead of incarceration. He also declined a prosecutor's request to levy an additional \$1,000 fine, saying "I think I'll not today. ... I'm sure Mr. Jones has had \$1,000 worth of anguish over the weekend."



Ed Rosenthal Convicted, Faces Up To 40 Years in Prison

On January 31, well-known activist Ed Rosenthal was convicted of several federal marijuana charges. Rosenthal had been deputized by the City of Oakland to grow marijuana for seriously ill residents, but the jury was not allowed to hear any mention of the medical aspects of his case. After learning that they had convicted an innocent man, nearly half the Rosenthal jurors called for a new trial and apologized to Rosenthal and his family. As this newsletter went to press, there were allegations that one juror had received outside legal advice during the trial, a charge that could result in a retrial.

Rosenthal is scheduled for sentencing on June 4, after which the *Marijuana Policy Report* will provide full coverage of his case.

Ed Rosenthal speaks to reporters after being found guilty of growing marijuana for seriously ill people.

In Brief

Two Alaska Ballot Initiatives Delayed

The reform group Free Hemp in Alaska sued local and state officials after its two marijuana ballot initiatives were blocked from the ballot.

On November 19, 2002, Citizens for Implementing Medical Marijuana (or CIMM, which is affiliated with Free Hemp) filed a lawsuit against Anchorage city officials after CIMM's marijuana paraphernalia petition was blocked from the local April 2003 ballot. The petition, which would give city residents "the right to buy, sell, or possess those items which could be used to consume, grow or process marijuana for medicine," was rejected because it did not have enough signatures. CIMM disputed the signature count, eventually verifying that there were sufficient signatures, but city elections officials revised their argument, citing "false and misleading" ballot language. The group hopes that the issue will appear on the April 2004 ballot.

State voters approved a medical marijuana initiative in 1998, shortly after which city lawmakers passed an ordinance prohibiting marijuana paraphernalia.

In a separate legal action, Free Hemp filed suit on January 28 against the state Division of Elections after Lt. Gov. Loren Leman (R) rejected the group's state ballot initiative to remove criminal penalties for adult use of marijuana. The suit seeks to force the initiative to appear on the next statewide election ballot—presumably in the fall of 2004.

Petition sponsors turned in 484 books containing more than 50,000 signatures. After a cursory examination of the books, state officials disqualified 194 of them because Free Hemp had not accounted for who had gathered those signatures. The accepted signature books contained more than 21,000 of the 28,782 signatures needed.

The *Anchorage Daily News* reported that the petition sponsors claim to have been told by a Division of Elections employee that the sponsor-accountability report was not required; the lawsuit also cites the petition rejection as an unconstitutional deprivation of registered voters' political free speech.

New NIDA Director Appointed

On January 23, drug addiction researcher Nora Volkow, M.D., was appointed to head the National Institute on Drug Abuse. Dr. Volkow was previously a professor and associate dean at the State University of New York at Stony Brook and a researcher at Brookhaven National Laboratory.



Dr. Nora Volkow will head the National Institute on Drug Abuse.

Volkow is known for her research on how drugs affect the brain's dopamine system. She is a leading proponent of the theory that drug addiction causes permanent changes in brain chemistry and should therefore be treated as a medical disorder, not a mark of personal weakness.

Glen Hanson, Ph.D., had been NIDA's acting director since the departure of Alan Leshner, Ph.D., in 2001. MPP was a vocal critic of Leshner, who repeatedly blocked efforts to study marijuana's medical efficacy.

Asa Hutchinson Leaves DEA for National Security Job

DEA Special Agent John B. Brown, III, was appointed acting administrator of the DEA after Asa Hutchinson left the post in late January to become undersecretary of border and transportation security in the newly formed U.S. Department of Homeland Security. Brown has worked for the DEA since 1972.

Under Hutchinson's reign, medical marijuana patients and caregivers—mainly in California but also in Oregon (see page 6)—had been increasingly subjected to federal intrusions. Raids on medical marijuana providers began, in fact, just a month after the start of the Hutchinson regime, with a September 2001 raid of the home of patient and physician Mollie Fry and the October 2001 raids of Lynn and Judy Osburn's ranch and the Los Angeles Cannabis Resource Center. Since then, the stream of raids, arrests, and prosecutions includes the September

2002 raid of the Wo/Men's Alliance for Medical Marijuana, the 10-year sentence given to patient and provider Bryan Epis in October 2002, and the January 2003 conviction of provider Ed Rosenthal.

MPP will actively campaign against any nominee for DEA administrator who refuses to stop the raids on medical marijuana patients and caregivers. For more information, see DontConfirmTheRaids.org.

Fighting Terror, One Bong at a Time

On February 24, the DEA—in conjunction with district attorneys across the country—launched a series of raids and indicted 55 people involved with the manufacture and on-line sale of drug paraphernalia.

The crackdown, named "Operation Pipe Dreams" and "Operation Headhunter," targeted mainly large-scale paraphernalia manufacturers and on-line merchants, but several run-of-the-mill "headshops" in western Pennsylvania were also shut down. Tommy Chong, of "Cheech and Chong" fame, saw his business raided but was not arrested.

The feds commandeered the Web sites of raided businesses, and visitors to the sites are now greeted with images of American flags and references to the federal statute against paraphernalia. Free speech advocates have questioned the unprecedented seizure of not just physical property but Internet domain names. As David Sobel, general counsel for the Electronic Privacy Information Center, told the Associated Press, "The government is suddenly in a position of being able to monitor the Web-surfing activities of unwitting individuals

see [In Brief](#), page 9



Asa Hutchinson (left) left his post as head of the Drug Enforcement Administration. John B. Brown, III (right) is now the interim head.

"People selling drug paraphernalia are in essence no different than drug dealers. They are as much a part of drug trafficking as silencers are a part of criminal homicide."

— John B. Brown, III, DEA acting administrator, in a February 24 DEA press release

In Brief, from page 8

who believe they are going to a Web site ... but [are] possibly implicating themselves into some law enforcement investigation.”

Federal law defines paraphernalia as “any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the body a controlled substance, possession of which is unlawful under the Controlled Substances Act.” Specific items listed in the statute include wooden or ceramic pipes, water pipes, roach clips, and miniature spoons.

Those convicted face up to three years in prison, asset forfeiture, and fines of up to \$250,000.

Federal Budgetary Watchdog Slams DEA for Unaccountability

The White House Office of Management and Budget (OMB) released in early February a report criticizing the DEA for being “unable to demonstrate its progress in reducing the availability of illegal drugs in the U.S.”

Speaking to Arkansas’ *Southwest Times Record*, Asa Hutchinson, who had just stepped down as head of the DEA, dismissed the seemingly negative review. “I don’t see it as a bad report card. I see it as an inconclusive judgment on their part. The report reflects not that there’s been a lack of success, but that we have been unable to measure to their satisfaction the level of effectiveness.”

According to the OMB report, the DEA measures its achievements through drug-use trends, drug availability, and drug price and purity. On those accounts, the agency has failed miserably. The DEA’s own Web site states that drugs are cheaper and purer than they have ever been, and usage rates are at some of their highest levels in decades, despite the fact that the DEA’s budget has more than doubled in the past 10 years alone. However, the president’s 2004 budget proposal would award the DEA its smallest budget increase in 15 years, just 0.8 percent.

Three Government Reports Slam ONDCP, DEA

Drug Czar John Walters’ Office of National Drug Control Policy (ONDCP)

released its 2004 budget on February 12. At first glance, the agency’s budget request appears to have been slashed from last year’s request—\$11.7 billion instead of \$19 billion. A closer look, though, reveals that ONDCP has cooked its books, omitting expenses (like the \$3 billion spent annually to imprison nonviolent federal drug offenders) and including others (like funding for alcohol treatment, even though the agency’s charter specifically excludes alcohol) in order to inflate the portion of their budget used on treatment and prevention. So instead of 2003’s two-to-one ratio of law-enforcement and interdiction to treatment and prevention costs, which drew much criticism, ONDCP’s 2004 budget is deceptively split between the two objectives.

Just days before ONDCP released its 2004 budget, the U.S. Justice Department’s Office of the Inspector General released a damning report on the DEA that seemed to skirt media attention. As reported in only *The Washington Times*, the DEA spent a paltry \$3 million—or 0.2 percent of its \$1.4 billion budget—on efforts to reduce the demand for illegal drugs, one of the agency’s primary goals. In fact, the entire Justice Department spent less than half its allocated 2001 budget for demand reduction on such activities; furthermore, agencies within the department were found to have spent less than half of what they reported to have spent on such initiatives. The report determined that still other initiatives did not even reduce demand.

Inspector General Glenn Fine told *The Washington Times*, “The current drug-control budget is more than 10 times the drug-control budget in 1981. Despite significant increases in the federal drug-control budget ... there appears to have been little progress toward achieving the National Drug Control Strategy goals and strategic objectives developed by the ONDCP.” He also noted that the DEA should “consider what potential impact it can have on the demand for drugs when only 0.2 percent of its funding was dedicated to drug-demand reduction in fiscal 2001.”

Finally, two separate reports criticized ONDCP’s National Youth Anti-Drug Media Campaign. The ad campaign—which costs \$185 million annually—runs full-page anti-marijuana ads in hundreds of newspapers nationwide, as well as TV

Maybe the Ads Work After All

A Frederick County, Maryland, man was in court on February 6, facing a charge of marijuana possession. In December 2002, according to the *Frederick News-Post*, the 46-year-old man called 911 to turn himself in after seeing an ad linking drug use and terrorism.

After telling the Frederick County District Court that he didn’t want “to do anything to hurt this country,” the man received a suspended sentence.

ads linking drug use to terrorism and marijuana use to date rape, teen pregnancy, and gun violence.

Westat and the Annenberg School for Communication released the latest assessment of the campaign’s effectiveness on reducing teen drug use. In a statement that surprises few people, researchers concluded that “there is little evidence supporting a favorable effect of the Campaign on youth” and “there are some unfavorable trends in youth anti-marijuana beliefs.”

Additionally, the White House OMB (which issued the DEA-critical report; see “Federal Budgetary Watchdog Slams DEA for Unaccountability”) indicated that the ONDCP media campaign suffers problems demonstrating its achievements. The OMB report, which notes that the anti-drug ads have “no evidence of direct effect on youth behavior,” recommends no funding increases and that 2005 funding be contingent upon improved results. **END**





NICK: Okay, maybe a little of the money I spend on marijuana supports terror and violence.

NORM: Right.

NICK: And that's because marijuana is illegal.

NORM: Exactly.

NICK: When I buy a beer, that doesn't support terror, because beer is legal, right?

NORM: Now you've got it.

NICK: So what you're saying is if we make marijuana legal and regulate it like beer, that wouldn't support violence.

NORM: Did I say that?



Marijuana prohibition. Harmless?

paid for by the Marijuana Policy Project
1-877-JOIN-MPP (toll-free)
MarijuanaPolicy.org

www.mpp.org/WarOnDrugCzar

War on Drug Czar, from page 1

ads than Domino's spends to pitch its pizzas.

In the face of this government assault, MPP has decided to fight back by launching its "War on Drug Czar" campaign, with the intent of publicizing the fact that John Walters is wasting hundreds of millions of taxpayer dollars and that he is a compulsive liar and lawbreaker.

MPP Files Federal, State Complaints on Drug Czar's Illegal Campaign Activities

On December 4, in the first stage of MPP's campaign, MPP filed a complaint with the federal Office of Special Counsel (OSC), alleging that the drug czar illegally used his office to campaign against MPP's 2002 Nevada ballot initiative. The charge was based on the federal Hatch Act, which provides that an "employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election." Walters, who campaigned in Nevada in his official capacity as a White House cabinet-level official and actually bragged about defeating the initiative after the election, clearly violated the provisions of this federal law.

Whether Walters is punished for his actions will depend on a determination of whether the Hatch Act applies to interference with state ballot initiatives, as opposed to partisan elections. The OSC

has said that this is an unexamined—and therefore unsettled—area of law. If Walters is found to have run afoul of the act, he could be removed from office and barred from holding federal office ever again.

For the good of the country, it is imperative that the Office of Special Counsel agrees with MPP. If OSC does not, it would mean that the federal government could serve as the largest campaign operation in the history of the country—fighting any state ballot initiatives it opposes, at taxpayer expense. This would not only threaten the cause of marijuana policy reform, but it would also impact ballot measures on issues such as abortion, tax policy, gun control, and the death penalty. A decision is expected this spring.

On the same day that MPP filed its complaint with OSC, MPP notified the Nevada Secretary of State that Walters failed to file any campaign expenditure reports on the money he spent opposing the ballot measure. This was a clear violation of Nevada law, which states that "every person ... who advocates the passage or defeat of a question" must file contribution and expenditure reports with the state. Those who do not file such reports in a timely manner may be fined up to \$5,000.

MPP scored its first victory in this post-election "War on Drug Czar" campaign when the Nevada Secretary of State ordered the drug czar's office to respond to MPP's complaint within two weeks.

Amazingly, the drug czar's office responded by claiming he is exempt from filing the reports—but failed to cite any laws that provided for this exemption.

Unfortunately, the Nevada Secretary of State and Attorney General, both Republicans, have been slow to take further action. The Secretary of State asked the Attorney General for a legal opinion in the matter but had not received a formal response as this newsletter went to press.

If the state ultimately decides that federal law trumps state law and declines to force the drug czar to file reports, MPP intends to take this battle to court.

MPP Counters Drug Czar's Ads With Its Own Ads

Another target in MPP's "War on Drug Czar" campaign is John Walters' wasteful and misleading ad campaign.

By now, anyone who owns a television has probably seen the ONDCP anti-marijuana ads that end with the tagline "Marijuana ... Harmless?" These ads comprise the majority of the ONDCP National Youth Anti-Drug Media Campaign, which was funded with \$185 million of taxpayer money last year. These ads play to the worst kind of "reefer madness" fears among the American public, portraying marijuana as the cause of accidental shootings, date rape, and teen pregnancy.

MPP has decided to respond to these ads by launching a series of its own. These ads—which conclude with the tagline "Marijuana Prohibition ... Harmless?"—will convey the message that it is marijuana prohibition, not marijuana itself, that causes more harm. MPP plans to roll out these ads in targeted markets in the months to come, following the drug czar from city to city so that local reporters will ask him to defend his ads—and comment on MPP's ads.

Future Battles

MPP's recent attacks on the drug czar are only the first battles in what is expected to be a long war. In the coming months, MPP will force ONDCP to defend its actions and its mission on a number of other fronts and in a variety of settings. Drug Czar John Walters will encounter resistance from MPP at every turn. In the end, MPP may be outspent but will not be outfought. **END**



Marijuana Policy Around the World

Two Canadian Court Victories Throw Nation's Marijuana Laws into "Chaos"

Canada's Supreme Court was set to hear a suit challenging the entirety of marijuana prohibition on December 13, 2002. But after Justice Minister Martin Cauchon restated the government's intent to propose a "decriminalization" bill this year (most likely retaining a small civil fine but removing criminal penalties for simple possession of small amounts of marijuana), the court unexpectedly postponed hearing the case until April 2003 at the earliest.

The bill Cauchon discussed still hadn't been introduced in Parliament as of mid-April.

But two January court decisions put the future of Canadian marijuana prohibition in serious doubt, whether or not Parliament acts. Both rulings drew on a landmark 2000 case in which the Ontario Court of Appeal ruled that marijuana prohibition violated Canada's constitution unless Parliament provides a means for sick people to obtain marijuana for medical use. The government's response to that ruling was to create a cumbersome set of "Marijuana Medical Access Regulations" (MMAR) that, in practice, have given little help to patients.

On January 2 of this year, Ontario Court Judge Douglas Phillips threw out marijuana charges against a teenage defen-

dant, ruling that on technical grounds—namely that MMAR was instituted via administrative regulations and not a parliamentary statute—the government had not complied with the 2000 court ruling. Thus, he ruled, Ontario has no valid law banning marijuana possession. While this lower court decision is not binding on other courts, Canadian attorney Alan Young said it has caused "chaos. ... There is almost a suspension of prosecution of marijuana possession in Ontario." Police are still making arrests but prosecutors are rarely following up, he said. On the other hand, arrests and prosecutions of growers appear to have accelerated.

A second case—filed by Young (with backing from the MPP grants program)—challenged Canada's law on more substantive grounds. On January 9, Ontario Superior Court Judge Sidney Lederman ruled MMAR invalid because the government has not given patients a means to obtain marijuana. "I have grave reservations about a regime which ... grants legal access by relying on drug dealers to supply and distribute the required medicine," Lederman wrote. He gave the government until July 9 to create a viable access mechanism or have the regulations—and, effectively, the legal ban on marijuana possession—declared null and void.

Health Canada filed an appeal of the ruling in February, heightening activists' suspicions that the government is not serious about marijuana law reform. The Canadian public, however, appears to be solidly in favor of change. A Canadian

Press poll taken February 2-11 found 69 percent in favor of decriminalization.

Marijuana Now Available by Prescription in Holland

In contrast to the confusion in Canada, the government of the Netherlands is moving steadily ahead with plans to make medical marijuana, supplied by government-authorized growers, available in pharmacies. Under a new law and implementing regulations that took effect on March 17, the Dutch government's Office of Medicinal Cannabis (OMC) will contract with growers to supply pharmacies with marijuana grown under government-set quality standards. Growers will have to meet OMC security requirements designed to prevent diversion into illegal markets.

Pharmacies will dispense marijuana to patients who have physicians' prescriptions, as they do other prescription drugs. OMC Director Willem Scholten told MPP that he expects the first government-contracted marijuana to reach Dutch pharmacies by September 1. Once this crop is available, pharmacies will be required to dispense only medical marijuana from these government-licensed providers. Until then, they are permitted to obtain the medicine from producers of their own choosing.

The only substantive issue still to be decided as this newsletter went to press is whether or not medical marijuana will be paid for under the Dutch national health care system.

MPP advocates harm reduction-based marijuana policies.

Alexis Baden-Mayer,
national field director

R.J. Bee,
legislative analyst

Spike Bradford,
membership director

Steve Fox, J.D.,
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Chad Thevenot,
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Interns:
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Josh Eveleth
David Spak

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Marijuana Policy Project Leads Lobbying Effort on New Medical Marijuana Bill in Congress

In response to the outrageous prosecution of medical marijuana providers in federal court—during which defendants are prohibited from even mentioning the medical aspect of their actions—MPP took the lead in lobbying Congress to introduce a bill that would rectify this problem. Those lobbying efforts paid off: U.S. Representatives Sam Farr (D-CA), Barney Frank (D-MA), and Barbara Lee (D-CA) agreed to sponsor H.R. 1717, the “Truth in Trials Act.”

This bill directly addresses the federal government’s inappropriate and immoral act of gagging defendants in medical

marijuana trials. It allows defendants in marijuana-related trials to introduce evidence that their activities were performed for medical purposes. Further, if a jury finds that a defendant was acting in compliance with state medical marijuana laws, the jury could find the defendant not guilty under federal law.

This bill does not go as far as the States’ Rights to Medical Marijuana Act, sponsored by Rep. Frank in the last three sessions of Congress. But MPP believes that if H.R. 1717 passes, it will immediately end the raids, harassment, and prosecution of medical marijuana patients and providers



The “Truth in Trials Act” would ensure that defendants like Ed Rosenthal, above, could introduce in federal court evidence that their marijuana-related activities were performed for medical purposes.

in this country. At the same time, its narrowly tailored design—to address a specific issue that has garnered significant national attention—dramatically increases its chances of being approved.

MPP will keep you updated on H.R. 1717 as it moves through the U.S. House of Representatives.

Join MPP’s Grassroots Lobbying Team

It’s hard to think of an issue that’s as politically “controversial” as medical marijuana but is supported by such a strong majority of citizens. Fully 80 percent of the American public agrees that adults should be able to use marijuana legally for medical purposes.

Eighty percent! Imagine if 80 percent of Americans simply wrote letters to their three members of Congress. The federal government would have to change its policies just to clear the phone lines and unclog its fax machines!

Amazingly, politicians continue to ignore and marginalize medical marijuana. In Washington, D.C., MPP works every day to push these legislators to respond to voters’ demands for legal access to medical marijuana.

MPP regularly asks its members and supporters to write letters to their elected officials, informing them of the many reasons to support legislation to remove criminal penalties for medical marijuana.

The letters that congressional offices receive are invaluable to MPP’s legislative efforts. MPP simply cannot make a sincere pitch for reform if con-

stituents aren’t making their voices heard.

But you can do something even more effective than writing a letter: **Make a personal visit to the local offices of your members of Congress.**

Will you join MPP’s grassroots lobbying effort by committing to one congressional visit, each year, to the office nearest your home?

U.S. senators and representatives often seem out of reach to the average person. As they jet to Washington and around the world making decisions about how the immense power and wealth of the United States will be used and distributed, it’s sometimes easy to forget that these public figures are ser-

vants of the public. They must respond to—and represent the will of—those who elected them. If they do not, they risk losing their jobs.

Democracy is only as effective as the citizenry makes it. Every day, the state and district offices of federal politicians are filled with people like you—people who have decided to take action to make democracy work.

You can do it! Everyone can learn to be an effective advocate. MPP can provide you with personalized training and materials to help you to lobby your elected officials. This is an excellent opportunity to learn an invaluable skill. Please contact MPP’s national field director. (See below.) Thank you!

MPP’s Current Lobbying Campaign

Members of MPP’s grassroots lobbying team are currently working to gather support in Congress for an end to the gag on medical marijuana defendants in federal court. (See article, this page.) Members of the team are visiting their U.S. senators and representatives at their local offices. For meeting times and locations in your state, please contact Alexis Baden-Mayer, national field director, at 202-462-5747 (ext. 114) or Alexis@mpp.org.