

MARIJUANA POLICY REPORT

Volume 13, Number 1 – Spring 2007

Marijuana #1 Cash Crop In U.S.

Marijuana is the most valuable cash crop in the U.S., exceeding the value of corn and wheat combined, according to a study by public policy researcher Jon Gettman, Ph.D., which MPP co-released on December 18. The finding comes despite decades of marijuana “eradication” campaigns in which well over 100 million marijuana plants have been destroyed.

Gettman’s report, which can be found at www.drugscience.org/bcr/index.html, received widespread media coverage. (See “Media Highlights,” p. 9, for details.) In his research, Gettman calculated the size and value of the U.S. marijuana crop based on reports from a variety of federal government agencies, including the Drug Enforcement Administration, the White



MPP’s Rob Kambia discusses the marijuana crop report on MSNBC on December 19.

House Office of National Drug Control Policy, and the U.S. State Department. In estimating the value of the marijuana harvest, Gettman deliberately used the more conservative figures available. See [Cash Crop](#), page 3

Judge Rejects San Diego County’s Challenge to California’s Medical Marijuana Law

On December 6, a California state judge ruled against a lawsuit by three counties claiming that the state’s medical marijuana law violated federal and international laws. The judge’s ruling upholds the legality of California’s 10-year-old medical marijuana law.

The counties’ lawsuit had claimed that most of the California law’s provisions, including a medical marijuana ID card program, violate federal law and a U.S. treaty. In addition to filing suit, San Diego, San Bernardino, and Merced counties each had refused to implement the ID card program. Ruling in favor of the state’s medical marijuana program, Superior Court Judge William Nevitt stated, “Requiring the counties to issue identification cards for the purpose of identifying those whom California chooses not to arrest and prosecute for certain activities involving marijuana use does not create a ‘positive conflict’” with federal law.

Shortly after the decision, Merced County’s supervisors voted to drop out of the suit

and to implement the ID card program. San Bernardino and San Diego counties’ boards of supervisors, however, voted to appeal.

The counties’ lawsuit is the only legal challenge ever to claim that state medical marijuana laws violate federal or international laws. In the 10 years since California passed the first effective state medical marijuana law, no one — not even the federal government — has made such a legal claim. State medical marijuana laws exempt qualified patients from states’ criminal penalties for marijuana. They do not claim to alter federal penalties for marijuana use. States’ criminal penalties frequently differ substantially from federal criminal laws.

California is not alone in having a medical marijuana ID card program, which allows police to easily verify that patients qualify under state law. Eight of the 10 other medical marijuana states have similar programs. After the June 2005 Supreme Court decision *Gonzales v. Raich*, top officials in each of the medical marijuana

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- ▶ MPP launches medical marijuana ballot initiatives in Michigan and Ohio
- ▶ 35th anniversary of the Nixon-Shafer report recommending marijuana decriminalization



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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

To understand drug warriors' reluctance to face even the most blatant signs of marijuana prohibition's folly, consider government officials' reactions to two studies released in December — one eagerly anticipated, and one they'd rather everyone forgot.

First, the one they consider good news — the 2006 Monitoring the Future report. Sponsored by the National Institute on Drug Abuse, and conducted by the University of Michigan, this annual survey has taken the pulse of teen drug use trends for 32 years.

It's a comprehensive, nuanced study, but you wouldn't get that from talking to Drug Czar John Walters. He hailed a 23% decline in overall teen drug use and a 25% drop in teen marijuana use since 2001 as a "substance abuse sea change among American teens." Fewer kids using drugs is certainly good news, but these numbers actually represent an increase in drug usage rates compared to 15 years ago.

If you accept these fluctuations as a sea change, then you probably won't blink when you hear Walters' explanation for the recent improvement — increased drug education, including his Office of National Drug Control Policy's (ONDCP) widely discredited advertising campaign.

He makes the claim with such conviction that you might almost forget he's touting the same campaign the Government Accountability Office criticized in August 2006 as ineffective and possibly even counterproductive. His assertion is even more incredible considering that the decreases in teen drug use cited in the

Monitoring the Future report coincide with decreases in his ad budget — down from \$185 million in 2001 to \$100 million in 2006.

Walters must hope nobody actually reads the Monitoring the Future report, because it makes the real consequences of government drug education efforts very clear: a distorted, overblown understanding young teens have of the risks of marijuana. (See "Research," p. 5.)

Marijuana isn't for kids, and any evidence indicating that children understand that is encouraging. But exaggerating the risks of using marijuana isn't the best way to teach children how to make wise decisions about drugs that can actually kill them.

Not surprisingly, drug warriors are quick to disparage any assessment of teen marijuana use that runs counter to their own self-congratulatory interpretations. Early in December, for example, MPP released a report analyzing government and academic studies disproving the government's assertion that prohibition is necessary to prevent teen marijuana use.

In a perfect world, the report would have sparked a reasoned policy debate. Rather than dispute any of the report's data or conclusions, however, ONDCP spokesman Tom Riley simply dismissed it as "silly."

In contrast to their spinning of the Monitoring the Future report, prohibitionists seemed caught off guard by another study, "Marijuana Production in the United States," which was released in December. The report used government data to iden-

tify marijuana as America's largest cash crop — a blow to the government's costly, well-publicized marijuana eradication campaign. (See "Cash Crop," p. 1.)

Despite attempts by government officials to spin Gettman's findings and their implications, the report received a great deal of national attention. Drug warriors fell back on their same old straw man arguments when questioned about it, not noticing — or perhaps hoping no one else would notice — that they were often confirming prohibition's role in encouraging violent criminal activity.

For example, here's DEA spokesman Garrison Courtney arguing in favor of marijuana eradication in an ABC News report: "It's not these cute mom-and-pop bong shops anymore. It's violent drug-trafficking groups that are doing all these grows." Apparently Courtney never considered the vital role prohibition plays in bringing violent drug-trafficking groups to the marijuana market.

In the past, marijuana prohibitionists have been successful at deflecting criticism and scaring Americans away from considering effective policy changes. It's our job to convince politicians and the public that prohibition has failed and that it's time for sensible, compassionate laws regulating marijuana in a manner similar to alcohol.

MPP advocates harm-reduction-based marijuana policies.

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New Leadership in Congress

When House Speaker Nancy Pelosi (D-Calif.) took up the gavel on January 4, it marked the first time ever that a strong supporter of medical marijuana has helmed the U.S. House of Representatives. Since every modern state medical marijuana law was passed after 1994 — the year the GOP won control of Congress — this was an historic event for the marijuana policy reform movement.

Moreover, other top leadership positions in the House are also now held by Democrats who have voted in favor of medical marijuana: Majority Leader Steny Hoyer (D-Md.) and Majority Whip James Clyburn (D-S.C.) both voted for the Hinchey-Rohrabacher medical marijuana amendment in 2006, and several strong supporters of drug policy reform have assumed chief deputy whip roles.

While the composition of the leadership is important, much of the legislative work on a day-to-day basis falls to committees to complete. Here also, there is reason to be optimistic.

Several stalwart drug policy reform supporters now head key committees. Rep. John Conyers (D-Mich.) now chairs the Judiciary Committee, and longtime supporter Rep. David Obey (D-Wisc.)

— who called opponents of medical marijuana “Daffy Ducks” on the House floor last summer — will chair the Appropriations Committee.

The subcommittee of the House Oversight and Government Reform Committee that oversees the drug czar’s office is now chaired by MPP ally Rep. Dennis Kucinich (D-Ohio). This is significant, not only for what it means for the future, but also as a reflection of a change in priorities. During the last session of Congress, the same subcommittee was chaired by notorious prohibitionist Rep. Mark Souder (R-Ind.), who called MPP Executive Director Rob Kampia “an articulate advocate for an evil position” in 2001.

Rep. Kucinich has consistently supported medical marijuana, and his presidential campaign Web site notes his belief that “[m]ost marijuana users do so responsibly, in a safe, recreational context. These people lead normal, productive lives — pursuing careers, raising families, and participating in civic life. In addition, marijuana has proven benefits in the treatment of numerous diseases, such as providing a valuable means of pain management for terminally ill patients. In either of these contexts, there is no rational justification



MPP ally Rep. Dennis Kucinich (D-Ohio) now chairs the House Oversight and Government Reform Subcommittee on Domestic Policy, which oversees the drug czar’s office.

for criminally enforced prohibitions.”

MPP looks forward to working with Rep. Kucinich and other allies in Congress this session. **MPP**

From **Cash Crop**, page 1

able from the National Survey on Drug Use and Health, rather than the much higher values commonly reported by law enforcement agencies.

Key findings include:

- Marijuana is America’s top cash crop, with a value of \$35.8 billion in 2006. This exceeds the value of corn (\$23.3 billion) and wheat (\$7.45 billion) combined. It also vastly exceeds the value of such other major crops as soybeans (\$17.6 billion), vegetables (\$11 billion), and cotton (\$5.3 billion).
- The top marijuana-producing states are California, Tennessee, Kentucky, Hawaii, and Washington. Marijuana is the top cash crop in 12 states and is among the top three cash crops in 30 states.
- California is by far the top marijuana-producing state, with an annual crop value of over \$13.8 billion. This not only exceeds the combined value of the state’s number two and three crops, vegetables and grapes, but it also exceeds the value of the entire nation’s harvests of wheat,

vegetables, and cotton.

- According to U.S. government estimates, U.S. marijuana production increased tenfold from 1981 to 2006 — from 2.2 million pounds to 22 million pounds.

Since marijuana production is illegal, all such estimates are imperfect, and thus Gettman used conservative numbers in his calculations. Indeed, other government reports include production estimates higher than 35 million pounds.

The massive growth in marijuana production occurred in spite of intensive marijuana “eradication” campaigns conducted by the DEA and state and local police under the umbrella of the Domestic Cannabis Eradication/Suppression Program (DCESP). The program seized more than 103 million marijuana plants between 1982 and 2005, wiping out an average of nearly 36,000 cultivation sites per year. The report notes, “DCESP has been unable to curtail the growth of domestic marijuana cultiva-

tion in the United States, let alone make any progress toward abolishing or eliminating this market phenomenon.”

The complete failure of marijuana “eradication” has been particularly pronounced in California. Last October, a statement released by then California Attorney General Bill Lockyer (D) touted the “remarkable success” of the state’s Campaign Against Marijuana Planting, citing an all-time record eradication of nearly 1.7 million marijuana plants — a 12-fold increase since 1998. But despite this massive, expensive effort, marijuana still dwarfs all other crops in the state that is America’s leading fruit and vegetable producer.

The report concludes that “marijuana has become a pervasive and ineradicable part of our national economy.” Instead of wasting further resources on doomed eradication campaigns, Gettman argues, marijuana should be placed into a system of legal regulation. **MPP**

Drug Czar's Office Reauthorized

Congressional legislation reauthorizing the White House drug czar's office passed with lightning speed in the final hours of the last congressional session, when Republicans still controlled both chambers. Passage of the Office of National Drug Control Policy (ONDCP) Reauthorization Act came after the bill had languished in Congress for almost two years, with no expectation the bill would be passed before the end of the session.

The bill contained some setbacks for drug policy reform, such as a section listing the dangers of marijuana, including a finding that “[f]ederal law enforcement agencies have identified possible links between trade in cannabis products and financing for terrorist organizations.” This section of the bill also allows the drug czar to “emphasize prevention of youth marijuana use,” despite the fact that the drug czar's own data show other more alarming trends of drug use among teens, including the problem of illegal diversion of prescription pain medications.

The bill also extends funding for the drug czar's ad campaign through 2010.

This program features principally anti-marijuana TV ads that variously depict stoned teenagers driving over a little girl on a bicycle, a stoned teenager shooting another in his parents' den, a stoned teenager date-raping another, and a teenager who gets pregnant because she smoked marijuana.

On Capitol Hill, when political force and will gather behind legislation, bills can move very rapidly. When drug policy reform lobbyists (including MPP's, the only full-time marijuana lobbyist in the country) discovered the plan to move the bill through both chambers of Congress, they jumped into action and successfully delayed passage of the bill. In the end, however, the will to pass it was too great, and the bill was signed into law by President Bush on December 29.

MPP looks forward to another chance to rewrite the legislation in 2010 and meanwhile will work to reduce funding for the ad campaign and to limit the drug czar's ability to campaign against state and local marijuana policy reform measures. **MPP**

From **San Diego**, page 1

states publicly noted that their state laws were still valid; among them were seven attorneys general. The attorneys general of Alaska, Oregon, and California also issued written statements explaining that the ID card programs did not violate federal law.

The lawsuit was filed after a 4-0 vote by the San Diego County Board of Supervisors — who ignored their constituents' vocal opposition. MPP organized more than 1,000 San Diego residents to call and e-mail the board to urge them to drop the lawsuit, and patients frequently spoke out at board meetings. MPP also commissioned a poll that found that 78% of county residents thought the lawsuit was a waste of money.

The lawsuit — filed in January 2006 — named the California Department of Health Services, its director, and San Diego NORML as the opposing parties. San Bernardino and Merced counties' boards of supervisors voted to join the lawsuit later in the year. The American Civil Liberties Union, the Drug Policy Alliance, and Americans for Safe Access all became parties opposing the lawsuit, representing several medical marijuana patients, a caregiver, a patients' collective, and a doctor. **MPP**

Proposition 215 Ten Years Later

At the end of October, MPP released the first comprehensive examination of the impact of California's landmark medical marijuana law, “Proposition 215 Ten Years Later: Medical Marijuana Goes Mainstream.”

The report, available at www.mpp.org/prop215, includes an analysis of predictions made by opponents of medical marijuana and how the predictions have played out in California and the other 10 medical marijuana states. For instance, Clinton administration Drug Czar Barry McCaffrey predicted “increased drug abuse in every category” if California's medical marijuana law passed. In fact, teen marijuana use dropped precipitously in California since the law's passage and has declined across the board in other states with medical marijuana laws.

The report also includes new polling from all 11 medical marijuana states, showing strong public support for the laws.

“In 1996, medical marijuana was often dismissed as a fringe issue, but that is no longer the case,” the report concludes. “In the decade since passage of Proposition 215, support has steadily grown, reaching a level of public consensus seen with relatively few issues ... Politicians, particularly at the federal level, have been slow to adapt to the changing landscape.” **MPP**



New Challenges to the “Gateway Theory”

It is a fact that people who try marijuana are more likely to try other illicit drugs than people who never try marijuana. However, prohibitionists regularly spin that fact into a claim that marijuana causes hard drug use. This so-called “gateway theory” — a claim that has never had solid scientific support — presents drug use as a progression in which users move from legal drugs like alcohol and tobacco to marijuana, and from there to hard drugs like cocaine, heroin, and methamphetamine. Two studies published in late 2006 further undermined such misleading claims.

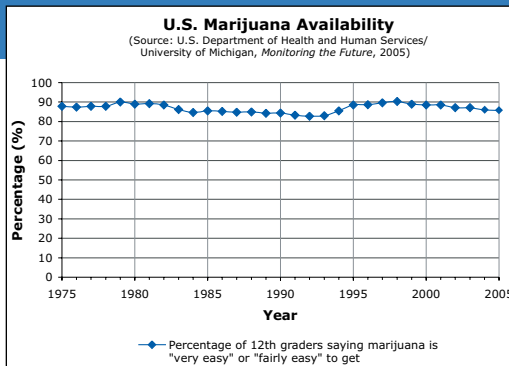
In one study funded by the National Institute on Drug Abuse, published in the December 2006 issue of the *American Journal of Psychiatry*, researchers at the University of Pittsburgh tracked the drug use patterns of 224 boys, from age 10 to 12 until age 22. Some followed the traditional gateway paradigm, starting with tobacco or alcohol and moving on to marijuana, but some reversed the pattern, starting with marijuana first. Some never progressed from one substance to another.

Examining the detailed data on these kids, the researchers found that the gateway theory simply didn't hold: Environmental factors such as neighborhood characteristics played a much larger role than which drug the boys happened to use first. “Abusable drugs,” they wrote, “occupy neither a specific place in a hierarchy nor a discrete position in a temporal sequence.”

The lead researcher, Dr. Ralph E. Tarter, told the Pittsburgh *Post-Gazette*, “It runs counter to about six decades of current drug policy in the country, where we believe that if we can't stop kids from using marijuana, then they're going to go on and become addicts to hard drugs.”

Tarter's study followed a U.S. and Australian study published in the journal *Psychological Medicine*, which involved more than 4,000 Australian twins whose use of marijuana and other drugs was followed in detail from adolescence into adulthood.

The researchers then matched the data from the twins to mathematical models based on 13 different explanations of how use of marijuana and other illicit drugs might be related. These models ranged from pure chance — assuming that any overlap between use of marijuana and other drugs



is completely random — to models in which underlying genetic or environmental factors determine both marijuana and other drug use, to other models in which marijuana use causes use of other drugs, or vice versa.

The scientists concluded, “Cannabis and other illicit drug use and misuse co-occur in the population due to common risk factors (correlated vulnerabilities) or a liability that is in part shared.” Translated to plain English, the data don't show that marijuana causes use of other drugs, but instead indicate that the same factors that make people likely to try marijuana also make them likely to try other substances.

The researchers added that any gateway effect that does exist is “more likely to be social than pharmacological,” occurring because marijuana “introduces users to a provider (peer or black marketer) who eventually becomes the source for other illicit drugs.” In other words, if there is a gateway, it isn't marijuana; it's the laws that put marijuana into the same criminal underground with speed and heroin.

Survey of U.S. teens reveals disturbing attitudes

The 2006 Monitoring the Future (MTF) survey of teen drug use revealed some disturbing attitudes about drug use among young people. Funded by the federal government and conducted by researchers at the University of Michigan, the latest MTF results were released in late December.

Federal officials touted the survey as good news: “It's great to have one-quarter fewer kids using drugs than there were in 2001,” Drug Czar John Walters told *USA Today*. But Walters neglected to mention that teen drug use rates are actually higher than they were 15 years ago — not only for marijuana, but also for cocaine, barbiturates, and tranquilizers, among other substances.

The survey results also showed how badly America has misinformed its young

people about drugs. More eighth graders, for example, said there was “great risk” in smoking marijuana occasionally (48.9%) than in taking LSD regularly (40.0%) or in trying crack cocaine (47.6%). While attitudes became more realistic with increasing age, even twelfth graders were more likely to see great risk in smoking marijuana regularly (77.8%) than in having four or five drinks nearly every day (70.9%) or taking barbiturates regularly (70.2%).

MPP Report: Prohibition Hasn't Kept Marijuana Away from Teens

Government officials regularly insist that marijuana must be banned for adults in order to keep kids from using it, and such arguments are often used against proposals to regulate and tax marijuana. But data from around the world suggest that marijuana prohibition has had little or no success in curbing teen marijuana use and may even increase it. These results are summarized in a new MPP report — released in mid-December — “Does Prohibition of Marijuana for Adults Curb Use by Adolescents?”

Major findings include:

- Marijuana prohibition has not prevented a dramatic increase in marijuana use by teenagers. In fact, the overall rate of marijuana use in the U.S. has risen by roughly 4,000% since marijuana was first outlawed.
- Independent studies by RAND Europe and the U.S. National Research Council have reported that marijuana prohibition appears to have little or no impact on rates of use.
- Since Britain ended most marijuana possession arrests in 2004, the rate of marijuana use by 16-to-19-year-olds has dropped.
- In the U.S., rates of teen marijuana use in states that have decriminalized adult marijuana possession are statistically equal to rates in states that have retained criminal penalties.
- In the Netherlands — where adults have been allowed to possess and purchase small amounts of marijuana since 1976 — the rate of marijuana use by adults and teens is lower than in the U.S., and teen use of cocaine and amphetamines is far lower than in the U.S.

The full report is available at www.mpp.org/teenuse. **MPP**

Medical Marijuana Laws Advance in Switzerland

Efforts to establish laws protecting patients who use medical marijuana are moving forward in Switzerland's parliament, but the scope of the legislation is still unclear. A proposal to relax prohibition of "natural cannabis products" for medical use passed one chamber of parliament on December 20, and is expected to pass the second chamber later this year. However, it's unclear what medical conditions will be allowed under the new regulations, or whether the law will only apply to pharmaceuticals such as dronabinol, which contain a synthetic form of THC (the main psychoactive component in marijuana).

Man Receives Life Sentence for Positive Marijuana Test



Tyrone Brown, 33, is now serving 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 his story appeared in the *Dallas Morning News* and on the TV show "20/20." As a result, Dallas County District Attorney Bill Hill recently appealed to Texas Governor Rick Perry (R) to free Brown. Hill said Keith Dean, the judge who sentenced Brown and in November failed in his reelection bid for the first time in nearly 20 years, contacted him to seek Brown's release but was reluctant to initiate the process personally. It is unclear when Gov. Perry may make a decision.

55-Year Sentence for Selling Marijuana Allowed to Stand

In December, the U.S. Supreme Court let stand without comment the sentence of 25-year-old Weldon Angelos, who in November 2004 was sentenced to 55 years in federal prison for selling several hundred dollars' worth of marijuana to a police informant. Though Angelos had no criminal record, federal mandatory minimum laws required the draconian sentence because Angelos had a gun

on his person during the commission of the crimes. At sentencing, U.S. District Judge Paul G. Cassell called the penalty "unjust, cruel, and even irrational" but explained that he "had no choice" but to issue the sentence required by law.

Medical Marijuana on "General Hospital"

A fictional character's struggle with lung cancer on the ABC daytime drama "General Hospital" highlights the real-life benefits and challenges medical marijuana patients experience. In December, the character Alexis, a district attorney in the fictional New York town of Port Charles, began using medical marijuana to ease the nausea and appetite loss caused by chemotherapy. Subsequent episodes have involved her unease with friends and family members learning about her medicine. In a recent episode, she was arrested for possession — New York has no laws protecting patients from arrest and imprisonment for using doctor-recommended medical marijuana — prompting concerns about a custody case involving her young daughter.

DEA Wastes Money on Ditch Weed Eradication

In the past two decades, the DEA has spent at least \$175 million to eradicate feral hemp plants, commonly known as "ditch weed." The plants do not contain enough THC, the primary psychoactive ingredient in marijuana, to get people high. According to figures from the DEA's Domestic Cannabis Eradication/Suppression Program, it has seized or destroyed 4.7 billion feral hemp plants since 1984. That's in contrast to the 4.2 million marijuana plants it has seized or destroyed during the same period. In other words, 98.1% of all plants eradicated under the program were ditch weed.

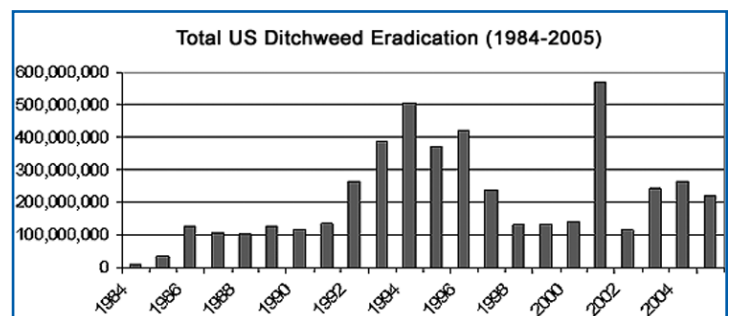


2,800-Year-Old Mummy Found with Marijuana

Chinese scientists are conducting laboratory work hoping to identify a 2,800-year-old mummy who was presumably a shaman in the northwestern Xinjiang Uygur Autonomous Region. The well-preserved mummy of a seemingly Caucasian man with a Roman nose and deep-set eyes was unearthed from a cluster of ancient tombs in 2003, and research work has been going on ever since. Archeologists found the mummy most intriguing because a sack of marijuana leaves was found buried alongside the corpse.

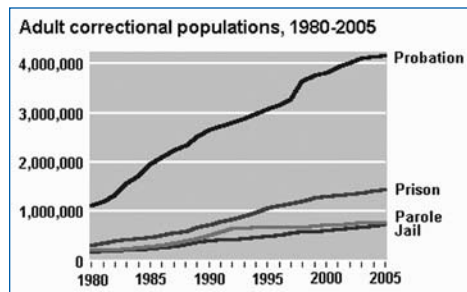
Former Legislator and Judge Joins MPP Staff

A former state legislator and superior court judge has joined MPP's staff as the organization's director of state policies. Ray Warren was a state representative in North Carolina from 1985 to 1988 and a North Carolina Superior Court judge from 1995 to 2001. During his time as a judge, Warren created and presided over a drug treatment court. Now the head of MPP's State Policies Department, Warren manages MPP's legislative and lobbying strategy in nearly all state legislatures.



1 in 32 American Adults in Criminal Justice System

The number of people in the United States who are behind bars or on parole or probation has jumped to an all-time high of more than seven million, or 1 in 32 adults, according to the latest annual reports from the Justice Department's Bureau of Justice Statistics (BJS). In a pair of reports released



in November, BJS found that drug offenders comprise about 20% of all state prisoners and about 55% of federal prisoners. And in the federal system, drug offenders were responsible for 49% of the growth in the prisoner population. Overall, at the end of 2005, nearly 2.2 million people were behind bars in the U.S. — or one out of every 136 residents.

Low European Support for Legalization

Only about one quarter of adults in Europe believe that marijuana should be legal for personal use, according to a poll conducted by the European Commission. In the survey of some 29,000 European Union residents, pollsters found 26% of adults EU-wide were ready to legalize marijuana. The figure was highest in the Netherlands, but even there, support for legalization was not a majority position, coming in at only 49%. In a second tier of countries, support for legalization ranged between 30% and 40%, with approval hitting 40% in Spain, 32% in Britain and the Czech Republic, and 30% in Ireland. At the other end of the scale, in Romania, Sweden, and Finland, less than 10% of respondents agreed that marijuana should be legalized. Indeed, support for marijuana legalization is lower in Europe than in the United States. According to a 2005 Gallup poll, 36% of American adults favor making marijuana “legal.”

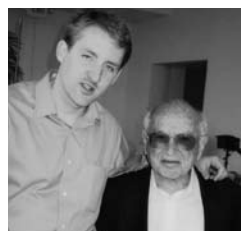
California Supreme Court Rules on Medical Marijuana Transport

The California Supreme Court ruled in November that the state's medical marijuana laws allow people to transport marijuana as long as they can show that it is for their personal medical use. The court said that the law protects patients carrying even large amounts of marijuana as long as they can show it is consistent with their medical needs. The decision “expands the defenses that can be used for medical marijuana,” attorney Maureen J. Shanahan, who represented the defendant, told the *Los Angeles Times*.

In Memoriam

The marijuana policy reform community lost four strong advocates in recent months.

- Nobel Prize-winning economist Milton Friedman, who died in November, was a lifetime dues-paying member of MPP and a strong advocate for ending marijuana prohibition. He was also one of 500 economists to endorse the landmark MPP-commissioned report by Harvard's Jeffrey R. Miron, “The Budgetary



MPP's Rob Kampia and Milton Friedman

Implications of Marijuana Prohibition,” which estimated that ending prohibition would generate \$10-\$14 billion in savings and revenues.

Miron's report and the letter signed by Dr. Friedman are available at www.prohibitioncosts.org.

- Raymond Shafer, the Republican former governor of Pennsylvania appointed by President Richard Nixon in 1971 to chair the National Commission on Marijuana and Drug Abuse, died in December. In 1972, the commission issued a landmark report entitled “Marijuana, A Signal of Misunderstanding,” which recommended the state and federal decriminalization of personal marijuana use. “[T]he criminal law is too harsh a tool to apply to personal possession even in the effort to discourage use,” the report argued, stating further that “[t]he actual and potential harm of use of the drug is

not great enough to justify intrusion by the criminal law into private behavior.” President Nixon ignored the commission's recommendations.

- Two medical marijuana patients and vocal advocates, Pamela Sakuda and Warren

Dolbashian, died at the end of last year. Sakuda, who was profiled in MPP's report on California's medical



Pamela Sakuda

marijuana law (see “Prop. 215,” p. 4) and was active in opposing San Diego County's lawsuit challenging state law (see “San Diego,” p. 1), succumbed to cancer in November. Dolbashian, who worked tirelessly alongside MPP to pass Rhode Island's medical marijuana law, passed away in December.

Supreme Court Lets Stand Two Drug-Related Search Cases

In November, the U.S. Supreme Court refused to hear two appeals from states in which the courts have moved to impose restrictions on drug-related searches. In *Florida v. Rabb*, a Florida appeals court reversed James Rabb's conviction for growing marijuana because the drug dog used to sniff his home — following a vehicle stop — was a violation of Rabb's Fourth Amendment privacy rights. In *Illinois v. Sloup*, an Illinois appeals court overturned the conviction of John Sloup, who was arrested for possession of a crack pipe during a traffic stop. Sloup appealed his conviction on the grounds that the police officer did not have reasonable suspicion that an offense had been committed before asking Sloup's permission to search his vehicle. While the court's decision not to hear the cases doesn't change the law nationwide, it does mean that residents of the states in question will be protected from the practices at issue.

Eddy Lepp's Court Victory

Eddy Lepp, a leading advocate of the sacramental use of marijuana, won a victory in federal district court in

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Nonviolent Drug Prisoners At High Risk For Rape, Sexual Assault In Jail

In a report released on March 20, human rights organization Stop Prisoner Rape (SPR) concludes that nonviolent drug prisoners are at especially high risk for rape and sexual assault behind bars and that the drug war has greatly contributed to the overcrowded prison conditions that make such assaults difficult to prevent. SPR's report, "Stories From the Inside: Prisoner Rape and the War on Drugs," was supported by funding from MPP's grants program.

In the tense conditions of overcrowded prisons and jails — with two prisoners often put into cells intended for one and gyms turned into dormitories — nonviolent drug offenders are often mixed in with violent criminals, including criminals with a history of sexual violence. These nonviolent offenders, SPR explains, "are among the most vulnerable to prisoner rape. Often unschooled in the ways of prison life, inmates convicted of nonviolent drug offenses may lack the street smarts to protect themselves behind bars." Young inmates are particularly vulnerable.

While definitive statistics are hard to come by, the report notes, "Research suggests that as many as 20 percent of male prisoners have been pressured or coerced into sex, and ten percent have been raped. In one women's facility, more than a quarter of women studied said they had been pressured into sex."

The report finds that the high risk of sexual assault behind bars is linked to prison and jail overcrowding. The authors note that America is the world's largest jailer per capita, with 2.2 million Americans incarcerated at any given moment — roughly half a million of whom are incarcerated on drug charges. "Three strikes" laws and "truth in sentencing" statutes (which limit the amount of time that can be deducted from a sentence for good behavior in prison) have contributed to overcrowding in jails and prisons. As of 2004, the prison systems of 24 states and the federal government were operating above capacity. "Mandatory minimum sentences have overwhelmed prisons with people convicted of nonviolent drug offenses," the report states. "The harsh sentencing laws developed under the 'war on drugs' disproportionately impact the most vulnerable, nonviolent drug offenders."

Many of these prisoners are incarcerated for crimes involving marijuana. The Justice Department's recent Bureau of Justice Statistics report, "Drug Use and Dependence, State and Federal Prisoners, 2005," counted more than 40,000 inmates in state and federal prisons on marijuana charges, a figure that does not include the many thousands who are in county jails.

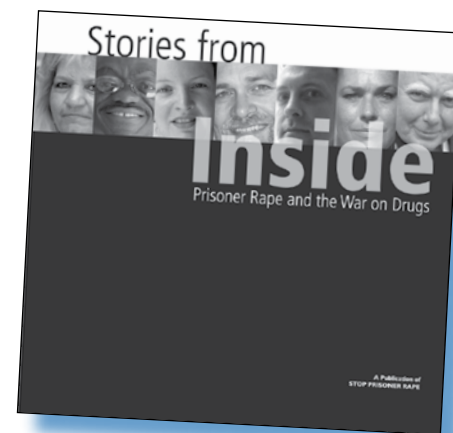
The report contains actual stories and first-person testimonies that illustrate the connections between incarceration of nonviolent drug offenders, overcrowded conditions, and sexual assault behind bars, such as the following excerpt:

"A 19-year-old University of Florida college student arrested in 2002 for possession of about an ounce of marijuana serves as a telling example of a non-violent drug offender who was victimized. The teenager, who had no criminal record, was violently raped after being placed in a cell in the Alachua County jail with a 35-year-old career criminal awaiting trial for sexual battery. Jail and city officials acknowledged that the two should never have been placed in a cell together, and attributed the mistake to overcrowding and a flawed inmate classification system.

"By housing nonviolent prisoners with violent ones, corrections officials have created environments that virtually guarantee assault. For example, Senior Judge Donald P. Lay of the Eighth Circuit Court of Appeals described meeting a 19-year-old who was convicted of marijuana possession and placed in a cell with 11 other inmates. Only after two days in this housing arrangement was he given a psychological assessment. All he wrote on the test was, 'Help me, help me.' He had been raped for nearly 48 hours."

The report concludes with a series of recommendations, many of which focus on ways to improve prison and jail operations, such as separating likely victims from likely sexual predators and establishing a confidential complaint system through which prisoners can report sexual assaults. The latter may be particularly important for female prisoners, who are often victimized by male guards and may feel unsafe in reporting the attacks.

But the report also comes down strongly in favor of reducing the number of non-



violent drug offenders locked up in the first place, concluding, "Reducing incarceration rates for drug crimes would go a long way toward easing overcrowding and keeping nonviolent offenders free from the dangers of prison life. Harsh mandatory sentences and 'truth-in-sentencing' laws neither treat addiction nor prevent crime." **MPP**

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California in December when a judge suppressed the evidence DEA agents gathered in a 2004 raid in which they seized 32,524 marijuana plants. At the time, the DEA described the raid as the largest cultivation bust in history. The marijuana was destined, Lepp says, for medical marijuana patients in the state. According to a press release from Lepp supporters, evidence was suppressed because of illegally obtained warrants. Lepp still faces decades in federal prison over a 2005 raid.

Supreme Court Rules on Immigrants' Drug Convictions

In December, the U.S. Supreme Court reversed a lower court's ruling that would have allowed a legal, permanent resident alien to be deported under immigration statutes that permit deportation if the immigrant receives a felony conviction. Jose Antonio Lopez had served 15 months for aiding and abetting another to possess a controlled substance — a felony under South Dakota law, but a misdemeanor under the federal Controlled Substances Act (CSA). In ruling in favor of Lopez, the court noted that federal law did not dictate that Lopez's conduct was felonious and the lower court decision therefore reversed. **MPP**

Media Highlights

Nevada Marijuana Reform Initiative

MPP officials discussed MPP's ballot initiative to regulate marijuana in Nevada — which fell short of passing, 44% to 56% — on radio stations in Sacramento, Tampa Bay, and Denver. Print coverage featuring MPP included the *Las Vegas Sun*, the *Las Vegas Review-Journal*, and *Agence France-Presse*.

10th Anniversary of Prop. 215

After the November release of MPP's report examining the impact of the first 10 years of California's medical marijuana law, the report's author, Bruce Mirken, was interviewed on KGO-AM, San Francisco's top-rated talk radio station, and on radio stations in Los Angeles and Sacramento. The report was also cited in a widely reprinted Associated Press story on the law's anniversary, as well as in an op-ed by *New York Times* columnist John Tierney. Additionally, Mirken was featured several times on San Diego's public radio station, KPBS-FM, to discuss the San Diego County supervisors' lawsuit seeking to avoid implementing a state-mandated medical marijuana identification program.

Milton Friedman's death



In 2006, Milton Friedman discussed drug policy reform and the need for a different approach to marijuana on camera for MPP.

The death of Milton Friedman, Nobel Prize-winning economist and advisor to Presidents Nixon and Reagan, brought national attention to his advocacy of marijuana policy reform. His lifetime, dues-paying membership in MPP received specific mention by syndicated columnists Robyn Blumner and Froma Harrop and by *National Review* opinion writer Deroy Murdock. MPP Executive Director Rob Kampia was quoted by a number of media outlets, including San Francisco's CBS affiliate's Web site and the *Contra Costa Times*. Mirken discussed Friedman on several national radio shows, including Chuck Muth's "Right Talk Radio," and also had a letter-to-the-editor highlighting

Friedman's MPP membership published in the *Los Angeles Times*.

Teen Marijuana Use Facts and Myths

In December, the National Institute on Drug Abuse released its annual survey of teen drug use, the Monitoring the Future report, and MPP released its own study of government and academic research disproving the government's assertion that prohibition is necessary to decrease teen marijuana use. MPP's teen use report was covered by the *Washington Examiner* and was the basis for *Reason's* blog entry by Jacob Sullum, "Does Punishing Pot Smokers Save the Children?". Mirken, who authored MPP's report, was also interviewed about the report by WFMD-AM radio in Frederick, Maryland. Also, a column written by Mirken about recent studies debunking the myth that teen marijuana use serves as a gateway to hard drug use appeared in a number of publications, including the *Chicago Sun-Times* and the *Pittsburgh Post-Gazette*, as well as on the popular news Web site AlterNet. Monitoring the Future stories printed in the *Washington Post* and *USA Today* quoted Mirken and Kampia, respectively, countering the drug czar's sunny conclusions about his office's effectiveness at reducing teen marijuana use rates. Kampia told *USA Today*, "Our suggestion is to face the facts, to acknowledge that this war on marijuana users has failed to prevent teenagers from using marijuana. Therefore, try, God forbid, a new approach. The federal government hasn't had a new idea in 30 years on the marijuana issue. What we've been doing for decades isn't working."

Marijuana the Top Cash Crop in the U.S.

MPP publicized public policy expert Jon Gettman's study identifying marijuana as the nation's top cash crop, earning vast media coverage for the report and for MPP, as well as highlighting the failure of expensive, hyped government eradication programs. Kampia appeared twice on MSNBC to discuss the report and was quoted by many other media outlets, including the Australian Broadcasting Corporation, ABC News online, and the BBC. Mirken was interviewed by the San Francisco/San Jose NBC affiliate; the Al Rantel Show on KABC-AM

"The federal government hasn't had a new idea in 30 years on the marijuana issue. What we've been doing for decades isn't working."

— MPP's Rob Kampia, quoted in *USA Today*

in Los Angeles; KSCO-AM in Santa Cruz, California; KQED-FM in San Francisco; and WBAI-FM in New York City.

MPP in Print and on the Air

A November 11 column by Monroe Anderson in the *Chicago Sun-Times* arguing for ending marijuana prohibition in Illinois cited Mirken's description of the "drug-war-industrial complex" that profits from perpetuating the nation's failed marijuana policies.

MPP lobbyist Aaron Houston was featured in *Roll Call*, the newspaper covering Capitol Hill, in a November 27 story about a book by photographer Neil Selkirk called *Lobbyists*, which also features Houston.



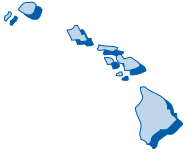
This photograph of MPP's Aaron Houston appeared in *aperture* magazine's Fall 2006 issue and in Neil Selkirk's book *Lobbyists*.

Houston also was a call-in guest on the popular National Public Radio game show "Wait, Wait, Don't Tell Me" on November 18, to tell a lobbying anecdote related to one of the questions on the show.

The *Washington Post* published MPP Chief of Staff Alison Green's January 21 article offering job-seeking advice. **MPP**

State Legislative Briefs

Hawaii



Seven good bills are pending in Hawaii: H.B. 300 and S.B. 905 would transfer Hawaii's medical marijuana program from the Department of Public Safety to the Department of Health. And Department of Health would then have the option of considering new debilitating conditions that could qualify a patient for medical marijuana. H.B. 493 would increase the limits on the number of plants and amount of marijuana that patients are allowed to possess. Finally, possession of up to an ounce of marijuana is currently punishable by up to 30 days in jail and/or a \$1,000 fine. S.B. 65, S.B. 1296, H.B. 1711, and H.B. 680 all propose to reduce the penalty to a violation punishable by no jail time and only a small fine (to be determined).

Illinois



Last year, Sen. John Cullerton's (D-Chicago) medical marijuana bill passed the Illinois Senate Health and Human Services Committee by a 6-5 vote, but no further action was taken before the session ended. Sen. Cullerton reintroduced the bill on February 8, and hopes are high that the bill will have success in Illinois this year.

Michigan



The Michigan House Government Operations Committee held a hearing on H.B. 5470, the medical marijuana bill, late last year. Irv Rosenfeld (one of the five surviving patients who receive marijuana from the federal government) testified in favor of the bill, along with Don Murphy and Penny Bacchiochi of Republicans for Compassionate Access, Tim Beck of Michigan NORML, and Traverse City resident Laura Barber, whose husband suffers from multiple sclerosis. The White House drug czar's office testified against the bill. However, since no vote was taken, H.B. 5470 died when the legislative session ended. Rep.

LaMar Lemmons Jr. (D-Detroit) reintroduced the bill on January 22.

Mississippi



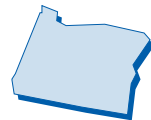
Rep. Erik Fleming (D-Madison) reintroduced medical marijuana legislation in Mississippi this year, but H.B. 421 died in a House committee after no action was taken. However, several bad bills that were introduced also died in committee. H.B. 492 would have added five days in prison to the current penalty (a fine of \$100-\$250) for the first-time possession of less than one ounce of marijuana; the bill would have annulled Mississippi's status as a "decriminalization" state. H.B. 1147 proposed to significantly increase penalties for various levels of marijuana possession, and H.B. 210 would have made it a felony to bring any controlled substance — including marijuana — into a state, county, or municipal building.

Ohio



A medical marijuana bill received a hearing in Ohio late last year — for the first time in recent history — with Sen. Robert Hagan (D-Youngstown) testifying before the Senate Judiciary Committee on Criminal Justice in favor of the bill, which he sponsored. The bill died in committee when the committee chair failed to call a vote before the session ended, but a similar bill will be reintroduced this year by Hagan, who now serves in the Ohio House of Representatives.

Oregon



S.B. 327 would allow district attorneys to impose a penalty of up to one year in jail and a \$6,250 fine for the unlawful manufacture of marijuana, rather than the currently penalty of up to 20 years in jail and a \$375,000 fine — if less than a certain quantity of marijuana is involved. Meanwhile, S.B. 294 proposes to expand an employer's ability to prohibit medical marijuana possession and use in the

workplace, regardless of where the use occurs. (Oregon is one of 11 states with medical marijuana laws.)

South Carolina



For the first time in recent history, the South Carolina legislature is considering a medical marijuana bill, S.220, this session. Sen. William Mescher (R-Berkley Co.) introduced the bill and is leading the effort to protect the state's medical marijuana patients.

Vermont



A coalition of Vermont senators led by Sen. Dick Sears (D-Bennington) has introduced a bill to improve Vermont's medical marijuana law. S.7 would expand the list of qualifying conditions to include illnesses that cause nausea, wasting, chronic pain, or seizures. In 2004, Vermont became the second state to pass a medical marijuana law through the legislature, but the current law only protects patients suffering from HIV/AIDS, cancer, and multiple sclerosis. S.7 would also increase the number of plants that a patient may grow and the amount of usable marijuana the patient may possess. At press time, the bill had already passed the Senate.

Other States

As of this writing, medical marijuana legislation is expected to be introduced shortly in Maryland, Missouri, New York, and Texas. New Mexico's bill has been reintroduced as S.B. 238 and stands a good chance of passing this year. Two New Jersey medical marijuana bills, S.88 and A.933, are still alive and awaiting hearings, and Rhode Island will consider a bill to renew its medical marijuana program. Visit MPP's 50 state Web pages for updates on these bills in the weeks and months to come. **MPP**

New MPP Radio Ads Win Attention

In July, MPP began a partnership with national radio personality Jim Hightower to air radio ads on his syndicated “Common Sense Commentaries.” The first two spots listed prominent officials who have used marijuana and debunked marijuana myths, respectively. The ads themselves, because of their provocative content, have garnered media attention: They have been covered by CNN Radio, the *New York Daily News*, and influential blogs such as TalkLeft, Hammer of Truth, and CommonDreams.



In a December vote, MPP let its e-mail subscribers choose the latest ad, which began airing on January 16 on 141 stations nationwide. Called “I Want to Pay Taxes,” the spot features a woman explaining that she wants to be able to buy her marijuana in an establishment that is taxed and regulated by the state. She asks, “What do you think should profit: schools and roads, or drug dealers?”

Visit www.mpp.org/psas to listen to the ads. **MPP**

San Francisco's New Marijuana Ordinance

On December 1, San Francisco became the largest city in the country to make most marijuana offenses its lowest law enforcement priority. On November 14 and November 21, its city council voted 8-3 and 7-3, respectively, to de-prioritize marijuana offenses. Since Mayor Gavin Newsom (D) was traveling during his time to review the ordinance, it became law without his signature.

The votes came on the heels of three victories in California on November 7, when voters in Santa Barbara, Santa Cruz, and Santa Monica passed similar measures by an average of 65% of the vote. As a result of the San Francisco ordinance, nearly 1.4 million Californians now live in cities that have de-prioritized marijuana offenses — the four listed above, plus Oakland and West Hollywood.

The MPP grants program provided most of the funding for the Santa Barbara, Santa Cruz, Santa Monica, Oakland, and West Hollywood efforts. MPP also worked with local activists, including the regional offices of the Drug Policy Alliance and NORML, to pass the San Francisco ordinance.

San Francisco's ordinance makes marijuana offenses by adults 18 and older the city police's lowest priority, with exceptions for marijuana offenses that occur in public or involve minors, a threat of violence, or driving while intoxicated. The law also directs the San Francisco city clerk to send letters to state and federal elected officials noting that the ordinance passed and stating that the city supports taxing and regulating marijuana.

The six California cities join Seattle; Missoula County, Montana; and Eureka Springs, Arkansas, all of which have also de-prioritized marijuana offenses. **MPP**

Grants Program

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

MPP's grants program has distributed \$9 million to the marijuana policy reform movement over the past five years and currently has an annual budget of \$1.5 million.

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

in your community 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.

Interested individuals or organizations should send a letter of inquiry briefly describing the grant idea, which should include the goal, strategy, and tactics of the proposed project, as well as the approximate size of the grant request. All inquiries must clearly and convincingly communicate how the proposed project will measurably advance marijuana policy reform in the U.S.

The official grant application guidelines and all relevant contact information are listed 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**

Want to support MPP without donating money?

There are lots of ways that you can support MPP's mission to end marijuana prohibition without spending a dime:

Visit www.mpp.org/takeaction and www.mpp.org/giving for ideas.

Subscribe to MPP's e-mail alerts

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!)



MPP is a member of Amazon.com's Associates program:

When you buy products from Amazon.com through the special link on MPP's site, a portion of the sale goes to MPP. You don't even have to buy products that MPP recommends — simply use a specially formatted link when you shop on Amazon.com, and proceeds from everything you buy will go to MPP, without adding to your cost.

Visit www.mpp.org/giving to get started!



Each time you use **GoodSearch.com** to search the Internet, money goes to MPP. The site is powered by Yahoo!, so you'll get the same quality search results that you're used to — what's unique is that the site has developed a way to direct money to MPP with every search. Visit www.GoodSearch.com and enter "Marijuana Policy Project" in the box titled "Who do you GoodSearch for?" Click "Verify" and then start searching!

If your automobile is no longer of use to you, it can still go a long way towards 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.



New member Lola Reyes gave MPP its first vehicle donation, a 1991 Infiniti G20.

Auction Items Needed

Do you own artwork, sports memorabilia, a vacation home, collectibles, or a business that could provide free services to MPP?

Support MPP by donating these items and services to our upcoming online auction to raise funds for our important work. You can take a tax deduction for the fair market value of the goods and/or services you donate. MPP will also auction off the most exclusive items at our upcoming party at the Playboy Mansion.



For more information or to make a donation, please call (202) 462-5747, ext. 132, or e-mail membership@mpp.org.



Party at the Playboy Mansion

Party with MPP at the Playboy Mansion

Join us at MPP's party at the Playboy Mansion on May 14, 2007. The best ticket price is available **now**, as prices will increase as more tickets are sold. MPP's first party at the Playboy Mansion in March 2006 sold out quickly, so reserve your tickets today!

For event details and to purchase tickets, visit www.mpp.org/playboy or call (202) 462-5747, ext. 132.