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# POLICY REPORT

a publication of the  
Marijuana Policy Project Foundation



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

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## Inside This Issue:

- ◆ MPP Confronts Drug Czar at Release of Drug Use Survey.....2
- ◆ MPP Testifies During UN Special Session on Drugs.....2
- ◆ State Activity.....3
- ◆ MPP Keeps Pushing Federal Agency to Enable Medicinal Marijuana Research.....4
- ◆ MPP Drums Up More Support at AMA Meeting.....4
- ◆ MPP Testifies at DEA Hearing.....5
- ◆ MPP Attends Republicans' Drug War Pep Rally.....5
- ◆ Marijuana Good for Stroke, Migraine, and Other Pain.....6
- ◆ Pro-Reform Congressional Candidates Elected to Office Nationwide.....11
- ◆ MPP Media Highlights.....14
- ◆ California Medicinal Marijuana Dispensaries Take a Beating.....16
- ◆ MPP Opens Office in Florida.....20
- ◆ U.S. Supreme Court Decisions.....21
- ◆ Government Ad Campaign Builds Support for Prohibition.....24
- ◆ Useful Marijuana-Related Studies & Reports.....25
- ◆ Marijuana Arrests Reach Record High; MPP Releases Prison Report 27
- ◆ Activist Projects.....28

## Coming Next Issue:

- ◆ MPP Builds Support for Medicinal Marijuana Legislation in the States
- ◆ Federal Court Rules on Fate of Initiative 59 in Washington, D.C.
- ◆ Institute of Medicine Releases Long-Awaited Report on Medicinal Marijuana

## Voters Approve Nine Out of Nine Initiatives in Six States and D.C.

In the biggest medicinal marijuana victory ever, a majority of voters in Alaska, Arizona, Colorado, the District of Columbia, Nevada, Oregon, and Washington state voted on November 3 in favor of medicinal marijuana initiatives and referenda.

A majority of voters in Arizona and Oregon also rejected measures by their respective state legislatures that would have increased penalties for nonviolent marijuana offenders.

The initiatives received endorsements from state nurses' and medical associations, AIDS advocacy groups, state attorneys general and judges, and even state Democratic parties. The initiatives also received endorsements from a majority of the newspapers that issued opinions on the matter.

While providing support for the initiatives in the states, MPP focused most of

its energy on helping to pass Initiative 59 in Washington, D.C.—but not without having to do battle with Congress.

On October 21, just 13 days before Election Day, Congress slapped democracy in the face by adding an amendment to the new budget law which prevents the D.C. government from releasing the results of Initiative 59. On Election Day, however, exit polls indicated that the initiative received 69 percent of the vote.

MPP promptly appealed to the American Civil Liberties Union for help, and on October 30 a lawsuit was filed in federal court that would overturn Congress' initiative-blocking law. MPP expects the lawsuit to be successful sometime in late December.

Mounting pressure from the states, in combination with the Clinton administration's inability to cope with this issue,

see 9 of 9, page 7

## House Votes to Oppose Medicinal Marijuana; Another Patient Is Arrested Protesting the Legislation

After months of delays and false alarms, the U.S. House of Representatives voted 310 to 93 on September 15 in favor of House Joint Resolution 117 (H.J.Res. 117), a non-binding anti-medicinal marijuana resolution. Even though the opponents of medicinal marijuana won the vote, MPP was pleased to get 93 votes in favor of medicinal marijuana. This was more than had been expected, given that these House members were nervous about their chances of re-election on November 3.

The good news is that this first-ever roll-call vote has identified MPP's friends in the House, demonstrating that there are almost half the votes needed to pass positive medicinal marijuana legislation in the House (93 votes out of 218 votes needed).

H.J.Res. 117 was similar to House Resolution 372 (H.Res. 372), which

see House Votes, page 22



To draw attention to the government's unjust laws, Renee Emry is arrested for smoking marijuana in a congressional office on the day of the House vote.

# MPP Confronts Drug Czar at Release of Drug Use Survey

MPP's Chuck Thomas finally had a chance to go head-to-head with Barry McCaffrey, director of the White House Office of National Drug Control Policy (ONDCP), at a news conference in Washington, D.C.

On August 21, Drug Czar McCaffrey and Health and Human Services (HHS) Secretary Donna Shalala held a news conference at the HHS building to release the government's annual National Household Survey on Drug Abuse. The survey found that teen marijuana use had increased again in 1997.

McCaffrey and Shalala proclaimed the need to redouble the nation's anti-drug efforts to reverse this trend. As usual, their

speeches painted the picture that the Clinton administration's strategy is predominately prevention- and education-based, conveniently glossing over the fact that people are arrested and sent to prison for smoking marijuana.

MPP's Chuck Thomas attended the news conference to distribute copies of the new MPP report, "Marijuana Prohibition Has Not Curtailed Marijuana Use by Adolescents." (See box on page 19.)



MPP's Chuck Thomas (right, holding report) asks Drug Czar Barry McCaffrey a tough question about arresting adults for marijuana, as HHS Secretary Donna Shalala looks on.

*This was a very rare instance in which McCaffrey publicly admitted that he supports arrests and imprisonment.*

After about three reporters asked their questions, Shalala called on Thomas. He asked, "I'm wondering why you said that prevention is your major goal, when in actuality your Drug Strategy budget shows that a majority of funding is still for law enforcement—with more than a half-million marijuana arrests annually, according to the FBI. ... Explain why you're still arresting adults even though it doesn't prevent children from using marijuana."

McCaffrey was noticeably shocked that someone with a difficult question managed to get into the news conference, and he interrupted Thomas to ask who he was representing. This gave Thomas the chance to mention MPP and to hold up MPP's new report.

[see National Drug Use Survey, page 19](#)

## MPP Testifies During UN Special Session on Drugs

On June 8-10, the United Nations (UN) held a Special Session in New York City on the "World Drug Problem." The purpose was to facilitate cooperation and rally support for the global drug war.

The UN Non-Government Organization (NGO) Committee on Narcotics and Substance Abuse invited MPP to conduct a medicinal marijuana panel on June 9. MPP was also given the opportunity to set up an exhibit in the main lobby of the UN building.

### MPP's Panel

Participants on MPP's panel included:

■ **Irvin Rosenfeld**—one of only eight patients in the United States who is legally allowed to use medicinal marijuana, through a federal program currently closed to all new applicants. Rosenfeld, who has a rare bone disorder, displayed his legal, government-supplied marijuana.

■ **Greg Scott**—an AIDS patient who uses marijuana illegally to treat nausea and severe weight loss. Scott had recently been arrested in Florida for speaking out during a government-funded anti-medicinal marijuana conference that barred patient participation.

■ **Mike Krawitz**—a veteran who uses marijuana to treat pain, spasticity, and nausea caused by injuries sustained while serving in the U.S. Air Force. Krawitz has obtained a marijuana prescription from a doctor in the Netherlands, but he lives in fear of being arrested and imprisoned for using his medicine in his home country.

■ **Iris Cruz**—a cancer survivor who used marijuana to combat the nausea caused by her chemotherapy treatments.

■ **Kildare Clarke, M.D.**—a doctor who has treated patients who need to use medicinal marijuana.

MPP's 90-minute panel was held in the UN's Church Center Building. The participants described their personal experiences and stressed the need to



MPP's Chuck Thomas (second from right) speaks at the UN as Greg Scott, Irvin Rosenfeld, and Michael Krawitz (left to right) look on.

remove criminal penalties for medicinal marijuana users.

MPP Director of Communications Chuck Thomas, who chaired the panel, gave an overview of existing state, federal, and international laws regarding medicinal marijuana. "If the UN wants to fight a world drug war, we need to remove the sick and wounded from the battlefield," Thomas said. "Patients should not be arrested for using medicinal marijuana."

MPP also invited Drug Czar Barry McCaffrey, Drug Enforcement Administration head Thomas Constantine, and U.S. Rep. Bill McCollum (R-Florida) to participate on the panel to defend the federal laws that criminalize medicinal marijuana-using patients. They refused, of course, knowing that their policies are morally indefensible.

Not to be outdone, McCaffrey simultaneously hosted a luncheon in the UN's main building to tell the media how they should cover the drug war. Just to make sure that the media would attend, McCaffrey provided free food and—ironically—alcohol! Needless to say, far more media attended McCaffrey's event than MPP's.

[see UN Special Session, page 15](#)

# State Activity

Because many state legislatures had already adjourned for the year when the last *Marijuana Policy Report* was published—while still others meet only in odd-numbered years—there is very little new information to report from the states.

## MPP Testifies in California

On May 26, MPP's Robert Kampia testified before the California Public Safety Committee in support of legislation that would permit the distribution of medicinal marijuana through locally authorized dispensaries.

California's current medicinal marijuana law allows patients and their caregivers to possess and grow marijuana for medicinal purposes, but it does not provide for marijuana distribution. Hence, California patients who cannot grow their own and do not want to purchase marijuana from the criminal market have had no choice but to purchase marijuana from distribution centers typically known as cannabis buyers' clubs (CBCs), which are illegal under state and federal law.

Kampia's testimony was part of the Medical Marijuana Distribution Summit, which brought together local and state law-enforcement officials, health officials, representatives of CBCs, lawyers, and other medicinal marijuana advocates and policy experts.

This summit resulted in the amending of S.B. 1887—which would have created a Medical Marijuana Distribution Task Force—that was originally introduced on February 19. The new, amended version of S.B. 1887 would allow interested city and county governments in California—as well as privately run operations that are authorized by local governments—to distribute marijuana for medicinal purposes. While the original version of



MPP's Robert Kampia testifies before a committee of the California state legislature.

S.B. 1887 passed the California Senate on May 28 by a 21–13 vote, the amended version stalled in the Assembly Health Committee. MPP is hopeful that this bill will be re-introduced in early 1999.

Three other medicinal marijuana bills (one good, two bad) in the California legislature were also not enacted: S.B. 535, which would have created a statewide medicinal marijuana research program, passed the California Senate by a 27–9 vote on June 4, 1997, but failed to pass the California Assembly before the Senate adjourned for the year on September 1, 1998. A.B. 610 and S.B. 2113—both of which would have greatly restricted medicinal marijuana use in California—stalled without even receiving votes on the Assembly or Senate floors.

## New Hampshire Enacts Two Bad Medicinal Marijuana Laws

On June 8, New Hampshire enacted H.B. 1563, which modifies the state's existing but inactive medicinal marijuana law so that doctors may only prescribe marijuana if it is first approved by the FDA. (Prior to this change, New Hampshire had authorized doctors to prescribe marijuana without first obtaining FDA approval, but this law was ineffective because there is no legal source of marijuana.) Additionally, on June 26, New Hampshire enacted H.B. 1562, which revokes the authority of the state health department to request and distribute marijuana and various other drugs for medical use. Both anti-medicinal marijuana bills passed the New Hampshire House and Senate by voice votes.

## Michigan Almost Increases Penalties in Ann Arbor

This past summer, the Michigan legislature came close to penalizing Ann Arbor 10 percent of the money it receives from the state every year until it adopts a stricter marijuana policy. State law calls for a maximum of one year in jail and up to \$2,000 in fines for a first-time marijuana possession violation, while Ann Arbor's city charter imposes a \$50 fine with no jail time. A 1974 local referendum in Ann Arbor originally imposed a \$5 fine, which was later increased to \$50 by a local referendum in 1990. "This law is a voted-in part of the city charter that the council cannot change," said Ann

Arbor Mayor Ingrid Sheldon. "It has to be a vote of the people."

The budgetary threat originally passed through the Michigan Senate in May but was later removed in a Senate/House conference committee before the budget bill became law. State legislators on both sides of the marijuana issue are vowing to do battle again in the 1999 legislative session.

## Bad Resolution Passes Florida House

On April 16, the Florida House of Representatives passed by voice vote H.B. 9437, a non-binding resolution stating its opposition to efforts in Florida to make marijuana medically available to the seriously ill. With ominous overtones, the resolution warns that "our state is now aware of individuals and groups who are part of a well-organized, well-financed national movement to legalize marijuana for alleged medical use and who may be targeting this state for their activities." An identical resolution, S.B. 2632, was introduced and died in the Florida Senate. These anti-medicinal marijuana resolutions run counter to what the majority of Florida voters believe: A recent poll shows that 63 percent support amending the state Constitution to "allow doctors to prescribe marijuana."

## Research Blocked in Massachusetts

On September 18, MPP received a letter from the Massachusetts Department of Public Health stating that its efforts to begin a medicinal marijuana research program have been "hampered" by the federal government.

In 1991 and 1996, Massachusetts enacted laws providing for the creation of a research program that would distribute marijuana to patients across the state. After issuing regulations and developing a study protocol, the Massachusetts Department of Public Health has not been able to begin such research because it cannot obtain a legal supply of marijuana from the National Institute on Drug Abuse (NIDA).

MPP will continue to work with Massachusetts on obtaining an alternative supply of marijuana—perhaps by importing it from England—in addition to pressuring NIDA to release its supply of marijuana. (Please see articles on England and NIDA on pages 17 and 4, respectively.)

# MPP Keeps Pushing Federal Agency to Enable Medicinal Marijuana Research

Since its inception in 1995, MPP has been at the forefront of the struggle to convince the federal government to allow scientists to study marijuana's medical benefits on human subjects. While one such study is now underway, the present regulatory system has effectively blocked the volume of research necessary for marijuana to obtain FDA approval as a prescription medicine.

One major problem is that the National Institute on Drug Abuse (NIDA) controls the only legal domestic supply of marijuana for research in the United States. Before scientists can study marijuana's medical benefits, they must ask NIDA for its marijuana.

NIDA should provide its marijuana to all researchers as soon as they receive the FDA's permission to begin a study. Instead, NIDA requires all researchers to apply for and receive a federal grant from the National Institutes of Health (NIH) before they can receive any marijuana—even if they do not need federal money. **If the NIH peer-review panel refuses to**

**approve the study, then NIDA will not provide any marijuana.**

Of course, NIH rejects the vast majority of funding requests because of the strong competition for limited funds. Knowing this, very few researchers have even tried to obtain NIDA's marijuana. Only one researcher has successfully gone through this process in the past 15 years, and he was delayed for four years and required to make substantial changes to the design of his study, decreasing the likelihood that it will show that marijuana is an effective medicine. (This study is currently underway.)

Pharmaceutical companies do not face this extra hurdle. When they develop new synthetic drugs, they can begin their research as soon as the FDA gives them permission to begin their studies. And that is precisely how marijuana should be treated.

**In sum, MPP argues that NIDA should provide its marijuana to all FDA-approved research without also requiring NIH funding or an NIH peer review.**

Since 1995, MPP has made significant progress toward this goal. MPP has convinced the American Medical Association (AMA), an appropriations subcommittee of the U.S. Senate, and even an NIH expert group to urge NIDA to change its policy.

The following are the latest developments in this ongoing struggle.

## MPP Testifies at NIDA Advisory Council Meeting

Since 1995, MPP's Chuck Thomas has testified during the public comments portion of almost all of the NIDA advisory council meetings, which are held in the Washington, D.C., area three times a year. The council advises NIDA on a range of issues, and the meetings are attended by NIDA Director Alan Leshner and dozens of other NIDA officials and staff.

On May 20, Thomas once again testified on the medicinal marijuana issue. He criticized Leshner for his vague response to a letter from Thomas asking him whether NIDA had adopted the recommendations of the AMA or the NIH expert group. (See below.) Leshner's reply of February 18 had said that NIDA is "continuously reviewing the information." Thomas told the council that such a vague response was unacceptable, and then he put Leshner on the spot in front of his advisors, colleagues, and staff by requesting an in-person meeting to discuss the issue in detail. Leshner begrudgingly muttered, "Sure."

A meeting was scheduled for June, but Leshner canceled it with just a couple of days' notice. It was re-scheduled for September 4. (See below.)

## MPP Blasts NIDA on One-Year Anniversary of NIH Report

August 8 marked the one-year anniversary of the release of a crucial report. In February 1997, NIH convened a meeting of the NIH Ad Hoc Group of Experts to examine the existing evidence regarding medicinal marijuana and to make recommendations for future research. MPP orchestrated patients' testimony at the

## MPP Drums Up More Support at AMA Meeting

On June 14-18, MPP's Chuck Thomas attended the biannual meeting of the AMA House of Delegates in Chicago. MPP's goal was to make contacts, build bridges, assess the terrain, and develop an action plan to persuade the AMA to build upon the fairly supportive medicinal marijuana position that MPP had convinced it to adopt in December 1997.

Specifically, MPP would like the AMA to pass a resolution asserting that medicinal marijuana-using patients should not be arrested. Thomas distributed a sample resolution to hundreds of the AMA's 477 voting delegates. (See box on page 13.) A few of them agreed to help promote the



MPP must convince a majority of these doctors at the American Medical Association to support medicinal marijuana.

resolution at an upcoming House of Delegates meeting. MPP's follow-up efforts are underway.

Hundreds of other people attended the June meeting, including alternate delegates, members of state medical associations, AMA staff members, and pharmaceutical company representatives. Lobbying nearly 1,000 medical doctors to support medicinal marijuana was an arduous task. While none of them said

see [AMA Meeting](#), page 13

see [MPP Keeps Pushing](#), page 18

## MPP Testifies at DEA Hearing

On May 27, MPP's Chuck Thomas testified at the Drug Enforcement Administration's (DEA's) hearing on the use of toxic herbicides for marijuana eradication efforts. The hearing, held just outside of Washington, D.C., was one of five hearings nationwide on the DEA's "Draft Supplement to the Environmental Impact Statements for Cannabis Eradication in the Contiguous United States and Hawaii," an update to its 1985 and 1986 Environmental Impact Statements.

MPP opposes the DEA's use of herbicides for two main reasons:

(1) It could cause a public health disaster. When marijuana growers discover that their plants have been sprayed, they are likely to quickly harvest the material before it dies. Thousands—perhaps millions—of marijuana users would be at risk of smoking marijuana that has been saturated with toxic herbicides. The long-

term health consequences of using contaminated marijuana have not been sufficiently evaluated. "Poisoning marijuana users is an abominable drug war tactic," Thomas testified. "But it is not surprising, considering that the national health care policy for medicinal marijuana users is to arrest them. Marijuana prohibition is cruel and inhumane."

(2) It will increase the nation's drug problems. If the DEA actually managed to eradicate a substantial portion of outdoor-grown marijuana—which is unlikely no matter what it did—growers would move indoors, and the use of imported marijuana would increase. Then, if the indoor marijuana were eradicated—which would require unprecedented civil liberties violations to succeed—and the imported marijuana supply were cut off, the smuggling of harder drugs would increase, since they are more compact and more profitable than marijuana. When the availability of plant-based drugs is reduced, very dangerous chemically syn-



MPP's Chuck Thomas explains how the DEA's marijuana eradication program causes more harm than good.

thesized drugs like methamphetamine dominate the market.

"The tougher the enforcement, the tougher the criminals," explained Thomas. "It's survival of the most vicious. Eradicating outdoor marijuana plants would give crack and methamphetamine dealers a monopoly on the illegal drug trade. Pot smokers would turn to hard drugs, while violent criminals have shoot-outs on sidewalks by schoolyards."

The results of the DEA hearings are not yet known.

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## MPP Attends Republicans' Drug War Pep Rally

On April 30, dozens of members of Congress held a news conference in an office building of the U.S. House of Representatives to unveil their "new" plan to win the drug war by the year 2002. About 100 children were used as props, standing behind the legislators as they spoke.

The rhetoric was cruel and hate-filled, frequently calling drug users and dealers names like "scum" and "garbage." More than 50 members of Congress—most, if not all, Republican—surrounded the podium while U.S. Representatives Newt Gingrich (Georgia), Bill McCollum (Florida), Rob Portman (Ohio), Dennis Hastert (Illinois), and a couple of others spoke. Celebrities also spoke, including the goalie of the gold-medal winning Olympic women's ice hockey team, an actor from TV's "Walker, Texas Ranger" who runs a "cowboys" anti-drug group, and astronaut Buzz Aldrin. The celebrities basically gave feel-good, "just say no"-style pep talks without much bashing of drug users.

The main theme was that the drug war can be won in four years with a World War II-style battle plan. Gingrich said

that as much money would be spent as is needed to win. "Any other" federal spending program would be cut if necessary to fund the new drug war. He said that it must be won very quickly, or the public will get cynical and "the movement to legalize drugs" will succeed.

The substance of the event consisted of a 12-point battle plan detailing the Republicans' priority legislation. Like the Contract With America during the 1994 campaign season, this plan was heavily influenced by polls and hired-gun public relations firms.

MPP's Chuck Thomas distributed medicinal marijuana information to the attendees, including dozens of reporters and television news teams.

Recognizing that the event was a contrived publicity stunt, most major news media—even those that attended—chose not to report on it. The top 12 pieces of legislation that were announced at the news conference follows.

### DETERRING DEMAND

- Drug-Free America Blue Ribbon Campaign Resolution

- Drug-Free Congressional Leadership Resolution
- Drug-Free Communities Act
- Drug-Free Workplaces Act
- Drug-Free Youth Resolution (H.Res. 267)
- Drug-Free Student Loans Amendment (H.R. 6)

### STOPPING SUPPLY

- Drug-Free Borders Act
- Drug-Free Hemisphere Act
- Life-In-Prison for Speed Trafficking Act

### INCREASING ACCOUNT ABILITY

- Drug Czar Reauthorization Act (H.R. 2610)
- Needle Ban-Plus Bill (H.R. 3717, which passed that week)
- Drug-Free Money Laundering Act of 1998

All of the legislation was generally very aggressive and punitive, wasting taxpayers' money, misapplying criminal justice resources, eroding civil liberties, and further hurting marijuana users (including medicinal marijuana-using patients).

see [Drug War Pep Rally](#), page 23

# Marijuana Good for Stroke, Migraine, and Other Pain

Three recent articles, published in reputable scientific journals, have confirmed marijuana's medicinal value for treating stroke, migraine, and other painful conditions.

An article\* published in June in the peer-reviewed journal *Pain*, the official journal of the International Association for the Study of Pain, concludes that "Cannabis, whether ingested or smoked, has a long history of reportedly safe and effective use in the treatment and prophylaxis of migraine." The author is Ethan Russo, M.D., a clinical neurologist at the Department of Neurosciences at the Western Montana Clinic.

The article provides an extensive historical review of marijuana's use in the treatment of migraine—a painful, often debilitating condition that afflicts at least 11 percent of the U.S. population. Thousands of years of medical practice and several modern studies indicate that smoking marijuana helps many migraine patients.

It is understandable that many migraine patients use marijuana. Dr. Russo's article notes that "the best [legally] available medication ... has been ineffective in up to 30 percent of patients, or has produced undesirable side effects for up to 66 percent when administered subcutaneously."

Dr. Russo is currently trying to get federal permission to conduct new medicinal marijuana research on migraine patients in the United States, which could ultimately lead to FDA approval of marijuana as a prescription medicine. Not surprisingly, his attempts have thus far been thwarted by the federal government.

In the July 7 *Proceedings of the National Academy of Sciences*, a team of researchers funded by the National Institutes of Health published findings that a major ingredient in marijuana, cannabidiol, can prevent brain cell damage following strokes.

Researchers Aidan Hampson, Ph.D., and Julius Axelrod, Ph.D., found test-tube

evidence that cannabidiol is a potent anti-oxidant which can protect the brain against toxic compounds generated by the brain following a stroke. The researchers also speculated that cannabidiol can prevent brain damage caused by Alzheimer's disease, Parkinson's disease, and perhaps heart attacks.

The researchers are currently testing cannabidiol in rats. Extensive media coverage was generated by the test-tube results, but it mainly focused on the possibility of using a pharmaceutical version of cannabidiol to treat stroke patients. MPP hopes that studies will soon be conducted on humans eating or smoking natural marijuana.

On September 24, the journal *Nature* published an article by researcher Ian Meng, Ph.D., which found that a synthetic version of the main active ingredient in marijuana, THC, worked like morphine to reduce pain in rats. The researcher speculated that the chemical may even have some advantages over morphine, as THC reduces nausea while morphine may cause nausea. Using the two substances in combination may decrease the amount of opiates that chronic pain patients need to take.

As with Dr. Hampson's study, the flood of news articles focused mainly on the hope for "marijuana-like drugs" to be used, without noting that marijuana itself is useful. Fortunately, an article in the *San Francisco Examiner* got it right:

*"To advocates like Chuck Thomas of the Marijuana Policy Project, the study is further proof that the thousands of people with cancer, AIDS and other diseases who are using the drug to feel better are on the right track.*

*"These patients are not stupid and should not be going to jail," Thomas said."*

The *Examiner* article was picked up by the Associated Press and distributed nationwide.

Meanwhile, the one and only current medicinal marijuana study in the United States has been underway since May. The study, being conducted by Dr. Donald Abrams of the University of California at San Francisco, is looking primarily at the potential negative effects of medicinal marijuana for AIDS patients, although some useful efficacy data will also be gathered. MPP is looking forward to seeing the results after the study is completed early in the year 2000.

In the meantime, MPP is working to (1) promote more human research geared toward the ultimate FDA approval of natural plant marijuana and (2) do whatever is necessary to remove criminal penalties for patients already using it.

Reputable journal articles have provided very strong evidence to indicate that marijuana works as a medicine for some people. Patients cannot wait for FDA approval: With all of the federal meddling, that could take decades. These recent articles underscore the need to remove criminal penalties now for the thousands of patients already using medicinal marijuana.

\*Russo, E.B., "Cannabis for Migraine Treatment: The Once and Future Prescription?: An Historical and Scientific Review," *Pain*, 76(1-2):3-8, 1998.

## Study Finds Urine Testing May Hurt Productivity

Companies that use random or pre-employment drug testing have significantly lower productivity than comparable companies that do not, according to the new study, "Drug Testing and Labor Productivity: Estimates Applying a Production Function Model," published by the Le Moyne College Institute of Industrial Relations in September.

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membership) or pledge your  
support of just \$5 a month.**

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

**Robert D. Kampia, director of government relations**

**Chuck Thomas, director of communications**

**Michael Kirshner, production manager**

will likely result in a vigorous congressional debate and vote in early 1999. The legislative vehicle for this debate is likely to be a resolution to overturn the will of the D.C. voters once the election results are released and show that Initiative 59 did, in fact, pass.

If the federal courts order the D.C. government to release the results of Initiative 59, and the vote tallies show that a majority voted for the initiative, then Congress will have 30 working days to block the new law before it takes effect. MPP believes Congress will seize the opportunity to do so.

### How did MPP contribute to the victories nationwide?

The **Marijuana Policy Project** worked closely with a coalition of AIDS activists who put Initiative 59 on the ballot in Washington, D.C. The campaign duties were divided up, with MPP working on the following:

- MPP coordinated an extensive phonebanking effort in the six weeks prior to the election—47 volunteers came to the office and called more than 7,000 likely D.C. voters.
- MPP “got out the vote” prior to Election Day by sending mailings to targeted segments of the D.C. voting population.
- MPP organized an extensive effort on Election Day by arranging to have 118 poll workers distribute Initiative 59 literature to the voters entering 73 of the 140 polling places citywide.

In the states, the **Marijuana Policy Project** (1) helped write the text of the initiatives that appeared on the ballots, (2) compiled and released information on the extent and history of other efforts to change the medicinal marijuana laws, (3) recruited patients and doctors who could speak out in favor of the initiatives, and (4) responded to hundreds of media inquiries over the past year.

### What will the newly passed state initiatives actually do?

Similar to Proposition 215 in California, the initiatives in Alaska, Arizona, Oregon, and Washington state protect patients with their doctors’ approval from being arrested for possess-

ing or growing their own marijuana for medicinal purposes. (Because of a legal dispute, the Colorado initiative will have to be voted on again in November 2000. Additionally, because the Nevada initiative amends the state constitution, the voters in Nevada must approve the initiative a second time in November 2000.)

How will this work? If a police officer shows up at the home of a patient who is growing or using marijuana, the patient need only show documentation from his or her doctor to avoid arrest. If the officer arrests the patient anyway, the patient will be allowed to raise a “medical necessity defense” in court.

Because it is illegal under federal law to use, possess, or grow marijuana for medicinal purposes, these state initiatives conflict with federal law. Fortunately, the federal government does not have sufficient resources or DEA agents to invade the initiative states and arrest tens of thousands of patients for small amounts of marijuana.

### Key Provisions of the Initiatives

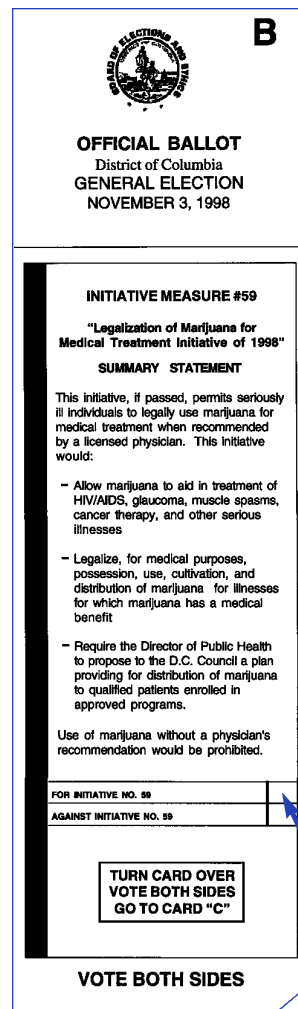
#### ■ Verifying Doctors’ Approval

In Arizona, Washington state, and Washington, D.C., a doctor must recommend in writing (or orally in D.C.) that a patient use the drug to treat a serious illness.

The Alaska, Colorado, Nevada, and Oregon initiatives contain a provision that would establish a confidential patient registry and identification card system with the state government.

#### ■ Legal Defense or Exemptions for Patients and Caregivers

All of the medicinal marijuana measures include provisions that give patients and caregivers either a legal defense in court or specifically exempt them from the laws prohibiting the medical use of marijuana. Even initiatives that require patient registration also have provisions that would protect non-registered patients



and caregivers if a doctor has advised a patient that marijuana would be beneficial in his or her treatment.

#### ■ Specifically Covered Medical Conditions

With the exception of Arizona, all of the state initiatives specify which medical conditions can be treated with marijuana—but also allow the state health department to add to the list of conditions. The D.C. initiative lists specific medical conditions and “other serious or chronic illnesses.”

#### ■ Marijuana Possession Limits

The state initiatives specify how much marijuana a patient is allowed to possess but give a patient a legal defense in court if he or she can

Thanks to MPP’s efforts, an estimated 69 percent of D.C. voters approved Initiative 59 on November 3.

prove that the greater amount of marijuana was needed to treat an illness. The one exception is Washington state, where patients are allowed to possess a two-month supply.

In Washington, D.C., patients would be allowed to possess a “sufficient quantity” to treat an illness.

#### ■ Supply Mechanism

For the most part, the initiatives depend on the patients and their caregivers to provide for their own supply of marijuana through home cultivation. The one exception is the Nevada initiative, which would require the legislature to authorize “appropriate methods for supply of the plant to patients.”

The D.C. initiative goes the farthest in its attempt to supply marijuana to patients by allowing non-profit corporations to be established to cultivate and distribute medicinal marijuana. It also requires the eventual supply of “safe and affordable” marijuana to patients enrolled in the Medicaid or Ryan White CARE Act programs.

see 9 of 9, page 8

## Shortcomings of the Initiatives

While the **Marijuana Policy Project** supported the passage of all of the initiatives, there are some provisions that are potentially problematic for patients. Overly restrictive provisions were included by several state campaigns so that the initiatives would not be attacked for the kinds of “loopholes” that California’s Proposition 215 contained. During the drafting process, **MPP** was able to clarify and improve the text of the initiatives, except for two key provisions that **MPP** opposes—the government-issued identification cards, and plant quantity and weight limits. Here is a critique of the medicinal marijuana initiatives:

### ■ Patient Registries Present a Number of Risks

**MPP** agrees with the intent of the patient registries—to protect patients from arrest by providing law-enforcement officers with an easy way to check the patients’ legal status. **MPP** is concerned, however, about the possibility of confidentiality violations. There is a danger that the legislature could open up the patient registry for purposes it was not intended to address. There is also the possibility of violations by employees of the state health departments and law enforcement and, though not as likely, potential seizure by the federal government.

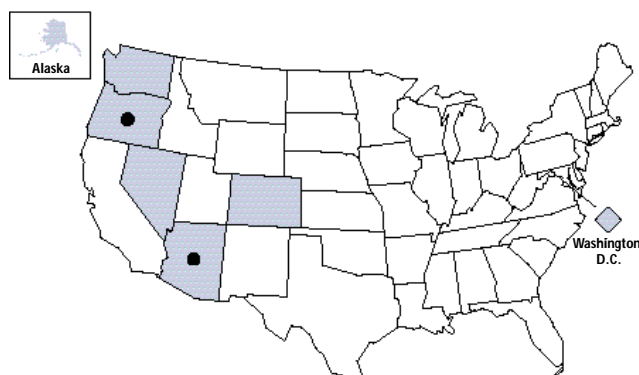
A more important concern, however, is the likelihood that state health departments will refuse to set up the system in the first place by making the claim that they would be violating federal law. If this occurs, then litigation between patients and the state governments is likely to ensue. This would be unfortunate, as it would take the focus off of the federal prohibition of medicinal marijuana.

### ■ Limits on Marijuana Quantity Should Be Conceptual, Not Numerical

Although the initiatives allow patients to grow their own medicine and possess up to an ounce of marijuana (two ounces in Colorado), some of the legal limits are too stringent. A six-plant cultivation limit, with only three plants flowering, will not be sufficient for many patients. Limiting patients to legally pos-

sessing only an ounce at a time will force many patients to enter the criminal market if they want to stay within the legal limits. While there is an “escape clause,” whereby a patient can argue that a larger amount of marijuana is necessary for medical treatment, this is a defense that can only be offered in court—after the patient is arrested.

In sum, it does not make sense to impose a numerical limit on the number of ounces or plants a patient may have, because some patients require only a few puffs of marijuana every couple of days or weeks (for instance, cancer patients before chemotherapy treatment), while other patients need to smoke five or ten marijuana cigarettes a day (glaucoma patients, for example). **MPP** believes that



■ A majority of voters in Alaska, Arizona, Colorado, the District of Columbia, Nevada, Oregon, and Washington state passed medicinal marijuana measures on November 3, 1998.

● Voters in Arizona and Oregon also rejected referenda that would have increased penalties for nonviolent marijuana offenses.

a conceptual quantity limit is more appropriate: Patients should be permitted to possess enough marijuana for “uninterrupted treatment,” or perhaps a “60-day supply” of marijuana.

### ■ No Provision for Marijuana Distribution

The final concern is that the supply mechanism for medicinal marijuana is inadequate for many of the initiatives. Patients can supply themselves if they cultivate their own plants, but those unable to cultivate their own will still have to enter the criminal market to buy their medicine. Because these initiatives do not allow for cannabis buyers’ clubs (CBCs), it is expected that these states will have the same problems that California has had even with the passage of Proposition 215, where dozens of CBCs have been raided, sued, or

closed down because they do not enjoy protection under state (or federal) law.

Only two of the initiatives provide for a distribution mechanism. The Nevada initiative requires the legislature to authorize “appropriate methods for supply” of marijuana; the Washington, D.C., initiative permits non-profit corporations to cultivate and distribute marijuana for medicinal purposes. **MPP** supports such efforts to provide for the legal distribution of marijuana to patients who may not be able to grow their own—and who do not want to purchase their marijuana from the criminal market.

## Who opposed the initiatives?

As expected, the initiatives were opposed by various state and national elected officials and other bureaucrats, as well as a host of police associations and anti-drug organizations.

The following opponents primarily based their stated opposition on a concern that the initiatives “subvert” the traditional FDA drug approval process. That is, the opponents of the initiatives believe that the FDA should remain the entity to determine which medicines people can use without criminal prosecution. While **MPP** advocates more research into marijuana’s therapeutic value so that it can eventually move through the FDA process to become a prescription medicine, **MPP** also believes that patients who are already using medicinal marijuana should not be arrested in the meantime.

### ■ Presidents Bush, Carter, and Ford Issue Statement

On October 27, former Presidents George Bush, Jimmy Carter, and Gerald Ford issued a statement opposing the initiatives. “These initiatives are not based on the best available science,” they wrote in a letter that closely parallels the Clinton administration’s position on the matter. The letter also said the ballot measures “undercut our national commitment to ensuring that medicines are proven to be safe and effective by the Food and Drug Administration before being approved for use by the public.”

see 9 of 9, page 9

This statement was similar to the statement that these three presidents issued against Arizona's Proposition 200 and California's Proposition 215 in the fall of 1996. This is frustrating because Carter went so far as to call for the "decriminalization" of marijuana for recreational use in an address to Congress in 1977.

#### ■ **Barbara Bush Featured in Ad Campaign**

In the week before Election Day, the campaigns opposing the medicinal marijuana initiatives in Alaska, Oregon, and Washington state enjoyed a boost from former First Lady Barbara Bush. Mrs. Bush was featured in a series of radio and TV commercials aimed at convincing voters to reject the initiatives. "Now is not the time to send a message to our young people that marijuana is medicine," she said. "It is not. It is a dangerous, illegal drug."

#### ■ **Police Groups Almost Universally Oppose Initiatives**

The primary on-the-ground opposition to the initiatives came from prosecutors and local and state police organizations who fear that reforming the marijuana laws in any way could threaten their departments' budgets. "This is a way to legally introduce people to possibly a lifetime of drug abuse," said John Justice, a South Carolina prosecutor who heads the National District Attorneys Association. "The drug problem from stem to stern in this country is tremendous, and I knew a judge who used to call marijuana 'the kindergarten of the drug industry'."

(This differs from the position of the National Association of Attorneys General, which issued a statement in 1983 that called for prescriptive access to marijuana.)

On October 18, D.C. Police Chief Charles Ramsey, who serves as president of the Major City Chiefs Association, said the passage of the initiatives "would be a dangerous step backward in the fight against crime in our nation's cities." He did not specify how allowing seriously ill people to use marijuana—just as they are legally permitted to use morphine and other powerful, potentially addictive drugs—would increase crime on the streets.

#### ■ **Four U.S. Senators Hold News Conference**

On October 9, four Republican U.S. senators from the initiative states announced their opposition to the medicinal marijuana ballot initiatives. They were joined by former Drug Czar William Bennett, who now serves as co-chair of the conservative organization Empower America. In typical hyperbole, U.S. Sen. Wayne Allard (R-Colorado) said that allowing seriously ill people to use medicinal marijuana would be "grave for Colorado." Perhaps significantly, this news conference, held in Washington, D.C., received almost no media coverage.

#### ■ **White House Speaks Out**

In the week before Election Day, Dr. Donald Vereen, deputy director of the White House Office of National Drug Control Policy (ONDCP), toured the initiative states to speak out against the initiatives. "We must keep an open mind about drugs with medical purposes," he said. "Before you vote, ask yourself: 'What other medicines do you smoke?' Smoked marijuana damages the brain, heart, lungs and immune system."

ONDCP Director Barry McCaffrey held a news conference in Washington, D.C., on October 27 to blast the initiatives: "We need to leave medicine to the scientists and doctors of America. American medicine is the best in the world, and it's not based on this kind of malarkey." McCaffrey, a retired Army general who has no experience in the practice of medicine, neglected to say that the federal prohibition of marijuana was implemented in 1937 against the wishes of the American Medical Association, and the 1970 classification of marijuana as having "no currently accepted medical use" was a political policy that was implemented by a



This "Initiative 59-mobile" was used to transport volunteers and supplies to the polls in Washington, D.C., on Election Day.

*SEC. 171. None of the funds contained in this Act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.*

Congress passed this anti-medicinal marijuana amendment on October 21, 1998.

Congress that did not take into account the scientific literature on the matter.

#### ■ **Attorney General Janet Reno Lies**

At her weekly news conference on October 22, U.S. Attorney General Janet Reno said voters should let science, not the ballot box, determine whether marijuana should be used for medicinal purposes. She went on to say that "there is no present scientific support for the medical use of marijuana." By saying this, Reno continued the Clinton administration's policy of ignoring the more than 70 studies that have been published in peer-reviewed medical journals which show that marijuana is medically useful for certain patients. These studies were reviewed by the National Institutes of Health in a high-profile August 1997 study and by the American Medical Association in its December 1997 report.

#### ■ **Anti-Drug Groups Speak Out Against Compassion**

The opposition to the initiatives was led in the private sector by the Community Anti-Drug Coalitions of America (CADCA), which regularly faxes legislative updates to thousands of community organizations whose stated goal is to reduce drug use among young people and drug abuse in their communities. In a fax dated October 8, CADCA claimed: "Voter initiatives to legalize drugs as medicine are on the November 3 ballot in your state. If passed, these initiatives will seriously undermine your drug-prevention work. Legalization efforts, including those that insist that illicit drugs are medicines, appear to be contributing to the erosion in young people's belief that drugs are harmful and to stimulating their increase in use." (This is untrue, as marijuana use rates among young people were actually lower in 1997 in California than in states that did not have medicinal marijuana initiatives in 1996.)

see 9 of 9, page 10

Sue Rusche, executive director of the anti-drug group National Families in Action, said, "They are taking the case to the voters in the most obnoxious and irresponsible way, crafting television commercials that appeal to compassion for the terminally ill."

Marie Majewske, who led the successful campaign that recriminalized marijuana in Alaska in 1990, said, "I think that this is despicable, that they're using the sick and the dying to get their foot in the door to legalize drugs."

### How does all of this add up?

MPP is using the momentum from the state initiatives to lobby Congress to change the federal laws that prohibit seriously ill people from using marijuana as a

medicine. There are three key events that are allowing MPP to build a coalition in Congress which will support a proactive medicinal marijuana bill:

- On September 15, Congress held its first-ever roll call vote on medicinal marijuana, with 310 House members voting against and 93 voting for medicinal marijuana (including six Republicans). Of these 93 House members, 86 ran for re-election—and all won.
- Ninety-five members of Congress—14 U.S. senators and 81 U.S. representatives—come from the seven states in which voters approved medicinal marijuana initiatives in 1996 and 1998.
- If, as is expected, the proponents of the D.C. medicinal marijuana ini-

tiative win the federal court case, and the vote tallies show that a majority of D.C. residents did indeed vote for the initiative, then Congress will very likely move to block the initiative from taking effect. MPP is eagerly preparing for this vote, which will further identify its supporters on Capitol Hill.

Looking towards the future, Maine will likely have a medicinal marijuana initiative on the ballot in November 1999, and Nevada and Colorado are scheduled to vote on initiatives in November 2000. These likely initiative victories—in combination with MPP's coalition-building in Congress over the next two years—should culminate in the passage of positive medicinal marijuana legislation in the 2001-2002 Congress. **END**

### Comparison of Provisions in the 1998 Medicinal Marijuana Initiatives

	Vote	Legal Defense or Exemption for Patients	Doctor's Written Approval Required	Eligible Medical Conditions	Marijuana Possession Limits	Patient Registry Requirement	Number of Caregivers Permitted	Permits Non-Profit Marijuana Suppliers	Statutory or Constitutional
<b>Alaska Measure 8</b>	Yes - 58% No - 42%	Yes	Yes	[1]	1 ounce; 6 plants with 3 flowering	Yes	One	No	Statutory
<b>Arizona [2] Proposition 300</b>	Yes - 43% No - 57%	Yes	Written approval by 2 doctors and supporting scientific documentation	"debilitating diseases" or "seriously ill or terminally ill" patients	"receipt, possession or use ... pursuant to the prescription of a doctor" is legal	No	Not Specified	No	Statutory
<b>Colorado [3] Initiative 19</b>	Yes - 57% No - 43%	Yes	Yes	[1]	2 ounces; 6 plants with 3 flowering	Yes	One	No	Constitutional
<b>District of Columbia [4] Initiative 59</b>	Yes - 69% No - 31%	Yes	Written or Oral	HIV/AIDS, glaucoma, muscle spasms, cancer, and "other serious or chronic illnesses"	"sufficient quantity" to treat illness	No	Four	Yes	Statutory
<b>Nevada [5] Question 9</b>	Yes - 59% No - 41%	Yes	"Advice required"; to be determined by legislature	[1]	To be determined by legislature	Yes	To be determined by legislature	Possibly; system to be determined by legislature	Constitutional
<b>Oregon [6] Measure 67</b>	Yes - 55% No - 45%	Yes	Yes	[1]	1 ounce; 6 plants with 3 flowering	Yes	One	No	Statutory
<b>Washington state Initiative 692</b>	Yes - 59% No - 41%	Yes	Yes	[1]	60-Day Supply	No	One	No	Statutory

[1] Cancer, HIV/AIDS, glaucoma, cachexia, seizure disorders (including epilepsy), spasticity disorders (including multiple sclerosis), severe pain, and severe nausea.

[2] By rejecting Proposition 300, Arizona voters upheld the medicinal marijuana provision of Proposition 200, which Arizona voters passed in November 1996. Hence, MPP supported the "no" vote on Proposition 300.

Also on Election Day, Arizona voters rejected Proposition 301, which sought to overturn another provision of Proposition 200 which mandated treatment over incarceration for nonviolent drug offenders. By voting "no," Arizona voters said "yes" to treatment and "no" to incarceration. MPP supported the "no" vote—which received 52% of the vote!

[3] Although Initiative 19 did appear on the ballot in Colorado, the vote will not count because of a legal dispute. Colorado voters will likely have another chance to approve the initiative on the November 2000 ballot.

[4] Because of an amendment passed by Congress on October 21, the vote tallies for Initiative 59 in the District of Columbia have not yet been released. Exit polls, however, showed that 69% of D.C. residents voted for the measure.

[5] Because Question 9 intends to amend the Nevada Constitution, Nevada voters must approve the measure a second time in November 2000 for it to take effect.

[6] Also on Election Day, Oregon voters rejected Measure 57, which said "no" to re-criminalizing personal possession amounts of marijuana (for recreational use). MPP supported the "no" vote—which received 67% of the vote!

MPP credits the Drug Policy Foundation with compiling this chart, as well as providing some of the information for the article. For additional information, call the Drug Policy Foundation at 202-537-5005 and order the report "Election '98: The Vote for Medical Marijuana and Drug Policy Reform."

# Pro-Reform Congressional Candidates Elected to Office Nationwide

For the first time in recent history, voters across the nation overwhelmingly chose candidates who support more practical and compassionate marijuana policies. This—in combination with the approval of seven medicinal marijuana initiatives and two other drug policy reform measures—indicates that the American people are becoming increasingly frustrated with marijuana prohibition and the simplistic “lock ‘em up” approach that has dominated American politics for decades.

Consequently, **MPP** will have more supporters in the 1999-2000 Congress than in most previous years. Despite these gains, however, the majority of U.S. senators and U.S. representatives will continue to be hostile to **MPP**'s mission. With the Republicans still in control of both chambers—albeit with a slimmer majority in the House—**MPP** hopes to stave off all new bills that would increase marijuana penalties, while building support for positive medicinal marijuana legislation.

Ideally, **MPP** and its members will be able to push the House Commerce Committee and the Senate Labor and Human Resources Committee to hold hearings on medicinal marijuana, while also garnering a respectable portion of the vote when anti-medicinal marijuana legislation reaches the floors of the House and Senate in early 1999. (Please see front page article.)

## U.S. Rep. Ron Paul Wins Handily

U.S. Rep. Ron Paul (R-Texas), the most outspoken opponent of the drug war in Congress, won his reelection bid with 55 percent of the vote. During the 1997-98 Congress, Rep. Paul spoke out on the House floor against drug testing and the excesses of the drug war—and in favor of medicinal marijuana. (The latter was



**U.S. Rep. Ron Paul (R-Texas) has the best voting record on marijuana issues in Congress.**

particularly powerful, since he is a medical doctor.) **MPP** ranks Rep. Paul as having the best voting record—by far—of all members of Congress.

## Congressional Supporters of Medicinal Marijuana Win Reelection

Of the 95 House members who either co-sponsored positive medicinal marijuana legislation or voted against bad medicinal marijuana legislation in the 1997-98 Congress, 88 won reelection and seven did not run for reelection. (None lost their contests.)

As was the case in the November 1996 election, members of Congress who spoke out for changing the medicinal marijuana laws were not attacked for their support during the campaign season—and in most cases won their reelection bids easily.

## Gingrich and Solomon Retire, Faircloth Ousted

**MPP** is pleased to report that three of the most vicious anti-marijuana crusaders are no longer in office.

U.S. Rep. Newt Gingrich (R-Georgia), while easily winning his reelection bid, resigned after the elections when mounting pressure from within his party indicated he would no longer be able to retain his position as Speaker of the House. While Gingrich had supported changing the medicinal marijuana laws early in his career, he more recently opposed medicinal marijuana and even made winning a more vicious “drug war” one of his top four priorities in the last two years, even going so far as to introduce legislation that would have imposed the death penalty for people convicted of importing two or more ounces of marijuana!

Every two years, at the beginning of each new Congress, U.S. Rep. Gerald Solomon (R-New York) has introduced a dozen or more bills to impose drug testing on federal workers, the death penalty for drug dealers, and harsher sanctions for nonviolent drug offenders. No more—Rep. Solomon chose not to run for reelection, citing family concerns.

U.S. Sen. Lauch Faircloth (R-North Carolina) originally made himself known to **MPP** for introducing legislation that

would have imprisoned doctors for merely “recommending” the medical use of marijuana. Sen. Faircloth's defeat shows that blindly adhering to an anti-marijuana doctrine does not necessarily help one's chances of being reelected—he lost his race in conservative North Carolina to his Democratic opponent by a margin of 47 percent to 51 percent.

## Three New House Members Worth Watching

The Democratic sponsor of a 1998 medicinal marijuana bill in the Wisconsin state legislature was elected to the U.S. House of Representatives with 53 percent of the vote. Tammy Baldwin, the first openly lesbian woman ever elected to Congress, has said she will not shy away from advocating that patients be permitted to use medicinal marijuana legally.

In northern California, Mike Thompson (D) was elected to the seat previously occupied by U.S. Rep. Frank Riggs (R), who was an opponent of Proposition 215 and who introduced H.R. 3184, one of the four anti-medicinal marijuana bills in the 1997-98 Congress. Thompson, who previously served in the California state legislature, has said that he supports medicinal marijuana.

In Idaho, Republican Mike Simpson, who admitted to having smoked marijuana at age 19, was elected to the House with 53 percent of the vote. **MPP** is hopeful that he will be supportive of legislation that would remove criminal penalties against marijuana users.

## Most Vocally Supportive Senator Loses

U.S. Sen. Carol Moseley-Braun (D-Illinois), who during her first campaign for the U.S. Senate in 1992 called repeatedly for lessening marijuana penalties, lost her reelection bid with 47 percent of the vote. In the February 18, 1996, issue of *Parade* magazine, she was quoted as saying, “We should decriminalize all but wholesale drug distribution and ensure that those convicted of such crimes actually serve the time.” Her loss was not caused by her position on drug policy—

see [Reform Candidates](#), page 12

indeed, she did not speak out against the drug war on the Senate floor—but rather by a weak campaign and an inability to put together a string of accomplishments during her six years in office.



**U.S. Sen. Lauch Faircloth (R-North Carolina), commenting on the D.C. medicinal marijuana initiative, said, "I'd do anything I could to block it, to stop it. We're going to have to pass a federal law on this so-called medicinal marijuana. ... We are going to have to outlaw it." Apparently, he does not understand that medicinal marijuana is already illegal under federal law. He lost his reelection bid on November 3.**

### The "Bad Guy" in Congress

MPP predicts that U.S. Rep. Bob Barr (R-Georgia) will be the leading marijuana prohibitionist in the 1999-2000 Congress. Rep. Barr, who is best known for leading the charge for President Clinton's impeachment, has taken a number of opportunities in the past two years to attach anti-medicinal marijuana amendments to various bills on the House floor. Most importantly, it was Rep. Barr who introduced the amendment that prevented the D.C. government from tallying the votes on Initiative 59, the medicinal marijuana initiative that appeared on the ballot in the nation's capital on November 3. (See front page article.)



**MPP expects U.S. Rep. Bob Barr (R-Georgia) to be its leading adversary in the 1999-2000 Congress.**

### Three Sons Arrested, Three Members Reelected

On November 17, the son of U.S. Rep. Randy "Duke" Cunningham (R-California) was sentenced to two and one-half years in federal prison for his role in a conspiracy to distribute

marijuana. This did not seem to affect the campaign of his father, however, who was reelected with 61 percent of the vote.

Two other members of Congress with sons arrested for marijuana were also reelected on November 3: U.S. Rep. Dan Burton (R-Indiana) won with 72 percent of the vote, and U.S. Sen. Richard Shelby (R-Alabama) won with 63 percent of the vote.

It remains to be seen whether these family tragedies will cause these three members of Congress to reevaluate their support for marijuana prohibition.

see [Reform Candidates](#), page 13

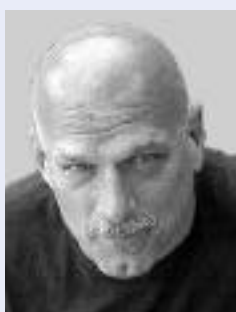
While it would require many pages to review all of the election results for state and local candidates, a few races in particular are worth mentioning.

### Reformer Elected Governor of Minnesota!

The biggest surprise on Election Day came from the Reform Party gubernatorial candidate in Minnesota: Jesse Ventura, a retired professional wrestler, received 37 percent of the vote, defeating the Republican and Democratic candidates, who received 34 percent and 28 percent respectively.

While the Reform Party's founder, Ross Perot, is a rabid drug warrior, Ventura broke ranks and publicly proclaimed that he supports a "non-stupid drug policy."

On November 8, on the Sunday morning nationwide TV talk show *Meet the Press*, Ventura said, "I mean, for goodness sake, we have Stillwater State Penitentiary here and we can't keep drugs out of there, and these people are locked up 24 hours a day. If you're going to fight the war on drugs, you have to fight it on the demand side. And I don't believe the government should be invading the privacy of our own homes, and I also believe that you shouldn't be legislating stupidity. If there are stupid people out there doing stupid things, it's not the government's job to try to make them smarter. We live in a land of freedom.



**Jesse Ventura, who will take the Minnesota governor's seat in January 1999, is very supportive of MPP's goals.**

And, again, if we can't keep the drugs out of the state penitentiary, how on earth are we going to do it out on the street corner?"

On the issue of medicinal marijuana, Ventura said during the campaign, "I think it's utterly despicable that you have law enforcement and politicians telling us what people can or cannot use in the matter of pain, their own health. All the indicators that it [marijuana] helps people with chemotherapy and cancer, and AIDS, are there."

### Reformers Win, Prohibitionists Lose in California

California voters overwhelmingly rejected gubernatorial candidate Dan Lungren, the leading opponent of the state's medicinal marijuana law, and elected state Senator Bill Lockyer, an avowed Proposition 215 supporter, to succeed Lungren as California's next attorney general.

Governor-elect Gray Davis (D), who beat Lungren with 58 percent of the vote, is expected to steer the state away from the excesses of the drug war. Davis previously endorsed legislation that would have created a state medicinal marijuana research program and distribution system.

In the attorney general's race, Bill Lockyer (D) won with 52 percent of the vote over his Republican opponent, despite being attacked for refusing to answer questions about whether he had ever used marijuana during his 26-year career in the state legislature.

In two local races, Mendocino County voters elected a sheriff, Tony Craver, and a district attorney, Norman Vroman, who openly endorse the "decriminalization of marijuana."

### Three Pro-Reform Challengers Lose

U.S. Rep. Bill McCollum (R-Florida), the sponsor of the House anti-medicinal marijuana resolution, won his reelection bid with 66 percent of the vote—but not without a vigorous challenge by Al Krulick, the Democratic challenger who campaigned on an anti-drug war, pro-medicinal marijuana platform.

Bob Kern, another Democratic challenger who campaigned against the drug war, lost to U.S. Rep. Dan Burton (see above), receiving only 17 percent of the vote. In the same race, Joe Hauptmann, the candidate from the Libertarian Party, which supports an end to the imprisonment of marijuana and other drug users, received 11 percent of the vote. Given that 28 percent of voters in a very conservative district in Indiana were willing to vote for congressional candidates who support ending the drug war, it is possible that a majority of voters in districts else-

where would be willing to vote for such candidates.

Judge James Gray, who mounted a credible and respectable challenge to drug warrior Bob Dornan in the Republican primary for a House seat in southern California, lost with 21 percent of the vote in the four-way race. Dornan went on to lose in the general election to incumbent U.S. Rep. Loretta Sanchez (D-California), who is a more moderate supporter of the drug war.

### Libertarians Improve Their Showing

The Libertarian Party—which opposes the drug war and supports the right of adults to use marijuana and other drugs in the privacy of their own homes—enjoyed an improved showing in hundreds of congressional races this year. While all of the Libertarian candidates lost, some received tens of thousands of votes: William Chipman (L) received 29 percent to Rep. Bennie Thompson's (D) 71 percent



House Speaker Newt Gingrich (left) and U.S. Rep. Gerald Solomon will not be returning to Congress in 1999.

in a Mississippi House race, and the Libertarian candidates for the three House seats in West Virginia received 15 percent, 14 percent, and 6 percent of the vote.

Libertarian candidates for the U.S. Senate did not fare as well, with the most successful candidates receiving 2 percent of the vote.

This steady erosion of the voting bases of the two major parties could ultimately cause Democratic and Republican candidates to either change their positions on the drug war—or to lose to Libertarian candidates. **END**

### AMA Meeting, from page 4

that they think patients should be arrested for using marijuana, most of them were very reluctant to champion efforts to adopt a resolution explicitly saying so. Thomas spent the week searching for needles in a haystack.

It is very important to convince the AMA to state that patients should not be arrested for using medicinal marijuana. The AMA is one of the most powerful lobbying organizations and campaign contributors in the United States. While its present position states that doctors and patients should not be punished for discussing medicinal marijuana, it does not say what should happen to patients who actually take their doctors' advice and use marijuana for medicinal purposes.

During efforts to pass state initiatives and bills to remove penalties for medicinal marijuana, drug warriors routinely claim, "The AMA opposes this." In actuality, the AMA neither supports nor opposes specific medicinal marijuana reform

efforts—the AMA is silent on the issue of criminal penalties. **MPP** believes it is time to break that silence. Until the AMA explicitly says that patients should not be arrested, the drug warriors will continue to claim the AMA as their ally, and the prospects for reform will be threatened.

Like lobbying Congress, persuading the AMA to adopt a more favorable position will take several attempts. The AMA is a slow-moving dinosaur.

But there are signs of hope: In May, the California Medical Association voted to "support efforts to reschedule marijuana." Placing marijuana into any schedule of the federal Controlled Substances Act other than Schedule I, where it is now, would open the door for doctors to prescribe it and pharmacies to distribute it. **MPP** does not even need the

AMA to go as far as the CMA position—simply stating that patients should not be arrested is all that is needed.

In addition, the AMA has been very supportive of needle exchange programs, reaffirming at the June meeting its position that such programs are effective at reducing transmission of the AIDS virus, do not encourage drug use, and should be federally funded. While **MPP** does not take a position on needles, it is encouraging that the AMA has demonstrated its willingness to take a pro-reform position on a drug policy issue.

In conclusion, the AMA elected Dr. Thomas Reardon as its new president. His opponent, Dr. Raymond Scalettar, actually tried to make medicinal marijuana an issue in the campaign! He slammed the AMA for not actively opposing medicinal marijuana ballot initiatives, specifically in Florida. Scalettar's defeat shows that grandstanding on an anti-marijuana position in the AMA is not a sure-fire way to score political points. **END**

#### **MPP hopes to persuade the AMA to adopt this position:**

*Be it resolved that the American Medical Association believes that a seriously ill person should not be subject to criminal sanctions for using medicinal marijuana if the patient's physician has told the patient that such use is likely to be beneficial.*

# MPP Media Highlights

Public education about the marijuana issue is essential to bringing about more compassionate and practical marijuana policies. The most efficient way to educate the public is through the mass media. MPP has been instrumental in garnering extensive, favorable media coverage of late. The most recent follows.

## PRINT MEDIA

○ When the U.S. House of Representatives passed its anti-medicinal marijuana resolution (see article on page 1), the Associated Press (AP) article quoted MPP's Robert Kambia: "This resolution shows that the House is completely out of touch with the American people. Eighty percent of the American people support medicinal marijuana, so it is clear that the vast majority also oppose this mean-spirited resolution." This quote—which made the AP "quote of the day" list—appeared in nearly 100 newspapers nationwide, including the *Atlanta Journal-Constitution* (9/20), *Miami Herald* (9/16), *Cleveland Plain Dealer* (9/16), *Tulsa World* in Oklahoma (9/16), *Grand Rapids Press* in Michigan (9/16), *Wilmington News Journal* in Delaware (9/16), *Honolulu Advertiser* (9/16), *Arizona Daily Star* (9/16), *Wisconsin State Journal* (9/16), *Macon Telegraph* in Georgia (9/16), *Syracuse Herald-Journal* in New York (9/16), *Asheville Citizen-Times* in North Carolina (9/17), *Beaver County Times* in Pennsylvania (9/16), and *Charleston Daily Mail* in West Virginia (9/16).

Renee Emry's civil disobedience arrest on the day of the House vote was covered by Hearst Newspapers in an article that was distributed nationwide and appeared in publications such as the *Huron Daily Tribune* in Michigan (9/16). The arrest was also covered in the *Montgomery County Sentinel* in Maryland (9/17), and it was mentioned in an article in the *Chicago Tribune* (10/28) that was distributed by Knight Ridder news service to several other publications nationwide, such as the *Providence Sunday Journal* in Rhode Island (11/1). All of these articles mentioned or quoted MPP. In addition, a large photo of Renee smoking marijuana in Rep. McCollum's office appeared in the Capitol Hill publication *The Hill* (9/16).

Finally, Cheryl Miller, whose civil disobedience arrest received extensive coverage in April (see the Spring 1998 issue of *Marijuana Policy Report*), had an op-ed printed in the *Asbury Park Press* (5/26) that was ghost-written by MPP's Chuck Thomas.

○ MPP's news release on the new marijuana arrest data (see article on page 27) garnered coverage in an AP article (11/22) that was distributed nationwide. MPP was quoted saying, "Marijuana prohibition creates dangerous criminal markets and takes police resources away from violent crime." MPP's information and quote were picked up by several publications that ran the AP story, such as the *Dallas Morning News* (11/23). Additionally, Robert Kambia had a letter-to-the-editor about the data published in *The Los Angeles Times* (11/24).

○ MPP's efforts at the United Nations (see article on page 2) garnered coverage by Reuters World Report (6/11), which was likely printed by newspapers around the world. In the United States, the Reuters story was picked up by publications such as the *Daily*

*Challenge* in Brooklyn (6/12). Chuck Thomas was quoted as saying, "The drug war is devoid of humanity, devoid of compassion, devoid of humanitarian principles. It is all about self-righteous, punitive self-aggrandizing policies."

○ MPP provided information to countless reporters during and after the initiative campaigns. Most of these reporters used MPP's information in their articles—e.g., *Los Angeles Times* (11/17), *Oregonian* (11/4) and *Congressional Quarterly Monitor* (mid-November)—and many mentioned or quoted MPP. For example, Robert Kambia was quoted in the *Las Vegas Review-Journal* (10/4); Chuck Thomas engaged in an on-line debate with the District of Columbia police chief on *The Washington Post* Web page (10/27); MPP's victory party was plugged in *The Washington Times* in the District of Columbia (11/3); and Thomas was quoted in the *Connecticut Post* (11/8). Additionally, MPP's Marc Brandl had a letter-to-the-editor about the D.C. initiative printed in *The Washington Post* (10/10).

○ Coverage of MPP's response to the government's annual drug use survey (see article on page 2) appeared in the *White House Bulletin* (8/21), a specialty publication for executive branch officials, D.C.-based media, and other policy enthusiasts. The article mentioned MPP's adolescent marijuana-use report and quoted Chuck Thomas

asking Drug Czar Barry McCaffrey, "Explain why you're still arresting adults given that it doesn't prevent children from using marijuana." The newsletter of the American Psychiatric Association, *Psychiatric News* (10/2), also discussed MPP's report and quoted Thomas saying, "Arresting adults does not prevent kids from smoking pot."

○ MPP's criticism of the National Institute on Drug Abuse's (NIDA's) efforts to block research (see article on page 4) has appeared in several publications. The *Las Vegas Review-Journal* and *Sun* (10/24) paraphrased Chuck Thomas' arguments, then quoted him saying, "The goal of the government is to keep marijuana illegal at any cost. They say we need more research but they won't allow more research." The *St. Paul Pioneer Press* (9/25) ran an op-ed by columnist Jacob Sullum heavily drawing on MPP's information about NIDA; it was distributed by Creators Syndicate. And an anti-NIDA letter-to-the-editor written by MPP and submitted by a supporter was printed in the *Seattle Times* (9/2).

○ When new research demonstrated that marijuana's active ingredients are good painkillers (see article on page 6), the *San Francisco Examiner* (9/23) quoted Chuck Thomas defending the thousands of patients who already use medicinal marijuana for pain: "These patients are not stupid and should not be going to jail." The article was picked up by AP, and Thomas' quote subsequently appeared in several other publications such as *The Nation* (9/23) and *Sacramento Bee* (9/24). Thomas was also

quoted in *Clark's Fork Pioneer* in Fromberg, Montana (7/1), in response to the article in the journal *Pain* that reviewed marijuana's effectiveness at treating migraine.

○ Chuck Thomas was instrumental in helping reporter Mary Ann Marshall with her extremely positive medicinal marijuana article in *Mademoiselle* magazine (October). The article included heart-wrenching interviews with young women patients whom MPP put in touch with the reporter, frightening details about the government's efforts to arrest and imprison medicinal marijuana users (including

**"They bust ill patients' doors down, drag them downtown, take their mug shot and throw them in jail like common criminals."**

— MPP's Chuck Thomas in the October 1998 issue of *Mademoiselle* magazine



MPP's Robert Kambia is interviewed on a New York City television station after speaking on a panel with Assemblyman Dick Gottfried, sponsor of the medicinal marijuana bill in the New York state legislature.

continued on page 15

continued from page 14

MPP's estimate of 6,000 patients arrested each year, with 350 in jail at any given point in time), and a quote from Thomas saying, "The government's approach is inhumane. They bust ill patients' doors down, drag them downtown, take their mug shot and throw them in jail like common criminals." The next quote was a DEA spokesperson saying, "[P]eople who use marijuana are breaking the law, and we follow the law on this." Thomas was also quoted extensively in the *Boston Phoenix* (10/1).

○ Robert Kampia had a letter-to-the-editor published in *Reason* magazine (June). Kampia was also quoted in the *Weekly Planet* in Tampa, Florida (5/14).

○ MPP was also mentioned or quoted in the journal *Oncology Times* (May), *Nutrition Science News* magazine (September), and *New Republic* magazine (9/28).

**"Arresting adults does not prevent kids from smoking pot."**

— Chuck Thomas in *Psychiatric News* (10/2)

## RADIO AND TELEVISION

○ Chuck Thomas appeared on C-SPAN challenging Drug Czar Barry McCaffrey at a government news conference (see article on page 2) and was the featured guest on Lt. Col. Oliver North's nationally syndicated radio talk show on Radio America Network (10/28) to discuss the medicinal marijuana initiatives. Thomas also appeared on numerous other radio stations, such as KFI in Los Angeles (9/15) on the Tim and Neil show, and WFMD in Frederick, Maryland (12/1).

○ Robert Kampia, interviewed after his speech at Hunter College in New York City on May 7, appeared on WMBC-TV. On October 11, Kampia reviewed the medicinal marijuana issue for a libertarian talk show on cable access television in Fairfax, Virginia. Kampia was also the featured guest on KFYI radio in Phoenix (11/5) and provided information to News Channel 7 in D.C. (mid-November) for a story on Initiative 59.

## UN Special Session, from page 2

Nevertheless, MPP did attract a roomful of international officials and several reporters, and the panel was well-received. Indeed, Chuck Thomas was quoted by Reuters World Report on June 11.

## MPP's Display

MPP's display was a tremendously beneficial educational tool. Set up in the lobby of the UN's main building, it attracted a steady stream of UN delegates and other international leaders throughout the week. It featured several mounted photos and stories of patients who have suffered from the prohibition of medicinal marijuana, as well as several books and stacks of free literature. A pair of handcuffs was mounted with a sign explaining, "This is the government's health care plan for these patients."

## Other Events

The UN's Special Session was met with a wide array of additional opposition from the international drug policy reform movement. Numerous organizations held panels and set up displays on topics ranging from needle exchange to more humane drug treatment approaches to the impact of the drug war on the peasants in Latin America.

Needle exchange advocates organized a protest march through the streets of New York, culminating in a demonstration of thousands of protesters waving signs and chanting outside the UN building. It became quite clear that—while the international drug war is widely supported

by the leaders of the world—they are rapidly losing the support of the people.

To drive this point home to a larger audience, the anti-prohibition organization Common Sense for Drug Policy produced a television commercial lampooning President Clinton's unflinching support of the failing drug war. The Clinton administration took the bait and threatened to sue the organization for airing the commercials. Despite the administration's best attempt at censorship, the commercials ran again and again on CNN in New York during the week of the UN session.

Most significantly, The Lindesmith Center (TLC), a drug policy think tank in New York, seized the opportunity of the UN session to deliver a major blow to the drug warriors. TLC placed a two-page ad in *The New York Times* and other publications criticizing the international drug war. The ad consisted of an open letter to the UN Secretary General, signed by about 500 of the world's most prominent people—from business leaders to government officials to medical doctors, professors, Nobel Prize winners, journalists, religious leaders, former law-enforcement officers, and other major opinion leaders.



Greg Scott speaks at the UN between Dr. Kildare Clarke (left) and Irvin Rosenfeld (right).

The letter declared, "We believe that the global war on drugs is now causing more harm than drug abuse itself," and it contained six paragraphs describing the harm caused by the drug war and the need for alternative solutions. It concluded, "[W]e appeal to you to initiate a truly open and honest dialogue regarding the future of global drug control policies—one in which fear, prejudice and punitive prohibitions yield to common sense, science, public health and human rights."

The response to the letter was phenomenal. *The New York Times* published an editorial expressing its agreement. Hundreds of publications around the world ran lengthy stories about the ad, typically with a slant toward treating drug use and abuse as health issues rather than criminal matters.

The ad stole the thunder from the UN's resolution that advocated winning the drug war by doing even more of the same things that have exacerbated the problem over the past 40 years. What the UN hoped would be a glorious moment was widely ridiculed.

Drug Czar McCaffrey and other prohibitionists went as far as the U.S. Senate Foreign Relations Committee to attack the ad as "a slick misinformation campaign" and "a fraud"—but to no avail. The debate has been broadened, and the government must deal with the fact that there is a wide range of opinions on drug policy. MPP will be certain to maximize this opportunity to advance the argument that marijuana users—especially seriously ill patients—should not be sent to prison. **END**

# California Medicinal Marijuana Dispensaries Take a Beating

State and federal action against medicinal marijuana dispensaries all over California has resulted in the closure of most of these operations. The last issue of *Marijuana Policy Report* described in detail the various cases pending against the dispensaries, traditionally known as cannabis buyers' clubs (CBCs). Since that time, the San Francisco CBC—the largest and most controversial—was ordered to shut down by a California Superior Court order on May 21. Other CBCs were effectively shut down by legal action taken by state authorities, and the federal government's civil lawsuit against several CBCs in northern California has also been successful, at least temporarily.

With a wide variety of operational policies—some sanctioned by local governments—dozens of CBCs functioned to distribute marijuana to patients who had their doctors' approval. While the California law passed by voters in November 1996 allows these patients to use marijuana legally, most state and local authorities contend that distribution is still illegal.

The California attorney general's office spent years battling the San Francisco CBC. After the 1996 law took effect, the big question was whether the CBC qualified as a "primary caregiver." (The law allows "primary caregivers" to provide marijuana to patients.) After numerous court hearings, rulings and appeals, the club was finally shut down on May 25.

Other CBC operators in California were run out of business by local law enforcement. For example, on November 19, Marvin Chavez was convicted of three felonies and five misdemeanors for running a CBC in Orange County. He awaits his sentence, which could be severe; one of his workers was sentenced to four years in state prison on July 18.

The most interesting battleground has been the city of Oakland, where the local CBC ran a very tight operation that was sanctioned every step of the way by the Oakland city government. The Oakland CBC was one of six CBCs to be sued by the U.S. Department of Justice on January 9, 1998. At first, it seemed like a cut-and-dry case, because federal law was not changed by the new state law—it

clearly remains a federal offense to possess marijuana, let alone distribute it. While the federal government cannot force the state government to enforce federal laws, the federal government can enforce its own laws anywhere it desires. Fortunately, there are not enough federal law-enforcement officials to hunt down and arrest individual patients for growing and using their own marijuana. The CBCs, on the other hand, were an easy target.

But the Oakland CBC was represented by a top-notch legal defense team that raised a creative array of constitutional issues in the dispensary's defense. In addition, the city government's strong support of the CBC resulted in a barrage of city council resolutions to give the CBC stronger legal legs on which to stand.

On May 14, the U.S. district court judge issued a preliminary injunction to

*It is important to stress that the fate of the CBCs does not mean that California's medicinal marijuana law is not working. To the contrary, tens of thousands of seriously ill Californians can now grow and use marijuana at home with almost no chance of being arrested.*

shut down the six CBCs, pending the outcome of the upcoming trial. Most of the CBCs subsequently closed, but Oakland held its ground. On July 7, the government filed a motion asking that the U.S. marshal be authorized to close the remaining clubs. The Oakland city government responded by unanimously passing police guidelines to protect patients who would have to grow their own marijuana if the CBC were closed. Astonishingly, the guidelines declared it acceptable for a patient to possess up to three pounds of homegrown marijuana and to have up to 96 plants growing indoors!

On August 14, the Oakland city government even went so far as to deputize CBC operator Jeff Jones as a city officer, attempting to squeeze him through a

loophole in federal law that allows city officers to violate drug laws if necessary in the course of enforcing state drug laws. This federal provision was intended to protect state and local drug-enforcement officers who are involved with illegal drug activities as part of their undercover work. But the Oakland city government hoped that Jones could be protected by doing his civic duty of supplying marijuana to seriously ill patients. Unfortunately, on August 31, the judge rejected that argument.

On October 13, the judge ordered the CBC to stop distributing marijuana, which it did six days later. Two days after that, the Oakland city government declared a medical state of emergency. The CBC is appealing the judge's decision.

## Conclusion

Presently, almost all of the large CBCs are out of business. This is bad news for California's medicinal marijuana users. While some of the CBCs grabbed the headlines in 1997 for appearing to be lax in their operations, most were very tightly run and provided a valuable service to seriously ill people. These patients have had the rug pulled out from under them by the government.

However, it is important to stress that the fate of the CBCs does not mean that California's medicinal marijuana law is not working. To the contrary, tens of thousands of seriously ill Californians can now grow and use marijuana at home with almost no chance of being arrested.

Ultimately, it is clear that federal law must change so that marijuana can be prescribed by doctors and sold in pharmacies like any other legal medicine.



Jeff Jones, shown here at an MPP-sponsored media briefing in February 1998, shut down his marijuana distribution operation in Oakland in October after being sued by the federal government.

# In Brief

## McCaffrey on Rampage

General Barry McCaffrey, director of the White House Office of National Drug Control Policy (ONDCP), is a master of deception. Despite record-high federal drug enforcement spending and a record number of marijuana arrests nationwide under McCaffrey's reign, the media consistently portray him as a hero courageously advocating a kinder, gentler national drug strategy. In fact, the former Army general is routinely dishonest and manipulative.

A few recent examples stand out. In July, McCaffrey went to visit the Netherlands, allegedly to "learn" about their unique drug policies—but his mind was obviously made up beforehand and he spent days prior to his visit maligning the country. The official Dutch drug policy is for the police to ignore marijuana possession and small-scale sales unless accompanied by harmful behavior. Drug warriors in the United States are appalled by this shining example of a practical and compassionate drug policy.

So McCaffrey called the Netherlands' marijuana policies a "disaster" and claimed that the Dutch murder rate is twice as high as the U.S. rate of 8.2 mur-

ders per 100,000 people per year. In actuality, McCaffrey was counting attempted murder in with the Dutch total. Looking at murder alone, the Dutch rate of 1.8 per 100,000 people is less than one-fourth the U.S. rate. Additionally, it turns out that there are more than 20 times as many attempted murders in the United States as in Holland!

The Dutch government and numerous U.S. drug policy reformers pointed this out to McCaffrey. But he never once corrected his error, retracted his statement, or apologized. And most media outlets let him get away with it, praising him for his trip abroad while downplaying or outright ignoring his dishonesty.

In a rare moment of journalistic integrity, *The Washington Post* printed a front-page story on April 23 exposing McCaffrey's behind-the-scenes work to kill the decision of the U.S. Department of Health and Human Services (HHS) to allow federal funding for needle exchange programs. Angered by McCaffrey's manipulation, the Congressional Black Caucus called for his resignation.

Of course, MPP takes no position on needles (or any issue other than marijuana), but the article finally exposed the McCaffrey approach of twisting arms and stabbing backs behind the scenes to get what he wants. Even several months later in an interview on National Public Radio, McCaffrey discussed the HHS decision as if he had nothing to do with it. And, as always, he got away with it.

Finally, during the recent initiative campaigns, a television news program invited MPP's Chuck Thomas to participate in a medicinal marijuana discussion. The show's producers invited a representative from McCaffrey's office, but the invitation was declined because McCaffrey said that ONDCP would not actively oppose the initiatives. So the producers scrapped the idea. A couple of weeks later, one of McCaffrey's deputies was traveling the nation fighting against the initiatives.

## State Democratic Parties Support Medicinal Marijuana

The Washington and Oregon Democratic parties, at their meetings in June and August, respectively, passed resolutions supporting their states' efforts to remove criminal penalties for the medicinal use of marijuana. Additionally, the Laramie County Democratic Party in Wyoming passed a supportive medicinal marijuana resolution in March.

## Medicinal Marijuana Farm Approved in Britain

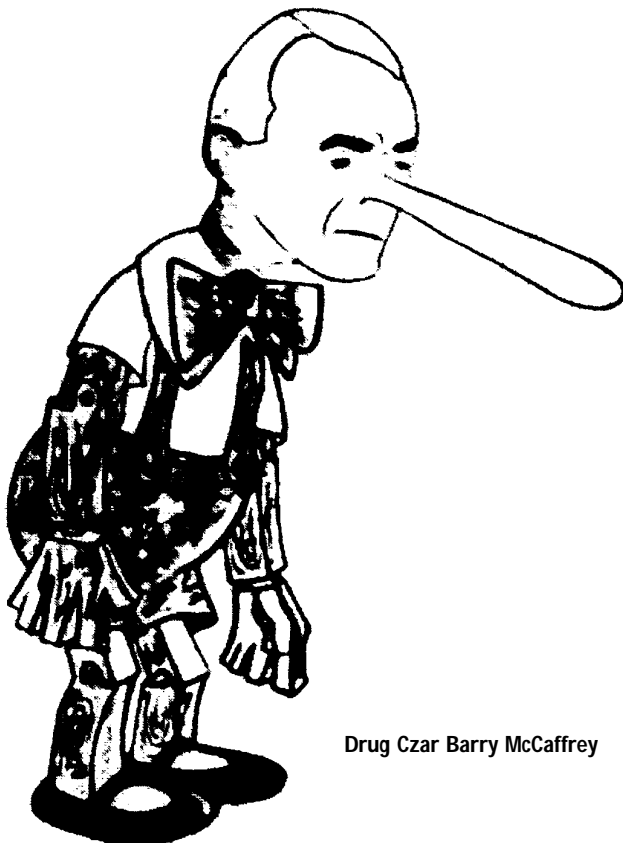
On June 11, Britain's first government-sanctioned marijuana farm was established to grow marijuana for research. GW Pharmaceuticals was licensed by the government to create and run the farm. MPP will attempt to help U.S. researchers get approval to import marijuana from this farm, in addition to trying to get it from the U.S. government.

## L.A. Doctors Arrested for Marijuana

On September 28, CBS aired a very compelling episode of *L.A. Doctors* that dealt with medicinal marijuana. A heart-wrenching appointment with an AIDS patient prompted the show's lead characters to go to a shady neighborhood to buy marijuana to treat the patient's wasting syndrome. The doctors were arrested and jailed with violent criminals—showing viewers what this issue is really all about.



On the CBS television show *L.A. Doctors*, two physicians purchase marijuana (above) for one of their patients who has AIDS, get arrested, and spend time in jail (below).



Drug Czar Barry McCaffrey

meeting and urged the expert group to recommend that NIDA change its policy. The report, released in August 1997, did just that. It said that as long as a study protocol is approved by the FDA, the researcher should receive NIDA's marijuana "whether or not the NIH is the primary source of grant support." Therefore, an NIH peer review should not be required.

So in August, **MPP** faxed news releases to all major national media outlets with the headline, "One Year After Release of NIH Report, Clinton Administration Still Thwarts Medicinal Marijuana Research." Several reporters interviewed Chuck Thomas. Unfortunately, Leshner's clever response was that NIDA did not officially reject the NIH expert group's recommendation, but rather that the policy was still under review. So most reporters told **MPP** that they would not write about the situation until (1) NIDA makes a firm decision, and/or (2) a researcher applies to NIDA and gets rejected.

### **MPP Initiates Grassroots Lobbying Campaign to Pressure NIDA Director**

Since the media were not ready to help, **MPP** went to its members and supporters for assistance. **MPP** developed a brochure entitled "How the Federal Government is Blocking Medicinal Marijuana Research," which explains the problem in detail and urges readers to call Leshner at his office to complain. **MPP** sent the brochure to its members and sent a notice to its nationwide e-mail list and the e-mail lists of several on-line drug policy reform groups, referring them to the version of the brochure on **MPP**'s World Wide Web page. (See <http://www.mpp.org/NIDAbro.html>.)



Every few months, **MPP**'s Chuck Thomas (left) confronts NIDA Director Alan Leshner (right) about the Clinton administration's policy of blocking medicinal marijuana research.

Leshner's office was flooded with phone calls and e-mail messages. Many people submitted letters-to-the-editor based on the information, and several were printed. Some people made copies of the brochure and distributed them widely. Soon, the media were calling the **MPP** office, and several articles resulted. (Please see **MPP** Media Highlights on page 14.)

### **MPP Meets with NIDA Director**

**MPP**'s Chuck Thomas finally met with Leshner and three of his top officials for more than an hour on September 4. The primary outcome was that Leshner agreed to put in writing that NIDA has **not** adopted the recommendation of the NIH expert group—that is, to provide marijuana to all FDA-approved studies without requiring an NIH peer review. A week later, Thomas received NIDA's written policy, which **MPP** now uses to show the public that research is being thwarted, leaving initiatives and legislation as the only valid recourse.

Unfortunately, Thomas was unable to convince Leshner to change the policy. His mind was clearly made up from the start of the meeting, and he spent most of his time explaining his rationale.

Leshner frequently became very upset, complaining that **MPP**'s supporters are attacking him for refusing to give marijuana to FDA-approved researchers. Several times during the meeting, he remarked about the "unkind things" about him that appear on various Web pages. Thomas acknowledged that Leshner's feelings might be hurt but explained that **MPP**'s loyalty is to the patients. Leshner said that it's not about his feelings, but it's about his integrity. Thomas concluded by telling Leshner that if his reputation is so important, then he should hurry up and change NIDA's policy.

### **MPP Criticizes NIDA Director at Advisory Council Meeting**

On September 16, Thomas went to the next NIDA advisory council meeting to criticize Leshner for failing to adopt the recommendations of the AMA and the NIH expert group. In the most contentious council meeting yet, Thomas told the attendees that Leshner's refusal to adopt the recommendations of the AMA and the NIH expert group leaves

**MPP** with no choice but to embark upon a major nationwide campaign to discredit NIDA and blame Leshner for patients' suffering. Thomas proceeded to distribute copies of the NIDA brochure to all attendees, whereupon Leshner started yelling, his head turning bright red. **MPP** is confident that if sufficient pressure is maintained for a few more months, including a major media campaign planned for early 1999, Leshner will finally break down and change NIDA's policy.

### **NIH Rejects Another Study**

On November 12, researcher Ethan Russo, M.D., learned that an NIH peer-review panel for the second time had rejected his proposal to study marijuana's ability to treat migraine. Thus, he will not receive NIDA's marijuana. While this is a disappointment insofar as Russo's study cannot be conducted, **MPP** plans to make the most of this opportunity to finally demonstrate to the media that NIDA's policy is indeed blocking research. Once the media let the American people know what is happening, even more pressure will be felt by Leshner to change NIDA's policy—which will open the door for dozens of researchers to conduct their studies without their designs being changed by bureaucrats to decrease the likelihood of proving marijuana's medicinal value. So in actuality, the rejection of Dr. Russo's proposal is only one step backward that will likely result in two steps forward.

### **Conclusion**

**MPP** and its members need to increase the pressure on NIDA to change its policy. (Please see related projects on page 28.) Most importantly, it's time to make a major media issue out of the situation. When the media let the people know that NIDA is blocking research, it will be a win-win for the medicinal marijuana movement—either NIDA will finally change its policy and FDA approval will finally be within reach, or everyone will be so outraged by the federal government's intransigence that the momentum to pass ballot initiatives and legislation will build to an unstoppable level. One way or the other, **MPP**'s battle with NIDA will ultimately hasten the removal of criminal penalties for medicinal marijuana users nationwide. **END**

McCaffrey rambled for a minute or two about why prevention is important and how the percentage of prevention money in the budget is increasing. But then he added, "If you want to downgrade the number of people behind bars for compulsive drug use, you do it by prevention and treatment. **But we don't back off aggressive law enforcement.** Compulsive drug users tend to be unemployed, sick, and involved in criminal activities, and we certainly don't mean to take that off the table. So you're quite correct. Currently, half that budget is related to law enforcement and prison activities."

Thomas quickly added, "Even though it doesn't work."

This was a very rare instance in which McCaffrey publicly admitted that he supports arrests and imprisonment. His game plan is to give the public the impression that this is a kinder, gentler drug war, based mostly on prevention, education, and treatment. In fact, the war against marijuana users is now more vicious than ever.

Fortunately, there were no more questions, so the news conference ended with MPP's last word, and then Thomas proceeded to distribute news releases and the new MPP report to all attendees as they left the auditorium.

Media coverage of the exchange between McCaffrey and Thomas includ-

ed C-SPAN and *The White House Bulletin*—a specialty publication for White House officials, D.C.-based media, and other hard-core policy junkies.

MPP's news release elaborated on its position: "Marijuana prohibition is a fraud. It exists to fund prisons and drug enforcement bureaucrats—period. Teens are the victims, because the government spends valuable resources on the criminal justice system instead of on effective education. It's time for the drug warriors to take full responsibility and admit that prohibition is a useless, wasteful, cruel strategy."

### Important Survey Data

MPP questions the accuracy of the government's surveys, because it seems likely that many people will refuse to admit illegal activity to the government. However, these surveys may have some value for showing trends and making relative comparisons. Some of the more interesting data include:

- In 1997, an estimated 11.1 million Americans age 12 or older were "current users" of marijuana; that is, they used marijuana at least once in the month prior to the survey. This represents 5.1 percent of the population age 12 or older.
- Nearly 1 in 10 people (9.4 percent) age 12-17 were "current users" of marijuana in 1997, which is more

than twice the rate (3.4 percent) in 1992, when a steady increase in use began. (The rate was 14.2 percent in 1979, and it declined until 1992.)

- Most importantly, 6.6 percent of people age 12-17 in California were "current users" in 1997, compared to 9.9 percent of people 12-17 in the rest of the nation (excluding California and Arizona). The government examined the data to make this comparison, hoping to find that California had higher teen marijuana use rates due to the legality of medicinal marijuana. Because the data showed the opposite, the government ignored this finding at the news conference. **END**

## Other Surveys

### "Time" for reform

On July 9, *Time* magazine conducted a poll on its Web page entitled "The Drug War: A Winnable Proposition?" By July 21, the results were as follows:

"Legalize 'recreational' drugs for adults" .....	59%
"Legalize marijuana only for adults" .....	32%
"Continue to prohibit the use of all illicit drugs" .....	9%

A whopping 91 percent of the respondents believe that at least marijuana should be "legalized." Of course, this was an unscientific poll and the results surely do not reflect the opinions of the nation at large, where scientific surveys typically find only 20-30 percent support. However, it is encouraging to see that the most active people on the Internet overwhelmingly support reform.

### Hawaiians Support Medicinal Marijuana

A scientifically conducted survey of Hawaiian voters found that 63 percent "support the use of marijuana for medicinal purposes." The survey also found that 59 percent "favor allowing farmers to grow and sell hemp for industrial and agricultural purposes." MPP will help Hawaiian activists work to change state law in 1999. (The survey was conducted by Fairbank, Maslin, Maullin & Associates on September 30.)

### Use MPP's New Report to Challenge Drug Warriors' Rhetoric

Drug warriors always claim that criminal penalties for marijuana possession—even for adults—are necessary to prevent adolescents from using marijuana. A new MPP report debunks this myth. "Marijuana Prohibition Has Not Curtailed Marijuana Use by Adolescents" examines the data collected by the U.S., Dutch, and Australian governments, as well as private research entities, and concludes that criminal penalties have no net effect on adolescent marijuana usage rates. For example, MPP's report found:

- Annual surveys since 1975 have consistently found that about 85 percent of the nation's high school seniors consider marijuana "easy" to obtain. Fluctuations in the severity of penalties and the number of arrests during this time period have had no effect on availability.
- The removal of criminal penalties for marijuana possession in several states "has had virtually no effect either on the marijuana use or on related attitudes" among young people, according to government-funded researchers in the United States. Australians have had a similar experience.
- Marijuana usage rates among young people are lower in the Netherlands, where marijuana is regulated.

Simply put, arresting adults does not prevent kids from smoking marijuana. This report is thoroughly referenced, and it should be used by reformers nationwide when confronted with claims that marijuana prohibition is needed to "save the children."

Copies are available on-line at <http://www.mpp.org/adolescents.html>.

# MPP Opens Office in Florida

The Marijuana Policy Project recently opened an experimental branch office in Fort Lauderdale, Florida, and appointed Toni Leeman as its director. Leeman has worked closely with MPP on many projects over the years while working for the American Civil Liberties Union of Florida. Since August 1, when she was hired as the director of the Florida Office of MPP, she has had the opportunity to work full-time on fighting the excesses of marijuana prohibition.

The priorities of the Florida Office of MPP are as follows:

- generate positive news coverage in the Florida media, including meeting with newspaper editorial boards and staging protests when necessary;
- work with patients, doctors, nurses, and other medicinal marijuana advocates to lobby their state and federal legislators; and
- continue building coalitions with AIDS, cancer, and other health-related and patient-advocacy organizations; senior citizens groups; Rotary Club and other organizations composed of community opinion leaders; and Democratic, Republican, and other political organizations on the local and state levels.

To date, Leeman has effectively tackled a number of projects on a shoe-string budget, including:

- persuading the Florida Medical Association in June 1997 to issue a positive position on medicinal marijuana (this helped convince the American Medical Association to issue a medicinal marijuana position in December 1997);



MPP's Toni Leeman meets Gerald Kogan, chief justice of the Florida Supreme Court, at a lawyers' conference in Key West in July.

- circulating a petition that would put a medicinal marijuana initiative on the November 2000 ballot in Florida;
- lobbying the Florida Constitution Revision Commission, which meets only once every 20 years, to consider putting the aforementioned initiative directly onto the statewide ballot (the commission ultimately opted against putting the question on the ballot);
- this activity inspired the polling firm Florida Voter to conduct a statewide public opinion poll on medicinal marijuana, which showed that 63 percent of Florida voters support amending the state Constitution to "allow doctors to prescribe marijuana";
- launching an MPP-sponsored protest of U.S. Rep. Bill McCollum (R-Florida) for flip-flopping on the medicinal marijuana issue;
- attending and organizing the response to a government-sponsored anti-medicinal marijuana conference in Orlando in May, which led to the arrest of Greg Scott, a medicinal marijuana-using AIDS patient who attempted to speak at the conference;
- organizing a statewide conference for medicinal marijuana advocates in Orlando in July, which featured such speakers as MPP's Robert Kampia, Democratic congressional candidate Al Krulick (see page 13), Greg Scott, and civil liberties lawyer Dick Wilson; and
- in late 1998, participating in a television documentary in Tampa, holding educational seminars and meetings in Orlando, debating the medicinal marijuana issue at Nova University, participating in two lawyers' conferences in Key West, and helping launch a lawsuit in Jacksonville after petitioners were forced to leave a polling place where they were trying to gather signatures on Election Day for the medicinal marijuana initiative.

Numerous factors—especially financial concerns—will determine how long the office will operate in 1999, as well as whether and where MPP will open other branch offices.



Seventy people protest outside U.S. Rep. Bill McCollum's (R-Florida) office in Orlando.

Although not invited, MPP's Toni Leeman and a contingent of other activists attended the government's anti-medicinal marijuana conference in Orlando. "They refused to hear from the patients or allow us to hold a news conference indoors," said Leeman. "Then they arrested Greg Scott, an AIDS patient, for disturbing the peace."

Greg had remained silent until the one-minute opportunity for rebuttal after a panel of physicians spoke against medicinal marijuana. Scott questioned why the doctors—who had taken the Hippocratic oath of "do no harm to the patient"—advocated putting patients in jail. When one doctor denied this was happening, Scott cried out, "But that's exactly what you're saying. You're saying 'arrest the patients'."

As if on cue, four burly policemen carried Greg Scott out and arrested him. Thanks to the swift volunteer efforts of attorney Dick Wilson, the charges for "disrupting the peace of an establishment" were quickly dropped.




Greg Scott addresses a statewide conference of medicinal marijuana activists in Florida in July.

# U.S. Supreme Court Decisions




The U.S. Supreme Court sessions run from October of one year through June of the next. The court issued 91 rulings in its 1997-98 session, five of which were relevant to marijuana policy. Two of these cases were covered in the previous issue of *Marijuana Policy Report*, and the remaining three are below. Rulings issued after October will be covered in a future newsletter.

Please note that some of the cases do not directly involve marijuana. Even though MPP does not take a position on any issue other than marijuana, these cases are included because the legal precedents set by them will most likely also affect people victimized by the marijuana laws.

 **Muscarello v. United States, June 8, 1998, Docket No. 96-1654; Cleveland et al. v. United States, June 8, 1998, Docket No. 96-8837**

The court ruled 5-4 that a federal law which adds five years to the prison sentence of a person who "carries" a gun during a drug felony applies even if the gun is locked in a glove compartment or car trunk. Three years earlier, the court ruled that such activity would not add extra prison time under the clause in the law that specifies "use" of a gun. But now it is clear that extra time will be added under the "carry" clause. This can hurt many nonviolent marijuana users. For example, in most states, possessing more than an ounce of marijuana is a felony. If a person is caught with more than an ounce of marijuana for personal use in a vehicle with an

otherwise legal gun in the trunk (for hunting, target shooting, or self-defense), the person must serve a mandatory minimum five-year prison sentence in addition to the marijuana penalty.

 **United States v. Bajakajian, June 22, 1998, Docket No. 96-1487**

In a very important property forfeiture ruling, the court ruled 5-4 that the defendant's assets taken by the government cannot be "excessive" in proportion to the severity of the crime. While this particular crime had nothing to do with marijuana, the ruling is significant because marijuana offenders often have their cars, homes, or bank accounts seized for relatively small amounts of marijuana. MPP hopes that this ruling will be used to end such forfeitures.

 **Pennsylvania Board of Probation and Parole v. Scott, June 22, 1998, Docket No. 97-581**


The court ruled 5-4 that law-enforcement officials are allowed to conduct warrantless searches of people on parole—and that any evidence found may be used in court.

## Other Court Decisions

MPP does not write about all of the important state and federal district and appeals court rulings that it learns about, because these cases only serve as binding precedents for limited areas of the country. However, the following cases are particularly interesting.

 **California v. Russell Benson, May 14, 1998**


The California Supreme Court ruled that a single criminal act can count as more than one crime under the state law that imposes a 25-year-to-life mandatory sentence on people convicted of a felony after having previously been convicted of two felonies. This will hurt marijuana users convicted of a felony—even growing one marijuana plant is a felony—if they have been arrested just one time before and convicted of two felonies, such as growing one marijuana plant plus selling a portion of it to a friend.

 **New Jersey v. One 1990 Honda Accord and 420 dollars, July 15, 1998**

The New Jersey Supreme Court ruled that property owners are entitled to a jury trial when the state seeks to keep their property under the state's asset-forfeiture law.

 **Oregon v. Desmond Smith, July 24, 1998**

The Oregon Supreme Court ruled that law-enforcement officers do not need a warrant for a drug dog to sniff a vehicle.

 **U.S. v. Robert Salzano, July 28, 1998, Docket No. 97-3337**

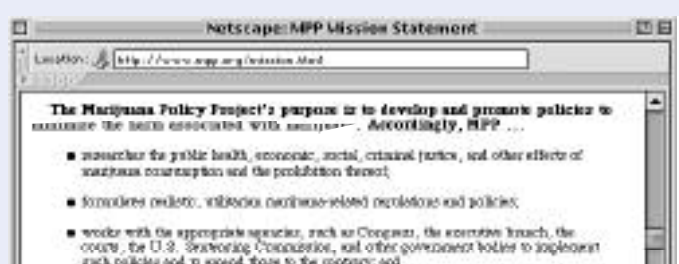
The U.S. 10th Circuit Court of Appeals overturned the conviction of a man arrested for possessing a large amount of marijuana because the police officer who pulled him over was not legally justified in detaining him for a search. This will make it difficult for police to force people to wait for a drug dog to search their vehicles when there is no reasonable suspicion that the person is carrying marijuana.

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U.S. Rep. Jim Rogan (R-California) is lampooned in the *Glendale News-Press* after MPP staged media events at his D.C. and Pasadena offices to protest his flip-flopping on the medicinal marijuana issue.

### House Votes, from page 1

MPP spent more than six months fighting. Indeed, MPP helped orchestrate protests in the districts of two key Republicans who supported the measure, helped organize two acts of civil disobedience in the Capitol Hill offices of those same two Republicans (which received media coverage nationwide), faxed all House offices several times, engaged in targeted one-on-one lobbying, provided talking points to supportive House members, and helped generate hundreds of calls and letters from MPP supporters nationwide.

These efforts paid off. The resolution that finally passed was a far cry from the original extremist language of H.Res. 372, e.g., H.J.Res. 117 omitted the words “unequivocally opposed” to medicinal marijuana and removed the clauses urging voters to defeat state ballot initiatives. In addition, twice as many House members voted the right way as had previously been identified as supportive. Prior to MPP’s six-month lobbying

### Members of Congress who spoke on the House floor about H.J.Res. 117, the anti-medicinal marijuana resolution

FOR RESOLUTION	AGAINST RESOLUTION
U.S. Rep. Bill McCollum (R-FL)	U.S. Rep. Barney Frank (D-MA)
U.S. Rep. Gerald Solomon (R-NY)	U.S. Rep. William Delahunt (D-MA)
U.S. Rep. Christopher Cox (R-CA)	U.S. Rep. Lloyd Doggett (D-TX)
U.S. Rep. Benjamin Gilman (R-NY)	U.S. Rep. Ron Paul (R-TX)
U.S. Rep. Mark Souder (R-IN)	U.S. Rep. Jerrold Nadler (D-NY)
U.S. Rep. Stephen Buyer (R-IN)	U.S. Rep. Julian Dixon (D-CA)
	U.S. Rep. Nancy Pelosi (D-CA)

blitz, about two dozen House members had let it be known that they support medicinal marijuana. By the time of the vote,

there were 93 who were willing to let the nation know that they support more compassionate medicinal marijuana laws. This shows that lobbying works. If MPP can double that number again during the next couple of years, victory will be at hand.

The urgency of these efforts has been made crystal clear by the heroic actions of two seriously ill women. At an MPP-sponsored protest in March, multiple sclerosis patient Cheryl Miller was arrested for using medicinal marijuana in U.S. Rep. Jim Rogan’s (R-California) Capitol Hill office to protest H.Res. 372. Charges were later dropped against Cheryl and her husband, who fed her the marijuana. (Cheryl cannot use her arms.) Please see the Spring 1998 issue of *Marijuana Policy Report* for details.

On the day of the H.J.Res. 117 vote in September, multiple sclerosis patient Renee Emry smoked a marijuana cigarette in the Capitol Hill office of U.S. Rep. Bill McCollum (R-Florida) while protesting against the resolution with the help of MPP. She spent the day locked up with prostitutes and several women arrested for assault.

Renee Emry, a mother of three, was released and allowed to return to her home in Michigan. She must return to Washington, D.C., in February, when she will be prosecuted for marijuana possession—which carries a possible penalty of six months in D.C. jail.

Disturbingly, Emry was released under conditions that (1) violated her First

Amendment rights (she was not allowed to enter any congressional office buildings, which forced her to cancel an appointment with one of her U.S. senators) and (2) obstructed her medical treatment. “I have to be urine-tested every week,” explained Emry. “If I test positive for my only medicine—marijuana—I will be sent back to jail until my trial. Yet if I go without my medicinal marijuana, I will be bedridden. Even worse, I could start a downward spiral that would kill me in a few years.”

This cruel treatment of medicinal marijuana-using patients is typical. Emry’s case exemplifies why the House’s recent vote was so inhumane. Fortunately, Emry’s arrest received some news coverage (see MPP Media Highlights on page 14), thereby letting people know how damaging the laws are. If she is given a jail sentence, MPP will make sure that the media tell the American people just how cruel the government can be.

More significantly, MPP used a picture of Emry getting arrested on the flyers that were distributed during the Initiative 59 campaign in Washington, D.C. (See article on front page.) Voters got a visual demonstration of what the laws are all about—and why they should be changed. It isn’t surprising that 69 percent of D.C. voters made the right choice at the ballot box, according to exit polls.

MPP is honored to have helped Renee Emry make her courageous statement against the prohibition of medicinal marijuana—and will help other patients do the same in the future. The fight must continue, full-force, on every front, until the laws are changed and not one more person in the United States has to live in fear of being arrested for using medicinal marijuana. **END**



Multiple sclerosis patient Renee Emry smokes a marijuana cigarette in U.S. Rep. Bill McCollum’s office in Washington, D.C.

# Drug-Related Congressional Committee Hearings

While dozens of congressional hearings touched on marijuana and other drug policy issues in 1998, only two are worth mentioning at this time:

■ On June 17, in testimony before the Senate Judiciary Committee, Drug Czar Barry McCaffrey attacked the organizations and individuals that used the United Nations drug war event to argue that the global war on drugs is doing more damage to society than drug use itself. (See article on page 2.)

“Through a slick misinformation campaign, these individuals perpetuate a fraud on the American people, a fraud so devious that even some of the nation’s most respectable newspapers and sophisticated media are capable of echoing their falsehoods,” said McCaffrey, referring in part to the anti-drug war ads and related coverage that *The New York Times* ran earlier that month.

His assertion prompted U.S. Sen. Joseph Biden (D-Delaware) to propose drug “legalization” hearings. “Let’s expose it for the fraud that it is,” said Biden. In response, MPP’s Robert Kambia wrote a letter to the senator requesting such hearings—with no response.

General McCaffrey went on to explain that he was not suggesting a witch hunt, but rather a debate on the issue. This is a step in the right direction,

because prior to this hearing, General McCaffrey had ignored MPP’s and other advocacy groups’ calls for such a debate. MPP hopes that the drug czar will participate in such a discussion in 1999—preferably in the context of a congressional hearing.

■ On March 5, U.S. Sen. Jeff Sessions (R-Alabama) and McCaffrey got into a shouting match during a Senate Judiciary Committee hearing. Sessions attacked the Clinton administration for its failure to curb adolescent drug use and accused the drug czar of neglecting to include a sufficiently thorough action plan in his annual National Drug Control Strategy. McCaffrey, looking surprised and angry, told the senator that he was looking at the “wrong document.” Sessions then attacked the administration for its alleged soft posture on drugs.

This is the first time in recent history when two drug warriors had a spat during a congressional hearing. McCaffrey and Sessions agree on 95 percent of drug policy issues, however. This dispute is further evidence of how the drug policy issue is kicked around like a political football among Democrats and Republicans on Capitol Hill, with each side trying to score a partisan advantage while millions of people continue to suffer from the excesses of the drug war.

## Drug War Pep Rally, from page 5

The goals are extremely unrealistic—their strategy is bound to fail. For example, McCollum said that supply will be reduced by 80 percent within three years! Impossible.

The Democratic National Committee was just as bad. They attended the news conference to distribute a sheet called “Speaker Newt Gingrich: Ten Ways He Has Set Back America’s Fight Against Illegal Drugs.” This included: “#5 Gingrich has yet to institute a drug testing program for the House of Representatives,” “#7 Gingrich’s Republican Congress provided no money

to drug test teenage drivers,” and, most offensively, “#8 Gingrich’s Republican Congress showed no leadership when medical marijuana propositions were on state ballots.”

Ironically, the Republicans did not bash medicinal marijuana at all that day, but the Democrats did. Shamefully, they are doing the wrong thing because they are afraid of looking “soft on drugs.”

To top off an event that was overridden with hypocrisy, as Chuck Thomas was leaving the event, he saw Partnership for a Drug-Free America Vice-Chair Tom Hedrick out on the sidewalk smoking a tobacco cigarette. **END**

The following is a fairly complete listing of the drug-related congressional hearings held from March 18 through the end of the year. Not included are appropriations committee and subcommittee hearings relating to the funding of the DEA, the National Institute on Drug Abuse, and other drug-related federal agencies. Transcripts of some of the following hearings will be printed by the federal government.

### HOUSE COMMERCE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

- July 23: Federal workplace drug-testing

### HOUSE GOVERNMENT REFORM AND OVERSIGHT SUBCOMMITTEE ON DISTRICT OF COLUMBIA

- May 8: Oversight of D.C. law enforcement

### HOUSE GOVERNMENT REFORM AND OVERSIGHT SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE

- June 5: Cutting edge issues in drug testing and drug treatment
- June 18: Drug abuse prevention efforts by celebrities
- July 22: Drug treatment programs and criminal justice system
- July 23: Substance abuse

### HOUSE INTERNATIONAL RELATIONS COMMITTEE

- March 31: U.S. anti-drug policy toward Colombia
- April 29: U.S. annual drug certification process
- June 24: Colombian heroin crisis

### HOUSE JUDICIARY SUBCOMMITTEE ON CRIME

- March 26: Controlled substances trafficking prohibition
- July 29-30: Controlled and uncontrolled substances used to commit date-rape
- August 6: Drug diversion investigations

### HOUSE SMALL BUSINESS SUBCOMMITTEE ON EMPOWERMENT

- May 14: Drug-free workplaces

### HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

- June 10: National drug control policy and drug interdiction
- September 29: Coast Guard drug interdiction strategy

### SENATE FOREIGN RELATIONS SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

- September 16: Anti-drug interdiction efforts

### SENATE JUDICIARY COMMITTEE

- June 17: Drug abuse among children

### SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

- July 28: Substance abuse

# Government Ad Campaign Builds Support for Prohibition

On July 9, the White House Office of National Drug Control Policy (ONDCP) kicked off its new national multimedia anti-drug campaign, which will cost American taxpayers \$195 million per year for the next five years. The ads—which appear on television, radio, and in newspapers and magazines—are being created in conjunction with the Partnership for a Drug-Free America, and the plan includes a doubling of the government's expenditures through private-sector contributions.

The test phase of the National Youth Anti-Drug Media Campaign began in January 1998 in 12 cities. By the time it went into full force in July, numerous critics had seen enough to prompt them to write articles and opinion pieces about the ads. Major exposes appeared in such publications as *Rolling Stone* and *Brandweek*, the weekly trade journal for advertisers. The major criticism was that very little authentic research was conducted during the test phase—and what was done was sorely lacking in scientific merit. The April 27 *Brandweek* article, "Blind Support for Anti-Drug Ads? Just Say No," noted that even the researchers who conducted the studies cited by the government were not convinced that the ads worked. For example, Lauren Block of New York University, who conducted one of these studies, said that "given the nature of the available data, it is not possible to prove a causal relationship between advertising and drug consumption."

Op-eds in major newspapers echoed these critiques, raising the question of why the government would commit \$1 billion to a so-called anti-drug program that might not work—and might even cause increased drug use by destroying credibility and fostering cynicism. This is especially disturbing, considering that ONDCP justifies its war against medicinal marijuana users by saying that there is not enough good scientific evidence.

The double standard is easy to understand: The ad campaign really has nothing to do with discouraging kids from

trying drugs; it is actually designed to scare the public into supporting the drug laws, which keep ONDCP in business.

This is accomplished in two ways. First, the ads fan the flames of the nation's anti-drug hysteria, ensuring that drug war rhetoric will remain a sure-fire way for politicians to get re-elected and for law-enforcement bureaucracies to inflate their budgets. The ads are part of what makes many American people afraid of even the most modest marijuana law-reform proposals.

Even more insidiously, the ad campaign is an integral part of ONDCP's plan to build a large, powerful, government-subsidized prohibitionist lobbying organization. The plan is brilliant. First, ONDCP helped convince Congress to authorize the expenditure of \$143.5 mil-

*The ads fan the flames of the nation's anti-drug hysteria, ensuring that drug war rhetoric will remain a sure-fire way for politicians to get re-elected and for law-enforcement bureaucracies to inflate their budgets.*

lion to fund "community anti-drug coalitions." ONDCP Director Barry McCaffrey has testified numerous times that he intends to help create 14,000 of these coalitions. The commercials aim to accomplish the next step: finding the people to develop and run the coalitions.

There is no evidence that commercials can convince people **not** to do something—in this case, take drugs. But they can convince people **to** do something—in this case, call the phone numbers on each commercial to find out what can be done to supposedly save their children from drugs. And this is working. McCaffrey is already boasting that there has been a 300 percent increase in the number of people calling to request information.

Every day, countless parents are frightened by the commercials, call ONDCP,



and get information that will ultimately help them create a so-called "anti-drug" coalition. Then, the coalition will get government money to operate.

These coalitions will ultimately be part of the well-organized lobbying machine Community Anti-Drug Coalitions of America (CADCA).

In reality, these are prohibition advocacy groups. Almost every week, CADCA faxes its list of 4,000 existing coalitions to provide information on what bills are pending, which committee they are in, how CADCA wants Congress to vote, talking points, legislators' phone and fax numbers, and so on.

McCaffrey's goal of creating 14,000 such groups means that there would be an average of 32 such groups in each congressional district, virtually ensuring the defeat of any bills to curtail the war against marijuana users. Indeed, CADCA even takes an active role in fighting against MPP's effort to remove criminal penalties for medicinal marijuana users!

So, while there is no credible evidence that the ad campaign will reduce teen drug use, the ads are working to build the movement to escalate the war against marijuana users. MPP is facing a very difficult, uphill battle.

On October 19, things got even worse: The Magazine Publishers of America passed a resolution to support the ad campaign and to provide "appropriate editorial support." Not only are the government's ads appearing in countless magazines, but the publications' editorial departments are being discouraged by the publishers from writing anything critical about the ads. Shockingly, in the drug war, free speech is an acceptable casualty.

# Useful Marijuana-Related Studies & Reports

Summer/Fall 1998

The following is provided by the Marijuana Policy Project as a service to those readers who are interested in ordering the latest policy-oriented information. All items are free unless otherwise noted. All prices include shipping and handling. Pre-payment is required in some cases.

## Government Reports

(If any of these government reports is unavailable, call the U.S. Government Printing Office at 202-512-1800.)

### Government Printing Office

tel 202-512-1800 / fax 202-512-2250

Superintendent of Documents

P.O. Box 371954 / Pittsburgh, PA 15250-7954

- "SAMHSA News" (quarterly newsletter of the Substance Abuse and Mental Health Services Administration; annual subscription is \$8.50)

### Centers for Disease Control and Prevention

available from the Government Printing Office

- "Youth Risk Behavior Surveillance—United States, 1997" (*Morbidity and Mortality Weekly Report*, August 14, 1998/vol. 47/No. SS-3)

### Drug Enforcement Administration

tel 202-307-7977 / fax 202-307-8939

Washington, D.C. 20537

DEA Demand Reduction Office – 202-307-7936

- Write to the above address to be placed on the DEA Library and Information Center mailing list, a bimonthly list of new drug-related publications.
- "Get it Straight: The Facts About Drugs" (1998)
- "A Police Chief's Guide to the Legalization Issue" (published with the International Association of Chiefs of Police in July 1997)
- "The NNICC Report 1996: The Supply of Illicit Drugs to the United States" (July 1997)
- "The Manufacture of Cannabis Sativa for Legitimate Applications" (June 1996)

### General Accounting Office

tel 202-512-6000 / fax 202-512-6061

P.O. Box 37050 / Washington, DC 20013

- "Reports, Testimony, Correspondence, and Other Publications" (monthly catalog)
- GGD-98-188 "Drug Control: Information on High Intensity Drug Trafficking Areas Program" (September 1998)
- GGD-98-130 "Results Act: Observations on the Office of Personnel Management's Annual Performance Plan" (July 1998)
- GGD-98-154 "Money Laundering: Regulatory Oversight of Offshore Private Banking Activities" (June 1998)
- NSIAD-98-154 "Drug Control: U.S.-Mexican Counter Narcotics Efforts Face Difficult Challenges" (June 1998)
- NSIAD-98-142 "Drug Control: An Overview of U.S. Counter Drug Intelligence Activities" (June 1998)
- GGD-98-111 "Law Enforcement: Information on Drug-Related Police Corruption" (May 1998)
- T-NSIAD-98-129 "Drug Control: Status of Counter Narcotics Efforts in Mexico" (March 1998)
- T-NSIAD-98-116 "Drug Control: Status of U.S. International Counter Narcotics Activities" (March 1998)

- HEHS-98-72 "Drug Abuse: Research Shows Treatment Is Effective, But Benefits May Be Overstated" (March 1998)

### National Clearinghouse for Alcohol and Drug Information

tel 800-729-6686 / fax 301-468-6433

P.O. Box 2345 / Rockville, MD 20847-2345

- EN-8400 "NCADI Publications Catalog" (Winter 1997-1998)
- "The Prevention Pipeline" (bimonthly magazine on substance abuse prevention, published by the Center for Substance Abuse Prevention; annual subscription is \$28.00)
- BKD-275 "Preliminary Results from the 1997 National Household Survey on Drug Abuse" (August 1998)
- M176 "Cost-Benefit/Cost-Effectiveness Research of Drug Abuse Prevention: Implications for Programming and Policy" (1998)
- RPO-979 "Adolescent Self-Reported Behaviors and Their Association with Marijuana Use" (1998)
- RPO-965 "Children at Risk Because of Parental Substance Abuse" (1998)
- BKD-287 "Substance Abuse and Mental Health Statistics Sourcebook 1998" (1998)
- BKD-262 "Prevalence of Substance Use Among Racial and Ethnic subgroups in the U.S. 91-93" (1998)
- BKD-259 "Drug Addiction Research and the Health of Women" (1998)
- BKD-255 "Therapy Manuals for Drug Addiction. Manual2—A Community Reinforcement Plus Vouchers Approach: Treating Cocaine Dependence" (1998)
- BKD-254 "Therapy Manuals for Drug Addiction. Manual1—A Cognitive-Behavioral Approach: Treating Cocaine Dependence" (1998)
- RP-0941 "Prevalence of Youth Substance Use: The Impact of Methodological Differences Between Two National Surveys" (1997)
- NN-0015 "A Collection of NIDA Notes: Articles on Drug Abuse Prevention Research and the Community" (1996)
- PHD-669 "Women and Drug Abuse" (1996)

### National Criminal Justice Reference Service

tel 800-851-3420 / fax 410-792-4358

P.O. Box 6000 / Rockville, MD 20849

- "NCJRS Catalog" (bimonthly catalog)
- "National Institute of Justice Journal" (monthly newsletter)
- "Juvenile Justice" (periodic newsletter)
- NCJ-169284 "Crime and Justice in the United States and England, 1981-96" (October 1998)
- FS-9882 "Mental Health Disorders and Substance Abuse Problems Among Juveniles" (July 1998)
- NCJ-171664 "Pulse Check: National Trends in Drug Abuse" (Summer 1998)
- NCJ-171142 "Juvenile and Family Drug Courts: Profile of Program Characteristics and Implementation Issues" (June 1998)
- NCJ-170013 "Correctional Populations in the United States, 1996" (June 1998)
- FS-000216 "FY 1998 Local Law Enforcement Block Grants Program" (May 1998)
- NCJ-163063 "Compendium of Federal Justice Statistics, 1994" (May 1998)
- NCJ-168632 "Alcohol and Crime" (April 1998)
- NCJ-164620 "Profile of Jail Inmates 1996" (April 1998)
- NCJ-169607 "Students' Reports of School Crime: 1989 and 1995" (March 1998)
- NCJ-168944 "Managing Prison Growth in North Carolina Through Structured Sentencing" (March 1998)
- NCJ-168628 "Compendium of Federal Justice Statistics, 1995" (March 1998)
- NCJ-167265 "Crack, Powder Cocaine, and Heroin: Drug Purchase and Use Patterns in Six U.S. Cities" (March 1998)
- NCJ-166611 "Substance Abuse and Treatment of Adults on Probation, 1995" (March 1998)
- NCJ-164614 "State Court Sentencing of Convicted Felons, 1994" (March 1998)
- FS-000184 "Edward Byrne Memorial State and Local Law Enforcement Assistance" (March 1998)
- SL-000272 "Bureau of Justice Assistance: FY 1998 Program Plan" (March 1998)
- SL-000258 "Selection of Arrestee Drug Abuse Monitoring (ADAM) Site Management Teams" (March 1998)
- NCJ-164617 "Federal Law Enforcement Officers, 1996" (January 1998)
- NCJ-172215 "Indicators of School Crime and Safety, 1998" (1998)
- NCJ-171687 "Two Generations of Prevention" (1998)
- NCJ-171677 "Violent Offender Incarceration and Truth-In-Sentencing Incentive Grants: Drug Testing Guidelines and Supporting Guidance" (1998)
- NCJ-171672 "ADAM: 1997 Annual Report on Adult and Juvenile Arrestees" (1998)
- NCJ-171148 "Responding to Drug Use and Violence: A Directory and Resource Guide of Public- and Private-Sector Drug Control Grants" (1998)
- NCJ-171143 "Guideline for Drug Courts on Screening and Assessment" (1998)
- NCJ-171140 "Looking at a Decade of Drug Courts" (1998)
- NCJ-171139 "Juvenile and Family Drug Courts: An Overview" (1998)
- NCJ-171138 "Drug Court Monitoring, Evaluation, and Management Information Systems" (1998)
- NCJ-171124 "How Youth Prevent Drug Abuse" (1998)
- NCJ-170606 "Disproportionate Minority Confinement: 1997 Update" (1998)
- NCJ-170595 "La Bodega de la Familia: Reaching Out to the Forgotten Victims of Substance Abuse" (1998)
- NCJ-170092 "Prosecutors in State Courts, 1996" (1998)
- NCJ-170032 "Truth in Sentencing and Time Served in State Prison" (1998)
- NCJ-170015 "Substance Abuse and Treatment: State and Federal Prisoners, 1997" (1998)
- NCJ-170014 "Prisoners in 1997" (1998)
- NCJ-168968 "Fact Sheet: Drug Use Trends" (1998)
- NCJ-167889 "Drug Identification and Testing in the Juvenile Justice System" (1998)

- NCJ-165815 "Juvenile Felony Defendants in Adult Courts: State Court Processing Statistics, 1990-94" (1998)
- NCJ-164618 "Census of State and Local Law Enforcement Agencies, 1996" (1998)
- NCJ-161843 "Fact Sheet: Rohypnol" (1998)
- NCJ-142643 "Developing a Strategy for a Multiagency Response to Clandestine Drug Laboratories" (1998)
- NCJ-168621 "BJA Annual Report FY 1996" (October 1997)
- FS-009881 "Drug Offense Cases in Juvenile Court, 1986-1995" (1997)
- FS-000171 "Hair Assays and Urinalysis Results for Juvenile Drug Offenders" (1997)
- NCJ-171147 "Sourcebook of Criminal Justice Statistics, 1997" (1998) (\$6.00)
- NCJ-166611 "Alcohol/Drug Abuse and Treatment of Adults on Probation, 1995" (1997)
- NCJ-166364 "Probation and Parole Populations 1996: Press Release" (1997)

- NCJ-164295 "Compendium of Federal Justice Statistics, 1995" (1996)
- NCJ-139562 "Catalog of Selected Federal Publications on Illegal Drug and Alcohol Abuse" (June 1993)
- NCJ-163068 "Justice Expenditure and Employment Extracts: 1993 Data from the Annual General Finance and Employment Surveys" (September 1992)

#### National Institute on Drug Abuse

fax 301-294-5401 / R.O.W. Sciences  
1700 Research Blvd. / Suite 400 / Rockville, MD 20850

- "NIDA Notes" (bimonthly newsletter published by the National Institute on Drug Abuse)
- Call 888-644-6432 to have a list of NIDA's news releases and other documents faxed or mailed to you.

#### U.S. Sentencing Commission

tel 202-273-4590 / fax 202-273-4529  
One Columbus Circle, NE / Suite 2-500, South Lobby  
Washington, D.C. 20002

- "1997 Sourcebook of Federal Sentencing Statistics" (1998)
- "1997 Annual Report" (1998)

#### California Department of Corrections

tel 916-445-7682 / fax 916-358-2322  
P.O. Box 942883 / Sacramento, CA 94283-0001

- "Characteristics of Population in California State Prisons by Institution" (1998)

#### Netherlands Institute of Mental Health and Addiction

tel 31-30-297-11-00 / fax 31-30-297-11-11  
P.O. Box 725, 3500 AS Utrecht, The Netherlands

- Publications list

#### United Nations

tel 800-253-9646 / fax 212-963-3489  
2 United Nations Plaza / Room DC2-853 / Dept. C005  
New York, NY 10017

- "United Nations Publications Catalogue 1997-1998"

#### United Nations International Drug Control Programme

P.O. Box 500 / A-1400, Vienna / AUSTRIA

- "Information Letter" (bimonthly newsletter)
- Also ask for a list of free publications.

## Private Reports

### Amnesty International USA

tel 212-807-8400 / fax 212-463-9193 or 212-627-1451  
322 - 8th Avenue / New York, NY 10001

- "USA: Human Rights Concerns in the Border Region with Mexico" (May 1998) (\$10.00)

### Center for Substance Abuse Research (CESAR)

tel 301-403-8329 / fax 301-403-8342  
4321 Hartwick Road, Suite 501 / College Park, MD 20740  
CESAR@cesar.umd.edu

- Weekly one-page fax on the latest drug statistics (supported by the Maryland Governor's Office of Crime Control and Prevention).

### Center on Addiction and Substance Abuse

tel 212-841-5200 or 212-841-5227 / fax 212-956-8020  
152 West 57th Street / 12th Floor / New York, NY 10019

- "Under the Rug: Substance Abuse and the Mature Woman" (1998) (\$26.00)
- "Back to School 1998: The CASA National Survey of American Attitudes on Substance Abuse VI: Teens, Teachers and Principals" (1998) (\$22.00)

### Community Anti-Drug Coalitions of America

tel 800-54-CADCA or 703-706-0560 / fax 703-706-0565  
901 North Pitt Street / Suite 300 / Alexandria, VA 22314

- Publications order form
- "Say It Straight: The Medical Myths of Marijuana" (1997)
- "Position Paper in Opposition to the Legalization of Drugs" (September 1993)

### Drug Strategies

tel 202-663-6090 / fax 202-663-6110  
2445 M Street, NW / Suite 480 / Washington, D.C. 20037

- "Alcohol, Tobacco and Other Drug Use and Programs That Reduce These Problems: Washington, D.C." (1998)

### Human Rights Watch

tel 212-216-1813 / fax 212-736-1300  
350 Fifth Avenue, 34th Floor / New York, NY 10118-3299

- "Shielded from Justice: Police Brutality in United States" (July 1998) (\$23.50)

### Institute for Youth Development

tel 703-471-8750 / fax 703-471-8409

P.O. Box 16560 / Washington, D.C. 20041

- "America's Youth: Measuring the Risk, 2nd Edition" (1998) (\$12.50)

### Justice Policy Institute

tel 202-678-9282 / fax 202-678-9321

2208 Martin Luther King Jr. Ave. SE / Washington, D.C. 20020

- "Class Dismissed: Higher Education vs. Corrections During the Wilson Years" (September 1998)
- "Double Jeopardy: An Assessment of the Felony Drug Provision of the Welfare Reform Act" (August 1998)
- "New York State of Mind?: Higher Education vs. Prison Funding in the Empire State, 1988-1998" (available on the World Wide Web at <http://www.cjcr.org/jpi/nysomfront.html>)

### Mackinac Center for Public Policy

tel 517-671-0900 / fax 517-631-0964

140 West Main St. / P.O. Box 568 / Midland, MI 48640

- v88-02 "Privatizing Corrections: An Opportunity in Michigan" (April 1998) (\$0.50)
- S98-03 "Reforming Property Forfeiture Laws to Protect Citizens' Rights" (March 1998) (\$5.00)
- v97-09 "650-Lifer Punishment is a Crime" (March 1997) (\$0.50)
- v96-22 "Teen Challenge: Kicking Two Bad Habits" (August 1996) (\$0.50)

### National Families in Action

tel 770-934-6364 / fax 770-934-7137

2296 Henderson Mill Rd. #300 / Atlanta, GA 30345-2739

- "Drug Abuse Update" (quarterly newsletter) (\$30.00)

### Parents' Resource Institute on Drug Education

tel 770-458-9900 or 800-853-7867 / fax 770-458-5030

3610 DeKalb Technology Parkway #105 / Atlanta, GA 30340

- "1997-98 PRIDE Survey" (\$23.00)

### RAND Corporation

tel 310-451-7002 / fax 310-451-6915

1700 Main St. / P.O. Box 2138 / Santa Monica, CA 90407

- DRU-1853-NIJ "An Examination of the Three-Strikes Law at the local Level" (April 1998)
- DRR-1905-NIJ "Three Strikes Revisited: An Early Assessment of Implementation and Effects" (1998)

- RB-6005 "Coordinating Drug Policy at the State and Federal Levels" (1998)
- RP-691 "Foreign Demand for Latin American Drugs: The USA and Europe" (1998)
- RP-690 "Are Mandatory Minimum Drug Sentences Cost-Effective?" (1998)
- RP-675 "Profiles of Violent Youth: Substance Use and Other Concurrent Problems" (1998)
- RP-669 "Influencing Physician Response to Prenatal Substance Exposure Through State Legislation and Workplace Policies" (1998)

### The Sentencing Project

#### Campaign for an Effective Crime Policy

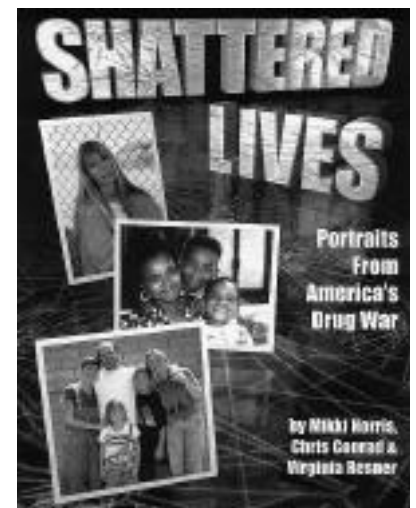
tel 202-628-0871 or 202-628-1903 / fax 202-628-1091  
918 F Street, NW / Suite 501 / Washington, D.C. 20004

- Publications order form
- "Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States" (1998)

### Shattered Lives: Portraits From America's Drug War

by Mikki Norris, Chris Conrad & Virginia Resner

- Call your local bookstores to reserve copies of this book for you and your friends.



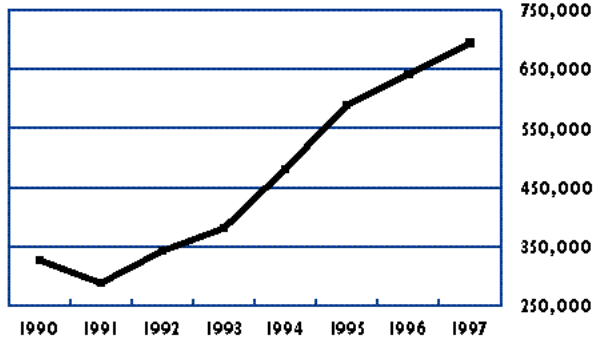
# Marijuana Arrests Reach Record High; MPP Releases Prison Report

The total number of marijuana arrests was higher in 1997 than in any other year in U.S. history, according to an FBI report released on November 22. There were 695,201 marijuana arrests last year, 87 percent of which were for possession.<sup>1</sup>

The FBI's Uniform Crime Reports division's annual report, *Crime in the United States*, provides the number of arrests made by state and local law-enforcement agencies.

In response, MPP distributed a news release and released its new report, "Marijuana Arrests and Incarceration in the United States," using government-supplied data to estimate that there are presently 37,000 marijuana offenders incarcerated in federal and state prisons and local jails in the United States. (See <http://www.mpp.org/prisoners.html>)

"This is a tremendous waste of criminal justice resources," said MPP's Chuck Thomas in the news release. "Marijuana prohibition creates dangerous criminal



The annual number of marijuana arrests in the U.S. reached a record high in 1997, according to the FBI.

markets and takes police resources away from violent crime."

This quote made it into an Associated Press article, and Thomas was invited to appear on CNN, but the network with-

drew its offer when no government officials were willing to comment on the air.

The number of marijuana arrests was almost as high as the number of arrests for murder, rape, robbery, and aggravated assault combined (717,720).<sup>2</sup>

The new data illustrate that Clinton's war on marijuana users is the toughest ever. MPP believes that it is time to stop arresting adults who grow and consume their own marijuana at home—and instead put these enforcement resources into fighting violent crime.

<sup>1</sup>Numbers are derived by multiplying the percentage of all "drug abuse violations" that were for marijuana "sale/manufacture" (5.6 percent) and for marijuana "possession" (38.3 percent) by the total number of arrests for all drug abuse violations (1,583,600). These percentages and numbers appear in Table 4.1, page 221, and Table 29, page 222, respectively, of FBI's *Crime in the United States: 1997*.

<sup>2</sup>Table 29, page 222.

## MPP Gets Around

**Washington, D.C., July 2-4** — MPP staffed a table at the biannual national convention of the Libertarian Party (LP). As it did during the July 1996 LP convention, MPP used the opportunity to network with activists from across the country, all of whom support MPP's goal of removing criminal penalties for marijuana users.

**Takoma Park, Maryland, July 4** — MPP's Chuck Thomas decided to work for freedom on Independence Day in this small, progressive town just outside of Washington, D.C. As the annual parade went past his apartment, Thomas stood on the street handing brochures to the politicians who rode in the parade. The mayor, city council members, county executives, state and federal legislators, and dozens of other officials and candidates were handed a flyer—specially made for the day—explaining the injustice of arresting medicinal marijuana users.

**Orlando, Florida, July 25** —MPP's Robert Kampia gave a presentation on



MPP's Robert Kampia attends a July 21 reception with U.S. Rep. Ron Paul (R-Texas) and a host of activists and lobbyists at the Capitol Hill home of Grover Norquist, president of the conservative group Americans for Tax Reform.

federal and state legislative activity at a statewide conference of medicinal marijuana activists. Kampia was joined by Democratic congressional candidate Al Krulick (see page 13), medicinal marijuana-using AIDS patient Greg Scott (see page 20), and civil liberties lawyer Dick Wilson.

**London, England, September 5** — Robert Kampia spoke at "Regulating Cannabis: Options for Control in the 21st Century," a symposium that brought together prominent drug policy experts, legal scholars, scientists, doctors, and public health officials from around the globe.

This conference moved the debate from the question of "whether" to the question of "how" to best regulate marijuana.

**Philadelphia, Pennsylvania, November 11** —Chuck Thomas spoke to a room full of students at Temple University's Ambler Campus about the initiative victories and what students can do to change the marijuana laws in Pennsylvania. The University's Office of Student Life paid an \$800 honorarium to MPP, and the Ambler Psychology Club, which co-sponsored the event, passed a resolution calling for the resignation of Drug Czar Barry McCaffrey! The audience was very receptive and enthusiastic about working for reform.



MPP's Robert Kampia (second from left) speaks at an international marijuana symposium held in London, England, on September 5.

## It's Time to Push Congress

Please strengthen MPP's lobbying efforts by completing these important projects! (If you don't know the names of your U.S. representative or two U.S. senators, call the congressional switchboard operator at 202-225-3121.)

U.S. Rep. \_\_\_\_\_ [name] \_\_\_\_\_  
U.S. House of Representatives  
Washington, D.C. 20515

U.S. Senator \_\_\_\_\_ [name] \_\_\_\_\_  
United States Senate  
Washington, D.C. 20510

- 1 Please see <http://www.mpp.org/117votes.html> on the World Wide Web for how your U.S. representative voted on the anti-medicinal marijuana resolution on September 15. Then, please write a letter to your U.S. representative that:
  - tells him or her what you think of his or her vote;
  - tells him or her that you are "appalled by the provision in the October 21 budget agreement that prevented the results of the D.C. medicinal marijuana initiative from being tallied"; and
  - asks him or her to "support legislation that would remove criminal penalties for medicinal marijuana use. Additionally, if Congress takes up legislation to block Initiative 59 from becoming law in the District of Columbia, I would ask you to vote to allow the D.C. medicinal marijuana law to stand."
- 2 Repeat the second and third bullets above for each of your two U.S. senators.
- 3 Please fax or mail MPP copies of any responses you receive.

## Force the Government to Stop Blocking Research

- 1 Send a letter-to-the-editor to your local newspaper based on the letter to the right.
- 2 Read the article on page 4, then visit MPP's Web page at <http://www.mpp.org/NIDAbro.html> for more information, or ask MPP to send you a brochure if you don't have Web access.
- 3 When you are well-versed on the issue, contact NIDA Director Alan Leshner's office and tell him that "NIDA should provide marijuana to all FDA-approved studies, without requiring an NIH peer review"—National Institute on Drug Abuse, Building 1, 9000 Rockville Pike, Bethesda, MD 20892, 301-443-6480 (tel), 301-443-9127 (fax), AL16M@nih.gov (e-mail).
- 4 Whenever any government official tells you that "we need more research before the medicinal marijuana laws can be changed," be sure to tell him or her that NIDA is blocking research.

## Build Support For Medicinal Marijuana Legislation in Your State

- 1 Find out the name of your state (not federal) representative and state senator. Look in the blue pages of your phone book, or call the local library, courthouse, or mayor's office.
- 2 Write separate letters to your state representative, state senator, and governor asking each of them to "support legislation that would remove criminal penalties for medicinal marijuana use."
- 3 Please fax or mail MPP copies of any responses you receive.

Letters-to-the-editor are an extremely effective way to influence public opinion on an issue and let public officials know what concerned citizens want.



Please write a letter to the editor of your local newspaper that resembles (or mimics) the following letter.

To the editor:

*Despite the recent approval of medicinal marijuana initiatives in Alaska, Arizona, Colorado, the District of Columbia, Nevada, Oregon, and Washington state, the Clinton administration is making sure that the federal laws prohibiting the medicinal use of marijuana remain intact. Before the FDA can approve marijuana as a prescription medicine, a few more studies are needed. So the government is making sure that these studies cannot be conducted.*

*The problem is that the National Institute on Drug Abuse (NIDA) has a monopoly on the legal supply of marijuana for research in the United States. Since 1995, the Marijuana Policy Project has been urging NIDA to remove the numerous bureaucratic hurdles that prevent qualified researchers from obtaining the necessary marijuana. In 1997, even the American Medical Association urged NIDA to change its unnecessarily restrictive policy.*

*NIDA Director Alan Leshner has thus far refused to comply.*

*Consequently, I encourage your readers to call Dr. Leshner at 301-443-6480 to tell him, "NIDA should provide marijuana to all FDA-approved studies, without any additional requirements." To learn more about this issue and to find out how to end the prohibition of medicinal marijuana, please contact the Marijuana Policy Project in Washington, D.C., at 202-462-5747 or <http://www.mpp.org>.*

Sincerely,  
YOUR NAME

## Promote a New Book

This excellent new book has the potential to help change the marijuana laws.

***Shattered Lives: Portraits from America's Drug War*, by Mikki Norris, Chris Conrad & Virginia Resner**, gives vivid details about how the drug war destroys families. It is filled with pictures of people serving lengthy sentences, including marijuana offenders. It is a heart-wrenching and persuasive book.

To order copies, please call the publisher, Creative Xpressions, at 510-215-8326. The cost is \$19.95 plus \$3.95 shipping.

👉 HOW YOU CAN USE THIS BOOK TO FOSTER REFORM 👈

- 1 Call or visit your nearest libraries and encourage them to buy the book. If necessary, donate the book and make sure they display it.
- 2 Call or visit several bookstores and ask if they carry the book. Tell them how to order copies. Do not let them order just one copy for you—urge them to buy several and prominently display them. If any bookstores would prefer to order just one for you, tell them, "I'm going to wait to buy it from a store that is willing to keep the book in stock."
- 3 Call talk-radio and television shows every time there is a discussion about marijuana—and plug the book.
- 4 Buy the book to give to your friends as a gift.