

MARIJUANA POLICY REPORT

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U.S. Supreme Court Rules on Medical Marijuana

On June 6, the U.S. Supreme Court ruled in *Gonzales v. Raich* that the federal government can continue arresting patients who use medical marijuana legally under state law.

Contrary to some initial media reports, the ruling did not strike down or interfere with medical marijuana laws in Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, or Washington state. The validity of state medical marijuana laws was never at issue in the case, and they remain in full effect.

Rather, the Court continued the status quo as it has existed since California



Medical marijuana plaintiffs Angel Raich and Diane Monson in front of the U.S. Supreme Court after oral arguments in *Gonzales v. Raich* (November 29, 2004).

passed the first of 10 state medical marijuana laws in 1996: Patients and caregivers in these states who legitimately possess or grow medical marijuana are protected

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Medical Marijuana Goes High-Profile on Capitol Hill

On May 4, with the U.S. Capitol Building as a backdrop, Montel Williams, Angel Raich, and a bipartisan group of congressmen called for reform of the nation's medical marijuana laws at a widely covered news conference organized by MPP. The speakers, joined by nearly 100 medical marijuana supporters, gathered to announce the re-introduction of the "States' Rights to Medical Marijuana Act" and to build momentum for the then-upcoming vote on the Hinchey-Rohrabacher Amendment.

Montel Williams was the star of the show. Speaking to a bank of cameras and microphones, he decried a federal policy that allows him to be prescribed powerful and addictive pain medications but prohibits him from using the one substance—marijuana—that allows him to function on a daily basis. Then, holding a canister used to provide Irvin Rosenfeld—one of seven federally approved medical marijuana patients—with a monthly supply of medicine,



Montel Williams addresses reporters at a Capitol Hill news conference (May 4).

Williams slammed the federal government's hypocrisy on the issue.

Angel Raich, the lead plaintiff in the landmark *Gonzales v. Raich* case, passionately criticized members of Congress who refused to meet with her during her visit and pledged to return to D.C. again and again until doors are opened and laws changed.

U.S. Rep. Barney Frank (D-MA) protested federal opposition to medical marijuana as he introduced his "States' Rights to Medical Marijuana Act," H.R. 2087. This is the sixth consecutive session of Congress in which Frank has introduced legislation supporting the rights of medical marijuana

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

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

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



FROM THE EXECUTIVE DIRECTOR

AS THE marijuana policy reform movement continues to pass bills and initiatives on the local and state levels, MPP's national strategy for regulating marijuana like alcohol is becoming more and more refined.

The goal, of course, is to (1) change federal law to allow states to determine their own marijuana policies, and (2) change the laws of all 50 states and the District of Columbia so that adults may use and obtain marijuana from a legally regulated market.

It is our assumption that Congress will not be the first legislative body to act; consequently, the first act to repeal marijuana prohibition will need to be passed in a state.

So what state will be the first? No one can be sure, so MPP and the MPP grants program have launched a strategy to fund the passage of statewide bills and ballot initiatives in the states that are most likely to bow out of marijuana prohibition.

In Nevada, MPP has already qualified a tax-and-regulate initiative for the November 2006 ballot, and MPP is lobbying for a similar bill in the Vermont Legislature. And, given that a more radical initiative received 44% of the vote in Alaska in November 2004, MPP hopes to run a statewide ballot initiative there in November 2008.

In California, 64% of Oakland voters passed a local tax-and-regulate initia-

tive in November 2004, and a slate of similar initiatives will be placed on local ballots statewide in November 2006. If these initiatives pass, a statewide initiative is likely in November 2008.

Two organizations in Colorado—Sensible Colorado and SAFER (Safer Alternatives for Enjoyable Recreation)—are placing local initiatives on the Denver and Telluride ballots in November 2005 to inspire a statewide debate and tax-and-regulate bill in the state legislature in January 2006.

Similarly, the Drug Policy Forum of Hawaii plans to pass a local initiative in November 2006 to inspire a statewide debate and bill in its legislature in January 2007.

Local initiative victories in Seattle and more than 20 communities in Massachusetts have given the King County Bar Association and the Drug Policy Forum of Massachusetts hope that they can pass statewide ballot initiatives in Washington and Massachusetts, respectively, after doing additional organizing over the next few years.

In New Hampshire, the House voted 295–60 to defeat a bill that would have wiped out marijuana prohibition entirely, replacing it with nothing. While this is far from a win, the vote is encouraging because literally no one lobbied for or spent money trying to pass the radical legislation. MPP plans to invest resources to pass similar legislation in 2007.

MPP also views Arizona, Delaware, Idaho, Maine, Montana, New Mexico, and Oregon as ripe for statewide organizing and, ultimately, tax-and-regulate initiatives.

The MPP grants program is interested in funding full-time organizers in Arizona, Delaware, Idaho, Maine, Montana, New Hampshire, and Oregon. (Please see www.mpp.org/grants for information on how to apply for a grant.)

By pushing hard in Nevada and Vermont now—and building coalitions, debating state bills, and passing local initiatives in 14 other states over the next few years—we hope to create a checkerboard of 16 states that will bow out of prohibition between November 2006 and, say, November 2012.

With 16 states—including California—clamoring for change, the goal would then be to push Congress and the president to pass federal legislation, which would free the remaining 34 states and the District of Columbia to follow suit by passing their own tax-and-regulate laws.

If these remaining steps can be accomplished by 2017, our nation's experiment with marijuana prohibition would have lasted an ugly 80 years.

Join MPP's Monthly Pledge Program

Have you considered joining MPP's monthly pledge program? Nearly 600 MPP members have chosen to have a monthly contribution of \$5 or more automatically deducted from their debit or credit cards. By joining the monthly pledge program, you will:

► Receive a free MPP t-shirt of your choice ... or receive a free copy of *BUSTED*,

a film that explains how you can use your Fourth Amendment rights to avoid police searches of your person and property.

► Never receive membership renewal notices—and never miss an issue of our newsletter—because your MPP membership will never expire!

► Provide MPP with predictable, reliable funding that gives us an increased ability to plan our projects.

Would you please consider making a monthly pledge to MPP today? To sign up, use the enclosed donation slip or visit www.mpp.org/donate.

From Raich, page 1

under state law, but are not exempt from prosecution under federal anti-drug statutes.

State and local authorities in most states with medical marijuana laws said they have no intention of arresting medical marijuana patients.

Federal agents make only one percent of marijuana arrests, so state medical marijuana laws reduce patients' risk of arrest by 99%.

The ruling “does not overturn California law permitting the use of medical marijuana, but it does uphold a federal regulatory scheme that contradicts the will of California voters and limits the right of states to provide appropriate medical care for its citizens,” California Attorney General Bill Lockyer (D) noted. “Legitimate medical marijuana patients in California must know that state and federal laws are no different today than they were yesterday.”

In Montana, state Attorney General Mike McGrath (D) told reporters that the state is not obligated to help federal authorities prosecute people following state law.

At issue in *Gonzales v. Raich* (formerly *Ashcroft v. Raich*) was whether the federal government has the authority, under the Commerce Clause of the U.S. Constitu-

tion, to arrest and prosecute people for purely intrastate activities related to the use of marijuana in accordance with state law. The question of whether a state may make the possession of marijuana legal for medical purposes was not at issue.

In the 6–3 ruling written by Justice John Paul Stevens, the Court indicated that Congress—not the Court—must be the institution to change federal law to protect medical marijuana patients from arrest, writing: “Perhaps even more important than these legal avenues is the democratic process, in which the voices of voters allied with these respondents may one day be heard in the halls of Congress.”

“People shouldn’t panic. There aren’t going to be many changes. Nothing is different today than it was two days ago, in terms of real-world impact.”

—California Attorney General Bill Lockyer after the *Gonzales v. Raich* decision was issued

Justice Antonin Scalia joined the majority with a concurring opinion, while Justices Sandra Day O’Connor and Clarence Thomas and Chief Justice William Rehnquist issued a dissent. In Thomas’s separate, stinging dissent, he wrote, “If the majority is to be taken seriously, the federal government may now regulate quilting bees, clothes drives, and potluck suppers

throughout the 50 states.”

The case was initiated in October 2002 by California medical marijuana patients Diane Monson and Angel Raich, who sought an injunction to prevent the DEA from arresting them or seizing their property. MPP’s grants program provided the majority of the funding for this litigation, which is only the second medical marijuana case ever to reach the Supreme Court.

Because it is now clear that the federal courts cannot be counted on to provide protection for medical marijuana patients, it is even more critical for MPP to push Congress to change federal law—and for states to adopt medical marijuana laws of their own. For more information, please visit www.mpp.org/raich. **MPP**



Medical marijuana advocates outside the U.S. Supreme Court after *Gonzales v. Raich* was heard on November 29, 2004.

MPP Grants Program

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

Currently, MPP is specifically seeking grant applications to focus on:

- ▶ influencing the American Psychiatric Association’s definition of marijuana abuse and dependence in the forthcoming *Diagnostic and Statistical Manual V*;
- ▶ grassroots organizing to build support for taxing and regulating marijuana in Arizona, Delaware, Idaho, Maine, Montana, New Hampshire, and Oregon;
- ▶ passing local ballot initiatives and ordinances nationwide;
- ▶ conducting objective, publishable, scientifically rigorous research on marijuana and marijuana policy;
- ▶ lobbying the American Medical Association to take a more supportive position on medical marijuana; and

- ▶ litigating for the right to use marijuana for religious purposes.

While these topics represent areas of special interest to MPP, the grants program will consider proposals for any project related to marijuana policy reform, with the exception of state political parties or candidates for office, state ballot initiatives, and hemp-related projects.

Applications for the next round of grants are due by September 1, 2005. For more information, please visit www.mpp.org/grants. **MPP**

From **Capitol Hill**, page 1

na patients. Frank told reporters, “When doctors recommend the use of marijuana for their patients and states are willing to permit it, I think it is wrong for the federal government to subject either the doctors or the patients to criminal prosecution.”



Medical marijuana patient Angel Raich pushes for federal medical marijuana legislation on Capitol Hill (May 4).

U.S. Rep. Maurice Hinchey (D-NY)—lead sponsor of the Hinchey-Rohrabacher Amendment, which would prohibit the federal government from spending funds to interfere with state medical marijuana laws—powerfully conveyed the reasoning behind his amendment. “With our nation’s law enforcement officials fighting the war on terrorism, hunting down dangerous criminals, and working to stop the sale of major narcotics, having the U.S. Department of Justice track and arrest legal users of medical marijuana is a dangerous misallocation of resources,” he argued.

Congressmen Sam Farr (D-CA), Ron Paul (R-TX), and Dana Rohrabacher (R-CA) also spoke at the news conference. Though the States’ Rights bill is not expected to move through the legislative process this year, the Hinchey-Rohrabacher Amendment was defeated by a 264-161 vote on June 15. Though the loss was disappointing, it rep-



U.S. Rep. Dana Rohrabacher (R-CA) (center) speaks in favor of medical marijuana legislation while U.S. Rep. Ron Paul (R-TX) looks on (left, foreground) (May 4). Photo courtesy of stopthedrugwar.org.

resents an all-time record number of “yes” votes. Notably, U.S. House Democratic Leader Nancy Pelosi (D-CA) spoke in favor of the amendment on the House floor and urged her colleagues to support the compassionate measure. For more information, please visit www.mpp.org/hincheyvote.

“Dear Colleague” Letter in Congress

Over the past few years, MPP has taken steps to ensure that statements by opponents of marijuana policy reform on Capitol Hill are exposed for what they are—bold-faced lies. In some cases, MPP works directly with congressional staffers to refute

opponents’ claims and provide factual information to other members of Congress.

A prime example of this kind of collaboration occurred in April, after U.S. Rep. Mark Souder (R-IN)—the Hill’s most zealous marijuana prohibitionist—sent a “Dear Colleague” letter to all House members on April 20,



U.S. Rep. Mark Souder (R-IN) is one of America’s most outspoken prohibitionists.

MPP’s War on Drug Czar

On February 23 and 24, MPP filed complaints in Alaska, Montana, and Oregon, alleging that the drug czar’s Office of National Drug Control Policy (ONDCP) had failed to file campaign finance reports when he campaigned against initiatives MPP supported in the fall of 2004.

The complaints—part of MPP’s ongoing “War on Drug Czar” campaign—are similar in nature to a December 2002 complaint filed by MPP in Nevada. In all four cases, MPP cited existing state campaign finance laws and regulations to assert that ONDCP, when advocating the defeat of marijuana-related ballot initiatives, had violated requirements to report its expenditures in the states.

In another “War on Drug Czar” action, MPP sent a letter on March 17 to Illinois Attorney General Lisa Madigan (D), asking her office to investigate whether the drug czar violated the state’s lobbying regulations by traveling to Illinois to lobby and testify against a bill then pending in the state General Assembly. For more information about all of these complaints, please visit www.mpp.org/WarOnDrugCzar.

Despite MPP’s confidence that a state can—and should—require ONDCP to file campaign finance and lobbying expenditure reports, no state has yet had the courage to rule this way. MPP’s Nevada complaint died in August 2004 after the state Supreme Court refused to overturn a decision by the secretary of state not to require the drug czar to file campaign expense reports. Alaska and

Montana have also made initial rulings dismissing MPP’s complaints, and the Illinois Attorney General’s office has stated that it does not have the power to enforce its laws against the drug czar. MPP is appealing all three decisions.

(The Oregon government ruled that MPP’s complaint was filed after a statutory deadline. MPP disagreed with the ruling but decided not to fight it further.)



Montana government officials rejected MPP’s complaint that sought to require White House Drug Czar John Walters to file campaign expense reports after his office lobbied to defeat MPP’s Montana medical marijuana ballot initiative—which passed with 62% of the vote—in 2004 (KPAX-TV, April 5).

Win or lose, MPP believes that these complaints are extremely important. The media coverage generated by the complaints highlights the fact that the federal government is spending an unknown amount of taxpayer money to campaign against state initiatives, and the complaints send a clear message that MPP will not allow the drug czar to interfere with state initiative campaigns without being challenged.

correcting what he considered some of the “myths” about marijuana. In the letter, he claimed, among other things, that marijuana “promotes cancer of the lungs” and asserted that marijuana is not a medicine.

MPP worked with the offices of U.S. Reps. Sam Farr (D-CA) and Maurice Hinchey (D-NY) to set the record straight. The very next day all members of Congress received a second “Dear Colleague” letter entitled, “Medical Marijuana: Myths and Facts, Part II—The Truth.” In this letter, members of Congress learned that “no study has ever shown a correlation between marijuana-only smoking and lung cancer.” Moreover, the letter explained how Canada had recently approved the medicine Sativex, in which the only active ingredient is marijuana, thus establishing that marijuana is indeed a medicine.

Because of MPP’s success in refuting inaccurate information about marijuana, opponents of marijuana policy reform are on notice that their attempts to spread misinformation will lead to public rebuttals that highlight their lies and undermine their credibility. **MPP**

“Liquid Marijuana” Approved in Canada; Prohibitionists Shift Tactics

On April 19, the Canadian government announced final approval of Sativex, a natural marijuana extract available by prescription to treat neuropathic pain in multiple sclerosis patients.

Sativex, a liquid that is sprayed in the mouth, is essentially marijuana in liquid form. Unlike Marinol, a synthetic version of THC, Sativex is a whole-plant extract containing the rich variety of naturally occurring compounds called cannabinoids that are unique to marijuana. Sativex manufacturer GW Pharmaceuticals states on its Web site, “We believe very strongly that many of the advantages of using the whole plant come from the inclusion of other components of cannabis [marijuana],” not just THC.

Though the existence of Sativex is

proof that virtually everything the U.S. government says about marijuana—that it has no medical value and cannot be used safely—is wrong, that’s not stopping prohibitionists from hopping on the Sativex bandwagon. In fact, former Deputy Drug Czar Andrea Barthwell has been hired by GW to help Sativex gain FDA approval.

Barthwell, fresh off her campaign to derail MPP’s medical marijuana legislation in Illinois and other states, revealed her true interest in her new position to the *Los Angeles Times*: “Having this product available will certainly slow down the dash to make the crude plant material available to patients across the country.”

For more information about Sativex, visit www.mpp.org/sativex.html.

MPP Kills Bad Bills in Alaska

After months of political trench-fighting, MPP and its allies in Alaska successfully beat back efforts to re-criminalize marijuana in the state.

Spurred by a request from Gov. Frank Murkowski (R), in January state legislators introduced twin bills in the state House and Senate that would have imposed up to five years in prison for possession of four ounces of marijuana—the same penalty as for committing incest with a child.

The bills, S.B. 74 and H.B. 96, were intended to subvert last September’s decision by the Alaska Supreme Court, which affirmed that the possession and use of up to four ounces of marijuana at home is protected by the Alaska Constitution—making Alaska the only state where any aspect of recreational marijuana use is legal. The MPP grants program funded this litigation.

Working with Alaskans for Marijuana Regulation and Control, MPP funded radio ads slamming the bills, generated calls to thousands of Alaska voters to get them to complain to their legislators, and, with the help of the Alaska Civil Liberties Union, lined up experts to testify before key committees.

MPP’s coalition provided thousands of pages of the most current science on the effects of marijuana, marshalling experts from the U.S. and Europe to debunk the scientific “findings” that bill proponents had inserted to support the draconian legislation. In the face of the coalition’s mountain of evidence, bill proponents were forced to withdraw their so-called scientific “findings.” This was a major blow to the bill proponents’ credibility.

The coalition also pointed out that the bills would have cost Alaska millions of dollars in prison and court costs. According to the Alaska Public Defender Agency, of the 500 misdemeanor cases it handles each year that primarily involve marijuana, more than half would become felonies if the marijuana bills became law. At the same time, the increased emphasis on marijuana as a felony offense—as opposed to a misdemeanor offense—would have diverted millions of dollars in police man-hours and resources from violent crimes. These costs would have crippled Alaska’s criminal justice system.

The coalition’s efforts produced weeks of negative press and an avalanche of nearly unanimous opposition to Murkowski’s bills

in the opinion pages of Alaska’s newspapers.

Yet Murkowski did not back down. Just five days before the end of the session, he publicly proclaimed marijuana a “must-have,” stating, “I want marijuana—this session.”

On May 10, the legislature adjourned for the year without even coming close to passing the legislation. And when the governor—who had earlier declared that re-criminalizing marijuana would be one of his top legislative priorities this year—called the legislature back into session for the summer, he decided against putting the bad marijuana legislation on the legislature’s docket.

Murkowski has pledged to return next year, the second of a two-year session, to try once again to force bad legislation on an unwilling public. MPP will be back to expose him and his supporters as liars yet again. For more information, please visit www.RegulateMarijuanaInAlaska.org. **MPP**



Update on State Legislatures

Illinois

Despite strong grassroots and public support, medical marijuana suffered another setback in Illinois when a last-minute resolution to study medical marijuana remained stuck in committee as the General Assembly adjourned for the year.

MPP's medical marijuana bill died in February after Drug Czar John Walters swooped in at the last minute to scare legislators into defeating the bill. In early May, the bill's sponsor, Rep. Larry McKeon (D-Chicago)—along with Reps. John Fritchey (D-Chicago) and Mary Flowers (D-Chicago)—filed H.R. 398, a resolution that would have established a committee to make recommendations on how to protect medical marijuana patients.

Unfortunately, the resolution was never scheduled for a vote. Sen. John Cullerton (D-Chicago) made a last-ditch attempt to pass the

resolution by introducing an identical Senate version named S.R. 256 in the final days of the legislative session in late May, but neither version passed out of committee.

MPP will return to Illinois in 2006 to keep up the fight to protect medical marijuana patients. For more information, please visit www.mpp.org/IL.

Minnesota



Time ran out on MPP's medical marijuana bills in Minnesota when the Legislature adjourned on May 23. Bipartisan medical marijuana bill S.F. 1973 passed through a hearing in the Senate Health and Family Security Committee with a 5–2 vote on April 6 but then died in the Senate Judiciary Committee. Companion House bill H.F. 2151 died in the Health Policy and Finance Committee without receiving a hearing.

Despite the disappointing end to a promising session, this is the first time a medical marijuana bill has ever passed a legislative committee in Minnesota, and MPP plans to build on this momentum next year. For more information, please visit www.mpp.org/MN.

Missouri



A vindictive bill introduced in January by Sen. Chuck Gross (R-St. Charles) died in March when its sponsor publicly backed away from the needlessly punitive measure. S.B. 197 would have punished the city of Columbia for having passed two local marijuana-related initiatives.

In November 2004, Columbia voters authorized the medical use of marijuana for qualified patients and decreased the penalty for possessing small amounts of marijuana to the equivalent of a traffic ticket.

In retaliation, S.B. 197 would have banned public school athletic teams from participating in tournaments held in Columbia, the traditional home of the state's track, basketball, and wrestling tournaments. For more information, please visit www.mpp.org/MO.

Nevada



In a compromise hammered out on June 7, the Nevada Legislature passed A.J.R. 5—a measure originally intended to change the state constitution to make it much harder for citizens to place initiatives on the ballot. While not a complete victory, the version that passed is substantially better than the bill originally proposed.

As first drafted, A.J.R. 5 would have significantly raised the number of signatures required to place initiatives on the ballot. Moreover, if an initiative did not gather 45% of the popular vote, A.J.R. 5 would have banned similar initiatives from the next general election ballot.

However, through vigorous lobbying and grassroots pressure, A.J.R. 5 was stripped of its most onerous provisions. The version that did pass, however, contains a requirement that petitioners gather the signatures of 10% of the voters in the last election from each of Nevada's three congressional districts; previously, there was no such distribution requirement for gathering signatures.

MPP Testifies in Nevada Legislature

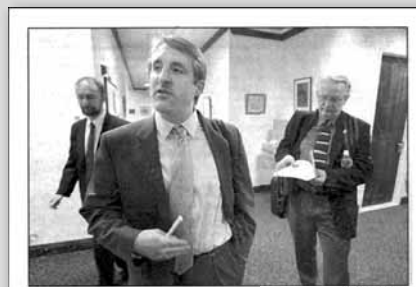
On March 10, MPP's Rob Kampia testified before the Nevada Assembly Judiciary Committee in favor of MPP's ballot initiative that would tax and regulate marijuana. The hearing was historic, as rarely have state legislatures held open discussions on the merits of marijuana regulation.

Earlier this year, MPP and the Committee to Regulate and Control Marijuana qualified a marijuana regulation initiative for the November 2006 general election ballot. State law required that the initiative first go to the state legislature, which could either pass it without amendment or send it to the ballot for voters to consider.

Along with Kampia, University of Southern California Professor Mitch Earleywine and retired police officer Jack Cole testified in favor of the measure. Not a single opposition witness offered a better plan for fixing the broken system of marijuana prohibition.

The Judiciary Committee declined to pass MPP's initiative, so Nevada voters will decide in November 2006 whether to replace prohibition with a system of regulation.

For more information, please visit www.RegulateMarijuana.org.



Rob Kampia, center, head of the Washington D.C.-based Marijuana Policy Project, talks in the hallway of the Legislature in Carson City, Nev., on Thursday following a hearing on an initiative petition that would have legalized the possession of marijuana in Nevada. Dr. Mitchell Earleywine, left, and Jack Cole also testified in support of the measure before the Assembly Judiciary Committee. The committee declined to vote Thursday and the non-vote automatically puts the issue on the November 2006 ballot.

Nevada marijuana petition goes to ballot for 2006 vote

■ Washington, D.C. group urges change; state officials upset
"I've been a prosecutor for 18 years. I can tell you unequivocally we do not need more marijuana enforcement officials lined up against the bill. They took issue with the notion that enforcement of marijuana laws was diverting officers' attention from more serious, violent crime, and that marijuana enforcement was charging up jobs."

MPP's Rob Kampia (center), University of Southern California Professor Mitch Earleywine (left) and retired police officer Jack Cole (right) after testifying before a committee of the Nevada Legislature in favor of MPP's initiative to tax and regulate marijuana (march 10). The initiative has been certified to appear on the November 2006 ballot.

While A.J.R. 5 is not ideal, it must still pass the Nevada Legislature again in 2007 and then go before voters in November 2008 before it can be added to the state constitution.

New Hampshire

After the medical marijuana bill introduced by Reps. Tim Robertson (D-Keene) and Chuck Weed (D-Keene) was defeated in early February, their other bill, H.B. 197, was called for a House floor vote in late March.

H.B. 197 would have eliminated all penalties associated with marijuana. The bill was defeated on March 30 by a 295–60 margin.

Despite this loss, 60 New Hampshire lawmakers signaled that they want to end the government's war on marijuana users. MPP will return in the next legislative session to protect sick *and* healthy people from the threat of arrest and imprisonment for using marijuana. For more information, please visit www.mpp.org/NH.

New Mexico

New Mexico came tantalizingly close to passing a medical marijuana bill this year, but a dispute over unrelated legislation killed the bill.

Three medical marijuana bills were introduced in early 2005 and all three easily passed the Senate. Two of the bills then stalled in the House Judiciary Committee, but S.B. 795, which would have allowed patients to possess and use medical marijuana supplied by state-sponsored dispensaries, made it to the House floor on March 13.

Rep. Dan Silva (D-Albuquerque) worked to prevent the House from scheduling a vote on the medical marijuana bill because his bill concerning property developers had not yet been heard in a Senate committee chaired by Sen. Cisco McSorley (D-Albuquerque), the sponsor of the medical marijuana bill.

Unfortunately, Silva's stalling tactics worked: On March 19, the New Mexico Legislature adjourned for the year, thus killing the medical marijuana bill that most observers predicted would have passed had it come up for a vote—and which Gov. Bill Richardson (D) would have signed into law. For more information, please visit www.mpp.org/NM.

New York



MPP's lobbying and coalition-building efforts in New York have brought the state closer than ever to enacting medical marijuana legislation. Medical marijuana finally has a Republican sponsor in the state Senate—a necessity before the legislation can move in that chamber.

Sen. Vincent Leibell's (R-Putnam County) bill would allow people with life-threatening illnesses to use medical marijuana supplied by nonprofit dispensaries. The bill, S.B. 5040, is also endorsed by Senate Majority Leader Joseph Bruno (R-Saratoga Springs), who recently survived prostate cancer.

On the Assembly side, on May 16, Assemblyman Richard Gottfried (D-Manhattan) and 43 cosponsors introduced A.B. 8265, which cleared its first committee a week later in a 17–5 vote. The bill is expected to pass easily though its committees, but Assembly Speaker Sheldon Silver (D-Manhattan) indicated that he will not call for a floor vote unless the Senate votes on the issue first.

Gov. George Pataki (R) has not given a definitive answer on whether he would sign or veto the bill. However, the state health department has issued negative statements about the bill, saying there are alternatives to medical marijuana.

TV talk show host and multiple sclerosis patient Montel Williams' continued advocacy for the bill has played a crucial role in the battle. Williams spoke at a New York press conference about his use of medical marijuana and met with Pataki, Bruno, and other legislators. Support from the Medical Society of the State of New York, the Associated Medical Schools of New York, the New York State Nurses Association, and many other medical organizations has also been critical in moving the bill forward. For more information, please visit www.mpp.org/NY.

Rhode Island



MPP's lobbying and grassroots efforts have led to overwhelming success for medical marijuana in Rhode Island this year. On June 7, the Rhode Island Senate passed medical marijuana bill S.B. 710 by an astonishing 34–2 vote. Coming just one day after the U.S. Supreme Court's *Raich* decision, the Rhode Is-



Montel Williams talks to reporters in Albany after lobbying in favor of MPP's medical marijuana bill (WNYT-TV, May 10).

land Senate's action put the nation on notice that medical marijuana is not "dead," as the drug czar proclaimed, but rather that it is alive and well.

S.B. 710 had previously passed the Senate Judiciary Committee with a 9–2 vote on May 19. That was a landmark in itself: previously, no medical marijuana bill in the state had ever received a vote.

The Rhode Island House has also made a strong showing in favor of medical marijuana. H.B. 6052 has been co-sponsored by two-thirds of the members of the House, and on May 18, the House Health, Education



Medical marijuana patient Rhonda O'Donnell testifies before the Rhode Island Senate Judiciary Committee in favor of MPP's medical marijuana bill (WPRI-TV, May 6).

and Welfare Committee heard compelling testimony in favor of the bill from patients with cancer, multiple sclerosis, chronic pain, Crohn's disease, and other debilitating illnesses. Representatives from the Rhode Island Medical Society, AIDS Project Rhode Island, and the Rhode Island ACLU also testified, as did Irvin Rosenfeld, one of the seven patients who receives medical marijuana from the federal government.

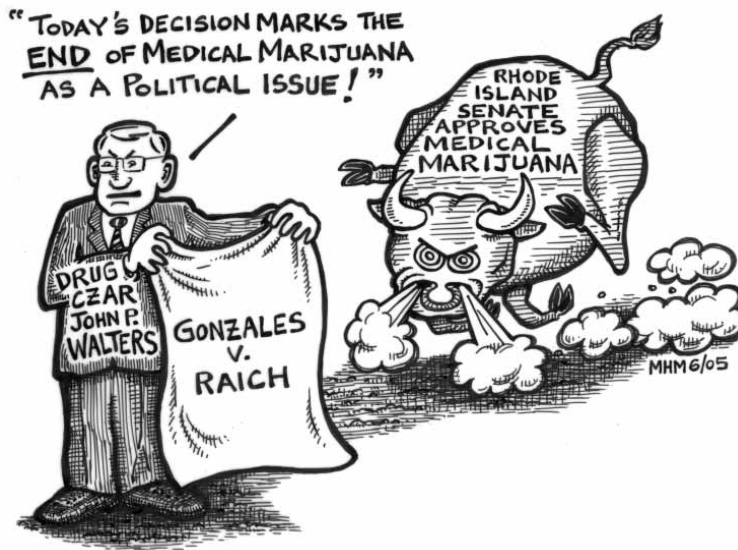
Hard work by the Rhode Island Patient Advocacy Coalition, an MPP grant recipient, has complemented MPP's coalition-building efforts on the ground. MPP expects its bill to reach the desk of Gov. Donald Carcieri (R) sometime this year. For more information, please visit www.mpp.org/RI and www.ripatients.org.

Tennessee

MPP worked closely with Sen. Stephen Cohen (D-Memphis) and Reps. Rob Briley (D-Nashville) and David Shephard (D-Dickson) to introduce MPP's medical marijuana legislation in both legislative chambers in early February.

After S.B. 1942 was defeated by a 3–3 vote in the Senate General Welfare, Health and Human Resources Committee in late April, Senate Speaker John Wilder (D-Mason) announced that a legislative study committee would be formed to examine the issues raised by the bill.

Briley, a sponsor of the companion House bill, H.B. 968, asked the speaker of the House to appoint House members to the study committee. The committee is expected to deliver its findings when the legislature reconvenes in late 2006. MPP will work to educate the study committee and push the bill forward in the next legislative session. For more information, please visit www.mpp.org/TN.



Vermont

Rep. Winston Dowland (P-Derby Line) took a bold step this year by introducing H. 390, a bill to tax and regulate marijuana, while Rep. David Zuckerman (P-Burlington) introduced H. 441, a bill to expand the state's existing medical marijuana law. H. 441 would de-

crease the annual fee for medical marijuana ID cards from \$100 to \$50 and widen the list of medical conditions which marijuana can be used to treat.

H. 390 would have allowed licensed retailers to sell marijuana to adults aged 21 and older. Retailers would have been required to follow strict rules against selling alcohol, advertising, or allowing anyone under the age of 21 on the premises. Unlicensed sales and cultivation would have remained illegal, and the bill would have removed all criminal and civil penalties for adult use and possession of up to one ounce of marijuana.

Neither bill advanced before the Vermont Legislature adjourned in early June, but MPP will return to support both bills when the Legislature reconvenes in January 2006. For more information, please visit www.vmpp.org.

Other States

Other States

A number of other marijuana-related bills failed to pass during the 2005 state legislative sessions. **Alabama**, **Hawaii**, **Iowa**, **Mississippi**, **South Dakota**, and **Texas** considered good medical marijuana bills, and **Connecticut** considered good and bad medical marijuana bills. **Hawaii** and **Texas** considered marijuana "decriminalization" legislation. **Georgia** considered a bad "drugged-driving" bill and **Washington** considered a proposal to create a commission to study the regulation of psychoactive drugs. **MPP**

Marijuana Reform Sweeping Colorado

Two Colorado-based organizations are sweeping through Colorado with a variety of marijuana-related ballot initiatives.

Boulder-based SAFER (Safer Alternatives for Enjoyable Recreation) is working to place an initiative on the November 2005 ballot in Denver; the measure would remove all penalties for possession of up to one ounce of marijuana by adults aged 21 and over, thus freeing up police resources to tackle alcohol-related offenses.

In April, SAFER passed nonbinding initiatives at the two largest universities in the state, seeking to limit campus pen-

alties for marijuana offenses to no more than the penalties imposed for alcohol violations. The measures passed with 68% of the vote at the University of Colorado at Boulder (CU) and 56% at Colorado State University (CSU) in Fort Collins.

The National Institutes of Health estimate that 1,400 college students' deaths are linked to alcohol each year. In the fall 2004 semester alone, five Colorado college students died from excessive alcohol consumption.

SAFER's efforts are complemented by the work of Denver-based Sensible Colorado, an MPP grant recipient, which is

working to place an initiative on the Telluride ballot and, ultimately, a tax-and-regulate initiative on the statewide ballot in 2008. The Telluride initiatives would make marijuana arrests the lowest priority for police and call on the state to tax and regulate marijuana like alcohol.

Telluride may be especially receptive to reform: County Sheriff Bill Masters wrote the book "Drug War Addiction: Notes from the Front Lines of America's No. 1 Policy Disaster."

For more information, please visit www.SaferChoice.org and www.SensibleColorado.org.

MPP Media Highlights

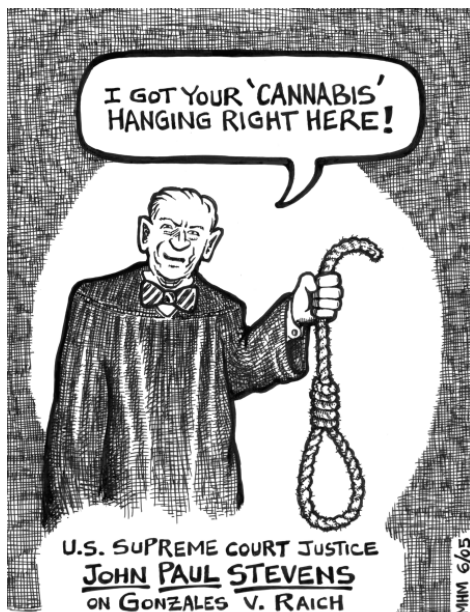
Raich Supreme Court Decision

MPP saw one of its biggest media hits ever after the U.S. Supreme Court issued its ruling on *Gonzales v. Raich*. MPP staff spoke to literally dozens of newspapers and TV and radio stations nationwide.

“Of course, we don’t want anyone to be arrested, raided, or prosecuted. But if they want to use their resources arresting people in wheelchairs, it only helps our side.”

—MPP’s Krissy Oechslein on how the DEA might react to the *Raich* Supreme Court ruling (*Los Angeles City Beat*, June 9).

Highlights include MPP’s Rob Kampa on MSNBC’s “Connected: Coast to Coast” with Ron Reagan and Monica Crowley (June 6) and on Associated Press Radio (June 6). Kampa was also quoted in the *Christian Science Monitor* (June 8), while MPP’s Steve Fox appeared on Cox Television syndicates nationwide (June 6), as well as ABC Radio (June 6). MPP staff were also quoted in *Legal Times* (June 6), *Baltimore’s The Sun* (June 7), *Oakland Tribune* (June 7), *San Francisco Chronicle* (June 7 and 8), *Los Angeles City Beat* (June 9), several Associated Press



articles (June 6 and 7), and numerous other newspapers.

MPP staff also spoke on dozens of radio shows in Arizona, Florida, Illinois, Michigan, Oregon, Texas, and several other states, as well as on Pacifica Radio (June 6) and several shows on Sirius Satellite Radio.

Rhode Island

MPP’s medical marijuana bill in Rhode Island has received a steady amount of media coverage, but more impressively, opinion pieces in favor of protecting the seriously ill have run in

many newspapers. Montel Williams penned an op-ed in the *Providence Journal* (April 8), urging the state to pass MPP’s bill this year; a modified version of the piece later ran in at least 11 other newspapers nationwide.

Other op-eds in support of the Rhode Island legislation ran in *The Call* (May 29), *Warwick Beacon* (March 3), and *Providence Journal* (June 5 and 9). The *Standard-Times* (April 28) editorialized in favor of the legislation, and supportive columns ran in the *Pawtucket Times* (February 28) and *Newport Daily News* (April 11 and May 23). **MPP**

MPP on Capitol Hill

On May 4, MPP held a news conference to announce the introduction of H.R. 2087, the States’ Rights to Medical Marijuana Act. The event attracted impressive media coverage because of the all-star speaker line-up: TV talk show host Montel Williams, Supreme Court plaintiff Angel Raich, bill sponsor U.S. Rep. Barney Frank (D-MA), and U.S. Reps. Maurice Hinchey (D-NY), Sam Farr (D-CA), Dana Rohrabacher (R-CA), and Ron Paul (R-TX).

Media outlets at the event included CNN, the Associated Press, Fox News, CBS Radio and CBS News, Pacifica Radio, *The Hill*, *Roll Call*, Cox TV, Newhouse News Service, Medill News Service, and the *San Francisco Chronicle*, among others.

The strong media turnout led to an unprecedented level of coverage: More than 110 television stations nationwide ran stories on the bill’s introduction, and CNN, Court TV, UPN, and BET also covered the story. In addition to articles in the previously mentioned print sources, *The Washington Post* (5/4) ran an item about Williams’ visit to Capitol Hill, and at least 60 papers across the country ran the Associated Press article about Williams’ advocacy for medical marijuana.

Montel Williams, MPP’s Rob Kampa, and members of Congress appeared on TV stations nationwide after a news conference on Capitol Hill on May 4.



Marijuana, Mental Illness, and Government Disinformation

This spring, the federal government embarked on a new campaign to frighten Americans into believing that marijuana use—particularly by teens—causes serious mental illness, including schizophrenia, depression, and suicide. White House Drug Czar John Walters and his fellow prohibitionists made their case by cherry-picking data that seemed to support their argument, ignoring studies that contradicted it, and even putting out a misleading account of a teenage boy's suicide—exploiting the boy's grieving parents in the process.

"A growing body of evidence now demonstrates that smoking marijuana can increase the risk of serious mental health problems," Walters said at a May 3 news conference, providing reporters with a list of studies allegedly making such a connection. The emotional centerpiece of the event was the story of 15-year-old Christopher Skaggs, told by his parents. Mrs. Skaggs described how her son was caught smoking marijuana in January 2004 and committed suicide seven months later. The media were encouraged to report that his death resulted from use of "this very dangerous drug."

But later that week, in an interview on the Peter Boyles Show on KHOW-AM in Denver, Mrs. Skaggs revealed that toxicology tests run on Christopher in the hospital before he was pronounced dead found "nothing in his system but alcohol at that time." And in the four separate drug tests done between January and July, no traces of marijuana were ever found. On the other hand, Christopher was known to have been using alcohol—a known risk factor for depression—at about the same time he was caught smoking marijuana. None of this had been explained to the media.

Because metabolites from THC (the pri-

mary psychoactive chemical in marijuana) can be detected for days after marijuana use—and for as long as 30 days in regular smokers—the series of negative tests indicates not only that Christopher was not under the influence of marijuana when he killed himself, but also that he almost certainly was not a regular smoker during the months prior to his death. He was, however, incontrovertibly under the influence of alcohol when he killed himself.



White House Drug Czar John Walters used the death of a troubled teenager as a prop in his campaign to persuade parents that marijuana can turn children psychotic—or even suicidal.

The scientific evidence implicating alcohol as a risk factor for depression and suicide is overwhelming. Alcohol intoxication increases reckless and impulsive behavior, and a review of 42 studies published in December 2004 in the journal *Drug and Alcohol Dependence* found that alcohol abusers are at

979% greater risk for completing suicide than people who are not alcohol abusers. A Columbia University study of nearly 1,500 teens published in the Winter 2004 issue of *Suicide and Life-Threatening Behavior* reported, "Alcohol abuse and dependence appeared to be strongly associated with suicide attempts," while researchers found no such relationship involving the abuse of illicit drugs, including marijuana. "The relationship between alcohol and suicidality may involve the disinhibitory effects of acute alcohol intoxication" as well as "the increase in vulnerability to depression," they wrote.

In contrast, the evidence linking marijuana use to adolescent depression and suicide consists almost entirely of "associations"—that is, kids who use marijuana tend, on average, to be more depressed than those who don't. But is marijuana making them depressed, or do depressed teens turn to marijuana as a way of escaping their problems? Existing data provide no definitive answer.

Or could it be that marijuana actually relieves depression? Several surveys of medical marijuana patients suffering from multiple sclerosis, ALS ("Lou Gehrig's disease"), or HIV/AIDS have reported relief from depression and improved mood as a major benefit from marijuana use. An article published this spring in the *Journal of Psychopharmacology* suggests that cannabinoids may help treat bipolar disorder (sometimes called "manic depression"), of which depression is a significant component. "Patient reports and observations, backed by known pharmacology, suggest that the cannabis derivatives delta-9 tetrahydrocannabinol (THC) and cannabidiol (CBD) may have mood-stabilizing properties," the article notes, citing evidence that these marijuana components have anxi-

By the Numbers

War on Drugs Becomes War on Marijuana

113%	3%	24%	10%
Increase in marijuana arrests between 1990 and 2002	Increase in non-marijuana drug arrests between 1990 and 2002	Decrease in violent crime arrests between 1990 and 2002	Decrease in overall arrests between 1990 and 2002

Data excerpted from The Sentencing Project's May 2005 report, "The War on Marijuana: The Transformation of the War on Drugs in the 1990s," available online at www.sentencingproject.org/media/waronmarijuana.pdf.

Prison Population Continues to Climb

1,585,586	2,131,180	3.5%
Prisoners in state prisons, federal prisons, and local jails as of December 31, 1995	Prisoners in state prisons, federal prisons, and local jails as of June 30, 2004	Average annual increase in the number of prisoners in state prisons, federal prisons, and local jails from December 31, 1995, to June 30, 2004

Data excerpted from the U.S. Department of Justice's Bureau of Justice Statistics, "Prison and Jail Inmates at Midyear 2004," available online at <http://www.ojp.usdoj.gov/bjs/abstract/pjim04.htm>.

MPP Celebrates 10 Years of Advocacy

Washington, D.C.

In early May, MPP celebrated its tenth anniversary with two sold-out fundraising galas in Washington, D.C., and Los Angeles. The events raised awareness of and funds for MPP's work, and the D.C. event was featured in a glowing front-page article in the *San Francisco Chronicle*.

In D.C., Congresswoman Linda Sanchez (D-CA), honorary chair of the event, presented the Public Face of Reform Award to talk show host and medical marijuana patient Montel Williams. Congressman Sam Farr (D-CA) received the Legislative Leadership Award, and the more than 260 attendees also heard remarks from Congressman Barney Frank (D-MA), medical marijuana patient and Supreme Court plaintiff Angel Raich, and gala emcee and Emmy Award-winning comedy writer Rick Overton.

1 MPP's Steve Fox, Reason magazine and syndicated columnist Nick Gillespie, and Greg Barnes, minority counsel for the U.S. House Judiciary Committee. 2 Montel Williams and U.S. Rep. Linda Sanchez (D-CA). 3 U.S. Rep. Barney Frank (D-MA). 4 Comedian Rick Overton. 5 Robert and Angel Raich and Irvin Rosenfeld. 6 MPP's Rob Kampa and U.S. Rep. Sam Farr (D-CA). 7 MPP's Rob Kampa and Angel Raich. 8 Montel Williams speaks to gala attendees. 9 Fundraiser Bruce Keiloch; Rochelle Dornatt, chief of staff for U.S. Rep. Sam Farr (D-CA); and Irvin Rosenfeld.



All D.C. gala photos courtesy of Elise Rivera.



Los Angeles

In Los Angeles, actor Tommy Chong received the Courage Under Fire Award, while medical marijuana patients and Supreme Court plaintiffs Angel Raich and Diane Monson accepted the Marijuana Policy Reform Activist of the Year awards. The more than 250 attendees enjoyed performances by the cast of Showtime's "Reefer Madness" and music by Ray Benson of Asleep at the Wheel, Inara George, Lily Holbrook, and DJ John Kelley. Both events featured clips from the new films "Waiting to Inhale" by Jed Riffe and "Chong's Not Here!" by Josh Gilbert. Comedian Tom Rhodes hosted the event.

Both galas had fundraising auctions; among the items offered were a signed "Doonesbury" cartoon, a walk-on role on Showtime's "Weeds," and tins that held marijuana cigarettes sent to federal medical marijuana patient Irv Rosenfeld. All proceeds from the galas went to support MPP's work. For more information, please visit www.mpp.org/anniversary.

1 Singer Ray Benson of Asleep at the Wheel. 2 Singer-songwriter Inara George. 3 MPP gala host committee member Adam Katz and MPP's Francis DellaVecchia. 4 Montel Williams and Tommy Chong. 5 Montel Williams and MPP's Rob Kampa. 6 Tommy Chong. 7 Nikki Snelson and John Kassir perform a song from Showtime's "Reefer Madness." 8 Actress Olivia Wilde of Fox's "The O.C." 9 Tommy and Shelby Chong.

All Los Angeles photos courtesy of Franklin London.

