

ELECTION BRINGS NEW HOPE FOR REFORM IN 2009

**Mass decrims cannabis;
Michigan legalizes medical;
Big Island defunds copters**

By Bruce Mirken* Marijuana Policy Project

Cannabis reform efforts enter the year 2009 with a more promising playing field.

Largely under the radar of the political chattering classes, voters dealt a stunning blow to America's war on cannabis in 2008, handing huge victories to two state ballot initiatives that had strong backing from the Marijuana Policy Project (MPP).

Michigan voters made their state the 13th to allow medical use of cannabis, passing Proposal 1 by 63 to 37 percent. Massachusetts voters by 65 to 35 percent decriminalized possession of up to an ounce of cannabis; replacing arrests, legal fees, court appearances, the possibility of jail and a lifelong criminal record with a \$100 fine, much like a traffic ticket, that can be paid through the mail.

Reformers rolled up a string of local victories. Proposition JJ in Berkeley (CA) will improve access to dispensaries. Measures passed in Fayetteville (AR) and Hawaii County (HI) making adult possession offenses the lowest priority for local



For the first time, America has chosen a President who not only smoked cannabis but made a point to inhale; who voted as a state legislator to restore industrial hemp; and repeatedly has promised

to cut support for DEA raids in states where medical marijuana has been legalized.

Pressing Obama for meaningful change

By Dale Gieringer California NORML

Encouraged by the election, cannabis advocates are calling on President-elect Obama to make good on his pledge for change. In particular they want Obama to fulfill his one major pledge on cannabis, namely to end the DEA's medical marijuana raids.

As stated in a release by the Obama for America campaign: "Many states have laws that condone medical marijuana, but the Bush Administration is using federal drug enforcement agents to raid these facilities and arrest seriously ill people. Focusing scarce law enforcement resources on these patients who pose no threat while many violent and highly dangerous drug traffickers are at large makes no sense. Senator Obama will not continue the Bush policy when he is president."

In furtherance of this pledge, advocates are urging the new administration to respect state cannabis laws; desist from arrest and prosecution of medical marijuana defendants; and pardon federal medical marijuana convicts, many of whom face lengthy sentences.

There is little expectation that the administration will move quickly or dramatically to change federal drug policy. Drug reform received disappointingly scant attention in this year's campaign. At a minimum, however, reformers are hopeful that Obama will order executive agencies to re-examine Bush administration

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RETREAT TO THE GREAT INDOORS — Even though it's winter, West Coast farmers can still look forward to a harvest from an indoor garden. Whether it's to pull in a crop that will get them through the winter or just getting an early start on the springtime outdoor planting season, knowing the basics of how to maintain a grow room is a key. Story inside. West Coast Leaf photo.

Licensed ND hemp farmers sue DEA for permits

**Favorable decision could
bring back US farming crop**

By Adam Eidinger VoteHemp

Documents online at VoteHemp.com/legal_cases_ND.html.

Two North Dakota farmers, who filed a landmark lawsuit in June 2007 to end the Drug Enforcement Administration's (DEA) ban on commercial hemp farming in the US, were heard Nov. 12 in the US Court of Appeals for the Eighth Circuit. Oral arguments before the three judge panel centered on the assertion that because there is no possibility the hemp crop could be diverted into drug markets, the Commerce Clause does not allow DEA to regulate industrial hemp farming in the state. If successful, the suit will lead to the first state-regulated commercial cultivation of industrial hemp in over 50 years. The court's decision is not expected until next year.

The farmers, ND State Rep. David Monson and seed breeder Wayne Hauge, are appealing a decision by the US District Court of ND on a number of grounds; in particular, the Court ruled that hemp and

marijuana are the same, as DEA has wrongly contended. Scientific data shows that not only are oilseed and fiber varieties of *Cannabis* genetically distinct from drug varieties, but there are absolutely no psychoactive effects gained from eating it. Rep. Monson observed oral arguments.

"Given North Dakota's unique regulatory regime, nothing leaves the farmer's property except those parts of the plant Congress has already decided should be exempt from regulation: hemp stalk, fiber seed and oil," argued attorney Joe Sandler. "The question is whether there is any rational basis for Congressional regulation of the plant itself growing on the farmer's property. The answer is no — because industrial hemp is useless as drug marijuana and there's no danger of diversion, so there's no possible impact on the market for drug marijuana."

The government's arguments centered on the idea that the plaintiffs should apply to the DEA for permission to grow hemp and the court didn't have jurisdiction over

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Medical discrimination suit filed against DMV

ASA fights revocation of qualified patient's driver's license

By Kris Hermes Americans for Safe Access

Americans for Safe Access (ASA) filed a lawsuit against the California Dept. of Motor Vehicles (DMV) Nov. 19 on behalf of a 53-year-old patient from Atwater. Despite her clean driving record — not having caused an accident in 37 years of driving — the DMV revoked Rose Johnson's license July 26 because of her status as a legal cannabis patient. The DMV refused to renew her license after obtaining her medical records and learning that she was a qualified patient. According to the DMV, her license was revoked "because of...[an] addiction to, or habitual use of, [a] drug," thereby rendering her unable to safely operate a motor vehicle — even though no evidence existed to substantiate this claim.

"The DMV cannot simply disregard California's medical marijuana law," said ASA Chief Counsel Joe Elford, who is representing Johnson in her case. "When voters enacted the Compassionate Use Act, they never intended to authorize the DMV to strip cannabis patients of their drivers' licenses. The DMV should not be in the business of revoking the licenses of drivers like Ms. Johnson simply because she is a

medical marijuana patient."

Advocates assert that the DMV policy of suspending and revoking the licenses of cannabis patients is widespread, occurring in at least eight counties, including Alameda, Butte, Contra Costa, Glenn, Merced, Placer, Sacramento, and Sonoma. License revocations by the DMV, which have been based on a person's status as a cannabis patient, are often rationalized by label them "drug abusers" despite having no evidence of the claim.

In 2007, Merced — the county in which Johnson lives — implemented a police policy that instructed its Sheriff deputies to respect state law and not to cite medical cannabis patients or seize their medicine.

"The DMV is not under a different set of requirements than local police in California," said Elford. "The failure to uphold California's medical marijuana law is entirely inappropriate for any local or state agency." The lawsuit filed by ASA is expected to be heard in Merced Superior Court. The suit against the DMV is part of a campaign by ASA to fully implement California's medical marijuana laws.

Info: AmericansForSafeAccess.org/downloads/DMV_Writ.pdf

Cal courts curb caregiver defense, butane oil-making

Cannabis collective members retain broad legal protection

By Chris Conrad West Coast Leaf

The California State Supreme Court took a restrictive view of the "primary caregiver" definition Nov. 24 in its *People v. Mentch* decision that excludes most people from using that legal defense. Mentch had sought to expand the caregiver definition to include providing cannabis to many patients. The ruling leaves intact the earlier *People v. Urziceanu*'s broad protection for patients who collectively engage in cultivation and distribution.

A separate Appeals Court decision, *People v. Bergen*, held that it is legal for qualified patients and collectives to possess foods, tinctures, liniments, hashish, kief or hash oil as well as to make most of those products — except if using a solvent such as butane to extract resin as hash oil, or

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DEA goes after Santa Barbara dispensaries

By Brendan Hamme Measure P Oversight

Committee Patient Representative

Although it once seemed an idyllic sanctuary for patients, with over 20 cannabis outlets, Santa Barbara dispensaries have again been shut down by the DEA, which has decided to make an example out of them. After their letter-writing campaign threatening asset forfeiture in the summer of 2007 resulted in a mere temporary closure of local co-ops and collectives, the DEA turned up the heat.

In August 2008, they resorted to a direct meeting in the county District Attorney's office between landlords renting to dispensaries, DEA agents and lawyers from the Department of Justice. This marks the first time the DOJ has conducted in person meetings — action taken, according to Cal NORML, at the behest of wealthy donors to the Republican party from a notoriously conservative district of the city. Faced with seizure of their property, every dispensary in town shut down as of Sept. 19.

Until the DEA's initial letter writing campaign, Santa Barbara's collectives operated smoothly for years. Although the ACME Collective garnered some media attention for a series of incidents, including a gang fight and an attempted break-in, it closed down rather quickly. Just prior to the DEA's recent action, the city passed first a unanimous, six month moratorium on new dispensaries, then dispensary guidelines with zoning restrictions and a licensing process in hopes of avoiding further negative attention. The dispensaries themselves also had recently banded together to institute self regulation.

Santa Barbara patients gathered downtown in late August to protest the DEA, organized in part by dispensary owner Mark Russell. Accompanied by Elvy Musikka, one of the few remaining federal IND patients to receive federal medical marijuana, whose presence highlighted the hypocrisy of the federal war against state-legal cannabis, some 50 patients marched from the waterfront to the court house.

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West Coasterdam Report

Seattle hopes to trim jail costs by easing cannabis policies

The Seattle (WA) City Council voted in support of a plan Nov. 17 to evaluate how arrests and jail bookings could be reduced and whether a different approach to cannabis and low-level drug offenses could eliminate the need to build a new jail. The city is currently considering building a new jail because its contract with the county jail expires in 2012. In addition, the city will be experiencing an increase in misdemeanor drug charges because the county prosecutor, in an effort to save money, has decided to allow all drug possession defendants who would otherwise be charged with felonies to plead to misdemeanors. The jail's estimated cost would be \$110 million to build and about \$19 million a year to operate. Many residents agree with the King County Bar Association that the city cannot afford a new jail and that incarcerating fewer people is the real answer. This evaluation, proposed by Council Member Nick Licata, is a model for other cities around the country.

Mendo patient sues County, Sheriff in Fed court over raids

The Law Offices of J. David Nick and E.D. Lerman filed a Federal lawsuit Oct. 21 against the County of Mendocino (CA) and the Sheriff's Office to collect damages for qualified cannabis patient Memo Parker. Parker is suing law enforcement for violating his civil rights through denial and interference of right to counsel under the Sixth and 14th Amendments. The alleged violations occurred during interrogations by the Sheriff's Major Crimes Task Force agents during his second arrest for cannabis. The focus of this lawsuit is an illegal pattern of questioning arrestees without informed consent under the Miranda rights and illegal interrogations of suspects who are represented by counsel.

US Supreme Court: Fed laws do not trump State cannabis laws

The US Supreme Court refused Dec. 1 to review a landmark decision in which California state courts held that state medical marijuana laws are not preempted by federal law, a clear sign that San Diego County will also lose its costly federal challenge to state law. The state court decision, *People v. Kha*, ruled Nov 28, 2007 that "it is not the job of the local police to enforce the federal drug laws." The case was the result of a wrongful seizure of lawful cannabis from a Garden Grove patient by local police in June 2005. The Attorney General filed a "friend of the court" brief on behalf of his right to possess it. The state Supreme Court denied review in March, and the city took its case to the US court, which refused to even consider the issue. Separation of legal jurisdictions has been a long-standing tenant of American government; however, extremist San Diego supervisors refused to implement the state ID card program and have asked federal courts to overturn Prop 215 so they might continue to deny sick and dying Californians of lawful medical relief.

San Diego goes after medical, tobacco supply companies

San Diego County Sheriffs raided two Imperial Beach paraphernalia shops Oct 22, after months of undercover investigation. Sheriffs seized several thousand items of suspected drug paraphernalia, including pipes and bongs, from Up in Smoke and Inner Visions. Two misdemeanor arrests were made, including the owner of both shops, Chris Nasser. Said Sheriff's Station Captain Lisa Miller, "It has been confirmed through our investigation that the paraphernalia we purchased was going to be used for smoking marijuana." She said the sting operation came after the district attorney and sheriff sent a compliance letter



THANK YOU AND FAREWELL? — Valerie and Michael Corral of Wo/Men's Alliance for Medical Marijuana spoke from the stage of the well-attended and highly successful WAMMfest 2008 in Santa Cruz Sept. 27. Soon after the event, the news surfaced that the seminal patient collective may have to close shop due to a lack of funds needed to support the 106-acre parcel north of Davenport that has been home to the collective for the past 15 years. West Coast Leaf photo.

warning local shops to desist under *Health and Safety Code* 11364.7, which pre-dates the medical marijuana laws. The day after the raids there was an orchestrated public rally protesting the existence of drug paraphernalia at Pier Plaza in Imperial Beach by the San Diego-based Institute for Public Strategies (IPS).

Cops claim record 5.2-million CA cannabis plants destroyed

The California Department of Justice, US DEA and other agencies announced Nov. 20 that they had eradicated 5.2 million cannabis plants from public and private lands during the 2008 outdoor-growing season; a new record. The Campaign Against Marijuana Planting (CAMP) and Operation Green Acres 2 reported 143 arrests and 142 weapons seized.

Apartment Assn. takes dim view of qualified patient tenants

The California Apartment Association has issued an October report on medical marijuana and housing law. *A report of trends in the California rental housing industry* points out that Prop. 215 notwithstanding, current law does not protect tenants' right to use medical marijuana. "This is unfortunately an accurate interpretation of the current legal situation here," noted Cal NORML director Dale Gieringer. The report comes in the midst of aggressive moves against patient-parents by Child Protective Services and on the heels of a court *Ross v. Raging Wire* decision against patients having a right to work. The State legislature passed a bill during the 2008 session to protect patient's employment, but it was vetoed by Governor Arnold Schwarzenegger, himself a former cannabis smoker.



Black & Brown fights for marginalized people in San Fran

The Black & Brown Equitable Drug Policies Coalition opened its doors at 2940 16th St. #209 to help out the marginalized and disenfranchised people in the heavily criminalized San Francisco CA Mission District. Coordinator Mesha Monge-Irizarry serves on the Marijuana Offenses Oversight Committee. BEDPC works with SF Copwatch monitoring detentions, arrests and incidences of law enforcement misconduct, focusing on racially biased policing. Their 415-595-8251 Hotline provides support and info to victims of violations of the *SF Marijuana Lowest Priority Ordinance*.

BEDPC provides online support at: <http://groups.yahoo.com/group/BlackandBrownJUSTDrugPolicies/>

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Oregon Cannabis Tax Act revises language for 2010

By Anna Diaz Oregon NORML

Oregon NORML and the Campaign for the Restoration and Regulation of Hemp began a campaign for an initiative that would re-legalize cannabis and hemp in Oregon in the year 2010 at the May 2008 Million Marijuana March in Portland.

The launch was covered on local TV news channels. Oregon NORML Board Members Madeline Martinez, Executive Director, Russ Bellville, Associate Director and Anna Diaz delivered talking points on the Oregon Cannabis Tax Act (OCTA). *The Oregonian* and *Willamette Week* delivered favorable coverage, and word of OCTA reached Japan and Norway.

Mid-October polling on the initiative led to a new strategy. After reading only the ballot measure title, 30 percent of registered voters said they would likely vote for the measure, 61 percent likely against it and nine percent undecided. When those polled read the summary, support increased to 39 percent, and increased slightly when told that the measure allowed Oregon farmers to grow industrial hemp crops — to 42 percent.

In light of the poll, initiative chief peti-

tioners Paul Stanford and Madeline Martinez met with a core group of supporters to discuss the best way to move forward. A decision was made to withdraw OCTA to modify the ballot initiative and make it more appealing to voters.

Comments from those polled indicated a concern among patients was that OCTA would repeal all cannabis laws, including the Oregon Medical Marijuana law (OMMA). The rewrite would include language to keep the OMMA intact.

Another major concern was that the state liquor commission would mismanage the job of taxation and regulation. The new initiative offers a solution by creating the Oregon Liquor and Cannabis Control Commission (OLCCC), with 50 percent of the voting members required to be experts on hemp and cannabis. In an effort to keep cannabis and alcohol separate, the sale of cannabis will take place in new stores that cannot sell alcohol products

The proponents hope that these changes will generate the numbers to assure that the initiative will pass making Oregon a leaders in the reform movement.

News clips, articles and radio spots can be found at ornorml.org and cannabisact.org.

A coastal city's experience with deprioritization

By Brendan Hamme Measure P Oversight Committee Patient Representative

Santa Barbara city voters passed Measure P by a considerable margin just over two years ago. The initiative deprioritized all aspects of law enforcement where cannabis is possessed by an adult for personal, private use.

Having overcome an early challenge by City Attorney Stephen Wiley, it is now completely accepted as law; the judge dismissed every one of Wiley's claims, preserving the authority of citizens to set enforcement priorities for police. Importantly, Measure P also established an oversight committee to ensure compliance with the new law, providing a valuable window into police treatment of cannabis offenses.

Oversight committee meetings take place in the police department's downstairs briefing room and are open to the public. Its primary task is to review all cannabis arrests and citations for potential violations of the law and it has found the police to be completely compliant.

By far the most common charge is possession of under an ounce — either on public property, as this is exempted from the lowest enforcement priority status, or pursuant to suspicions on other grounds. Racial profiling is not believed to be problematic as citation rates for minority youths are roughly in proportion to the percentage of the population they constitute.

The committee also reviews all grievances from individuals who believe they have been arrested in violation of Measure P and, perhaps positively, has received none to date. Discussions of a grievance intake procedure have thus been consistently deferred to later meetings. It may be necessary to advertise this function of the committee to the public before any grievances or violations become known.

Oddly, Measure P has not resulted in fewer cannabis related arrests, a fact the

police department attributes to cannabis never being a high priority for them. However, this can also be attributed to the law's exception of possession on public property, since this is the circumstance in which police most often encounter cannabis. Charged with creating a supplemental report form for all cannabis related arrests, the committee (by a majority), accepted the streamlined design proffered by the SBPD, effectively crippling what some believe to be the law's bureaucratic mechanism for reducing arrests: the hassle of extra paperwork for the officers.

Still, Measure P requires that the city clerk send annual letters to elected officials at all levels, including the President of the United States requesting "that the federal and California state governments take immediate steps to enact similar laws [deprioritizing cannabis]." Hopefully, as more local governments do so, these pleas will no longer be able to fall on deaf ears.

DEA moves on Santa Barbara

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The march attracted regional press and local attention, making its way up the sides of the city's busiest street chanting slogans such as "No access is not a solution," and "Respect the will of the people," which also adorned the shirts of many marchers.

For some time after the deadline, patients along the Central Coast were forced to acquire medicine on the streets, with all of its attendant risks. However, despite the DEA's increasingly aggressive tactics, clubs are slowly beginning to reopen, some in the same locations. At least one has opted to return to delivery service as they had immediately after the letters; others are trying to buy property directly, to make a final stand in the face of further government action. It remains to be seen how the city guidelines will affect things.

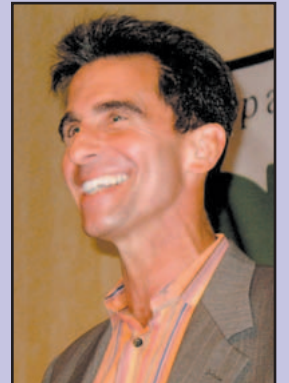


Above: National Organization for the Reform of Marijuana Laws Director Allen St. Pierre (left) gave an award to fabled San Francisco attorney J. Tony Serra (right). Omar Figueroa gave the introduction. West Coast Leaf photos.

NORML COMES TO THE COAST

Right: California State Senator Mark Leno welcomed NORML to Berkeley for its annual convention Oct. 16-19.

Below: The conference had a panel on "The Legal Marijuana Generation: Growing up or raising children in the age of legal pot" with (from left) Jenniffer Kern, Drug Policy Alliance; Lauren Vasquez, law student; Chuck Robs, Upfront; Amanda Reiman, PhD, UCB; Marsha Rosenbaum, PhD, Safety First; and author Mitch Earlywine, PhD.



Big Island vote tolerates 24 plants, 24 ounces

By Adam Lehmann Project Peaceful Sky

The Big Island of Hawai'i voted 58 percent in favor of passing the *Lowest Law Enforcement Priority of Cannabis Ordinance* Nov. 4, telling police to make the 'adult personal use' of cannabis their 'lowest priority'.

Adult means a person 21 years of age and older, and 'personal use' refers to 24 or fewer plants or dried ounces of cannabis. 'Low Priority' was the only way the county initiative could have been deemed sufficient without a legal battle. Project Peaceful Sky, the grass-roots organization behind the effort, originally submitted a decriminalization plan, but was told the language would be held insufficient even if the required signatures were collected.

Chief of Police Lawrence Mahuna publicly declared that "marijuana enforcement will not change one bit," and "anyone who is pro-marijuana is automatically pro-terrorist." Mahuna's comments garnered an official complaint filed by local Minister Roger Christie of the THC Cannabis Ministry that will have him in the courtroom to explain his words. Mahuna has since taken to saying that adult personal

use is already the lowest police priority.

Beginning June 1, even if police want to illegally disrespect the law, the county will no longer be issuing \$500,000 dollars a year to pay for aerial surveillance, and people will have very specific reports available on all cannabis arrests including the cost for the county to process each arrest.

Three other jurisdictions in Hawai'i; Maui, O'ahu and Kauai all have expressed interest in passing similar measures.

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String of reform wins in '08 election

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law enforcement. Voters on the Big Island of Hawai'i also elected to cut funding for eradication helicopter surveillance.

What makes these results so amazing is that they followed the most intensive anti-cannabis campaign by federal officials since the days of *Reefer Madness*. Marijuana arrests have been setting all-time records year after year, reaching the point where one American is arrested on cannabis charges every 36 seconds.

The White House Office of National Drug Control Policy, with "drug czar" John Walters at the helm, has led a hysterical anti-marijuana propaganda campaign. During his' tenure, ONDCP has released at least 127 separate anti-marijuana TV, radio and print ads, at a cost of hundreds of millions of tax dollars, plus 34 press releases focused mainly on cannabis, while no fewer than 50 reports from ONDCP and other federal agencies focused on the alleged evils of marijuana or touted anti-cannabis campaigns.

Walters himself campaigned personally in Michigan against the medical marijuana initiative, calling it an "abomination" and carting with him — at taxpayer expense — the infamous cannabis vending machine seized from an Los Angeles dispensary earlier this year. He and other opponents simply ignored the fact that Proposal 1 didn't even authorize dispensaries, much less

vending machines.

Massachusetts' political and law enforcement establishment — including both Republican and Democratic politicians and all 11 district attorneys, several of whom admitted to having smoked cannabis — lined up against Question 2, the decriminalization initiative. They warned of rampant drug abuse and crime should the measure pass, simply ignoring the fact that no such thing has happened in the 11 other states and several nations that have had similar laws for years. Both daily newspapers in Boston opposed it as well.

Voters were having none of it, giving a thumping rejection to the lies and hysteria in both states. Strikingly, cannabis decrim out-pollled Barack Obama by three points in MA and medical marijuana by six in MI. Clearly, Americans have taken a hard look at our national war on cannabis and concluded it needs to change.

The one distinctly unhappy note was the lopsided defeat of California's Prop 5. This measure, the *Nonviolent Offender Rehabilitation Act*, would have improved and expanded drug treatment for nonviolent offenders and provided drug treatment for youth, easing overcrowding of the state's prison system. It also would have made possession of up to an ounce of cannabis an infraction rather than a misdemeanor. Unfortunately, the campaign never overcame well-financed opposition



VIVA OBAMA! — A jubilant crowd in Oakland CA cheered at a big-screen image of Barack Obama as he gave his Nov. 4 victory speech. Moments later, the streets of Oaksterdam were filled with cheering throngs that were dancing in the street, a scene repeated around the world that night. West Coast Leaf photo.

backed by the prison guards' union and officials like Attorney General Jerry Brown.

Still, the picture overall was extraordinarily positive, particularly on the medical front. President-elect Obama said repeatedly during the campaign that he doesn't believe the federal government should be arresting those who follow state medical marijuana laws. The massive medical victory in MI means that one in four Americans now lives in a medical cannabis state, and many of those states — including Nevada, Colorado and New Mexico — were crucial to Obama's win.

A healthy handful of medical cannabis opponents in Congress were sent packing

as well. While the odious Mark Souder (R-IN) was reelected, several others, including Tom Feeney (R-FL), Ric Keller (R-FL), and Marilyn Musgrave (R-CO), were defeated. A handful of patient-friendly candidates won new seats, including Democrat Diane Titus of Nevada.

None of this means the battle is won, and we all understand that the Obama administration will come into office facing a stack of crises needing urgent attention. But the gains we made this year are real and significant. Our next job is to make sure that Congress and the new president are paying attention.

* Director of communications for MPP, www.mpp.org.

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Mass voters decriminalize personal adult cannabis

By Whitney Taylor

Massachusetts voters overwhelmingly supported the removal of criminal penalties for possession of small amounts of cannabis. A mandate was created by passing Question 2 by 65 percent and hopefully a new era of sensible laws based on science instead of politics. Question 2 will re-focus precious law enforcement and judicial system resources on more violent and serious crimes,

while ending life-long barriers that are created for individuals once they have been arrested, booked and entered into the criminal justice system. Voters recognized that the old penalties for simple possession of small amounts of cannabis — which could lead to six months in jail and a \$500 fine — did not fit the crime. They were not duped by scare tactics and drug war

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Michigan voters pass medical marijuana by nearly 63%

By Matthew Abel MI NORML Legal Counsel

Michigan voters passed a statewide ballot initiative Nov. 4 allowing medical cannabis under state law. Now known and cited as the *MI Medical Marihuana Act*, it allows qualified patients to grow up to 12 plants, or to assign a caregiver to be their provider. A caregiver may legally provide for up to five designated patients. It takes effect Dec 4, 2008. The Department of Community Health then has 120 days to make rules for consideration of applications and renewals of registry identification cards for qualifying patients and primary caregivers.

The vote passed overwhelmingly, achieving a majority in each and every one of the 83 counties in upper and lower Michigan. Nearly 63 percent voted in favor of the MMMA. The petition drive was mounted by the Michigan Coalition for Compassionate Care, stoparrestingpatients.org. Much of the funding and expertise necessary for the petition drive and ballot campaign was provided by the Marijuana Policy Project.

Michigan NORML held a statewide meeting and victory celebration in Houghton Lake on Nov. 9, 2008. Things were abuzz as participants unveiled plans for several new organizations which will serve the needs of patients and caregivers.

An agricultural hemp group has formed (MIHEMP) to pursue changes in legislation to allow that industry to exist. A Medical Cannabis Safety Commission is forming to clarify issues of purity, potency, nomenclature, and other criteria important to patients.

While the cards are not expected to be issued until the second quarter of 2009, the legal defense for medical use is applicable even sooner. Patients need to consult with an M.D. or D.O. to inquire about the applicability of a cannabis recommendation. One website by attorney

Greg Schmid has forms and info at qualifyingpatient.com. The non-profit MI Medical Marijuana Assn. is online at michiganmedicalmarijuana.org

Patients here may at last be relieved of the additional burden of legal entanglement compounding their medical issues. As the first state in the midwest to adopt a medical cannabis law, Michigan is expected to be in the vanguard of a new wave of drug policy reform.

As patients toasted the victory, it was tempered by remembrance of the senseless killings of Tom Crosslin and Rollie Rohm at Rainbow Farm in 2001, and other casualties of the Drug War. They recommitted to this fight for justice and moving toward a society that will stop chasing plants.

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MCSC: Patients, providers take lead in setting cannabis safety protocols

By Dale Clare MCSC Regional Coord., So Cal;*

The Medical Cannabis Safety Commission (MCSC) is an association of individuals and organizations formed in 2008 to improve patient safety by crafting volun-

tary guidelines for the cultivation, production, handling, dispensing and utilization of medicine, the standardization of quality assurance practices, testing methods, and educational programs. These will allow

patients, doctors, providers and regulating authorities to be more confident in their knowledge, from the plant to the patient.

The MCSC is dedicated to identifying and improving safe handling and quality control practices by developing standards to improve patient safety via five peer-reviewed working groups.

The Nomenclature Committee defines proper classification names, standardizes the naming guidelines and develops pack-

aging and labeling standards. (See sidebar)

The Safe Handling Committee develops safety and handling protocols, dosage management, and training curriculum for methods used to grow whole plant medicines, and for producing concentrated and ingestible plant medications. (See sidebar)

The Contaminant Committee defines a list of contaminants, such as fertilizers, pesticides, bacteria, mildews and molds that may reach levels that are unacceptable in cannabis medicines. It will work with analytical labs to test for contaminants, using scientific methods as well as sight, magnification, smell and feel. It will design standard quality assurance reports that offer tools for dispensing cooperatives and collectives to evaluate medicines and verify that safe production methods are used.

The Potency Committee will develop a scientific method to bioassay its effects *in vivo* (tests on humans) to rate the potency and efficacy of various ingestion methods and types of medicines. It will work with analytical labs to test for therapeutic properties including THC, CBD, CBN, terpenes, and other active ingredients.

The Research and Education Committee is focused on the development of training programs, outreach and the organizational development of the MCSC.

Determining future research goals to explore all the possibilities, including environmental impacts, is a driving focus of this group. The MCSC seeks to offer self-regulatory models, informational and educational materials to encourage safe access.

It will provide resources to promote specific improvements for addressing classification, contamination, potency and continuous safe handling during the production, inspection, classification and use of cannabis for therapeutic purposes by qualified patients and their caregivers.

* Clare is MCSC Research and Education Committee Advisor, Oakland University faculty and Medical Cannabis Assn (MCA) Dir. Public Affairs and Patient Advocacy

MCSC Nomenclature Committee improves communication

By Mickey Martin Medical Cannabis Safety Committee

It is important to improve the image society has of medical cannabis, and that begins with valid classification and identification process. The way medicines are referenced must be done professionally. The MCSC nomenclature committee will define terminology, develop standardized naming guidelines and address labeling and packaging.

Defining classification names will provide an identity to the different types of medicines. When the community takes control of the verbiage they begin to control the perception that goes with it. When slang terms (weed, chronic, etc.) are replaced with more informative terms, it gives a positive image to patients, doctors and regulators. Clear terms for our community are essential to gain full acceptance.

Likewise, a guideline for naming the various strains would be beneficial. The current naming strategy (Trainwreck, AK47, etc.) lacks professionalism and can create unwarranted attention. There are many ways to address this issue. The possibilities are infinite, but it is important that we create a standard in which patients, physicians, and regulators can refer to cannabis in a professional manner.

Labeling standards keep patients informed and avoid potential hazards. Every patient and provider should be concerned that their medicine is packaged safely to avoid contamination, unintended use and confusion. There are standards for packaging medication and cannabis medicines should be no different.

The nomenclature committee needs patients, providers, doctors, and cannabis stakeholders to help set standards that advance our movement into the future.

Safe Handling Committee protects the supply chain

The safe handling committee will help develop safety and handling protocols, dosage management, and training curricula for methods used to grow, produce and store medicine. They will devise standards for safe, sanitary handling procedures at dispensing collectives and also produce patient guidelines. The most important aspect of promoting safe medicine is ensuring it is handled properly from plant to patient.

Everything begins with the plant and defining safety protocols for the growth process is crucial, as all products are derived from this. If plant stock is contaminated in the growth cycle, that contamination could be passed on. Learning to control and manage the environment is essential in ensuring that all products are safe and clean.

Food products have clearly defined safe handling guidelines, and food service professionals are required to follow these guidelines to minimize the possibility of unintentionally harming people. Add cannabis to that and the issue of dosage regulation, plant contamination, and production method come to the forefront. Educating the community on preparing and handling edible forms of medicine is necessary to avoid possible hazards and guarantee sanitary and safe experiences.

Making sure extracted medicines are created in a safe and sanitary environment is an important step in providing clean medicines for patients. Extractions are also an area that must be addressed to ensure patient safety. There are many different extraction methods that make very effective medications. There are also many dangers that can come from these procedures, such as toxic materials, concentration of contaminants and increased strength resulting in dosage management issues.

Standardized safe handling procedures will build trust between the patients, collectives, dispensaries and the community as a whole.

Whether the medicine is received from a collective or produced personally, it is critical to educate patients. By providing the best information to patients, the community can minimize the risks and provide guidelines on how to titrate their medicine.

Currently there are no standard guidelines. Having those guidelines would inspire a higher level of confidence and provide the proper level of protection for patients.

Please get involved by visiting www.cannabissafety.org, or call the Communication & Outreach Specialist Angel Raich at (510) 915-6069.

Butane extraction not protected

Continued from page 1

honey oil as it is also known. That moves beyond simply 'processing' resin to 'chemical extraction,' per Bergen, and shifts the butane process into the realm of 'clandestine drug labs.' The Court noted the inherent danger of using flammable solvents as opposed to mechanical separation.

"Unlike the general prohibitions in section 11358, the focus of section 11379.6(a) is on the particular processes employed to produce a controlled substance—by chemical extraction or chemical synthesis. ... 11358 would be appropriate, for example, if the resin was physically extracted from the cannabis plant through pressure, through a screening process, or by using an ice water method to produce the concentrated cannabis ... [or] if the method used was instead by leaching the resin from the plant material by dissolving it in a non-chemical lipid extractor, such as butter."

Section 11379.6(a) states, "Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance ... shall be punished by imprisonment in the state prison for three, five, or seven years and by a fine" up to \$50,000.



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Lepp case follows twists and turns toward sentencing

By **Vanessa Nelson** Medical Marijuana of America

When federal agents and Lake County sheriffs descended on Reverend Eddy Lepp's property in August 2004, it was a raid of gigantic proportions. It took three days for the eradication workers to clear the field, after which they claimed to have seized over 32,000 cannabis plants. According to Lepp, these plants were grown by his volunteer staff, on behalf of thousands of patients who qualified under California's Compassionate Use Act. Newspapers touted the raid as the world's biggest medical marijuana bust, but in the four years it took for the case to unfold, the buzz had almost completely died out.

Lepp's case started out with an obvious legal disadvantage. In state court, he would have been permitted to argue that the plants were legal because they were for medical purposes. However, since the US government doesn't recognize California law on this matter, there is no medical marijuana defense in federal court.

There were other legal strategies at Lepp's disposal, but it seemed that every hope led to heartbreak. In December 2006, Judge Marilyn Patel threw out the search warrant, but later decided that the plants could remain in evidence because police don't need a warrant to seize items that are in plain view. The defense's religious motions were similarly thwarted, in spite of Judge Patel's finding that Lepp and members of his Rasta ministry were sincere about the sacramental use of cannabis. In her ruling, the judge declared that the large quantity of cannabis presented a risk of diversion to non-members, and therefore the government's interest in eradication was more compelling than its interest in protecting freedom of religious practice.

When the case finally came to trial, it seemed there was little left to argue. The government didn't have to prove most of

the key facts, since Lepp stipulated that at least 25,000 cannabis plants had been seized from land that he owned. His entire defense was the claim that he did not possess or cultivate any cannabis – instead, he allowed members of his church to grow on his land for religious purposes and for use by medical marijuana patients.

Lepp was given wide latitude in his testimony when he took the witness stand, but his claims were a tough sell to the jury. It became even tougher after the government showed videos from his MySpace

page in which Lepp appears to say that he planted tens of thousands of cannabis plants on his land. When it was time to deliberate, it took jurors only three hours to come back with guilty verdicts for both the conspiracy and the cultivation counts.

These convictions carry a prison sentence of at least ten years, but Lepp may escape that fate. He could qualify for a legal *safety valve*, which would let the judge sentence him below the mandatory minimum terms. Supporters have also been writing the judge to ask for leniency, and Lepp has been genuinely optimistic about the impact of the letter campaign.



Eddy Lepp spoke at the Portland (OR) Hemp Stalk on Sept. 6. West Coast Leaf photo.

Lastly, the judge herself jokingly proposed a solution; let Lepp go to Amsterdam and never come back. "I've invited him to leave before and he never left," Judge Patel said, smiling mischievously. "He never took up my invitation."

Supporters are encouraged to attend his sentencing at 9am on Feb. 23, 2009, at 450 Golden Gate Ave, San Francisco, CA.

To write a letter to the judge, visit eddylepp.com. For reports on his trial, go to www.MedicalMarijuanaOfAmerica.com

Santa Barbara man hard-hit by Feds for dispensary gardens



Seidenberg with his kids at the local pumpkin patch for Halloween 2008. Photo courtesy of Jennifer Seidenberg.

By **Martin Williams**

John Seidenberg was indicted federally for helping a Santa Barbara county dispensary produce medicine for their patients. Local authorities seized the cannabis from two grow operations. In the second seizure the state filed charges against John and three other volunteers. When the district attorney realized it wasn't a case of illegal diversion, it appeared that the case was soon to be over. Three co-defendants took a probation deal, but Seidenberg decided to

decline the offer since he felt he wasn't doing anything wrong.

One detective told him "I think I can convince eight jurors of your guilt." When Seidenberg produced 50 patient forms, the detective said they meant nothing to him and he would not recognize the designations.

No money, illegal drugs or weapons were found in either search, conducted at separate locations in December 2007 and February 2008. Both grow operations were allegedly in excess of 100 plants and under 1,000. The collective was working within the nominal state limits.

The federal government has taken over the case. "Please help," said Jennifer Seidenberg. "Our whole family faces a sentence of some sort. My children will not have the opportunity to learn the values John can teach them as a responsible, compassionate citizen. I will lose my husband, the head of our family, and I will have to raise our two young children John Gabriel, age 3, and Julia Grace, age 1, without him."

To help, contact 805-757-4057 or jenespinoza@live.com.

DrugSense helps activists influence media coverage

By **Mark Greer** DrugSense.com

The Media Awareness Project's (MAP) online *DrugNews Archive* drugnews.org hit a milestone Nov. 7, with the addition of the article, 'Pot Activist Loses Bid To Have Charges Stayed.' With that, the archive topped 200,000 newspaper, magazine, and Web clippings on all aspects of drug policy. The archive's expanding size reflects its increasing value as a prime resource on the trends behind this important social issue. On Nov. 14, *DrugSense Weekly* hit 575 issues. This summary of drug policy developments based on actual news articles has been published for 575 consecutive weeks.

Tax deductible donations fund this and other activities at DrugSense to help educate the media, empower activists, and encourage change. Donating is quick, easy, and secure at drugsense.org/donate/

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Patients rally in LA, stand up to Feds for Lynch

By Don Duncan
and ASA Staff

More than 300 protesters gathered in downtown Los Angeles Oct. 6 to call for a re-trial of Charles Lynch, convicted this summer for operating a medical cannabis dispensary in Morro Bay.

Lynch faces 20 years to life in prison for providing state-sanctioned medical cannabis to patients. A hearing on Lynch's motion for a new trial due to jury misconduct was postponed, and he faces sentencing on Nov. 24.

Lynch has become a *cause celebre* for a growing community of vocal medical cannabis advocates in Southern Cal.

A local cannabis patient named Cheryl, who declined to use her last name, helped organize the protest. "If they can put [Lynch] in jail, they can come for any of us," she said. "He was doing everything right." Cheryl and a handful of local advocates rallied supports and advocates to turn out a crowd waving hand-made signs and banners. A documentary film crew and local media filmed the event.

Lynch ran a city-sanctioned cannabis dispensary in Morro Bay for almost a year before Central Coast Compassionate Caregivers (CCCC) was raided by federal DEA agents and the San Luis Obispo Sheriff on March 27, 2007. After Lynch reopened CCCC with the blessing of his



RALLY OF SUPPORT — Defendant Charles Lynch surrounded by hundreds of protesters Oct. 6 in Los Angeles.
Photo courtesy of Americans for Safe Access.

landlord and Morro Bay city officials, the DEA threatened his landlord with asset forfeiture and criminal prosecution. As a result, CCCC closed its doors May 16, and on July 17, 2007 Lynch was indicted on multiple federal charges. He was convicted by jury on Aug. 8, 2008.

Because of the 2005 US Supreme Court case, *Gonzales v. Raich*, federal defendants cannot use medical evidence or state law as a defense. All five federal trials that have occurred in CA since then ended in convictions. Such odds have forced other federal defendants to accept plea bargains that leave many facing years in prison. On Aug. 25, Attorney General Jerry Brown issued guidelines recognizing the legality of cannabis dispensaries under state law and calling for an end to federal interference in California. The use of federal resources to investigate, raid, prosecute and imprison lawful patients and providers has prompted several mayors and city councils to call for Congressional hearings. Online info: www.friendsofccc.com/

Stephanie Landa release delayed to June after THC in drug test

By Vanessa Nelson Medical Marijuana of America

Cannabis activists who were looking forward to the release of Federal prisoner Stephanie Landa soon will have to keep waiting. Landa, serving a 41-month federal sentence for cultivation, recently came up positive for THC during a drug test by the Bureau of Prisons, so her release date was re-set for June 9, and she will be in a higher security facility for the duration.

Sarah Armstrong, of the *Landa Prison Outreach Program*, suggests that untreated severe pain from a shoulder injury could have driven Landa to self-medicate behind bars. US Marshals confiscated her prescribed Marinol (synthetic THC) during her surrender to federal agents two years ago. "I don't think she would have ingested anything unless she simply couldn't stand it any more," Armstrong told supporters.

Landa spent the autumn confined to a tiny room in "the hole" at Dublin prison, and was transferred to the main facility in November. Mail is her sole source of con-



tact with the outside world, so please write her at this address: Stephanie Landa, Prisoner #09247-800; Dublin FCI - Unit A, 5701 8th St. - Camp Parks; Dublin CA 94568

or send a message to Stephanie for free through the online POW Mail Service at MedicalMarijuanaOfAmerica.com

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Harsh Federal sentences for Modesto dispensers

By Vanessa Nelson Medical Marijuana of America

Things aren't looking good for a pair of 28-year old medical marijuana felons. Luke Scarmazzo and Ricardo Montes received sentences Nov. 21 long enough to put them behind bars for much of their adult lives.

Montes was given a 240-month prison term; Scarmazzo got 262-months for running the California Healthcare Collective, a Modesto cannabis dispensary that served patients in compliance with state law. The CHC operated for nearly two years, until a federal raid in September 2006, a harsh reminder that the US refuses to recognize state law and enforces a blanket prohibition.

During Scarmazzo and Montes's trial last spring, jurors saw business documents that talked about California law. However, each viewing of these documents was accompanied by the judge's stern instruction to disregard state law and consider only federal law when reaching a verdict.

Deliberations were briefly derailed when a juror refused to convict the defendants and revealed that his late wife had used cannabis. The judge declared misconduct because the juror had withheld this information during jury selection. An alternate juror quickly arrived to replace him, and deliberations began anew.

Scarmazzo and Montes were found guilty on various cannabis counts, plus a continuing criminal enterprise charge that carries a 20-year mandatory minimum sentence. They were taken into custody and escorted to Fresno County Jail immediately after the verdicts were read. Their motion for re-trial failed, despite two jurors who came forward to say they had been improperly influenced by outside information about medical marijuana.

Prior to sentencing, Scarmazzo and Montes went on a hunger strike in jail. In doing so, they symbolically aligned themselves with the patients who had relied on them for medicine. The CHC was the only dispensary in its county, and many patients were left in desperate circumstances. For chemotherapy and AIDS patients who use cannabis to combat nausea and stimulate appetite, being deprived of medicine is essentially the same as starving.

Food is not all they have been going without. Already, Scarmazzo has missed his daughter's sixth birthday and Montes has missed the birth of his first son. If incarcerated for two decades, they will miss their children's formative years almost completely.

A planned appeal will argue that the government prejudiced jurors by showing a fantastical rap video featuring Scarmazzo and Montes in drug-and-cash-filled scenes, flipping off



DEVASTATING SENTENCES — Ricardo Montes (left) and Luke Scarmazzo were in compliance with state but not federal law.
Photo courtesy of Medical Marijuana of America.com

the camera while singing: "Put your finger in the air and yell 'F—the Feds!'" At sentencing, Scarmazzo asserted that authorities targeted him because his music criticized the government.

For more on the Scarmazzo/Montes case, visit www.MedicalMarijuanaOfAmerica.com

Kikuchi release set for May

By Vanessa Nelson Medical Marijuana of America

Good news for medical marijuana prisoner Tom Kikuchi: he will be transferred from prison to a halfway house in Los Angeles Dec. 31 to serve the last four months of his federal sentence until May 19.

Kikuchi's case goes back to July 2002, when he and Stephanie Landa were arrested in San Francisco. Local police had given them a go-ahead to cultivate medical marijuana, but Federal prosecutors took the case. With little chance of winning at trial, since the jurisdiction precludes state laws, they took plea deals. Kikuchi served 37-months in Oregon and was released.

In May 2007, however, he was charged with violating federal probation over an LA-area grow house. His links to the grow house were purely circumstantial, but Kikuchi got the maximum sentence of two years. He did most of that time at an overcrowded prison in AZ, far from friends and family. At the halfway house, he will again be near an active community of supporters.

Kikuchi won't be out of the woods upon his release from the halfway house. He still faces prosecution in state court for the 2007 bust. He can receive mail until the end of 2008 at the following address: Thomas Kikuchi #92479-011; Federal Correctional Institution, PO Box 9000, Safford AZ 85548.



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Orange Co. seniors OK cannabis dispensaries

By Kandice Hawes and Tracie Neria

Laguna Woods is the first city in Orange County to pass an ordinance to allow cannabis dispensaries.

In the past Orange County cities have repeatedly passed bans in most of cities that bring the issue up to council. Some of the most populous and recent cities to ban dispensaries are Garden Grove, Fullerton, Buena Park, Anaheim and Tustin.

The ordinance lays out many guidelines for permitting dispensaries and their operation. One regulation is that the patients served by the dispensary must be residents of the city. Laguna Woods City Manager Leslie Keane notes that it is a small city of 18,500 residents; 90 percent of residents live within the gated retirement community Leisure World which all residents are required to be 55 years or older.

Some of the other regulations are that no one under the age of 18 can be in the facility, the operator must undergo a background check, and the permit is not trans-

ferable to another operator. The dispensary must be a nonprofit organization, pay applicable sales tax, and have insurance. The location cannot be with 1,000 feet of a youth-orientated facility or another dispensary and must also have security cameras and a separate ventilation system.

City Manager Leslie Keane said that over 100 people have expressed interest and picked up application but none have been returned. The city is asking a \$1,600 permit fee, some of which will be returned if the application is denied.

With such a small commercial area available, it is possible that people interested may have trouble getting a landowner to rent to them and sign a notarized statement acknowledging the purpose of the establishment, as required by the city.

Potential operators must also recognize the potentially delicate situation of working with an elderly membership base, and with patients whom have little knowledge and experience with medical cannabis.



Frequently asked questions about CA's ID cards

By F. Aaron Smith CA Organizer, MPP)

Question: I already have a note from my physician and card from a dispensary. Why would I want another card?

Marijuana Policy Project (MPP) Answer: The state-issued ID cards provide more protection from arrest by state and local law enforcement for small amounts of cannabis; other ID cards do not. According to the California Health and Safety Code, "No person or designated primary caregiver in possession of a valid [state] identification card shall be subject to arrest for possession, transportation, delivery, or cultivation in an amount established pursuant to this article." Cards offered by physicians, dispensaries, and other private organizations do not offer this level of legal protection.

Question: If I get a card will my name be in a database accessed by federal law enforcement agents bent on arresting patients for medical marijuana?

MPP Answer: The CA Department of Public Health – the agency charged with maintaining the ID card program doesn't keep cardholders' personal information. It only keeps records required by law: a digital photo of the cardholder, the expiration date of the card, the county where the card was issued, and a unique number assigned to the card. These are also the only data printed on the cards themselves.

Most counties hold additional records of cardholders, including the application paperwork. These records are sealed to ensure the privacy of the cardholders and could only be obtained by subpoena. It's unlikely that federal agents would expend limited resources investigating individuals simply because they are in possession of an ID card. However, encounters with police where the card may come in handy are much more common.

Question: If my county implements the program, are dispensaries more likely to open in my town?

MPP Answer: Not necessarily. While the pro-

gram may encourage county officials to be more amiable to state-legal cannabis, it is not related to land-use policies governing dispensaries.

Question: Do I need a card to legally possess or cultivate cannabis in CA?

MPP Answer: No. The state ID card program is voluntary. The Compassionate Use Act (Prop 215) ensures that a medical defense is available to patients if a licensed physician only recommended medical marijuana to them. The cards just help to avoid an arrest in the first place.

Question: How can I get a card?

MPP Answer: Cards are issued through individual county health departments or their designees. To obtain a card, you need a written cannabis recommendation from a state-licensed physician, proof of county residency, and pay a non-refundable application fee.

County ID card contacts

If your county is not on this list, contact MPP's California organizer, Aaron Smith at 866-287-6792 or asmith@mpp.org. Alameda 510-444-6111 \$103 • Amador 209-223-6407 \$113 • Butte 530-538-7700 \$111.15 • Calaveras 209-754-6460 \$45 • Contra Costa 925-313-6740 \$128 • Del Norte 707-464-3191 \$68/123** • El Dorado 530-621-6500 \$114 • Fresno 559-445-3200 \$107.00 • Glen 530-934-6588 \$174 • Humboldt 866-597-1574 \$141 • Imperial 760-482-4438 \$111 • Inyo 760-872-4245 \$100 • Kern 661-868-1220 \$153 • Lake 707-263-1090 \$123 • Lassen 530-251-8183 \$150 • Los Angeles 866-621-2204 \$153 • Marin 415-499-3288 \$113 • Mendocino 707-472-2784 \$123 • Merced 209-381-1015 \$225 • Monterey 831-755-5013 x 24 \$116 • Napa 707-253-4506 \$116.74 • Orange 714-480-6717 \$150 • Placer 530-886-1870 \$125 • Plumas 530-283-6330 \$110 • Riverside 888-358-7932 \$153 • San Benito 831-636-4011 \$93 • San Francisco 415-206-5555 \$103 • San Luis Obispo 808-781-4811 \$131 • San Mateo 650-573-2371 \$98 • Santa Barbara 805-681-5150 \$161 • Santa Clara 408-423-0745 \$113 • Santa Cruz 831-454-4000 • Shasta 530-245-6426 \$106 • Sierra 530-993-6701 \$106 • Sonoma 707-565-4442 \$133 • Tehama 530-527-8491 \$125.75 • Trinity 530-623-8209 \$110 • Tuolumne 209-533-7401 \$126 • Tulare 559-733-6123 x217 \$344 • Yolo 530-666-8645 \$134

Palm Springs to consider tolerant dispensary plan

By Lanny Swerdlow, RN MAPP

An ordinance sent by the Palm Springs (CA) City Council to the Planning Commission which would have allowed cannabis dispensaries to operate in warehouse/industrial zones has morphed into the most liberal medical marijuana dispensary ordinance in the state. Patient activists and advocates appeared before the Commission Nov. 12 and told of their need for cannabis for their health, and for safe and convenient access to it.

Commissioners were so impressed by their testimony that by unanimous vote, they directed staff to prepare an improved ordinance that would allow cannabis collectives and coops to operate in M1 & M2 (Industrial/Warehouse) and P (Professional) Zones, meaning they are treated as any other business with no onerous or difficult conditions to meet. They can also operate in all other non-residential zones by applying for a Conditional Use Permit (CUP).

Riverside County law enforcement has reacted by unleashing the Inland Valley Drug Free Community Coalition (IVDFCC), formed in August 20007 by San Bernardino County police to turn public sentiment against patients and providers.

The IVDFCC waged a successful campaign against a dispensary ordinance in Claremont. They also fabricated battery charges against the director of the Inland

Empire-based Marijuana Anti-Prohibition Project, to keep him from attending their first and so far only public meeting Oct. 2, 2007. Swerdlow was acquitted by a jury on Sept. 25, 2008 and is expected to file a lawsuit against the city of Rancho Cucamonga, San Bernardino County and the IVDFCC for false arrest and malicious prosecution.

The IVDFCC has sent out a press release and a letter to Palm Springs business, educational, religious and public leaders asking them to "just say no to pot shops" and appears to be utilizing the same game plan as they did in Claremont. At present, the IVDFCC's bark appears to be worse than their bite as they failed to show up at the Planning Commission.

Activists expect that with passage of the ordinance by the Palm Springs Planning Commission, IVDFCC will try to rally a coalition of business leaders and law enforcement to oppose it. It is expected that they will encounter less enthusiasm than they did in Claremont. The Chamber of Commerce is located next to one of Palm Springs' two dispensaries that the city has allowed to operate for the last two years, with almost no problems reported at either dispensary during this period.

The Planning Commission referred the ordinance to staff and directed them to prepare the ordinance and resolution for submission to City Council in December.

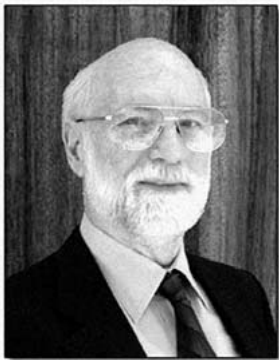
Appeals court listens to ND hemp arguments

Continued from page 1

the issues raised. "The plaintiffs should await the DEA's decision on their application," said Melissa Patterson on behalf of the government. Judge Michael Milloy responded, "Isn't it true the DEA will not rule on the farmer's applications to grow hemp, you've had 11 months?"

The ND Legislature removed in 2007 the requirement that state-licensed industrial hemp farmers first obtain DEA per-

mits before growing hemp. The question before the Appeals Court is whether or not federal authorities can prosecute state-licensed farmers who grow non-drug oilseed and fiber hemp pursuant to North Dakota law. If it is successful, states across the nation will be free to implement hemp farming laws without federal interference. Vote Hemp, the nation's leading industrial hemp advocacy group, and supporters are providing financial support for the suit.



When it comes to California medical marijuana defense you need an attorney experienced with handling these cases, knowledgeable about the rapidly evolving law; someone who likes to win and doesn't mind taking the time to do it.

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Growing a winter garden, or harvesting indoors all year long

LIGHT UP — Indoor crops need two separate durations of light, one about 18 hours a day for starts and vegetative growth (right), and a separate 12-hours-per-day phase for flowering (left). To get a head start on outdoor summer growth, start plants indoors, then transplant outside in warmer weather. West Coast Leaf photos



with peripheral equipment. Lighting, timers and wiring must be up to code and capable of carrying the load, and more, or fire can occur. White surfaces reflect light back to the garden. Ballasts, fans, charcoal filters coordinated with a dehumidifier and a portable air-conditioner must match the lighting system to deliver the perfect atmosphere and climate.

Adam’s growth medium was Canna Coco, treated and ground coconut husks that approximates ideal soil for the plant. It anchors the roots and holds the optimal water and nutrients for the plants. Grow surfaces were waist-height and easy to reach as good working areas. 600-watt high-pressure sodium lights and reflectors hung 20 inches above a sea of green. Four by eight foot tables designed for hydro were set high enough to cover water reservoirs and recycling systems used to hydrate, feed and maintain the crops.

Macronutrients such as nitrogen, phosphorus, potassium and magnesium start a long list of ingredients. Many more are needed to produce healthy plants. The proper pH balance and clean water deliver these nutrients. Indoor-photoperiod recreates summer and fall in 18 hour and 12 hour cycles, telling the plants when to grow and when to bloom. Spring and winter are virtually forgotten.

Indoors or out, there is no one-and-only way to grow. The choices may seem endless but there are great resources out there to help. With a little practice anyone can have a little slice of paradise. ... Remember to stay safe and sane.

By Samuel Janovici
I had the pleasure of touring a legal indoor site run by an innovative, sinsemilla pioneer, who had a little slice of agricultural Eden. “Adam” shared the process from mother stock to clone through a vegetative cycle, a moderate bloom period into maturity and, finally harvest. He showed me a precise world where every aspect of the environment must be controlled.


To create your own Eden, first assess your needs, then your options. If you only need an ounce every few weeks, a small 400 watt halide might suffice, but to supply an ounce a week dosage will likely require 600 watts or up for flowering, plus a nursery and maybe a vegetative area as well. Do you have a garage available to grow, or only a closet? That makes a big difference. Start small. Everything is based on configuration and design, and here size means everything. A room’s dimensions determine the crop size, the location of vents, fans, table size and the height of the lamps, etc.

Every detail has to be covered, contingency plans need to be in place — and be vigilant for pests, mold, disease and electro/mechanical failures. Be discreet. Security, industrial sounds and skunky smells are constant concerns that can be addressed by adding extra insulation, soundboards and commercial air-filters.

A typical residence is only wired to run a few kilowatts at a time, and every one 1000-watt, two 600-watt, or three 400-watt lamps needs a dedicated 15 amp line to power it

MCSC Garden SAFETY Tips

- Make the garden area a clean work environment
- Wash up before and after working in grow areas
- Use proper safety equipment when handling medicine
- Keep unnecessary elements out of the medicine areas
- Use safe cleaning products and plant maintenance additives
- Always flush with plenty of clear water before harvesting
- Store cannabis medicines safely and securely



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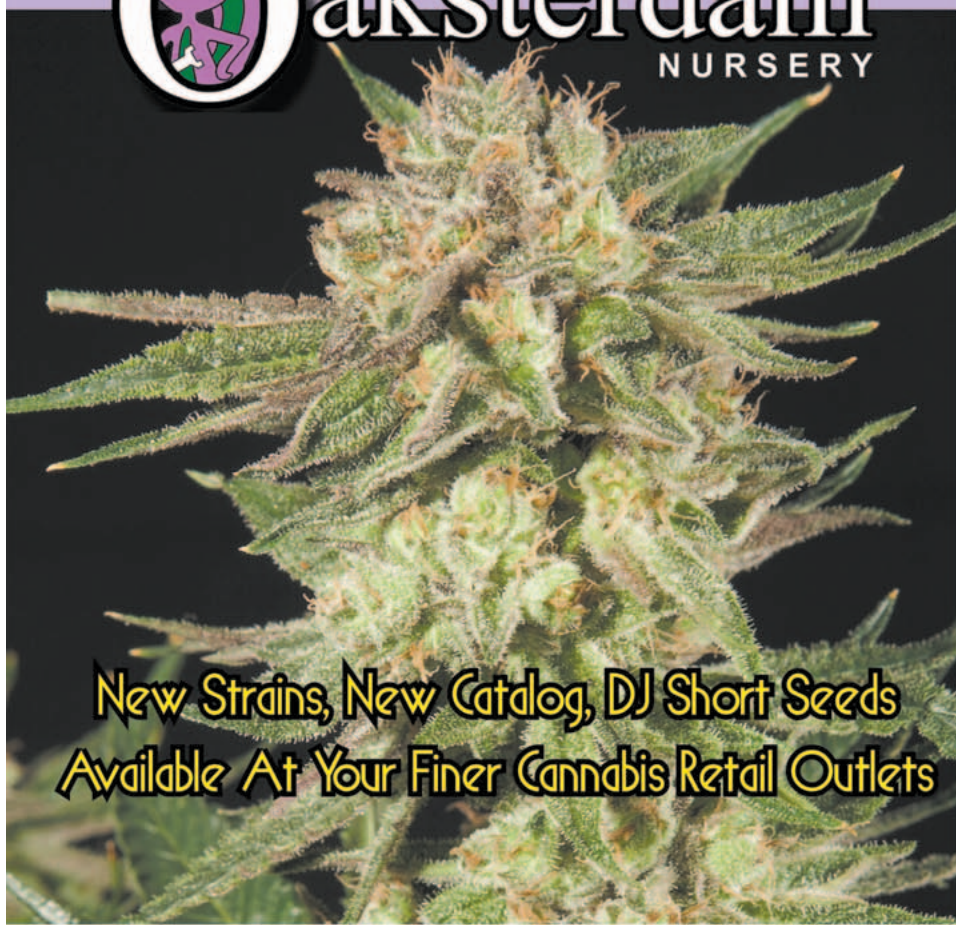


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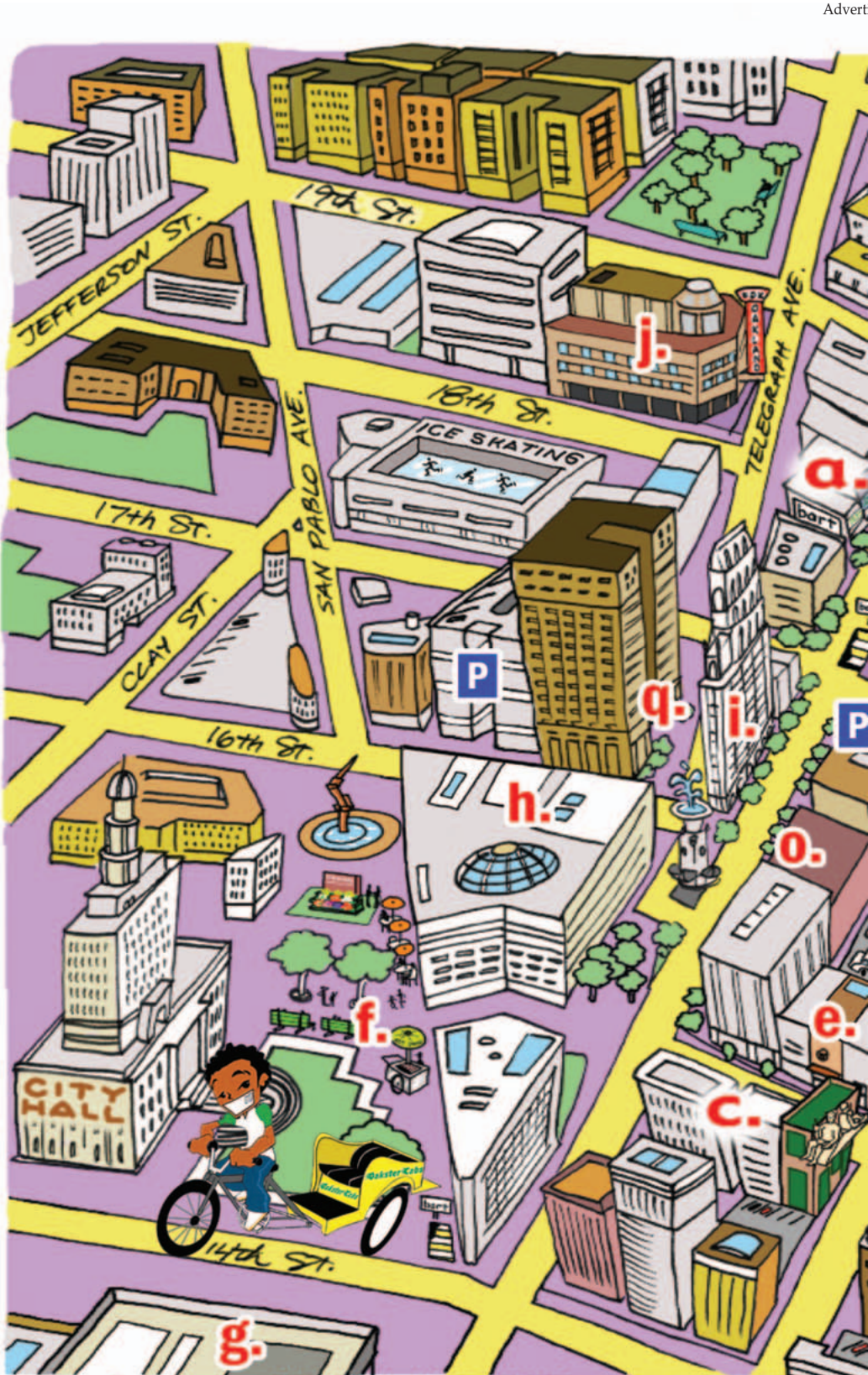


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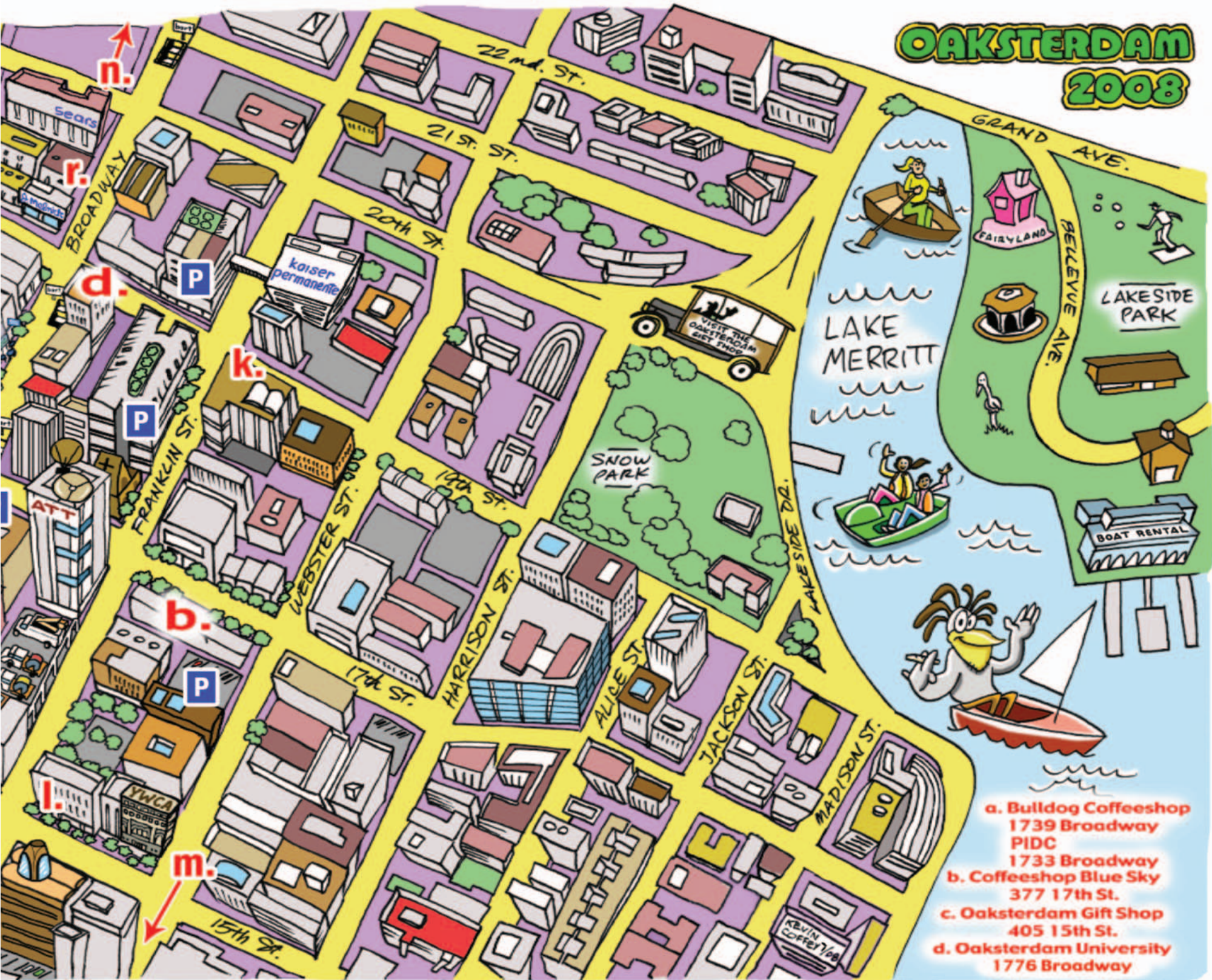
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The Lab Bench

Researchers sniff out cannabis' fragrance factor

By Jahan Marcu

Have you ever thought a cannabis strain smells like mango, melon, or even grapes? Well, it might not be your imagination. The odor of cannabis comes from over 120 *terpenes* (a.k.a. *terpenoids* fragrance molecules) that are made by the plant⁽¹⁾.

Terpenes have some interesting effects on humans, including modulating the effects of THC ⁽²⁾ and decreasing memory loss⁽³⁾. Terpenes are non-toxic and other types of plants have a unique mixture as well. One terpene is unique to cannabis (*mentha-1,8(9)-dien-5-ol*). All others occur in fruits, vegetables, and flowers. Many of the beneficial terpenes on cannabis also occur in tropical fruits. So, maybe it isn't your imagination when something smells like mango, melon, or even grapes.

Cannabis' odor molecules may offer benefits to patients, as these molecules have medical applications of their own. At a recent cannabinoid science meeting Ethan Russo M.D. highlighted some of the most interesting aspects of terpenes; the fragrant component of cannabis⁽⁴⁾:

Linolool has anti-anxiety and sedative properties (also in lavender).

Myrcene has analgesic, anti-inflammatory, and muscle relaxing properties (also in Mangos).

Nerolidol has sedative and anti-malarial properties (Also in citrus rind).

Terpenoids can also alter the effects of THC and other cannabinoids. It's probably best to think of these skunky molecules as enhancing the positive effects of cannabis and reducing the negative effects of cannabis. 'Skunky' molecules should not be confused with 'funky' odors, from contamination such as fungus or bacteria, a smell that resembles musk or moldy bread.

Unfortunately and ironically, the smell of cannabis causes a lot of trouble. Since THC does not have a smell, drug dogs are trained to find one, very smelly molecule called *-caryophyllene-epoxide*. It's an unfortunate catch 22 for cannabis patients; that the odor molecules in cannabis are probable cause for police. Yet, smell has nothing to do with cannabis potency. Even the smelliest cannabis could, in theory, not have THC in its trichomes.

Non-cannabinoid parts, such as ter-

penes, are of medical importance and possibly central to understanding the diverse benefits and varieties of cannabis reported by patients-over 700 varieties of cannabis have been reported.

GW pharmaceutical's cannabis extract, Sativex maintains a strict ratio of THC and CBD but also maintains a strict ratio of certain terpenes. The data on the cannabinoid content is widely available on the web and in cannabis scientific literature, yet the company doesn't mention what the actual concentrations of terpenoids might be.

You could try to sniff out the culprits but even the most well trained perfumist may not be able to pick out an individual terpene from cannabis.

Attempting to sniff out the terpene content of Sativex or cannabis is tempting and it's hard not to speculate: is it *linolool*? Is it *eugenol*? Or is it *1,8-cineole*? Only time (and our perhaps our noses) will tell.

Have a question about cannabis? Send it to cannabispodcast@gmail.com

Footnotes: 1) Grotenhermen, Russo. *Cannabis and Cannabinoids*. Page 34 (2002)

2) Agarwal et al. Research communication in substance abuse 1989;10:155-168.

3) Carta et al. Brain Research 1998; 809 (1):1-4.

4) O'Shannau's Winter/Spring 2008. Russo Previews What's in The Organic Pipeline.

CBD: Medi-cannabinoid banned that has no 'high'

By Paul Armentano NORML Deputy Director

While cannabis prohibition is absurd, the ban on the plant's non-psychoactive components is even more mind-boggling, particularly when it's clear these compounds possess amazing therapeutic properties.

Case in point: *cannabidiol* (CBD). A just published scientific review by Sao Paulo University (Brazil) researcher Antonio Zuardi reports that there's been an "explosive increase" of interest in CBD over the past five years. Here are a few of these actions in detail.

1. Antiepileptic: "In 1973, a Brazilian group reported that CBD was active in blocking convulsions produced in experimental animals."
2. Sedative: "In humans with insomnia, high doses of CBD increased sleep duration compared to placebo."
3. Anxiolytic (anti-anxiety): "CBD induce[s] a clear anxiolytic effect and a pattern of cerebral activity compatible with an anxiolytic activity."

4. Antipsychotic: "[C]linical studies suggest that CBD is an effective, safe and well-tolerated alternative treatment for schizophrenic patients."

5. Antidystonic: "CBD had antidystonic effects in humans when administered along with standard medication to five patients with dystonia, in an open study."

6. Antioxidative: "CBD can reduce hydroperoxide-induced oxidative damage as well as or better than other antioxidants. CBD was more protective against glutamate neurotoxicity than either ascorbate or α -tocopherol, indicating that this drug is a potent antioxidant."

7. Neuroprotective: "A marked reduction in the cell survival was observed following exposure of cultured rat pheochromocytoma PC12 cells

Coming to terms with your inner cannabinoids

By David G Ostrow, MD, PhD

A reader writes: *At a recent conference, a presenter made a strong case for the effectiveness of medical cannabis for a variety of ailments but would not answer my question as to whether it would be a good idea to take cannabis prophylactically as a dietary supplement to retard aging. What can we say on this subject?*

A good question if we focus on the fact that a large percentage of older people suffer from medical problems that can be treated. Common ailments like anxiety, stress, depression, sleep difficulties, and muscu-

loskeletal pain from degenerative arthritis due to aging and injury often benefit from the therapeutic use. In the process of treating these and other conditions the patient would gain the preventive protection that can extend lifespan. All living creatures suffer from a common biochemical imbalance — we are all aging.

According to one expert, Dr. David Bearman — it's a little too early to unequivocally endorse its use for prevention. The evidence suggests that at least it will do no harm and that it may prevent some cancers

and when eaten, lowers coronary risk. The hempseed's high omega 3 fatty acid levels and its antioxidants would be a wise dietary addition for the health conscious.

The *endocannabinoids* are cannabis-like compounds that are produced by most animals, including vertebrates, that have a pervasive role in maintaining homeostasis, a biochemical balance. Today most people suffer and die from age-related illnesses including cardiovascular diseases, autoimmune diseases, neurological disorders, and cancers. An abundance of peer-reviewed science indicates that stimulating ECC is a benefit to all of these disorders.

Clearly we need to assess the preventive values, and research the chemical makeup of various strains and the relative effectiveness of these strains on the different medical conditions. This research will demonstrate which constituents or combination of constituents are most effective as preventive agents. We also need more studies confirming what we have already uncovered. Everyone benefits by replicate studies from multiple labs and researchers.

While research on the beneficial use is rare in the US, it is going on in other countries. These nations are getting a head start developing products for the world market. The US cannot afford to turn its back on the economic benefits from newly-created jobs and tax revenue that our industry would bring to this or any country that can harness the commercial potential of cannabis, cannabinoid and hemp based products.

It is far too early to make any recommendations about using medicinal cannabis as a daily anti-aging or anti-cancer nutritional supplement. There just isn't any data to support the recommendation.

Conclusion by this writer: *If the glass is half full, and the water has little or no impurities in it to cause any significant side effects, and you can afford to drink it every day, what do you have to lose? You should, however, let your doctor know about this nutritional supplement, just in case you make the record books and he or she wants to take credit for it.*

See you next issue for another exciting column, and send a question for possible inclusion to info@westcoastleaf.com.



CUP SAMPLING — Participants in the San Francisco Medical Marijuana Cup had to select a winner from over 20 entries Nov. 11. The aromatic terpenes smelled great, bio-flavonoids were flowery, and all cannabinoids were pleasantly active. West Coast Leaf photo.

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WEST COAST LEAF

Editorials and Commentary

President Obama: He really *can* do it.

President Barack Obama will face daunting and perhaps impossible challenges in the early stages of his administration. The economy, health care, and global weather change are problems that are not easily fixed, and require bringing together countless agencies and industries to forge agreements and implement ideas that will likely take decades to be fully realized. Such issues are so pressing and so many lives are at stake that drug policy reform is expected to take short shift during his first year or more in office.

We respectfully request that Mr. Obama defy that notion. Cannabis reform is the simplest and most wide-sweeping reform one can imagine for the President. He could accomplish the major points of public agreement with the stroke of a pen or by speaking a few sentences, and by so doing help save our agricultural base, stimulate new manufacturing industries, create tens of thousands of jobs, inspire billions of dollars in new tax revenues to support his other programs, reduce deforestation and desertification, clean up the environment, reduce CO2 emissions, reduce health care costs, reduce crime — and save billions of dollars in wasteful and harmful tax spending. All in five minutes or less.

How, you may ask? Simple. Tell the DEA to revive the *Hemp for Victory* program from World War II and freely issue farming licenses; to conform with Judge Francis Young’s non-binding 1988 ruling to move cannabis out of schedule I and the National Academy of Science’s 1999 call for increased medical studies; to act as a national agency for purposes of the 1961 *Single Convention on Narcotic Drugs* to implement the 1972 *Shafer Commission* recommendations and decriminalize personal amounts of cannabis; and to let States enact and implement their own hemp and marijuana laws without any influence or interference by the DEA or any of its sub-agencies. He’s the boss and already has legal authority to order part or all of this as head of the federal executive branch of government.

We don’t need more studies; the government has already done plenty of studies and there will be plenty of time later for more after giving relief to the farmers, patients, doctors, investors and communities that are fighting to find new businesses and tax income. Give us hemp. Give us medical marijuana. Give us a chance to resolve the cannabis issue to respect adult choices and to save the children. Give us just five minutes to issue this one executive order, and “We, the People” and the States can work out the details.

Will we be surprised if the President follows the conventional wisdom and avoids this simple solution to a seemingly intractable series of problems? Not really. However, this is an unconventional President who has voted for industrial hemp legislation on the Illinois State level and endorsed medical marijuana on the campaign trail. We cling to our hopes.

Drug War is responsible for eco-tragedy

One thing that distinguishes the cannabis community, according to Congressman Orrin Hatch (R, UT) and others, is an interest in preserving the environment. Growers who boast organic product find their herb in high demand and are rewarded by a better-than-average market value. So when an incident like the disastrous diesel spill at Hacker Creek in Humboldt County occurs, it is ironic that the news media and politicians typically point a finger of blame at the cannabis community — the very people who are fighting to get their herbal products legalized, taxed and regulated for adult use.

The Hacker Creek spill is tragic. It is also a direct result of failed policies that have led to illegal, clandestine, off-the-grid indoor cannabis grows hidden in the forests instead of lawfully regulated production and sales of cannabis. To that extent, the governor, the legislature, the Federal government and the prohibitionist news media deserve all the blame. This, however, is not the time to point fingers, it is time to control production and regulate this problem away.

Setting the record straight

Regarding the Autumn 2008 issue of West Coast Leaf, the print run was 62,500 copies. Dr. David Ostrow is an M.D. and a Ph.D.

Assembly sponsor of SB-420 Paul Koretz has sights set next on LA City Council’s Dist 5 post

By Paul Koretz

I became involved in the medical marijuana issue as a result of my involvement with the City of West Hollywood (CA).

I was active in the campaign for the city’s incorporation in 1984, worked as an aide to one of the original five Councilmembers elected that year, and served as Councilmember and Mayor from 1988-2000. Those years coincided with the years when AIDS and HIV surfaced and struck West Hollywood with a vengeance.

Since the maladies originally were largely found in the gay community — and West Hollywood has such a substantial gay population — our city was hit as hard as any in the country. One survey even found that 10 percent of homes and apartment units in the city had at least one person with HIV living in them. After we had a ceremony at City Hall where we placed a rose in a vase for each of the nearly 20 city employees who had died from AIDS and spoke of their memories, I thought of all the people I had known who died from the disease. I stopped when I reached 200.

It is hard not to be emotional about such a devastating loss, among them some very good friends. For many years, I have committed myself to doing whatever I could to stop the spread of the disease and to help those who were HIV+. I authored and supported whatever measures we could come up with in my West Hollywood years. Then I was elected to the State Legislature in 2000, where I served until I was term-limited out in 2006. During that time I authored much of the legislation on the subject of HIV and AIDS. Probably the edgiest bill that would have done the most good was vetoed by Governor Schwarzenegger — a bill to allow condoms to be brought into the state prison system, where HIV runs rampant.

A number of years into the AIDS crisis, in the mid-1990’s, there was a dramatic drop in the number of people dying from the disease. This seemed to be due to a combination of the advent of HIV drug cocktails and increased use of cannabis for medical purposes. It was especially effective in fighting the loss of appetite which can accompany the disease and the drugs



to combat it. I have a number of friends whom I believe are still alive today because of medical marijuana, most notably patient-activist Richard Eastman, who has fended off death several times. I have no doubt that he would not be with us any longer without the use of cannabis.

I helped to lead West Hollywood’s strong support for medical marijuana while on the City Council. I was a strong supporter of Prop. 215 and did whatever I could to assist in its passage.

In the legislature, I was a co-author of SB 420, a compromise bill that considered much input from patients and reformers. It cleared up certain implementation issues surrounding Prop 215 and formulated a voluntary system to protect patients from arrest. It empowered localities to adopt scientific local medical marijuana guidelines. It recognized all patient’s rights as embodied in Prop 215, asserts medical marijuana as a matter of states rights, and allows agencies to provide cannabis to qualified patients. It created a protective and completely voluntary 1-year photo ID program for participating patients and/or caregivers, and promised confidentiality of records.

I co-chaired the Los Angeles County Medical Marijuana Task Force, which developed the guidelines to implement Prop 215 and SB 420 here, and a resolution regarding implementation of the Compassionate Use Act in the County.

I am now running for LA City Council in the 5th Council District.

We need a Councilmember who will fight to halt the Federal war on seriously ill patients and stop the constant effort to close down cannabis dispensaries. If I am elected, I will be that Councilmember.

My chances are good for this seat. I am the one candidate who has represented much of the area before, during six years in the State Assembly. I have a real track record from 18 years in public office, and a long list of elected officials, community leaders and organizations supporting me.

It is a tough race against a number of very well-financed opponents, so I need plenty of financial and volunteer help. To contribute or to volunteer, please visit my website at paulkoretz.com.

Child Protective Services: Another government oxymoron

By Norman Lepoff, MD Retired

If Child Protective Services (CPS) finds cannabis at your home they just might take away your children and file charges of child endangerment against you — even if you have a valid medical authorization.

All too often law enforcement, prosecutors and politicians tell us that they want to protect our children from the ravages of drugs. This inquisition includes cannabis, while prescription narcotics, alcohol and tobacco are downplayed.

The way CPS “protects” our children is by taking them away from families and putting them into foster care. They are trained to find any reason possible to intervene. By using poorly written and confusing laws and regulations pot has become an excuse for CPS to destroy families.

Whom does Child Protective Services protect? Our children? No way. They protect the system and their jobs first. I have dealt with members of CPS who are ruthless, intrusive and abusive. Sound familiar? It is common among drug warriors. As we all know, the drug war on cannabis families has caused more harm to more people, including children, than weed ever has or ever will. The misuse of CPS power is taking us in the wrong direction.

Children belong with their parents and should be raised at home. Taking them away only helps to extend the industrial prison system to children. There is no reason for any bureaucrat to destroy a family simply because cannabis, a harmless and non-toxic substance, is found.

Due to conflicting statutes a pack of Marlboros or a bottle of Jack Daniels discovered by CPS might be overlooked. Yet, they know that alcohol is the number one cause of violent behavior and child abuse, and they must ignore the fact that second hand cigarette smoke is deadly. Those who are charged to protect our children ignore the addictive and toxic effects of these drugs. If CPS and other drug warriors truly cared about the well being of our children, they would prioritize ridding families of alcohol and tobacco, not cannabis.

We do not need the government to protect us from our herb. It seems our children need to be protected from the CPS. Raising children should be left to parents, not big government. The CPS should do as its name implies, and as most CPS workers wish it would: *Protect our children!*

We must see to it that people with legal access to cannabis are no longer deprived of their homes, children and careers.

WEST COAST LEAF

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75th Anniversary of alcohol legalization in America

Prohibition Repeal: Let's Do It Again!

By Dale Gieringer California NORML

Americans celebrated the 75th anniversary of the repeal of Alcohol Prohibition Dec. 5. On that date in 1933, the 21st Amendment was adopted, repealing the 18th Amendment that had outlawed the sale, transport and manufacture of "intoxicating liquors."

The 18th Amendment was passed in the hysteria of World War I, around the time of the first anti-drug laws. The Amendment supplanted an earlier, provisional wartime prohibition act, passed to aid the war effort and save grain that might otherwise be used for beer and whiskey.

The nation officially went dry on Jan. 17, 1920. Almost immediately, alcohol began leaking back through the black market, ushering in an era of unprecedented crime, corruption, and bootleg gangsterism. As time went on, public uneasiness grew, but the nation remained in the thrall of prohibitionism. As late as 1930, Texas Sen. Morris Sheppard declared, "There is as much chance of repealing the 18th Amendment as there is for a hummingbird to fly to the planet Mars with the Washington Monument tied to its tail."

The wet tide came as suddenly as a winter storm. The Great Depression altered the public mood and boosted the clamor for drink. Wets argued that alcohol taxes would stimulate the economy and replenish the Treasury. The wets gained control of the Democratic party, and with FDR's support, the party endorsed total repeal at its 1932 convention.

The Democratic landslide of 1932 spurred the lame-duck Congress to action. By February, the Congress had passed out a repeal amendment. It called for the amendment to be ratified by the unprecedented procedure of state conventions, instead of state legislatures, because it was feared the latter were gerrymandered to over-represent conservative rural districts. Repeal conventions were called around the nation, in which wets overwhelmingly prevailed by margins of 60% - 85%.

On Dec. 5, Ohio, Pennsylvania and Utah jockeyed to become the 37th state needed for repeal. At 3:32 PM, Utah finally put repeal over the top. Within hours, anti-prohibitionists were celebrating with champagne and cocktails at the Waldorf Astoria Hotel in New York (no telling where the liquor came from).

Actually, the nation had already celebrated on April 7, when Congress modified the still-operative Prohibition law, the Volstead Act, to permit sales of beer with up to 3.2 percent alcohol. Within a week, the government had reaped some \$4 million in revenue from beer sales.

In the end, repeal didn't solve the Depression, but Prohibition came to be rec-



ognized as a disastrous national mistake. The drug laws, which date from the same era, remain with us still.

Unlike the drug laws, the 18th Amendment never outlawed possession or use, just transportation, manufacture and sales. Prohibition was therefore milder than the regime we now call cannabis "decriminalization," where possession remains a misdemeanor. In the early days of Prohibition, wets were cautious and sought half-measures like partial repeal. In the end, they won total repeal. December 5 is a good day for cannabis advocates to remember not to lower their sights.

Berkeley JJ wins: Voters back dispensaries overwhelmingly

By Roger LaChance Cannabis Action Network

Berkeley CA voters approved Measure JJ Nov. 4 by a margin of 62.3 to 37.7 percent; a clear mandate for safe access that has essentially established Berkeley as the first self-regulating, medical cannabis city. Attorney James Anthony and Becky DeKeuster headed up the "Yes on JJ Campaign," garnering a margin of victory of more than 10,000 votes.

This unique legislation maintains the limit of three operating dispensing collectives within Berkeley, and introduces a process by which collectives can relocate within the city. Currently, collectives are permitted by the city, but JJ forms an oversight committee of representatives from each collective to draft guidelines for relocation, and to authorize such a move if an applicant adheres to them.

In addition under JJ, Berkeley residents may cultivate and possess quantities of cannabis appropriate to each patient's needs, thereby overturning previous, arbitrary limits. This is also a victory for voters' rights to a recount. When Measure R was reported to be narrowly defeated in 2006, the Registrar of Voters had no meaningful data from its *Diebold* electronic voting machines to recount. A court ruled the results unconstitutional, and put Measure JJ on the 2008 ballot. *Diebold* machines were decertified by the Alameda County Board of Elections in 2007.

Cops say, 'Same problem; same solution'

By Kristin Daley LEAP

This marks the 75th anniversary of the repeal of alcohol prohibition, after more than a decade of what many refer to as a "noble experiment." As Prohibition ran its course, so did the progression of problems inherent to it: an underground illegal market, organized crime, economic hardship, violence, death, disease and corruption.

Looking back on nearly 40 years of the US drug war, it is clear that drug prohibition must be repealed for the same reasons alcohol prohibition was repealed.

Alcohol prohibition placed undue strain on already strapped government budgets, overburdened the court and prisons, and fueled organized crime via the bootlegging industry. By the time it was repealed in 1933, the US was in the throes of the Great Depression. Booze was readily available the whole time; in fact, alcohol poisoning and alcohol-related death due to overdose or unregulated mixtures of black market liquor reached new heights.

Instead of learning from history's mistakes, drug prohibition has mimicked alcohol prohibition, and its consequences are much more devastating. Since the inception of the Drug War, we have spent more than one trillion tax dollars enforcing this failed public policy, yet drugs are cheaper, more potent, and easier to get than ever before. We have seen 39 million arrests for nonviolent drug offenses- our court systems are overwhelmed and prison building

is our fastest-growing industry. In the midst of an economic crisis, while we fight this futile war, the black market drug trade continues to thrive because prohibition gives the criminals all the control. Drug prohibition is the reason- not the solution- for the prevalence of illegal drugs and rampant drug-related crime.

The legalization and regulation of drugs would end the black market drug trade just as the regulation and taxation of alcohol ended bootlegging. The result would be a public policy that is far more effective, more ethical, less damaging and less costly than the war on drugs.

America repealed prohibition once and we can do it again. Law Enforcement Against Prohibition marked the anniversary of the alcohol prohibition repeal by releasing a report on the real costs of drug prohibition and its parallels to alcohol prohibition. The report was released at a Washington, DC press conference on Dec. 2, and will be delivered to the new administration and the 111th Congress. In addition, LEAP speakers around the country will spread the message, "Same problem, same solution — we can do it again. Repeal drug prohibition now."

Law Enforcement Against Prohibition is an international organization of members of the law enforcement and criminal justice communities who are speaking out about the failures of our current drug policies. Although those who speak publicly for LEAP are law enforcement and criminal justice professionals, a large number of our supporting members do not have law enforcement experience.

To join LEAP, please visit www.leap.cc.

Effect of the Federal *Raich v Gonzales* decision

By Robert Raich Esq.

While the Supreme Court's 2005 opinion of *Gonzales v. Raich* has been widely discussed, the precedent established by the Ninth Circuit Court of Appeals' opinion in 2007 of *Raich v. Gonzales* and its lasting effect on patients is not. There are actions some patients can now take to provide protection for themselves under federal law.

On remand from the Supreme Court, the Ninth Circuit decided a remaining issue in the *Raich* case: the applicability of the Common Law doctrine of medical necessity to individual patients.

In *Raich*, the Ninth Circuit ruled that an individual patient could indeed invoke medical necessity to prevent criminal liability, but that the doctrine could not be used in a civil case to enjoin some theoretical future prosecution.

Patients who fear prosecution by the federal government can take steps that could quickly release them from custody or permit their use of cannabis while in custody or during the early stages of a criminal prosecution.

The needed evidence should be gathered ahead of time; it may be difficult or impossible to obtain the necessary documentation from a patient in custody quickly. The information should be in writing, for potential use in proceedings where testimonial evidence may not be required or even allowed. Evidence to have ready must include written declarations from the patient and their doctor, signed under penalty of perjury.

These declarations should state facts sufficient to satisfy all four elements of the medical necessity doctrine, as set forth, for example, in footnote 2 of the Supreme Court's *OCBC* opinion: Evidence would need to demonstrate that the patient (1) has a serious medical condition, (2) would suffer imminent harm if denied access to cannabis, (3) needs cannabis to treat their medical condition or to alleviate its symptoms, and (4) has no reasonable legal alternative to cannabis because they have tried all legal alternatives and found them to be ineffective or to result in intolerable side effects.

These precautions are only appropriate for patients who can satisfy all four points of the doctrine and who fear for their lives or health if denied access to cannabis by law enforcement. For such patients, having the necessary documentation ready could save precious time if that patient's health is deteriorating in custody.

The totality of the factual record in the *Raich* case, in both the Supreme Court and the Ninth Circuit, consisted of nothing but written declarations from the patients and their physicians. Some of those declarations were detailed and lengthy, and preparing them took some time.

The Ninth Circuit's rulings are binding precedent in the nine states and two territories that comprise the circuit, including the entire West Coast, but those opinions are persuasive authority throughout the country as interpretations of federal law.

Robert Raich took both the OCBC and Raich cases to the Supreme Court. He has expertise in medical cannabis law, business law, political law, and lobbying.

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National and International Reports

Dutch going both forward and backward on cannabis

Nearly a fifth of Amsterdam's cannabis coffeeshops will be closed to comply with a national ban on having them near schools, Mayor Job Cohen said Nov. 21. Meanwhile, Mayor Rob van Gijzel said his city plans to start issuing permits to growers so as to better regulate the *gray area* or *back door* of the trade — if the national government lets it.

The plans were announced at the "weed summit" that 33 major Dutch cities held in Almere to discuss the nation's long-standing policy of tolerating use but arresting growers. More than a quarter of Dutch cafes are in Amsterdam, where they are a major tourist attraction. Letters have been sent telling 43 city coffeeshops — including the famous Bulldog — located within 250 meters of a school to close by the end of 2011, spokeswoman Iris Reshef said. She added that the city did not have any major problems with the cafes, and they can appeal the decision.

World's oldest cannabis stash found in ancient Chinese tomb

A shaman's leather basket and wooden bowl containing 789 grams of still-green cannabis, apparently intended to maintain him in the afterlife, was uncovered from an ancient tomb in the remote reaches of China. Researchers reported Nov. 27 in the *Journal of Experimental Botany* that they believe the cannabis to be about 2,700 years old, that it had been a high-THC variety that was clearly "cultivated for psychoactive purposes," not simply as fiber or food-grain crop. The researchers said that the corpse had been a light-haired, blue-eyed Caucasian man, likely a shaman of the Gushi culture, near Turpan in northwestern China. Remnants of cannabis have been found in the ancient Middle East, Egypt, Europe and Asia, and the substance has been referred to by authors including Greek historian Herodotus and Roman physician Dioscorides, who coined the term *Cannabis sativa*, later adapted by Carl Linnaeus as the plant's scientific name.

Cannabis researcher Lucas joins City Council of Victoria BC

The founder and director of *Vancouver Island Compassion Society* (www.thevics.com), a non-profit medical cannabis research, distribution and advocacy organization, was elected to the British Columbia (Canada) provincial capital's city council. Philippe Lucas, a federally-authorized cannabis patient and leading voice on national policy and practice, ran on a Green Party platform focused on homelessness and harm reduction. "I'm extremely pleased and honored that the citizens of Victoria have come out in favor of more caring, creative and compassionate approaches to our most pressing social issues," said Lucas. "This victory shows that cannabis use does not restrict a person's ability to contribute to his community's health and well-being."



UK to adopt harsh new anti-cannabis laws, despite drop in use

Some of Britain's top scientists condemned a government push to toughen penalties for possessing cannabis, saying in an open letter published Nov. 25 that the move ignores scientific evidence. The House of Commons, Britain's powerful lower house, had approved the measure previously and the Lords voted to do so Nov. 26. The Home Office said it expected the change to go into effect in January to reverse the relaxation of British cannabis laws as adopted in 2004 and ignore the recommendations of the Advisory Council on the Misuse of Drugs. The chief architect of the drive back to the 20th century drug war is former pot-smoker and current hypocrite, Health Secretary Jacqui Smith. Studies show that since it was downgraded in 2004, cannabis use has fallen in the UK.

Mexico's former top narc charged; brickweed continues to flow

Federal prosecutors in Mexico arrested the former head of one of the nation's top anti-drug campaigns, Noe Ramirez Mandujano, for taking \$450,000 in bribes to protect drug shipments, said Attorney General Eduardo-Medina Mora Nov. 21. The arrest took place amid a bloody, military drug war being waged by President Felipe Calderon's administration that has left more than 4,000 people dead this year. A few days later, some 7,300 pounds of cannabis, with an estimated street value of \$3.3 million, was seized by custom agents Nov. 25 from two vans at the Otay Mesa Port of Entry in San Diego CA. The van drivers, both Mexican nationals, were arrested and taken to the Metropolitan Correctional Center in downtown San Diego, said a spokesman for US Customs.

Switzerland again fails to change its national cannabis laws

A successful government-sponsored heroin maintenance program for addicts was overwhelmingly approved by Swiss voters Nov. 30 as they simultaneously rejected cannabis decriminalization. Sixty-eight per cent of voters approved making permanent the heroin program, credited with reducing crime and improving the health and daily lives of addicts since it began 14 years ago. However, only 36.8 percent favored the cannabis initiative.

THE FREER THE SMOKE, THE TIGHTER THE LEASH — As the Dutch bring cannabis to a more established footing, the coffeeshop owners find themselves subject to tighter regulations and controls. Nol van Shaik (center) and friends check out his Haarlem shop. West Coast Leaf photo.



Mass voters decriminalize ounce or less

Continued from page 4

rhetoric of the opposition and instead chose to make this simple change of law.

Question 2 was written to fit smoothly into the current law and legal systems — a fact that has been recognized by District Attorney William Bennett of Hampden County, who announced he will drop pending charges of simple possession of small amounts of cannabis. And the original proponents are fully committed to continuing our efforts to help create a sensible cannabis policy for MA and ensure that the will of the voters is followed.

Unfortunately, judging from post-election news reports, that doesn't appear to be the direction some opponents have taken so far. Rather than accepting the new law, which treats adult possession of an ounce or less of cannabis as a civil violation carrying a \$100 fine, some law enforcement rep-

resentatives seem stuck in campaign mode, still raising doubts about the initiative rather than moving forward.

While the passion with which state district attorneys and other officials fought Question 2 cannot be denied, the fight is over. Their duty now is to carry out the voters' will responsibly and effectively. The will of the people has been recognized by Massachusetts Gov. Deval Patrick and Speaker of the House Salvatore DiMasi, as they both indicated their commitment to implementing the change after its passage.

The passage of Question 2 does not only indicate that the people are ahead of the politicians in recognizing the need for more sensible cannabis policies, it demonstrates that politicians can start having more open, honest discussion about cannabis policy without fearing a loss in the next election. Question 2 will hopefully open the door for policymakers across the US to start looking beyond punishment, rhetoric and politics and start working on cannabis policies that reflect the will of the people and the common goals of a healthier and safer society.

Revolutionary 1968

By Pebbles Trippet

The year 1968, 40 years ago, was one of the most significant of the last-half century — a climax of the exuberant political optimism of the era. There were four great events in four different parts of the world that involved some sort of uprising or staking a claim said to "belong to the people," i.e., the Vietnamese, Czechoslovaks, French workers and American students.

- The Tet Offensive gave the Vietnamese a new edge in the war and showed the American people and the world that superior firepower was not enough to "pacify" the Vietnamese and win the war against SE Asia.
- Prague Spring saw a democratizing of Czechoslovakian society with workers' collectives, and people allowed to debate issues and take an independent course under President Dubcek ... and under the influence of pure mind-expanding LSD made in Sandoz labs, as theory holds, before Soviet tanks arrived to crush the uprising for self-determination.
- Ten million French workers went on strike for three months with massive, independent student support and brought the government to a standstill without a single shot being fired, with workers in the south of France minting their own money and taking over truck routes — a genuine division of power situation.
- Students at Columbia University (NY) went out on strike, occupied the chancellor's office, took over the campus & demanded reform

This was also the year of a massive national Peace March on Washington; with anti-draft momentum building, draft cards burning, Buddhists self-immolating and the world in flux. Martin Luther King and Presidential candidate Robert Kennedy were assassinated; Nixon won instead, and launched the drug war.

In 1969 Yippies protested the expanding war in SE Asia. Demonstrators linked arms, surrounding & symbolically levitating the Pentagon in a united protest against the war-machine, not just the war. In 1970, Ohio National Guard fired on Kent State anti-war students, with four killed. The draft ended in 1971 and the Vietnam War in 1974, marking the end of an era we still honor 40 years later. Yet the Drug War drags on and on.

What the new Mass law does

By Michael Cutler Esq.

The new Massachusetts decrim law will be in effect before January. Then people found in possession of an ounce or less of cannabis no longer will be subject to arrest, detention or jail sentences for a first or any subsequent violation of the marijuana laws. The new law also protects civil violators from loss of other civil rights, such as access to public housing and a drivers license or professional license, although use that risks public safety (driving while intoxicated, or intoxicated performance of a professional service designed to protect public health or safety — surgery, for example) remains a basis for possible license revocation.

Possession remains illegal; failure to pay the fine for violation of the possession law is a criminal offense with a risk of detention and jail. All other marijuana laws remain in force.



"When I was a kid I inhaled frequently. That was the point."
—Barack Obama, 2007

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'Marijuana Boot Camp' for activists draws 100s

By **Anne Catto** Outreach Director, SAFER

The concepts of marijuana and boot camp seem poles apart, yet the first-ever "Marijuana Boot Camp" held recently in Colorado was an enormous success.

More than 300 citizens from across the state attended the daylong event at Regis University, Denver, to receive professional activism training and other tools to take home and implement in their communities. Safer Alternative For Enjoyable Recreation (SAFER) and Sensible Colorado organized the boot camp, which was free and open to the public.

"Marijuana Boot Camp was designed to be a launch pad for citizen activism and reform efforts throughout the state in 2009 and beyond," said SAFER Executive Director Mason Tvert. "We are forming an army of supporters who will educate Colorado communities about the fact that marijuana is safer than alcohol, and build support for laws that reflect that fact."

Boot camp sessions and panels focused on strategy, communications, citizen lobbying, grassroots outreach, the media, and the nature of state and local marijuana laws. Panelists included the recently elected House Majority Leader of the state legislature, a Denver City Council member, policy analysts from "left-" and "right-wing" organizations, journalists, advocacy and communications professionals, and a biology professor/ researcher.

A variety of groups and organizations participated in the boot camp, including several members of Colorado's burgeoning medical cannabis industry, as well as the ACLU of Colorado and the Colorado Criminal Justice Reform Coalition.

The event built on the 630,000-plus Colorado voters who supported a 2006 initiative to remove all state penalties for private adult cannabis possession, as well as the growing majority that approved two similar initiatives in the state's capitol.

"Colorado is already far ahead of the national curve when it comes to citizens' attitudes and the efforts surrounding marijuana law reform," said Tvert. "This event will expand on those positive attitudes, fuel even more efforts across the state, and quicken the pace toward safer, more sensible laws in Colorado and beyond."

SAFER and Sensible Colorado have yet to announce any specific ballot initiatives or other legislative efforts for 2009. They have signaled that at least one or more local initiative efforts are likely, and that they hope the recent success of the



Mason Tvert (left) of SAFER with Oaksterdam University founder Richard Lee. West Coast Leaf.

Marijuana Boot Camp will lend to another statewide initiative effort in 2010 or 2012.

Visit SAFERchoice.org for information on SAFER, or SensibleColorado.org for more info on Sensible Colorado.

Keeping pressure on the Obama administration for real reform

Continued from page 1

policies and give a fair hearing to the mounting scientific evidence for reform. To this end, advocates are urging the administration to staff the Office of National Drug Control Policy with directors who have a background in public health, addiction and treatment rather than law enforcement or drug war advocacy.

Advocates are particularly hopeful that the administration can be persuaded to lift restrictions on cannabis research. In particular, they are pressing for DEA to stop blocking a license for a medical cannabis research garden at the University of Massachusetts, and for NIDA to unblock access to research cannabis by approving a vaporizer research protocol by California NORML and MAPS. Both projects have been stalled for five years.

Beyond this, advocates are urging the administration to approve a pending petition to reschedule cannabis for medical use. The petition, filed by a coalition of patients and reform groups, has been stalled by the Bush administration for six years. A likely response for Obama would be to appoint an inter-agency commission to review the status of medical cannabis, with the ultimate resolution taking several years.

In the longer run, cannabis advocates are urging Obama to give serious consideration to decriminalization, a policy he supported as a State Senator. However, prospects for any such move remain distant. Despite recent electoral victories for cannabis in Massachusetts and Michigan, there is little inclination in Congress to change cannabis laws.

Initial indications are that cannabis reformers may have a tough row to hoe. Leading Obama advisors, including Chief of Staff Rahm Emanuel and Vice-President Biden, have a record of hostility to reform. The directors of Obama's transition team for ONDCP are Christopher Putala, an ex-staffer for Sen. Biden's Judiciary Committee who helped write anti-drug bills, and Donald Vareen, who opposed medical marijuana while working in Drug Czar McCaffrey's office.

The DEA has shown no signs of letting up during the Obama transition, having raided the Garden of Eden, a licensed dispensary in Alameda County, nine days after the election. Marijuana advocates must apply pressure to take advantage of Obama's opening for change. Make your views known at: change.gov/page/s/yourvision or via canorml.org.

New energy at national SSDP student conference

By **John Perri** SSDP Western Outreach Director

Students for Sensible Drug Policy celebrated 10 years of drug policy reform with the organization's *Tenth Annual International Conference and Alumni Reunion* Nov 22-23 at the U of Maryland. The conference brought together nearly 500 students from across the US, Canada, and the UK; the largest conference in the group's history.

The conference kicked off on capitol hill where hundreds of students met with their representatives to lobby in support of legislation that would remove the crack and powder cocaine sentencing disparity. For many SSDP members this was their first experience lobbying.

Educational panels and workshops were led by drug policy activists, organizers, and public officials such a Mayor Cheye Calvo of Berwyn Heights, MD, whose home was raided this summer by a drug task force in a botched marijuana bust that left the his two labradors dead. SSDP's University of Maryland chapter immediately reached out to the Mayor and provided support and he thanked them for this during a panel on SWAT Drug Raids.

There were many new faces and equally gratifying was the response from SSDP's alumni network, some of whom go back with SSDP since its inception in 1998.

California chapters in particular, had a large presence at the conference. Chapters from UC Berkely, UCLA, UC Irvine, UC San Diego, Pitzer College, and others traveled across the country to network with each other, lobby their representatives, and improve their knowledge of drug policy and activism. SSDP's California chapters will be working together to pass life saving Good Samaritan Policies on their campuses and also working to protect students that use medical marijuana from being expelled from school for using their medicine.

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West Coasterdam Calendar & Directory



Cannabis expert witness and publisher of West Coast Leaf Chris Conrad (left) was presented Freedom Fighter of the Year Award Oct. 4 by Bruce Margolin, director of Los Angeles NORML. West Coast Leaf photos.



Rebecca Kaplan was elected to the Oakland City Council Nov 4 on a platform with strong support for cannabis as a source of culture and tax-generating business for the California city. West Coast Leaf photo.



CALIFORNIA PROGNOSIS — Don Duncan of Americans for Safe Access, Debbie Goldsberry of Berkeley Patients Group, Aaron Smith of Marijuana Policy Project and Dale Gieringer of California NORML (l-r) presented their perspectives on the future of cannabis reform in the state through a variety of legal, activist and legislative initiatives. The discussion was part of the annual National NORML Conference held in San Francisco Oct. 16-19. West Coast Leaf photo.

Upcoming events

Dec. 12, Holiday Benefit for ASA, SF, CA

8pm at the Cafe Cocomo, 650 Indiana St. @ Mariposa, San Francisco CA. Live music, DJ's, dancers, and various forms of holiday cheer. \$25 at the door; VIP tickets \$75 includes dinner for one and two drinks

Dec. 13, Medical Cannabis Awards, OR

10am – 10pm, Ambridge Events Center, 300 NE Multnomah Ave, Portland, OR. A full day of vendors and presentations, including our Hemp & Sustainable Clothing Fashion Show followed by medical strain evaluation. Registered growers submit samples that are graded by a panel of patients. Trophies and ribbons are awarded at a gala banquet that evening, tickets at door. www.ornorml.org

Jan 6, 2009 Oaksterdam University

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Ray Manzarek, right, keyboardist for the 1960s rock band The Doors, with Michael Aldrich, PhD, cannabis historian, after speaking on a cannabis culture panel at NORML. Photo by Michelle Aldrich.

April 20, Fabulous 4/20 events

TBA. Stay tuned, check with local groups.

May 2, Global/Worldwide Marijuana March

See globalmarijuanamarch.com and world-wide. See marijuanamarch.org for locations and a city near you.

June 4, MPP Party at the Playboy Mansion

MPP's 4th Annual Party at the Playboy Mansion. See mpp.org for details.

Aug. 15-16, Seattle Hempfest, WA

Myrtle Edwards Park, Seattle. See www.hempfest.org for details.

Oct 2-3, IACM Conference, Germany

5th Conference on Cannabinoids in Medicine,



Ngaio Bealum, editor of *West Coast Cannabis* magazine, welcomed the sold-out crowd to the Harvest Dance in Sebastopol CA Nov. 15. The event, hosted by Peace in Medicine. Sponsors say that the annual event may have outgrown its venue, so people should watch for a new location to be announced next year.

Cologne. The International Association for Cannabis as Medicine would like to invite you to the 2009 Meeting of the IACM on Friday and Saturday, Holiday Inn. More info cannabis-med.org

October 2009: Wonders of Cannabis

San Francisco and New York dates, venues TBA.

Nov. 11 - 14, Reform Conference, NM

The International Drug Policy Reform Conference, drugpolicy.org. Albuquerque, NM. hosted by Drug Policy Alliance. At the Albuquerque Convention Center, Albuquerque, NM. For



YO-HO-HO AND A BOWLFUL OF BUD — Ed Rosenthal donned a 4-Leaf Admiral's uniform for the annual Wonders of Cannabis festival in San Francisco Oct. 25-26. This year the celebration added a New York show Nov 29.

more info, contact sjones@drugpolicy.org or see www.drugpolicyevent.com

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 * Recommended for attorneys, physicians, people with legal life experience handling cannabis. Degree in sciences helpful, but not necessary.

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COOL MADNESS
 The Trial of Dr. Mollie Fry and Dale Schafer
 by Vanessa Nelson

BOOKS BY VANESSA NELSON

In 2003 former "High Times" columnist Ed Rosenthal was convicted for growing and distributing medical marijuana, an activity legal under California law, but illegal under federal law. The jurors, who were prevented from hearing about California law, staged a revolt after learning that they had convicted a medical grower. Their public outrage matched the response of the activist community and pressured the judge into handing down a remarkably light sentence of just one day in jail, time Ed had already served. Coming 4 years after the original guilty verdict, the re-trial packs a heavier punch than ever before. During repeated outbursts in the courtroom, the loquacious defendant alternately ridicules his prosecutor and demands that his judge step down from the bench. The bombast becomes infectious, and soon everyone is speaking his mind in court, from outraged prospective jurors to righteous witnesses who refuse to testify. By the end, even the defense attorneys are threatened with jail time for contempt.

U.S. vs. Ed Rosenthal 2.0
 The re-trial of the Ganja Guru
 by Vanessa Nelson

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HEMPY HOLIDAYS AND A MARI 2009!

— This festive image from Lifevine in Washington reminds one and all that yet another year of cannabis prohibition has passed and the future of adult legalization and regulated markets is one year closer to being realized. Photo by Martin Martinez.



Time Passages

Scott Day, patient fought for justice in Montana courts

Scott Day, a brave, severely disabled Montana patient facing legal charges for exercising his right to use medical marijuana under the state law, died suddenly on Sept. 9, 2008. Scott suffered from *mucopolysaccharidosis*, a rare congenital disorder that spawned diverse and severe, unrelenting physical pains and other problems. Scott is survived by his wife and co-defendant, Summer Dawn Day.



Tragically, Scott's final months were spent unfairly burdened by extra fear and anxiety, borne entirely of the state government's prosecution of him and Summer for growing, in the privacy of their own home, the legal medicine they needed to relieve their medical conditions.

Dane Wilkins, Nor-Coast NORML

Dane Wilkins passed away on Nov. 19, 2008. The founder of North Coast NORML, he won respect from both friends and foes for his thoughtful, fair-minded advocacy for reform in Mendocino County; an activist for peace and for patients' rights. In 1986 he walked across the US with the *Great Peace March* for global nuclear disarmament. He is survived by his wife Elise Wilkins of Ukiah, daughters Jessica Osborn and Sasha Wilkins of Ukiah, sons Eli Derzay of Lopez, Washington and Jordan Osborn of Ukiah, sister Janet Freeman, brothers Charles, Kit and Creighton Wilkins and "adopted" mother Lola Moore.

Peter Camejo, Green Party

Peter Miguel Camejo, 68, civil rights leader, socially responsible investment pioneer, and champion of US third party politics, passed away from lymphoma Sept. 13 peacefully at his Folsom, CA home with his wife Morella at his side. A leader in the socially responsible investment industry.

Camejo was a repeat third party candidate for state and national office on a platform that promoted cannabis reform. He made three California gubernatorial runs as a Green. He was Ralph Nader's running mate in the 2004 Presidential race.

Mitch Mitchell, drummer for the Jimi Hendrix Experience

Mitch Mitchell, 61, frenetic percussionist and last surviving member of the *Jimi Hendrix Experience*, died of natural causes

Nov. 12 in Portland OR. Bassist Noel Redding died in 2003. Bandleader / rock-legend guitarist Jimi Hendrix died in 1970.

The psychedelic power trio's songs included various references to cannabis, including *Stone Free*. In *Rainy Day, Dream Away*, Hendrix mimics talking while holding a hit, saying, "I see what you mean, brother; lay back and groove." *Are You Experienced* ends with the lyric, "not necessarily stoned; but beautiful." Mitchell combined jazz motifs with a driving beat that held together the band's explosive sound.

Prof. Charles Whitebread, author, cannabis historian

Professor Charles Whitebread, author of *The Marijuana Conviction*, the first comprehensive history of American cannabis law and policy, passed away Sept. 16, 2008. He also published other interesting and oft-cited work during the 1970s on American legal history regarding drugs. Some of his work is posted at druglibrary.org.

The Forbidden Fruit and the Tree of Knowledge: An Inquiry Into the Legal History of American Marijuana Prohibition opens: "Law may be rooted in fiction as well as fact. Indeed, a public policy conceived in ignorance may be continuously reaffirmed, ever more vehemently, so long as its origins remain obscure or its fallacy unexposed." *The History of the Non-Medical Use of Drugs in the US* was a speech based on *Forbidden Fruit*. He published a 2000 article called "Freeing Ourselves from the Prohibition Idea in the 21st Century."

Memorium: Moscone Act's author

George Richard Moscone (Nov. 24, 1929 – Nov. 27, 1978), author of the 1976 *Moscone Act* that made possession of under an ounce of cannabis a \$100 misdemeanor in California, was assassinated 30 years ago in San Francisco with Supervisor Harvey Milk, subject of the new film, *Milk*.

Moscone was an attorney, Democratic politico, and San Francisco mayor from 1976 until his death. He served in the State Senate from 1967, then as Majority Leader until becoming Mayor.

The Moscone Act's immediate effect upon passage in July 1975 was to reduce the number of felony marijuana arrests by 13,840 from their 1974 level, and by another 66,473 arrests in 1976. In two years felony marijuana arrests dropped from nearly 100,000 to fewer than 20,000.



Local and regional meetings

Berkeley Students for Sensible Drug Policy, Tuesdays at 7:30 at 87 Dwinelle Hall at UCB. Contact Rishi at rmalhotra@berkeley.edu or call 951-543-6257 to confirm time and place.

California Coalition Against Prohibition, fourth Thurs/ month, 7 PM, 1734 Telegraph Ave. Oakland, rraich@sbcglobal.net

Compassionate Coalition, Sac. third Tues/ month 7 PM at Crusaders Hall 320 Harris Ave, # H Sacto, Nathan@compassionatecoalition.org.

Marijuana Anti-Prohibition Project Coachella Valley Area MAPP meets first Sat / mo. 3 PM, location TBA. Call Lanny at 760-799-2955.

Western Inland Empire Area MAPP, first Wed / mo., 7:30 PM, THCF Medical Clinic, 647 Main St. in Riverside, CA 92501

High Desert Area MAPP, third Wed/mo. at 6:30 p.m. at the Castle Inn, 1388 N. Golden Slipper near Landers 92285. Lanny 760-799-2055

Oakland Cannabis Regulation and Revenue Oversight Committee third Thurs/ mo. 6 PM, City Council Chambers, City Hall. Pre-meet at Bulldog Coffeeshop, 1739 Broadway.

Orange County NORML meets in Fullerton call 1-877-OC NORML for info., ocnorml.org

Pitzer College (Claremont, CA) SSDP Mondays at 7 PM, Gold Student Center, Room 108, Contact bennett.cross@gmail.com

Santa Barbara UCSB NORML meets every Wed 7 PM, South Hall 1431, UCSB

SF Axis of Love Every Tues 4pm, 223a Ninth St. at Howard, SF. axisoflovesf@gmail.com

Local and regional Americans for Safe Access meetings

East Bay ASA meets fourth Wed/mo. 7 PM, at ASA headquarters, 1322 Webster St, #402, in Oakland. Contact george@safeaccessnow.org.

Fresno ASA meets second Mon/ mo. 6 PM at Full Circle Brewing Co, 620 F St., Fresno. Contact Diana Kirby at 559-449-1654 for info.

Humboldt County ASA meets third Thurs/mo. 6 PM in comm. rec room at Bayview Courtyard Senior Housing at 550 Union St., Arcata. asa-humboldt@sbcglobal.net, 707-445-8154.

LA ASA 3rd Sat, 1PM, Patient ID Center, 470 S. San Vicente Bl, LA. Don@safeaccessnow.org

Lake Co. ASA, Contact Donna 707-263-4443 LakeCoASA@msn.com

Marin ASA meets second Wed/mo. 7 PM, at Scott Candell Law, 4040 Civic Center Dr., San Rafael Contact Scott: candell@sflgalhelp.com

Orange County ASA second Wed / mo.. 4631 Teller Avenue, Suite 100, Newport Beach, OCLawyer@aol.com, 949-752-7711

Sacramento ASA first & third Tues/ mo. 7 PM, Crusaders Hall, 320 Harris Ave., Suite H, Sacto Lanette 916-924-3455, cannacare@earthlink.net.

San Diego ASA second Thurs / mo. Location TBA. Dion at 4cccp@cox.net.

San Francisco ASA second & fourth Tues 7:30-9pm, Bowers Pizza on 11th St, SF, subject to change. Contact: brent_saupe@yahoo.com

Santa Barbara ASA, Contact Jennifer at 805-637-5365 or jenniferln@gmail.com.

Sonoma ASA first Thurs/mo. 5 PM, Dept. of Health-So City View Rm., 625 5th St, Sta Rosa. Terri 707-332-6556, asasonomaco@aol.com

Reform organizations of interest

AMERICANS FOR SAFE ACCESS safeaccessnow.org / A patient support network. 510-251-1856

AXIS OF LOVE SF/ Activist Resource Center Patients organizing for their rights and access 223 A 9th St, SF, 415-240-5247

CALIFORNIA NORML canorml.org/ 510-540-1066 dale@canorml.org

CANNABIS ACTION NETWORK cannabisactionnetwork.org/ 1605 Ashby Ave, Berkeley. 510-486-8083

CANNABIS CONSUMERS CAMPAIGN www.cannabisconsumers.org/ Come out of the closet to stand up for equal rights.

CIVIL LIBERTIES MONITORING PROJECT civilliberties.org/ monitors police eradication abuses, etc., to protect civil rights in the CA northcoast, 707-923-4646

DRUG REFORM COORDINATION NETWORK www.stophedrugwar.org/ drcnet.org, global support network for drug policy reformers with weekly analysis

DRUG POLICY ALLIANCE drugpolicy.org/ DPA works on drug policies based on science, compassion, health, human rights and a just society free from prohibition.

DRUG POLICY FORUM OF CA Listserve for Cal cannabis / drug war issues. To sign up: drugsense.org/dpfca/list.htm

DRUGSENSE www.drugsense.org/ A daily compilation of drug-related news excerpts.

DRUG TRUTH NETWORK www.drugtruth.net/ Radio shows: Cultural Baggage and 4:20 Drug War News, interviews

DRUG WAR FACTS www.drugwarfacts.org/ Just the facts.

FAMILIES AGAINST MANDATORY MINIMUMS www.famm.org/ Advocates an end to harsh, unjust sentencing laws and prisoners/families affected by them

FAMILY COUNCIL ON DRUG AWARENESS www.fcda.org/ Accurate information on effects of various drugs and drug policies. Downloadable PDFs to print and hand out.

GREEN AID www.green-aid.com/ Marijuana Legal Defense and Education Fund, Inc.

HARM REDUCTION COALITION www.harmreduction.org/ works to reduce drug-related harm by programs such as clean needle exchange.

HEMP INDUSTRIES ASSOCIATION www.hempindustries.org/ The HIA is a non-profit trade group representing hemp companies, researchers and supporters.

HUMAN RIGHTS AND THE DRUG WAR www.hr95.org/ Photo display of Drug War POWs, analyzes human rights abuses

LAW ENFORCEMENT AGAINST PROHIBITION www.leap.cc/ Current and former members of law enforcement who support drug regulation

rather than prohibition.

LEGAL SERVICES FOR PRISONERS w/ CHILDREN www.prisonerswithchildren.org/ Advocates for the human rights and empowerment of incarcerated parents, children, family members and people at risk for incarceration.

MARIJUANA POLICY PROJECT MPP www.mpp.org/ national membership org. focuses on removing criminal penalties for cannabis through initiatives and legislation

MENDO MEDICAL MARIJUANA ADVISORY BOARD. mmmab.net/ coalition with a Northern CA network. PO Box 2555 Mendocino 95410. info@mmmab.net.

MEDICAL MARIJUANA PATIENTS UNION PO Box 2059 Ft Bragg 95437, 707-964-9377. pebblestrippet@sbcglobal.net. Patients' Rights Network; Highway litter pick-up service.

COMMUNITY ACTION COALITION 115 North State Street #1 Ukiah 95482 707.467.3888.

MEDIA AWARENESS PROJECT mapinc.org/ Have your voice heard; MAP has helped generate millions of letters to the editor. Help gather news for their clearing house.

MOTHERS AGAINST MISUSE AND ABUSE mamas.org/ honest, responsible drug education

MAPS www.maps.org/ Multidisciplinary Association on Psychedelic Studies, 10424 Love Creek Rd., Ben Lomond, CA 95005, 831-336-4325, 501c3 does studies on cannabis, psychedelics.

NORML www.norml.org/ National Organization for the Reform of Marijuana Laws. The original membership activist group; info, legal referrals and annual convention. 202-483-5500

NOVEMBER COALITION www.november.org/ National support group for Drug War POWs. Publish *The Razor Wire*.

OREGON GREEN FREE Educational non-profit about the OR Medical Marijuana Program. oregongreenfree.net

OREGON NORML www.ornorml.org

PATIENT ADVOCACY NETWORK panorg.blogspot.com.

SAFER www.saferchoice.org/ Safer Alternative For Enjoyable Recreation. PO Box 40332, Denver CO 80204, mason@saferchoice.org

STUDENTS FOR A SENSIBLE DRUG POLICY www.ssdp.org/ Students seeking to reduce the harms caused by drug abuse and drug policies.

VOTEHEMP votehemp.com/ Industrial, horticultural hemp.

VOTER POWER (OREGON) voterpower.org 503-224-3051, Portland. 541-245-6634, Medford

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Inside The Doob Tube

With CelebStoner's Steve Bloom

By Steve Bloom*

TV's a great place to trawl for celebrity quotes about marijuana and other drugs. For instance, just four days before the presidential election, **Bill Maher** joked on his *Real Time* show, "You know, a year ago if you had told me that the next president was going to be a black liberal, I would've said, 'Stop bullshitting me **Woody Harrelson** and pass that bong.'"

Maher's always good for pot quips whenever *Real Time* is in on the air. With the economy tanking, Maher got right to the pot... er, point: "We are in desperate need of profitable industries that we can tax. Now, can we legalize pot?"

One of Maher's newest rules had to do with incense causing cancer. "If you're gonna burn something and inhale it," he deadpanned, "it might as well as be getting you high."

Conan O'Brien's Late Night show regularly provides a platform for stony guests like **Dennis Hopper**, who told O'Brien after the election, "When Warren Beatty announced he was gonna run for president I called him and said I'd make a great vice president. I could supply you with all the vice you need. He thought twice about that. Ha, ha."

On another night, **Willie Nelson** – who turned 75 in April – informed O'Brien that he'd celebrated his birthday in Amsterdam: "I was touring, and I always start my tours in Amsterdam when we tour Europe. We do stop back in Amsterdam on the way back. We have a lot of fans there."

O'Brien gave Nelson the opportunity to express his well-known opinions about marijuana. "I think it's ridiculous to put

people in jail for smoking pot when they're smoking cigarettes, drinking whiskey, everything else that would kill you, but you can't smoke pot." Nelson paused for emphasis. "I don't think that's right."

Also on Conan, the **Black Crowes** performed with singer **Chris Robinson** wearing a pot-leaf patch on his jeans.

During a visit to *The Tonight Show*, Jay Leno asked *Pineapple Express* star **Seth Rogen** about the party structure in his home country. "There are three parties in Canada," Rogen eagerly explained. Conservative, Democrat and Liberal.

They [the Liberals] want to legalize pot, so that's who I vote for consistently."

You're probably familiar with all of the CelebStoners mentioned so far. But do you know **Steve Hofstetter**? He's one of many stand-up comics who devote big chunks of their acts to drug humor. On *The Late Late Show with Craig Ferguson*, Hofstetter offered his take on the gateway theory:

"The last time I was Los Angeles was to do a show for *High Times* magazine. I did the show because I feel the government's stance on marijuana is hypocritical. I didn't want to do the show at first because when I was a kid all they told me about pot was that it's a gateway drug. I was afraid if I started telling pot jokes I could end up telling heroin jokes and start doing jokes about cocaine – and end up in an alley trading sex for punchlines..."

* Steve Bloom is co-author of *Pot Culture: The A-Z Guide to Stoner Language & Life*. Read all about celebrities and drugs at *CelebStoner.com*.

New book prepares parents for 'the talk'



Book Review:
Parents' Guide to Marijuana by Dr.

Mitch Earlywine
(High Times Books, 2007, \$12.95, 106 pp.)

By Mikki Norris
West Coast Leaf

How do you talk to your kids about marijuana? Where do you even start? Dr. Mitch Earlywine provides you with the language and facts to get the conversation going. His book, *Parents' Guide to Marijuana*, is written as a transcript from a workshop he gave, with questions, answers and a conversational tone. The give and take style explores what works and what doesn't. It teaches parents how to find opportunities to broach the subject, how to respond to kids' concerns, and what words to use to validate their feelings. In essence, this book teaches people how to be good parents. So get out your reading glasses, because this book uses really small type.

Earlywine, whose earlier work includes the book *Understanding Marijuana*, is an expert, researcher and psychologist. He tackles and debunks the myths one-by-one, opting for honesty and truth above fear tactics that don't work and can backfire. In taking on the gateway theory, he urges parent to "spread the word that lots of people try pot and never use hard drugs," and cautions that if you lie to them about pot, you will lose credibility with your children.

For parents who use cannabis, he suggests that they take a look at their use and be honest how it impacts their families. One parent in the book who was concerned about his own use and didn't want to be a hypocrite, decided to cut down to weekend use after analyzing and listing

the pros and cons. Earlywine knows that while there are good reasons for children not to use, he also affirms that the vast majority of adults can use without problems. He offers various points for discouraging children from using cannabis too early including studies that have shown that cannabis may negatively affect the physical structure of the developing, adolescent brain (the white matter and hippocampus — the parts that affect planning, restraint, memory, attention) — a good reason not to use until adulthood.



LIGHT MY FIRE — The Hip-Hop phenomenon Los Marijuanos got into the spirit of the moment with a super-sized joint at one of the NORML after-parties during the October conference. The group blends smooth melodic tunes with staccato rap elements and a cannabis-friendly message to capture the excitement of the 21st-Century reform movement. West Coast Leaf photo.

'Humboldt County'

Film tries, fails to match drama of real life

By John Thomas Ellis

Days before I watched the film *Humboldt County*, I watched a long-suffering patient and his caregiver tend a legal crop in the lush mountains of coastal California. These are people of conscience and fortitude, who risk everything to overcome adversity few of us will know. They are smart and heroic; not at all the stereotype nuts and bolts Hollywood throws out as 'stoners.'

Unfortunately, *Humboldt County* came up short by comparison to the reality. It settles for a fish out of water story of a disillusioned medical student stranded for a summer in a remote land of counterculture pot farmers; the last place in the world he imagined he would discover himself.

Peter Hadley (Jeremy Strong) is a med student about to graduate and begin his residency. When his professor — who happens to be his father — fails him, he winds up in LA in bed with an actress and singer pathetically named Bogart (Fairuza Balk). He blindly rolls with her to the redwoods of northern Cal . . . he's just chasing sex. Max (Chris Messina), who steals almost every scene, is Bogart's hometown beau and prodigal son of the marijuana-cultivating clan. Max refuses to take Peter to the bus station the next day, forcing him to spend another night. Time and motivation get a bit hazy, but what can you expect in the marijuana capitol of North America?

When Bogart bolts without a word, he is thrust into the picturesque and bizarre

world of Humboldt CA, where Peter encounters her eccentric family of pot farmers. Frances Conroy from *Six Feet Under* plays the sweet but troubled family matriarch, making it easy to understand why motherless Peter stays on.

Darren Grodsky and Danny Jacobs write, direct and perform in a tiresome coming-of-age saga. It's trite and simplistic when it is held up against the modern cannabis experience, especially if compassionate care is involved.

Sadly, the actors are better than the motion picture they themselves created. I left the theater feel betrayed as an activist and burnt as a paying customer.

Speaking of feeling burned.... The last season of *Weeds* was like discovering your best friend dropped off a bag of seeds and stems, and you didn't find out until he's left the building with your money. Each episode tries to cast growing pot in a bad light by dropping Nancy Botwin into an ever-deepening cesspool that has nothing what-so-ever to do with weed. Her writers need rehab from reefer madness cliches.

In tough economic times a small patch can help pay the bills, or at least make you feel better. Producers need to recognize and revalue the original license the characters used to enter our hearts: Nancy is a modern day outlaw, not a gangster. I beg the producers, *please change course*. You risk turning off a constituency with enough disposable income to choke a horse.





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