ACLU
AMERICAN CIVIL LIBERTIES UNION of NORTHERN CALIFORNIA

December 12, 2011

Clerk of the Court
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

RE: Amicus Curiae Letter in Support of Petition for Review or, Alternatively, Request for Depublication (Cal. Rules of Court 8.500(g), 8.1125(a))
Pack v. Superior Court (City of Long Beach)
California Supreme Court No. S197169
California Court of Appeal No. B228781 by amici County of Santa Cruz, American Civil Liberties Union, American Civil Liberties Union of Northern California, American Civil Liberties Union of Southern California, American Civil Liberties Union of San Diego and Imperial Counties, Drug Policy Alliance, and Americans for Safe Access.

To the Clerk of the Court:

Amici respectfully request that this Court grant the Petition for Review in *Pack v. Superior Court (City of Long Beach)* or, in the alternative, order the depublication of the appellate court's opinion. The Court of Appeal held that the City of Long Beach's local zoning ordinance (codified as Chapter 5.87 of the Long Beach Municipal Code and hereinafter referred to as "the Ordinance"), is preempted by the federal Controlled Substances Act ("CSA"). The Ordinance, which regulates the establishment and operation of medical marijuana collectives within the City of Long Beach, addresses an area well within the scope of local and state governments' historical police powers as it concerns criminal law enforcement, medical practices, and land use. In holding the Ordinance preempted by federal law the Court of Appeal created a split among California's appellate districts and gave the CSA greater preemptive effect than Congress intended or that the 10th Amendment allows. This significantly undermined the authority of state and local governments to regulate in these critical areas. Also, by failing to provide counties with meaningful guidance on what regulatory options remain viable, the decision below threatens to deprive seriously ill patients of access to medicine.

INTEREST OF AMICI

The County of Santa Cruz is a legal subdivision of the State that seeks to regulate local medical marijuana activities that comply with state laws and guidelines promulgated by the California Attorney General. On May 3, 2011, the Santa Cruz County Board of Supervisors adopted a medical marijuana ordinance (codified as Section 13.10.670 of the Santa Cruz County Code), which created a process by which a collective could locate a storefront in the County's commercial or equivalent zones. There are no extraordinary fees for the permit and no annual renewal fee. There are two provisions in the Santa Cruz County ordinance that are not found in state law: an exemption process providing an amortization period for collectives in non-commercial zones to come into compliance if they can prove they had been in operation in the County for a certain number of years and a requirement that collectives accept members regardless of their ability to pay for medicine.

The County received several applications for permits. County employees were processing the applications but had yet to issue a permit when the Court of Appeal decided *Pack*. The Santa Cruz County ordinance, seeking to implement state law, was arguably rendered unlawful by the *Pack* decision. Unsure of the legality of proceeding with the permitting process in light of *Pack*, the Board, on November 15, 2011, adopted a new moratorium on the establishment of medical marijuana collective storefronts. The Santa Cruz County Board of Supervisors is interested in collective members having access to their medicine, especially those too ill to contribute labor to their collective. But the *Pack* decision makes it exceedingly difficult for the County to determine in what ways it may lawfully regulate the operation of medical marijuana collectives within its jurisdiction. Therefore, the County of Santa Cruz requests that the Court grant review or, alternatively, depublish the Court of Appeal's opinion in *Pack v. Superior Court (City of Long Beach)*.

The national American Civil Liberties Union ("ACLU"), ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties have been active participants in litigation and policy advocacy concerning the use of marijuana for medical purposes in California and across the nation. As a result, the ACLU and its California affiliates have developed a perspective on the liberty interests of medical marijuana patients and on the relationship of state and federal law in this area. The ACLU and its California affiliates join as amici curiae.

Since 1996, the Drug Policy Alliance has actively engaged in protecting California's Compassionate Use Act, including the rights of patients, caregivers and physicians, in federal and state courts, the state legislature, and various county and municipal venues, by participating as legal counsel in several California medical marijuana cases. Because the integrity of California's law and the legal viability of such regulatory schemes are placed in question by this litigation, the Drug Policy Alliance joins as amici curiae.

Americans for Safe Access ("ASA") is the nation's largest grassroots organization devoted to protecting and expanding the rights of qualified medical marijuana patients to safe and affordable access to their medicine. To this end, ASA has litigated many significant medical marijuana cases, which have resulted in published opinions. ASA has a strong interest in the proper functioning of California's medical marijuana laws in every locality in the State without federal interference and, therefore, requests leave to join as an amicus curiae in the present case.

THIS COURT SHOULD GRANT REVIEW OR, ALTERNATIVELY, DEPUBLISH

I. By holding that obstacle preemption analysis is applicable to claims that state medical marijuana laws are preempted by the federal Controlled Substances Act (CSA), the decision below creates a split among California appellate districts and misinterprets the CSA's anti-preemption clause.[1]

"Pre-emption fundamentally is a question of congressional intent, and when Congress has made its intent known through explicit statutory language, the courts' task is an easy one." (*Viva! Int'l Voice for Animals v. Adidas Promotional Retail Operations, Inc.* (2007) 41 Cal.4th 929, 936 (citations omitted).) In enacting the CSA, Congress simplified the courts' task by providing an express statement of its intent regarding the preemptive reach of this federal law: the CSA's anti-preemption provision preserves every state law concerning controlled substances "unless there is a *positive conflict* between [the CSA] and that State law *so that the two cannot consistently stand together.*" (21 U.S.C. § 903 (emphasis added).) Thus, while there are "four species of federal preemption" – express,

---

[1] This Court should also grant review or depublish in order to resolve a potential conflict created by the court below's implicit holding that Petitioner Pack has standing to challenge Long Beach's permit scheme. In *Traudt v. City of Dana Point* (2011) 199 Cal.App.4th 886, the Court of Appeal for the Fourth Appellate District, Division Three confronted a challenge to the City's ban on medical marijuana dispensaries by a seriously ill patient. The court concluded that the patient did not have standing to challenge the zoning provisions affecting dispensaries generally, *and that* only the group *itself* has standing to bring such zoning challenges affecting medical marijuana dispensaries. (*Id.* at pp. 893-894; *see also id.* at p. 894 ["Whatever the contours of a right to ensuring medical marijuana is available through a dispensary, the right is a group or corporate one"].) Here, the court below allowed the Petitioners—two members of medical marijuana collectives that were directed by the City of Long Beach to cease operations—to assert a claim of federal preemption on behalf of medical marijuana collectives. (*See Pack v. Superior Court* (2011) 199 Cal.App.4th 1070, 1084, 1087, fn. 25.) Because Petitioners in this case would not have standing under the *Traudt* analysis, review or depublication is necessary to resolve this split among California's appellate districts.

conflict, obstacle and field (*Viva! Int'l, supra,* 41 Cal.4th at p. 935)[2] – the language of § 903 makes it clear that conflict preemption is the only one at issue under the CSA. And "[w]here a statute contains an express pre-emption clause, [the] task of statutory construction must in the first instance focus on the plain wording of the clause, which necessarily contains the best evidence of Congress' pre-emptive intent." (*Id.* at p. 941, fn. 6 (citations omitted).)

Until the decision below, no California courts had invalidated any law as preempted by the CSA under obstacle preemption.[3] Thus, in *County of San Diego v. San Diego NORML* (2008) 165 Cal.App.4th 798, 822-25, Division One of the Fourth District Court of Appeal held that the language in § 903 shows that Congress intended to preempt only state laws in positive conflict with the CSA, and no others. The court relied both on the plain language of § 903 and also on a federal Court of Appeals' interpretation of substantively identical language in another federal law, 18 U.S.C. § 848, which also preserved state law "unless there is a *direct and positive conflict* between such provision and the law of the State so that *the two cannot be reconciled or consistently stand together.*" (*Id.* at p. 820 [citing *S. Blasting Serv.s, Inc. v. Wilkes County* (4th Cir. 2002) 288 F.3d 584, 590-591] (emphasis added).)

Division Three of the Fourth District Court of Appeal has also twice rejected preemption claims without addressing whether the CSA's anti-preemption provision foreclosed an obstacle preemption claim. (*See City of Garden Grove v. Super. Ct.* (2007) 157 Cal.App.4th 355, 383 [expressly rejecting applicability of field preemption analysis while not considering whether obstacle preemption analysis was likewise foreclosed by CSA's anti-preemption provision]; *Qualified Patients Ass'n v. City of Anaheim* (2010) 187 Cal.App.4th 734, 758-763 [rejecting conflict and obstacle preemption claims without considering whether CSA's anti-preemption provision foreclosed any such analysis]; *see also City of Riverside v. Inland Empire Patient's Health and Wellness Ctr., Inc.* (2011) 200 Cal.App.4th 885 [relying on *Qualified Patients, supra,* to hold that federal law does not preempt local regulation of medical marijuana dispensaries].)

---

[2]In determining that "the federal CSA can preempt state and local laws under both conflict and obstacle preemption", the court below cited *Geier v. Am. Honda Motor Co., Inc.* (2000) 529 U.S. 861, 873-874, for the proposition that courts should be cautious against drawing a practical distinction between conflict and obstacle preemption. (*Pack v. Superior Court* (2011) 199 Cal.App.4th 1070, 1089.) However, since *Geier* this Court has continued to treat conflict and obstacle preemption as "analytically distinct" as they "may rest on wholly different sources of constitutional authority." (*Viva! Int'l Voice for Animals v. Adidas Promotional Retail Operations, Inc.* (2007) 41 Cal.4th 929, 935, fn. 3.)

[3] "[O]bstacle preemption arises when 'under the circumstances of [a] particular case, [the challenged state law] stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'" (*Viva! Int'l Voice for Animals v. Adidas Promotional Retail Operations, Inc.* (2007) 41 Cal.4th 929, 936.)

However, in the case at bar the Second District Court of Appeal created a split among California's appellate districts and held that the Long Beach Ordinance was preempted because, although there was no "positive conflict" between most of its provisions and the CSA[4], the ordinance "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of" the CSA. (*Pack v. Superior Court* (2011) 199 Cal.App.4th 1070, 1090, 1091.) But in doing so the court ignored the language of § 903. Instead, it asserted that the Supreme Court's decision in *Wyeth v. Levine* (2009) 555 U.S. 555, clarifies the scope of the CSA's anti-preemption provision. (*Id.* at p. 1089.) Because *Wyeth* deals with the careful policy balances embodied by complex federal regulatory structures and state tort law standards of negligence, rather than the straightforward decisions about what conduct each sovereign chooses to criminalize, it is questionable whether it applies here at all. To the extent it does, however, *Wyeth* reaffirmed that, "'[t]he case for federal preemption is particularly weak where Congress has indicated its awareness of the operation of state law in a field of federal interest, and has nonetheless decided to stand by both concepts and to tolerate whatever tension there [is] between them.'" (*Id.* at p. 1200 [quoting *Bonito Boats, Inc. v. Thunder Craft Boats, Inc.* (1989) 489 U.S. 141, 1666-1667].) The Court in *Wyeth* found significant the "longstanding coexistence of state and federal law" in the field of prescription drug labeling (*Wyeth, supra,* 555 U.S. at p. 1203); it relied on this to reject the claim of preemption. Similarly, here, as discussed, Congress has eschewed a one-size-fits-all approach in favor of a federalist scheme that leaves states free to enact their own penal laws for controlled substances—an area of traditional state concern. (*See* 21 U.S.C. § 903; *Gonzales v. Oregon* (2006) 546 U.S. 243, 251 [noting that the CSA "explicitly contemplates a role for the States in regulating controlled substances"].) As in *Wyeth*, there is no preemption here.

Moreover, *Wyeth* dealt with the federal Food, Drug, and Cosmetic Act (FDCA), a federal statute with preemption language materially different from that of the CSA. The FDCA provides that a provision of state law will be invalidated only if "there is a direct and positive conflict between such amendments and such provision of State law." (*Wyeth, supra*, 555 U.S. at p. 612, fn. 4.) Missing from this provision is the requirement that the two laws "cannot consistently stand together", which is an express reference to the test for conflict or impossibility preemption. (*See County of San Diego, supra*, 165 Cal.App.4th at pp. 823-824.) In declaring "there is no distinction" between the FDCA's and CSA's anti-preemption provisions (*Pack, supra,* 199 Cal.App.4th at p. 1089), the Second District Court of Appeal interprets §903 in a way contrary to established principles of statutory construction. (*See Bd. of Trustees of Leland Stanford Junior Univ. v. Roche Molecular Systems* (2011) 131 S.Ct. 2188, 2196 [noting the Court's "reluctan[ce] to treat statutory terms as surplusage"]; *Delaney v. Superior Court* (1990) 50 Cal.3d 785, 798 ["Significance should be given, if possible, to every word of an act"].) Since obstacle preemption is not implicated by

---

[4] The court did find that the Ordinance's requirement that collectives have samples of their marijuana tested by outside laboratories conflicted with federal law. Amici do not seek review of that part of the court's holding.

the language used in the anti-preemption provision, the court below errs in engaging in such an analysis and ultimately finding the Ordinance poses an obstacle to enforcement of the CSA. (*See Viva! Int'l, supra*, 41 Cal.4th at p. 945 ["Congress' enactment of a provision defining the pre-emptive reach of a statute implies that matters beyond that reach are not pre-empted"].)

Even if the language in the CSA's anti-preemption provision were not entirely clear, the Court of Appeal should have nevertheless taken a narrow view of the preemption claim in light of any supposed ambiguity. In areas traditionally regulated by the states, there is a presumption against federal preemption that is only overcome by "the clear and manifest purpose of Congress." (*Viva! Int'l, supra*, 41 Cal.4th at p. 938 [quoting *Rice v. Sante Fe Elevator Corp.* (1947) 331 U.S. 218, 230].) The Long Beach Ordinance's permit scheme for medical marijuana collectives triggers this presumption because regulation of medical practices and state criminal sanctions for drug possession are historically matters of state police power. (*Qualified Patients, supra*, 187 Cal.App.4th at pp. 757-758.) This "strong presumption against preemption" applies to "the *existence* as well as the *scope* of preemption." (*Paduano v. Am. Honda Motor Co., Inc.* (2009) 169 Cal.App.4th 1453, 1474.) While the Court of Appeal pays lip service to this presumption (*Pack, supra,* 199 Cal.App.4th at p. 1087), it then ignores it. As there is no evidence of Congress' "clear and manifest purpose" to preempt state and local medical marijuana laws on the basis of anything other than conflict preemption, the Court of Appeal erroneously gives the CSA greater preemptive effect than Congress instructed or intended.

II. Even assuming, arguendo, that implied obstacle preemption is applicable here, this Court should depublish or grant review because the Court of Appeal decision here is contrary to the holding and rationale of several other court of appeal decisions, rests on an untenable distinction between decriminalization and authorization, and misconstrues the test for obstacle preemption in the context of state criminal laws.

Even if obstacle preemption were applicable to resolve preemption claims under the CSA, this Court should depublish or grant review because the Court of Appeal's decision here is contrary to the holding and rationale of several other Court of Appeal decisions. As noted above, the court in *County of San Diego, supra,* held that Congress' clear intent was that only state laws in positive conflict with the CSA would be preempted. (165 Cal.App.4th at pp. 823-825.) The court went on to also hold, however, that even if Congress had intended to preempt laws posing an obstacle to the CSA, the challenged laws were not preempted. (*Id.* at p. 826.) In addition to the *San Diego* case, two separate panels of the Fourth Appellate District have held that various aspects of California's laws decriminalizing medical marijuana do not pose an obstacle to the CSA's objectives. (*Qualified Patients, supra,* 187 Cal.App.4th at pp. 760-763 [holding that provision of Medical Marijuana Program Act (MMPA) exempting qualified patients, persons with valid identification cards,

and medical marijuana collectives from prosecution under stated provisions of California law does not pose an obstacle to the CSA's objectives]; *City of Garden Grove v. Super. Ct., supra,* (2007) 157 Cal.App.4th 355, 386, *cert. denied*, 129 S.Ct. 623 (2008) [holding "California law requiring the return of marijuana to a qualified user whose possession of the drug is legally sanctioned under state law" does not interfere with criminalization of marijuana under CSA]; *see also Riverside, supra.*)

The Court of Appeal here asserts that Long Beach's ordinance is distinguishable from these prior cases because the ordinance "goes beyond decriminalization into authorization." (*Pack, supra*, 199 Cal.App.4th at p. 1093.) But this purported distinction boils down to semantics, as demonstrated by the Court of Appeal's suggestion that those aspects of Long Beach's regulations which "simply identify prohibited conduct without regard to the issuance of permits" might be severable and not federally preempted. (*Id.* at p. 1096.) Each of these provisions, however, would achieve the same operative effect if reworded in permissive instead of restrictive language. For example, the provision prohibiting a medical marijuana collective from providing medical marijuana to its members between the hours of 8:00 p.m. and 10. a.m. (Long Beach Mun. Code, ch. 5.87, § 5.87.090 at subd. H), can equivalently be written or interpreted as *authorizing* collectives to provide medical marijuana to members between the hours of 10:01 a.m. and 7:59 p.m. The provision prohibiting a person under the age of 18 from being on the premises of a collective unless that person is a qualified patient accompanied by his or her physician, parent or guardian (*id.* at subd. I), can equivalently be written or interpreted as *authorizing* a person under age 18 to be on the premises of a collective only if that person is a qualified patient accompanied by his or her physician, parent or guardian. According to the Court of Appeal's analysis, these provisions of the ordinance would be preempted if worded as authorizations, but are not preempted if worded instead as prohibitions, despite the fact that either wording has the very same operative effect. As the Court of Appeal itself acknowledges, however, whether or not a state or local law is preempted cannot turn on such linguistic choices: "Obviously, any preemption analysis should focus on the purposes and effects of the provisions [challenged as preempted], not merely the language used." (*Pack, supra*, 199 Cal.App.4th at p. 1093, fn. 30.)

The Court of Appeal also attempts to distinguish Long Beach's ordinance from the MMPA's identification card program, which *County of San Diego, supra,* upheld in the face of an obstacle preemption challenge. According to the Court of Appeal here:

> [T]he identification card identifies the holder as someone California has elected to exempt from California's sanctions for marijuana possession. One not possessing an identification card, but nonetheless meeting the requirements of the CUA, is also immune from those criminal sanctions. The City's permit system, however, provides that collectives with permits may collectively cultivate marijuana within the City *and those without permits may*

not. The City's permit is nothing less than an *authorization* to collectively cultivate.

(*Pack, supra*, 199 Cal.App.4th at p. 1096 (citation omitted).)

Again, however, the distinction drawn cannot withstand scrutiny. The identification cards issued under the MMPA do, in fact, provide greater protections from criminal sanctions than the CUA alone. (*People v. Kelly* (2010) 47 Cal.4th 1008, 1047 [recognizing that MMPA identification card system is a discrete set of laws designed to confer distinct protections under California law that the CUA does not provide, including protection from arrest].) By the Court of Appeal's rationale, just as Long Beach's permit is, "nothing less than an authorization to collectively cultivate" (*Pack, supra*, 199 Cal.App.4th at p. 1096), the MMPA identification card is also an "authorization" to possess, transport, deliver, or cultivate marijuana. (*See People v. Kelly, supra*, 47 Cal.4th at p. 1014.)

Just like the criminal-exemptions and the identification card system upheld by prior cases, local licensing ordinances such as Long Beach's here are, in effect, a limited removal of some state sanctions for a small segment of the marijuana activities otherwise deemed illegal, under state law, for everyone. The permits issued pursuant to Long Beach's ordinance are the functional equivalent, for collectives, of the MMPA identification cards for patients. The "authorization" granted by the permits is nothing more than an assurance that state and local law enforcement will not arrest or prosecute certain activity by permit holders.

Furthermore, Court of Appeal's reliance on the decriminalization-authorization distinction utilized by the Oregon Supreme Court in *Emerald Steel Fabricators, Inc. v. Bureau of Labor and Industries* (2010) 230 P.3d 518, is misplaced. In *Emerald Steel* the challenged statute required a private employer to accommodate an employee's use of medical marijuana. (*Id.* at p. 520.) Thus, the law did far more than merely allocate state resources away from marijuana-enforcement; it prohibited private employers from disciplining employees who violated federal drug laws. The court's holding that the CSA preempts this provision was a narrow one; it did "not hold that federal law preempts the other sections of the Oregon Medical Marijuana Act." (*Id.* at p. 526, fn. 12.) And as that same court later explained, "*Emerald Steel* should not be construed as announcing a stand-alone rule that any state law that can be viewed as 'affirmatively authorizing' what federal law prohibits is preempted. Rather, it reflects this court's attempt to apply the federal rule and the logic of the most relevant federal cases to the particular preemption problem that was before it." (*Willis v. Winters* (2011) 253 P.3d 1058, 1064, fn. 6.) Indeed, in that later case the court *rejected* a preemption claim that is similar to the one here at issue, upholding an Oregon regulatory scheme that requires sheriffs to issue concealed-firearms licenses to medical-marijuana users, even though federal law prohibits such persons from owning any firearm. (*Id.* at p. 302 ["We hold that the Federal Gun Control Act does not preempt the state's concealed handgun licensing statute"]; *see id.* at pp. 302-307.)

The Court of Appeal also relied upon a recent letter from the U.S. Attorney for the Northern District of California and a recent memorandum from the federal Department of Justice (DOJ) to all U.S. Attorneys to find that Long Beach's ordinance creates an obstacle to federal enforcement efforts. (*Pack, supra*, 199 Cal.App.4th 1070, 1094 & fn. 31.) Yet these statements from the DOJ illustrate the fundamental problem with the Court of Appeal's analysis: the statements do not assert that state or local laws which fail to criminalize such activity are invalid because preempted by the CSA. Instead, the DOJ statements evince the federal government's adamant intent to continue to enforce federal law vigorously, regardless of state or local laws which remove state or local sanctions.

As the Court of Appeal recognized in *County of San Diego*, while patients may be more likely to violate federal law if the additional deterrent of state liability is removed, the proper response of the federal government is to "ratchet up" its own enforcement regime—as the DOJ statements indicate the federal government will continue to do in California. (*See County of San Diego, supra,* 165 Cal.App.4th at pp. 827-828.) A licensing or permitting scheme that exempts certain activity from the reach of otherwise applicable state or local laws cannot constitute an obstacle for federal preemption purposes, because to construe the CSA as preempting any state or local law that does not criminalize marijuana use to the same extent as federal law would effectively commandeer state and local governments to assist the federal government in enforcing federal drug laws; such a statutory construction would run afoul of the anti-commandeering principles of the Tenth Amendment. (*See ibid.* [citing *New York v. United States* (1992) 505 U.S. 144 and *Printz v. United States* (1997) 521 U.S. 898]; *see also Willis*, 253 P.3d at p. 1066 [discussing preemption and Tenth Amendment].)

In *New York* and *Printz*, the Supreme Court articulated principles of state sovereignty under which California may choose the extent to which it criminalizes marijuana use and may determine where to focus its law enforcement resources. Long Beach may legitimately determine that a medical marijuana collective that operates only during the daytime does not raise the same public-safety issues that a 24-hour-a-day operation does; it may thus legitimately decide that collectives will not operate between 8:00 p.m. and 10 a.m. Similarly, Amicus County of Santa Cruz has enacted regulations limiting the establishment and operation of medical marijuana collectives as a way to determine how to use their limited criminal law enforcement resources. (*See* Santa Cruz County Code § 13.10.670.) The requirements for obtaining a permit reflect the County's careful determination of what type of establishments pose public health and safety threats in their respective communities. Regulations like these are a way for the state and its political subdivisions to structure sanctions they want to impose with the aim of maximizing the public welfare.

CONCLUSION

The presumption against federal preemption has not been overcome by either the express language of the CSA or Congress' allowance for the existing tension between the CSA's designation of marijuana as a prohibited Schedule I controlled substance and decriminalization of marijuana for medical use under state and local law. The Court of Appeal's holding that a permit scheme, which more selectively identifies which medical marijuana collectives are exempt from prosecution under California law, poses an obstacle to federal law creates a split among California's appellate districts and rests on a misunderstanding of obstacle preemption analysis. Review or, alternatively, depublication of this opinion is necessary to secure uniformity in California law concerning regulation of medical marijuana and to preserve the police and regulatory power of state and local government.

Respectfully submitted,

Michael T. Risher (SBN 191627)
M. Allen Hopper (SBN 181678)
ACLU Found. of Northern California
39 Drumm Street
San Francisco, CA 94111
Tel: (415) 621-2493
Fax: (415) 255-8437
mrisher@aclunc.org

Dana McRae (SBN 142231)
Santa Cruz Office of County Counsel
701 Ocean Street #505
Santa Cruz, CA 95060
Tel: (831) 454-2034
Fax: (831) 454-2115
CSL001@co.santa-cruz.ca.us

Ezekiel R. Edwards
Emma A. Andersson
ACLU Criminal Law Reform Project
125 Broad Street, 18th Floor
New York, NY 10004-2400
Tel: (212) 549-2500
Fax: (212) 549-2651

eedwards@aclu.org
eandersson@aclu.org

Peter Bibring (SBN 223981)
ACLU Foundation of Southern California
1313 W. Eighth Street
Los Angeles, CA 90017
Tel: (213) 977-9500
Fax: (213) 977-5297
pbibring@aclu-sc.org

David Blair-Loy (SBN 229235)
Legal Director
ACLU Foundation of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138
Tel: (619) 232-2121
Fax: (619) 232-0036
dblairloy@aclusandiego.org

Daniel Abrahamson (SBN 158668)
Theshia Naidoo (SBN 209108)
Tamar Todd (SBN 211865)
Drug Policy Alliance
918 Parker Street, Bldg A21
Berkeley, CA 94710
Tel: 510-229-5211
Fax: 510-295-2810
dabrahamson@drugpolicy.org
tnaidoo@drugpolicy.org
ttodd@drugpolicy.org

Joseph D. Elford (SBN 189934)
Americans for Safe Access
1322 Webster Street, Suite 402
Oakland, CA 94612
Tel: (415) 573-7842
Fax: (510) 251-2036