

PATIENTS_{IN THE} CROSSFIRE

Casualties in the War on Medical Marijuana

Americans for Safe Access

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In loving memory of Cheryl Miller, Asha Davis and Harry McBride, this book is dedicated to all the people who might have been helped by medical marijuana but were denied it.

Patients in the Crossfire was largely inspired by the book, *Shattered Lives: Portraits From America's Drug War* by Mikki Norris, Chris Conrad and Virginia Resner (Creative Xpressions, 2000). Many of the patients' stories and photos included in this publication were adapted from *Shattered Lives* and their other works -- *Human Rights and the US Drug War* (2001) and photo exhibit project (see www.hr95.org) that put a human face on the casualties of the Drug War. In addition, Mikki Norris put out a call to solicit new stories of patient harassment at the hands of the government and wrote up many of the stories that responded to this call. She contributed greatly to the making of this project and we appreciate her hard work. Her dedication is an inspiration.



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PREFACE

Every year in America more than 750,000 people are arrested for marijuana crimes, most for simple possession. No good statistics exist to show how many of those people are using that marijuana for medical purposes, as the federal government and most states do not distinguish between recreational and medical users.

But the reality is that hundreds if not thousands of those arrested are among the sick and dying who have found relief using one of humankind's oldest and safest therapeutic substances. Many of them are using marijuana on the advice of their doctors. Many more have discussed with their doctors how the marijuana they consume helps with this or that malady. Even more are using it because it helps them feel better, with fewer side effects, than other medications but have never discussed it with anyone out of fear of prosecution or ostracization.

Patients in the Crossfire tells the personal stories of people whose lives have been uprooted by prohibition. The casualties in the war on medical marijuana are the people who are helped by it — people with cancer, MS, chronic pain, AIDS, glaucoma who have to choose between their health and prison. The refusal to acknowledge medical science and the pleas of doctors and patients is destroying lives. These are the stories of people who deserve our compassion, not federal prison.

Yet many of them have been imprisoned for taking care of their own health or the health of others. Many have been prosecuted at great personal cost to themselves and their families. Some have been singled out for persecution because they have dared to openly challenge the current federal prohibition. And while courage has been required of all of them to fight for their health and their rights, recently a few have been winning, for themselves and all patients.

INTRODUCTION

Medical marijuana is one of those issues that I hope you never have to worry about. Until I needed it, I know I didn't. No one deserves to become sick or injured. But, unfortunately, some people do. If you can put some time into changing laws now, than maybe it will not be an issue when you or a loved one needs it.

In 2000, I sustained a severe neck injury that left me with lack of mobility in my neck, neurological spasms, and severe chronic pain. I had to take painkillers and muscle relaxants to deal with the injury, but after about a year I started having problems with my stomach and kidneys as a result of the medications' side effects. Six months later, my doctor put me on diuretics and warned me that I might have to start dialysis. I was 23 and terrified.

One day in my doctor's examining room, my doctor shut the door behind him and asked, "Do you smoke marijuana?" I told him, "No" He then he asked, "Do you know anyone that does?" He told me that he did not know very much about medical marijuana, but he had had a few patients with similar conditions who were able to cut their medication intake in half by using marijuana. He said he did not want to put me on dialysis, and if I could find some, I should try it.

This was the first time that I had ever really thought about marijuana as medicine. I think I had about the same amount of information that most Americans have about the subject. I was in favor of it in principle but did not know much about the state law. I thought medical marijuana was only for people with AIDS or cancer. My support came more from the opinion that people who are dying should not go to jail for using marijuana, than from actual knowledge about marijuana as medicine. But now I was facing my own medical crisis, and the choice between dialysis and marijuana seemed an easy one to make, regardless of the law.

Then came the hard part: access. I called everyone I knew and went through an embarrassing line of questioning: " Do you smoke pot? Do you know anyone that does?" Just like any peer group in the US, I was able to find a few casual users who were able to help me obtain some marijuana to try. I immediately discovered that my doctor was right. It worked. It worked well. Not only was I able to cut my pain medication in half (eventually cut down to 1/5) and save my stomach and kidneys, but medical marijuana also did something I could not have imagined. It gave me my life back. Instead of having foggy days clouded

with opiate narcotics and muscle relaxants, I was able to think and act as I had before my injury forced me to take all those other medications. I soon found that it helped with more than just the pain I suffered. When I could take marijuana regularly, I had less problem with the muscle spasms in my neck and back that were slowly pulling my skull and jaw apart, and the side effects were so much less severe than the other drugs I was prescribed.

At first it was not hard to get, but the amount I needed was exhausting everyone's supply. So I had to be passed on to the dealer's source. This was absolutely frustrating. I had an experience once where I waited in a Walgreen's parking lot for over 2 hours. When the person finally showed up, I somehow spooked him into thinking I was a cop or some kind of narc. Crying, I begged and pleaded with him not to leave without giving me the marijuana. I was in pain, frustrated and I did not know where to turn.

Luckily, soon after that I got a call from a good friend in the San Francisco Bay Area who told me about the medical marijuana dispensaries there. I traveled up for a visit, and in the first moments in the dispensary I knew I would have to move. At my first visit, I found out more about marijuana as medicine than the first 5 months of experimenting. I was surprised to find how many different delivery systems for marijuana were available: cookies, tinctures, vaporizers, salves, etc. As soon as possible, I moved to be closer to the dispensaries.

A few months after arriving in the Bay Area, my real education about medical marijuana began. I was there when the feds came to arrest the celebrity cultivation expert Ed Rosenthal and shut the medical marijuana dispensary he was supplying. I couldn't believe the head of the DEA came to San Francisco to announce the raids, and that he was proud of keeping medicine from desperately sick and injured people like me.

I started looking at federal law and policies and was horrified to find that while there had been a program for seriously sick Americans to gain access to government-grown marijuana, they had stopped accepting patients into the program because they were worried it sent the wrong message.

I read the Shaffer Report, one of many comprehensive government studies of marijuana that recommended all criminal penalties be removed, and found that my elected officials were ignoring the recommendations of experts.

I discovered that citizens had petitioned the DEA to make marijuana available as medicine, but the government stalled for years before holding hear-

ings. When they did, the chief administrative law judge in charge ruled that marijuana was one of the safest therapeutic substances known to man and ordered the DEA to make it available by prescription. But the DEA found a way to evade his order.

I learned that California was not the only state to pass a law permitting the medical use of marijuana, and the vast majority of my fellow citizens thought people like me should be able to legally access the medicine their doctor's recommended.



Steph Sherer being arrested at a protest against raids.

I was, and am, outraged to find that so many patients were suffering nationwide, and that the Bush Administration is doing everything in their power to make it worse. I decided I had to do something about it, not just for my own good, but for all the tens of thousands of other Americans for whom marijuana is a critical medicine. So together with a few other committed patients, I started Americans for Safe Access to try and ensure safe, legal access to marijuana for all who are helped by it.

This book tells some of their stories. The people here have all been hurt by our government's misbegotten war on drugs, caught in the crossfire between medical science and political hypocrisy. None of us asked to be sick or injured. None of us knew we'd be asked to choose between health and prison.

I want to close by thanking all those who have stood up in the face of misguided, mean-spirited policies and demanded compassion. They have inspired a nation to change.

My heart goes out to all the people in this book, their families, and all those who have suffered in silence. We must win this fight so they can battle their illnesses, not their government.

—Steph Sherer, Executive Director

The History of Cannabis as Medicine

The history of the medical use of cannabis dates back to 2700 B.C. in the pharmacopoeia of Shen Nung, one of the fathers of traditional Chinese medicine. In the west, it has been recognized as a valued, therapeutic herb for centuries. In 1823, Queen Victoria's personal physician, Sir Russell Reynolds, not only prescribed it to her for menstrual cramps but wrote in the first issue of *The Lancet*, "When pure and administered carefully, [it is] one of the of the most valuable medicines we possess." (*Lancet* 1; 1823).

The American Medical Association opposed the first federal law against cannabis with an article in its leading journal (108 J.A.M.A. 1543-44; 1937). Their representative, Dr. William C. Woodward, testified to Congress that "The American Medical Association knows of no evidence that marihuana is a dangerous drug," and that any prohibition "loses sight of the fact that future investigation may show that there are substantial medical uses for Cannabis." Cannabis remained part of the American pharmacopoeia until 1942 and is currently available by prescription in the Netherlands and soon Canada.

FEDERAL POLICY IS CONTRADICTIONARY

Federal policy on medical cannabis is filled with contradictions. Cannabis is a Schedule I drug, classified as having no medicinal value and a high potential for abuse, yet its most psychoactive component, THC, is legally available as Marinol and is classified as Schedule III.

At the turn of the century, cannabis was widely prescribed, even in America. Cannabis is now available by prescription in the Netherlands. Canada has been growing cannabis for patients there and plans to put it in pharmacies as well. Ironically, the U.S. federal government also grows and provides cannabis for a small number of patients today.

In 1976 the federal government created the Investigational New Drug (IND) compassionate access research program to allow patients to receive medical cannabis from the government. The application process was extreme-

ly complicated, and few physicians became involved. In the first twelve years the government accepted about a half dozen patients. The federal government approved the distribution of up to nine pounds of cannabis a year to these patients, all of whom report being substantially helped by it.



In 1989 the FDA was deluged with new applications from people with AIDS, and 34 patients were approved within a year. In June 1991, the Public Health Service announced that the program would be suspended because it undercut the administration's opposition to the use of illegal drugs. The program was discontinued in March 1992, and the remaining patients had to sue the federal government on the basis of "medical necessity" to retain access to their medicine. Today, eight surviving patients still receive medical cannabis from the federal government, some more than six pounds per year. Their cannabis is all grown under a doctor's supervision at the University of Mississippi and paid for by federal tax dollars.

Despite this successful medical program and centuries of documented safe use, cannabis is still classified in the United States as a Schedule I substance. Healthcare advocates have tried to resolve this contradiction through legal and administrative channels. In 1972, a petition was submitted to reschedule cannabis so that it could be prescribed to patients.

The DEA stalled hearings for 16 years, but in 1988, after two years of exhaustive hearings, their chief administrative law judge, Francis L. Young, ruled that, "Marijuana, in its natural form, is one of the safest therapeutically active substances known... It would be unreasonable, arbitrary and capricious for the DEA to continue to stand between those sufferers and the benefits of this substance...."

The DEA refused to implement this ruling based on a procedural technicality and continues to classify cannabis as a Schedule I substance with no medical use. The federal government has rejected all subsequent attempts to

reclassify it, though a synthetic form of its most psychoactive ingredient is prescribable as Schedule III.

Research on Medical Applications

SCIENCE SUPPORTS MEDICAL CANNABIS

Between 1840 and 1900, European and American medical journals published more than 100 articles on the therapeutic use of the drug known then as *Cannabis indica* (or Indian hemp) and now as cannabis. Today, new studies are being published in peer-reviewed journals that demonstrate cannabis has medical value in treating patients with such serious illnesses as AIDS, glaucoma, cancer, multiple sclerosis, epilepsy, and chronic pain.

The safety of the drug has been attested to by numerous studies and reports, including the LaGuardia Report of 1944, The Schafer Commission Report of 1972, the Institutes of Medicine report of 1999, a 1997 study conducted by the British House of Lords, research sponsored by Health Canada, and numerous studies conducted in the Netherlands, where cannabis has been quasi-legal since 1976 and is currently available from pharmacies by prescription. Recent published research on CD4 immunity in AIDS patients found no compromise to the immune systems of patients undergoing cannabis therapy in clinical trials.

The use of medical cannabis has been endorsed by numerous professional organizations, including the American Academy of Family Physicians, the American Public Health Association, and the American Nurses Association. Its use is supported by such leading medical publications as The New England Journal of Medicine and The Lancet.

RECENT RESEARCH ADVANCES

While research has until recently been sharply limited by federal prohibition, the last few years have seen rapid change. The International Cannabinoid Research Society was formally incorporated as a scientific research society in 1991. Membership in the Society has more than tripled

from about 50 members in the first year to over 230 in 2003.

In March 2000 the International Association for Cannabis as Medicine (IACM) was founded. It publishes a bi-weekly newsletter and the IACM-Bulletin. For the last three years Haworth Press has published the peer-reviewed *Journal of Cannabis Therapeutics*.



The University of California established the Center for Medicinal Cannabis Studies in 2001. It currently has 14 studies in progress and four others awaiting state and federal approval, including studies of cancer pain, nausea control in chemotherapy, general analgesia and a proposed study on refractory cancer pain.

In the United Kingdom, GW Pharmaceuticals has been granted a clinical trial exemption certificate by the Medicines Control Agency to conduct clinical studies with cannabis-based medicines. The exemption includes investigations in the relief of pain of neurological origin and defects of neurological function in the following indications: multiple sclerosis (MS), spinal cord injury, peripheral nerve injury, central nervous system damage, neuroinvasive cancer, dystonias, cerebral vascular accident and spina bifida, as well as for the relief of pain and inflammation in rheumatoid arthritis and also pain relief in brachial plexus injury.

GW has completed Phase II studies in patients with MS, spinal cord injury, neuropathic pain, perioperative pain, rheumatoid arthritis, peripheral neuropathy secondary to diabetes mellitus or AIDS, and patients with neurogenic symptoms. The phase II trials provided positive results and confirmed an excellent safety profile for cannabis-based medicines. In 2002, GW conducted five phase III trials of its cannabis derivatives, including a double-blind, placebo-controlled trial with a sublingual spray containing THC in more than 100 patients with cancer pain. In total, more than 1,000 patients are currently involved in phase III trials in the UK.

GW Pharmaceuticals received an IND approval to commence phase II clinical trials in Canada in patients with chronic pain, multiple sclerosis and spinal cord injury in 2002. Following meetings with the FDA, DEA, the Office for National Drug Control Policy, and the National Institute for Drug Abuse, GW was granted an import license from the DEA and has imported its first cannabis extracts into the U.S. Pre-clinical research with these extracts in the U.S. is ongoing.

IS CANNABIS SAFE TO USE?

"The smoking of cannabis, even long term, is not harmful to health. . . ." So began a 1995 editorial statement of Great Britain's leading medical journal, *The Lancet*. The long history of human use of cannabis also attests to its safety - nearly 5,000 years of documented use without a single death. In the same year as the *Lancet* editorial, Dr. Lester Grinspoon, a professor emeritus at Harvard Medical School who has published many influential books and articles on the medical use of cannabis, had this to say in an article in the *Journal of the American Medical Association* (June 1995):

"One of marihuana's greatest advantages as a medicine is its remarkable safety. It has little effect on major physiological functions. There is no known case of a lethal overdose; on the basis of animal models, the ratio of lethal to effective dose is estimated as 40,000 to 1. By comparison, the ratio is between 3 and 50 to 1 for secobarbital and between 4 and 10 to 1 for ethanol. Marihuana is also far less addictive and far less subject to abuse than many drugs now used as muscle relaxants, hypnotics, and analgesics. The chief legitimate concern is the effect of smoking on the lungs. Cannabis smoke carries even more tars and other particulate matter than tobacco smoke. But the amount smoked is much less, especially in medical use, and once marihuana is an openly recognized medicine, solutions may be found; ultimately a technology for the inhalation of cannabinoid vapors could be developed."

The technology Dr. Grinspoon imagined in 1995 now exists in the form of "vaporizers," widely available through stores and mail-order, while pharmaceutical companies have been developing sublingual spray and tablet forms of the drug. Patients and doctors have found other ways to avoid the potential problems associated with smoking, though long-term studies of even the heaviest users in Jamaica, Turkey and the U.S. have not found increased incidence of lung disease or other respiratory problems.

As Dr. Grinspoon goes on to say, "the greatest danger in medical use of marihuana is its illegality, which imposes much anxiety and expense on suffering people, forces them to bargain with illicit drug dealers, and exposes them to the threat of criminal prosecution." This was the same conclusion reached by the House of Lords report, which recommended rescheduling and decriminalization, both of which were enacted in Great Britain in 2004.

PROFESSIONAL ORGANIZATION ENDORSEMENTS

Many professional medical and legal organizations have endorsed legal access to medical marijuana for patients who are helped by it. Below is a partial list.

AIDS Action Council	French Ministry of Health
Alaska Nurses Association	Hawaii Nurses Association
American Academy of Family Physicians	Health Canada
American Medical Student Association	Kaiser Permanente
American Nurses Association	Lymphoma Foundation of America
American Preventive Medical Association	Mississippi Nurses Association
American Public Health Association	Multiple Sclerosis Society (Canada)
American Society of Addiction Medicine	National Acad. of Sciences Inst. of Medicine
Arthritis Research Campaign (United Kingdom)	National Association for Public Health Policy
Australian Medical Association	National Nurses Society on Addictions
Australian National Task Force on Cannabis	Netherlands Ministry of Health
Belgian Ministry of Health	New Jersey State Nurses Association
British House of Lords Select Committee	New Mexico Medical Society
British Medical Association	New Mexico Nurses Association
California Academy of Family Physicians	New York State Nurses Association
California Nurses Association	North Carolina Nurses Association
California Pharmacists Association	San Francisco Mayor's Summit on AIDS
Colorado Nurses Association	San Francisco Medical Society
Federation of American Scientists	Virginia Nurses Association
Florida Governor's Red Ribbon Panel on AIDS	Whitman-Walker Clinic
Florida Medical Association	Wisconsin Nurses Association

I N C A R C E R A T E D

JIMMY MONTGOMERY

SPINAL CORD INJURY - PARAPLEGIC

SENTENCED TO LIFE, REDUCED TO 10 YEARS; ON PAROLE



Confined to a wheelchair for over twenty years due to an injury, paraplegic Jimmy Montgomery used marijuana to control the muscle spasms typical of spinal cord injuries and to stimulate his appetite.

Based on the testimony of an acquaintance who had been arrested for cocaine (and who received a lighter sentence for testifying against him), Jimmy was convicted of possession with the intent to distribute the marijuana found in the back of his wheelchair.

Montgomery was carrying two ounces of marijuana in the pouch of his wheelchair, an amount he would use himself in a fairly short time. The only evidence of intent to distribute was the testimony of a sheriff's deputy named Lawless who claimed he had never seen anyone with two ounces who was not a major dealer. The deputy has since been convicted

on three counts of embezzlement of drug seized property in Sayer, Oklahoma and embezzlement of seized drug money.

The police attempted to seize the home in which Jimmy lived. Since the house he lived in belonged to his 62-year-old mother, Thelma Farris, she was also charged.

At his trial, his mother testified that doctors recommended marijuana to Jimmy to relieve his severe muscles spasms. "When Jimmy smoked mari-

juana, he didn't have to stay belted to his chair," she reported. After serving almost a year of his sentence and nearly dying twice because of the failure of the state of Oklahoma to provide adequate treatment, Jimmy was released on an appeals bond in 1993.

On April 4, 1995, Jimmy was re-imprisoned. Rather than allow him to use medical marijuana, the government provided muscle relaxants, opiates and tranquilizers. He was in and out of solitary confinement, and handcuffed to a prison bed in Oklahoma without adequate medical treatment for the antibiotic-resistant infections in his lower body. Friends watched his condition deteriorate as the prosecutor blocked his release. After considerable public pressure, Jimmy was released on a medical parole.

Since leaving prison, Jimmy lost a leg from an ulcerated bed sore he got there, which his doctors were unable to cure. He is back working at the same business he had prior to his incarceration, a special engine mechanic.

DEA CHIEF ADMINISTRATIVE LAW JUDGE

"Marijuana, in its natural form, is one of the safest therapeutically active substances known... It would be unreasonable, arbitrary and capricious for the DEA to continue to stand between those sufferers and the benefits of this substance"

**The Honorable Francis L. Young,
ruling on DEA rescheduling hearings, 1988**

WILL FOSTER

RHEUMATOID ARTHRITIS, SENTENCED TO 93 YEARS

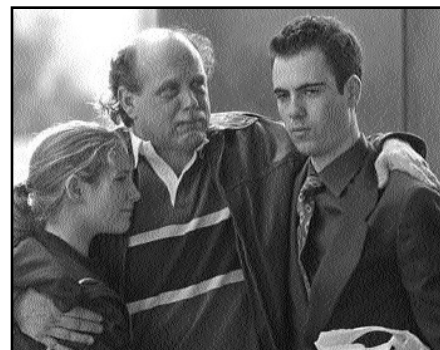
In 1995, Will Foster was a 36-year old father of two when Tulsa, Oklahoma police officers appeared at his door with a "John Doe" warrant to search for methamphetamine on the basis of a tip from a confidential informant. They found no amphetamines, even after tearing apart his five-year-old daughter's teddy bear. But behind a locked steel door in his basement they found a 25-square-foot marijuana garden, plants Will grew to treat the chronic pain of acute rheumatoid arthritis.

Will had doctors' prescriptions for Percodan and Percocet, opiate narcotic pain killers, but he couldn't tolerate the moodiness they caused and worried about their addictiveness. With marijuana, Will got good pain management and could control his dosage better.

The Tulsa district attorney offered Will a plea bargain, but he refused, convinced that a search of his home based on bad information would be thrown out. But the officer who got the warrant swore at trial that it was accurate, even though it had only an address, no name, and they found nothing they said they were looking for. Will's demand to face his accuser, the confidential informant who told the police methamphetamine was being sold from the house, was rejected by the judge.

The prosecution told the jury that he had to be intending to distribute marijuana because Will's small indoor garden was producing the equivalent of 2,652 joints, far more than a single person could consume. Ed Rosenthal, a marijuana cultivation expert, testified that the yield would be at most 600 joints, a proper amount for a medical patient taking it as medication on a daily basis. Even though Will was a successful computer programmer with his own business, there was less than \$30 in the house and no evidence of any sales, the jury convicted him of cultivation and intent to distribute. They also found aggravating factors of possession "in the presence of a minor under age 11," (his daughter) and failure to obtain marijuana tax stamps. The total sentence came to 93 years in prison.

"My medical use of marijuana never interfered with my work, I ran a successful business. I told my conservative doctor what I was doing, and while he did not really agree with it because of the health risk of smoking, he witnessed my positive results. I was minding my own business taking care of my health and my family. What was I doing to anybody that got me 93 years?"



Will Foster comforting Ed Rosenthal's children after their father's conviction

Because of overcrowding in the Oklahoma prison system, Will was transferred to a prison in Texas 400 miles from his family. While there, prison officials refused to allow him any medical treatment for his worsening condition, until one ankle became so hideously swollen that he was in danger of amputation. Public outcry helped prompt prison officials to begin treating him.

In 1998, an Oklahoma appeals court found that the 93-year term "shocks our conscience" and reduced the sentence to 20 years, which opened up the possibility of parole for Will.

The parole board quickly issued a unanimous recommendation for his release, but then-governor Frank Keating was hoping for a federal appointment and rejected Will's parole. The next year Will came up for parole again, again received the recommendation of the board, and again the governor rejected it. On Will's third attempt at parole, Keating was no longer in the running for either attorney general or drug czar, and he finally agreed to release him.

He is currently on parole in California

TODD McCORMICK

CANCER PATIENT SENTENCED TO 5 YEARS CHARGED WITH MARIJUANA CULTIVATION, CONSPIRACY

Todd McCormick's history of cancers began at the age of two. By the time he was nine years old, Todd had already had ten surgeries. He had his top five vertebrae fused and was on a regimen of chemotherapy and radiation but still deteriorating. Finally his mother, Ann, could not bear to watch her son suffer anymore. Having heard that medical marijuana might be helpful, she offered some to her little boy, with amazing results.



Todd was able to cope with the debilitating treatments and took a new joy in life. Over the years, he continued to use cannabis for nausea and pain as an adjunct to his regimen of orthodox therapies. Todd continued to self-medicate with cannabis through several recurrences, and considered it central to his well-being.

Working with underground medical marijuana dispensaries, Todd was arrested in Ohio in 1995 carrying a bag of cannabis to open a dispensary in Rhode Island. Charges were dropped. He went to Holland to do research and edit a magazine, and moved to California after voters passed Prop 215 legalizing medical marijuana. Todd was hired by Peter McWilliams to write the book *How to Grow Medical Marijuana* and to research the effectiveness of different strains on a variety of medical conditions.

Todd was arrested in 1997 for cultivating cannabis in his Bel Air home, and once again his condition began to deteriorate. His severe neck and back pain returned.

Despite high-profile support from actor Woody Harrelson and others, Todd, like so many other medical marijuana patients, was denied any medical defense in federal court. He pled guilty in order to get a reduced sentence and appeal his case.

As a term of release, Todd was forbidden to use not only marijuana but the widely prescribed pharmaceutical Marinol, a synthetic form of THC. Ironically, many medical marijuana patients who come before the courts are ordered not to use this legal drug the government touts as an alternative to marijuana because taking it produces positive results on the drug tests mandated to assure the courts that the patient is no longer using cannabis.

While on release, a driving incident led to Todd having his bail revoked and being incarcerated. In prison, Todd again used medical marijuana. After failing a urine test, he was thrown into The Hole repeatedly for treating his own pain. After serving nearly four years in prison, Todd was released to a halfway house in December, 2003.

INSTITUTES OF MEDICINE

"Nausea, appetite loss, pain and anxiety . . all can be mitigated by marijuana.... For patients, such as those with AIDS or undergoing chemotherapy, who suffer simultaneously from severe pain, nausea, and appetite loss, canna-binoid drugs might offer broad spectrum relief not found in any other single medication."

***Marijuana and Medicine:
Assessing the Science Base, 1999***

JAMES COX

CANCER AND RADIATION-POISONING PATIENT 15-YEAR SENTENCE — SERVED 5, 10 YEARS PAROLE

James Cox was first introduced to marijuana following two operations for testicular cancer that metastasized to his stomach. He found that it helped with the pain, nausea, and eating disorders that resulted from both the cancer and the chemotherapy and radiation treatments. During his illness he was prescribed the narcotic, Demerol, which, in combination with marijuana, helped him cope with chronic pain from the nerve damage to his stomach, other organs, and ulcers. Marijuana also helped his inability to tolerate food and loss of appetite. James was on Demerol for 15 years and became an admitted Demerol addict. He found that if he increased his marijuana intake, he could get off the debilitating Demerol and gain control of his life. Research has shown that cannabis in combination with narcotic pain killers increases their efficacy, allowing patients to gain relief with lower, less dangerous dosages.

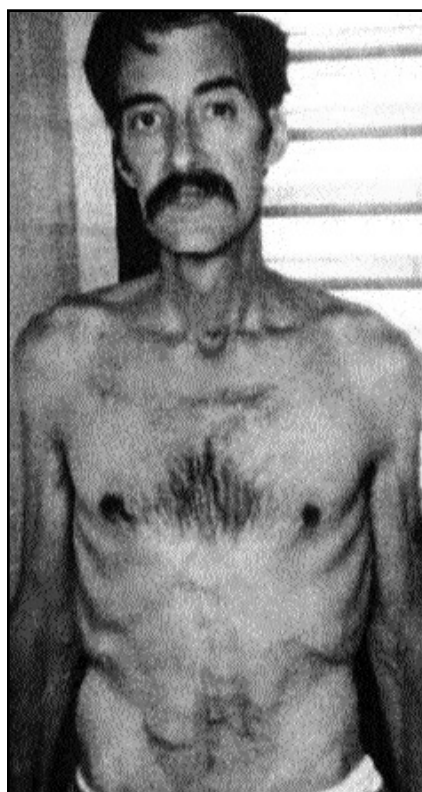
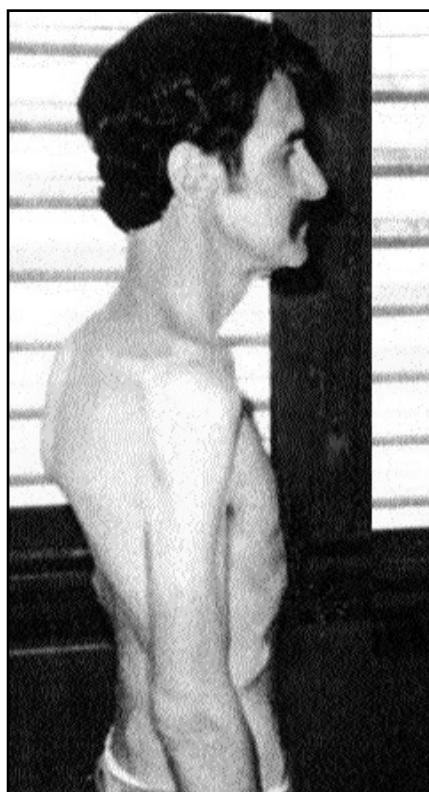
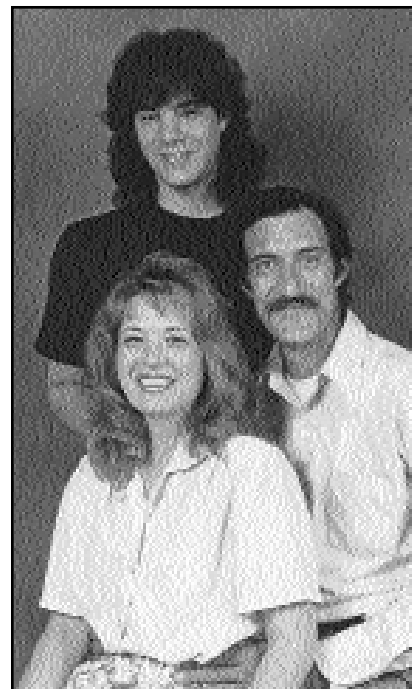
Since James could not afford to buy marijuana on the black market, he began to grow his own. Police discovered his garden while investigating an attempted burglary to his home. James and his wife, Pat, were arrested and the home they had just inherited from her mother was confiscated. James was sentenced to 15 years behind bars, and Pat to 5. Devastated and depressed, they attempted suicide while out on bond, but were revived. His sentence was stayed and they were sent home. A free man, James' desire to live returned, and he went back to growing his medicine. His health improved, but two years later, he was arrested once again on cultivation charges. This time the government locked him away.

During his incarceration he was deprived of medical marijuana, and James lived in constant discomfort. His stomach deteriorated to the point where he could not eat anything due to incurable, bleeding ulcers. Lacking adequate medical attention in prison, James was near death. It took two surgeries during his incarceration to keep him alive.

In 1997, after almost 5 years in prison, James was released, but he was drug tested for another three years. Doctors prescribed morphine for him, but

when its metabolites were found in a urine test, James was sent to a halfway house to prove that the positive test was not from illegal drugs. He spent over two months away from his wife and son and lived with the threat of more prison time.

As James said, "I paid my debt to society; at least that's what I thought until I realized that I was still in a prison — just one without bars. Labeled a convicted drug felon; subjected to piss tests, piss tests, and more piss tests; the government invading every aspect of my life with monthly questionnaires and surprise home visits. Freedom? Will I ever be free of pain and feel the relief that only marijuana can give me? No more ugly green bars, I am thankful for that, but will I ever be truly free?"



Jim Cox after being denied access to medical cannabis.

MARVIN CHAVEZ

PATIENT AND CAREGIVER, SERVING 6 YEAR SENTENCE

Soon after Prop. 215 passed, Marvin Chavez began cultivating medical marijuana as a treatment for the severe pain he suffers due to a degenerative back disorder called, Ankylosing spondylitis. Over the years, he had tried other narcotic medications, but they made him into a "zombie" or gave him intense mood swings, leaving him unable to function. He found marijuana to be a better painkiller for the disease that fuses bones together and ultimately leads to paralysis. He became a believer in the plant's medicinal qualities and decided he wanted to help other patients get safe access to the medicine.

In 1997, Marvin co-founded the Orange County Cannabis Cooperative, and grew cannabis for himself and other patients with the mission of providing it free of charge to qualified patients with a doctor's recommendation. He met with city officials to let them know of his intent to set up a co-op and advertised in the local media about his patient-run group. To offset costs associated with the production of the medical marijuana and managing the co-op, the co-op accepted donations of \$20 from patients who could afford it.

In March 1997, his partner, David Herrick was arrested in a hotel room when he was found with several small bags of marijuana marked, "Not for Sale: For Medical Purposes Only." A Vietnam veteran and former deputy sheriff from San Bernadino County, David suffered from back pain due to a disabling injury that forced him to retire from the department. During his stint in Vietnam, he saw firsthand how marijuana had medical benefits. After retiring on disability, he became an advocate for medical marijuana. During his arrest, the police also confiscated literature from the cannabis club and a computer database that led police to two club members who confirmed that David had provided them with marijuana on at least two occasions.

One of the patients did not answer his subpoena at trial as he was terminally ill with lung cancer. Many of the patients who came to support him had their crutches and canes confiscated by court bailiffs, fearful that they could be used as weapons in court. At his trial, the judge denied David a defense based on Prop. 215 and the evidence that supported his claims, effec-

tively leaving him with no defense to the prosecutor's claim that he was a common "street drug dealer." Sentenced to four years in prison, David served 29 months of his sentence in prison before the charges were reversed on appeal due to prosecutor misconduct.



David's arrest did not deter Marvin from his compassionate mission of providing marijuana to qualified patients. He soon formed the Orange County Patient Doctor Nurse Support Group. In January, 1998, Marvin's garden was raided, and he was arrested for marijuana cultivation and possession with intent to sell. A few months later, while awaiting trial and ignoring the judges orders to cease providing medical marijuana to patients at his co-op, Marvin was arrested a second time along with the co-op co-founder and terminally ill patient, Jack Schacter. This time they were charged with selling marijuana based on the evidence provided by two undercover agents posing as patients with forged doctors' recommendations.

Marvin refused to take a deal of five years probation and no prison time, if he promised to stop providing marijuana to patients. He could not in good conscience make that promise and stated that he would continue to travel around the state to educate people about medical marijuana. In 1999, he was sentenced to six years in prison by a judge who later wrecked his car while driving under the influence of twice the alcohol limit.

During the trial, Jack's attorney informed the judge and prosecutor that Jack's prognosis was grim. He only had 6 months to live. Jack was at least allowed to return home to Florida to spend his final days with family. Some believe the stress of the prosecution hastened his death.

While out on bail awaiting his appeal, Marvin continued to use and grow marijuana for his own medical purposes. His home was once again raided. His appeal on his previous case was denied, and Marvin has been in prison since August, 2002. While in custody, Marvin has been denied use of his back brace (as the metal components are considered a "security" risk in prison), and he is only allotted four Tylenol a week. Marvin is serving his sentence in constant state of pain. He expects to be released in August 2004.

BRYAN EPIS

CHRONIC PAIN PATIENT, MEDICAL MARIJUANA CAREGIVER SERVING 10 YEARS FOR CONSPIRACY TO CULTIVATE



Bryan Epis learned about the medical value of marijuana when he tried using it to treat the chronic upper back and neck pain that resulted from fracturing two vertebrae in a near-fatal car accident. When in 1996 California voters overwhelmingly passed Prop. 215, a law authorizing cultivation and possession of marijuana for patients and their caregivers, Bryan saw an opportunity to do a tremendous service. His dream was to create a legal medical marijuana dispensary that would be safe, accessible and affordable.

Bryan helped start a medical marijuana dispensary, the Chico Medical Marijuana Caregivers, which had approximately 40 patients, all of whom were carefully screened for medical recommendations verified by their physicians. He personally provided money for five indigent patients to see physicians. He was in the process of starting another dispensary in San Jose, California when the federal government arrested him.

He had allowed four other physician-approved patients to grow at his house and was charged with, and ultimately convicted of, conspiracy to manufacture more than 1000 plants. They were growing far less, but prosecutors used documents from his computer to suggest that he had plans to grow more, and that was good enough for the jury.

At his trial, the judge refused to allow any mention of California's medical marijuana law, the Compassionate Use Act, Proposition 215 or that the cannabis was for medical purposes. The jury was instructed, like all federal juries in states with medical marijuana laws, to disregard any references to the medical circumstances that slipped into witness testimony. They felt they had no choice but to convict him for the hypothetical 1,000 plants that he allegedly was going to grow, even though Bryan's attorney made clear at trial that the computer files they were looking at had nothing to do with the medical dispensary he was helping run.



Bryan Epis' 9-year-old daughter, Ashley, at the press conference announcing the educational billboard campaign asking for her father's freedom.

Despite the dozens of supporters who came out in droves for his trial, rallying on the courthouse steps and many letters requesting leniency were filed with the judge, Bryan was sentenced to a mandatory minimum term of 10 years in federal prison. Afterward, members of the jury said they had no idea that such a stiff sentence might be imposed, and would have voted differently had they known. Knowing that the severe mandatory minimum sentences for drug-related crimes can influence a jury's willingness to convict, such information is scrupulously kept out of the trial proceedings.

Bryan's appeal is pending, but meanwhile, he is sitting in a prison hundreds of miles away from his young daughter, Ashley, and the rest of his family.

A state-wide billboard campaign featuring Ashley went up around California in early 2003, in hopes of bringing attention to the injustice of not only his case but the laws that punish patients and those who would help them.

Recent federal appellate court rulings hold out some hope for his appeal, but if he doesn't win a chance for a new trial or receive a pardon, he will not be released until 2010.

JAMES BURTON

GLAUCOMA PATIENT - MEDICAL MARIJUANA REFUGEE ONE-YEAR SENTENCE, LOSS OF FAMILY FARM



*James working at the Institute of Medical Marijuana,
which provides cannabis for Dutch pharmacies.*

James Burton, a Vietnam veteran and master electrical technician, was faced with a stark choice after he was diagnosed with a congenital form of glaucoma. He discovered that he could either smoke marijuana and save his vision, or he could continue to take the conventional pharmaceuticals his doctors prescribed and slowly go blind. He chose marijuana and began growing his own medicine on his Kentucky farm.

Local law enforcement discovered his garden, and he was arrested and charged with cultivation with intent to sell. At his trial, ophthalmologist Dr. John Merritt testified that cannabis was the only medicine that could keep James from going

blind. The jury believed that he was growing cannabis for his own use and convicted him of simple possession of marijuana. He was sentenced to one year in the maximum security Marion Prison.

While incarcerated, James was deprived of marijuana, the only medicine he found that helped him see. As his sight was worsening over that year, he had to fight to keep prison doctors from performing a very risky surgical

procedure.

When James was released, he and his wife, Linda, were homeless. Despite the jury's finding that he was growing marijuana solely for his own use, the judge had ordered his house and 90-acre farm confiscated without allowing James to testify in his own behalf to save it. Once out of prison, James faced his same choice between marijuana and blindness, but he was determined never again to let the government imprison him for treating his illness. He and Linda said good-bye to their families and left the country. Today, they live in the Netherlands, where James has a marijuana prescription from a doctor, allowing him to receive his cannabis from pharmacies there. His glaucoma is at last under control.

"To send a man trying to save his vision to prison, and steal the home and land that he and his wife had worked decades for, should have the authors of the Constitution spinning in their graves," said his attorney.

James is now helping other patients obtain cannabis for their medical needs. He is a founder and manager of the Institute of Medical Marijuana, a non-profit organization that supplies the Dutch Health Ministry with cannabis to be legally distributed through their pharmacies by prescription, paid for by the Dutch government.

NEW ENGLAND JOURNAL OF MEDICINE

"Doctors are not the enemy in the "war" on drugs; ignorance and hypocrisy are.... Research should go on and while it does patients with life-threatening illness should have access.... There is certainly sufficient evidence to reclassify marijuana as Schedule II drug.... As long as a therapy is safe and has not been proved ineffective, seriously ill patients (and their physicians) should have access to whatever they need to fight for their lives"

**George J. Annas, JD, MPH
N Engl J Med 337:435-439, 1997**

KEVIN GAGE, TOM KIKUCHI and STEPHANIE LANDA

CAREGIVERS AND PATIENTS, TURNED OVER TO FEDERAL AUTHORITIES BY LOCAL POLICE

Noted actor Kevin Gage made a career out of playing tough-guy cops, narcs and drill sergeants in such movies as *Heat*, *Blow* and *G.I. Jane*. In *Blow*, he plays an undercover DEA agent, so it was not surprising - no matter how ironic - that the narcotics officers who arrested him in 2002 asked for his autograph. He gave it to them, and then demanded to see their captain.

Kevin had already explained to the officers who were raiding the warehouse where he and two friends had begun growing marijuana that he and his friends Stephanie Landa and Tom Kikuchi had met with San Francisco police five months earlier about how to grow medical marijuana legally. They had been given guidelines by the city and met with the district captain. In fact, they remembered the inspector leading the raid as one of the officers present at that meeting, though he denied remembering either them or the meeting.

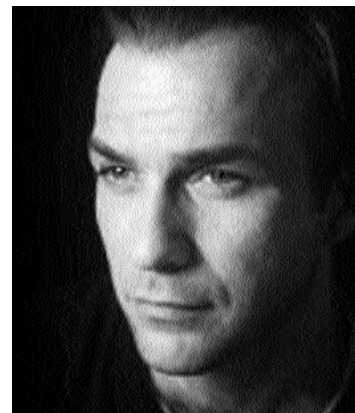
After sitting handcuffed for two hours as officers searched the small warehouse, the captain arrived, confirmed that he'd met with them, checked the doctors' recommendations they had on site, and ordered them released. He even gave them a police form indicating that they had been released without charges. With that, Kevin, Stephanie and Tom thought the matter was over.

But two weeks later, they were indicted by the federal government, though no federal agents had been involved in the raid. The U.S. Attorney's office would say only that a "citizen complaint" had led to the indictments, but suspicion immediately fell on the disgruntled police inspector who had denied remembering them, particularly since he showed up for all the subsequent court hearings and was seen openly conferring with the federal prosecutor.

San Francisco District Attorney Terence Hallinan criticized the police's apparent role in the case, saying, "It's absolutely improper for San Francisco law enforcement to turn people in to the federal government just because they

feel the D.A., the Board of Supervisors and the voters are too lenient on marijuana."

Advised that they would not be allowed to present a defense at trial, Kevin, Stephanie and Tom pled guilty to "maintaining a place for the manufacture of marijuana," for which the government recommended a maximum of 56 months in federal prison. As part of their plea agreement, they were forbidden to discuss their contacts with SFPD in asking the court for a lower sentence, though they were allowed to tell the judge what they had done to comply with state law. Nonetheless, the judge discovered mention of their meetings with police in a report and then — over the strenuous objections of the prosecutor — rescheduled their sentencing until an investigation could be conducted.



Kevin Gage

By the time they returned to court, members of the San Francisco Board of Supervisors had signed a letter requesting leniency for the three medical marijuana patients. The Supervisors asked the judge to take into consideration the city's "resolution declaring San Francisco a sanctuary for medical cannabis use, cultivation, and distribution," which urges "the San Francisco Police Department not to assist in the arrest of any patients, physicians, dispensaries, and caregivers." Ed Asner, former president of the Screen Actors Guild, also sent a letter requesting leniency, as did Kevin's sister, a cancer patient for whom Kevin was growing marijuana.

When Kevin had decided at the beginning of 2002 to take a year off from his Hollywood career to help grow medical marijuana, he did so not just because he knew how much it helped him cope with his own chronic back pain, but because he wanted to help his sister and his brother, who was struggling with MS. The friends working with him also had doctors' recommendations for marijuana. A car accident in August of 1999 left Stephanie, a single mother, without use of her right arm. Tom has a recommendation to use medical marijuana for his own chronic pain.

All of that made a difference to the judge, who said repeatedly that it was a "lesser harm" for them to be growing marijuana for patients then to obey the law and ignore the suffering of others. He nonetheless sentenced them to up to three years in prison, less time than prosecutors had sought.

A LETTER FROM KEVIN GAGE'S SISTER

My name is Tammy Varney and I am writing this letter on behalf of my brother Kevin Gage. I am currently staying at the Hope Lodge Center for Cancer Patients in Marshfield Wisconsin where I am receiving Chemo treatments for Cancer and daily radiation for an optical nerve tumor on the back of my eye. This is my second time around fighting Breast Cancer. The first time was around Christmas of 2001 when I saw my brother last. He had come home to see me and be with our family for the Holidays. At that time I had lost about 30 pounds because I could not keep down food as a result of the chemo therapy treatments—from 120 lbs. down to about 90 lbs.

A friend had recommended that I try smoking Marijuana to rid myself of the nauseous side effects of the Chemo treatments so I could regain my appetite and keep down what I ate. When Kevin came home and saw how thin and sick I was he was very emotional and scared for me and immediately started talking with our family and doctors and doing research to help me recover. He witnessed firsthand and, like myself and family, was amazed how using the marijuana as medicine took away the nauseous side effect of chemo treatments and allowed my appetite to return, which made it possible to regain my weight and get through my treatments much easier without feeling so nauseous and sick. It was honestly the only medication that was effective and had no side effects.

I and our family are so scared for Kevin and absolutely devastated that he is being treated like a criminal by our Government and may go to jail for attempting to provide medication legalized in the state of California. He left his home in Los Angeles just two months after visiting me that Christmas to go to San Francisco where the District Attorney and local law enforcement called their city a sanctuary for caregivers and welcomed him and others to help people who needed alternative medication.

My Brother is one of the most caring, loving human beings on earth. He has watched our brother Kent suffer from Multiple Sclerosis, he has watched me suffer from cancer and has suffered himself from a near fatal car accident that hospitalized him in traction for nearly two months. Kevin makes a very good living in the entertainment Industry as an actor in Los Angeles and for him to take time off from his work at the peak of his career and leave his home to help people who suffer from many different illnesses makes him a Hero beyond words in our eyes. We pray that our Government sees the truth which is my brothers only motivation was to help those who suffer have access to an alternative medication and live life as comfortable as possible.

I know that making people happy is what makes my brother happy, and like myself and our family, Kevin knows at the end of ones life all you have is Family, friends and hopefully memories of all the good you have done for them and others. We are so, so proud of him and hope you will all support and pray for him with us.

JOE PINSON

ASTHMA PATIENT - SERVED A 5-YEAR SENTENCE FOR CULTIVATING MEDICAL MARIJUANA

Joe Pinson's mother, Regina, and grandmother, Amy, testify to all the time they spent taking care of Joe as a child, due to his severe, life-threatening bouts with asthma. Many were the times they had to rush him to the hospital as he was turning gray, unable to breathe. He missed so much school one year that he was held back a grade, and they got a private tutor to work with him at home.



Drug after pharmaceutical drug did not help much. When Joe was 18, his episodes suddenly stopped. For the first time, he was able to breathe and lead a normal life. Finally, his family thought, he must have grown out of it.

Agents began investigating Joe in 1991 after he bought some growing equipment. His home utility records showed high electrical usage. The DEA, without a search warrant, scanned his Missouri property using a heat-sensing, infrared device from a helicopter. Based on the "heat signature" they observed, federal agents got a warrant and found 150 marijuana plants in his attic. That's how his mother and grandmother found out that Joe had not outgrown his asthma, but was using marijuana as medicine to control it.

The federal government seized the family home and his mother had to pay \$25,000 to get her own house back. When Pinson's lawyer protested that the DEA fly-over had violated his Fourth Amendment rights by unreasonable search and seizure without a warrant, the judge ruled that he had no reasonable expectation that the heat radiating from his home was private.

Joe was handed a five year mandatory minimum sentence for growing his medicine. In prison, they did not give him his medicine of choice, forcing him to use more dangerous drugs, such as steroids, with known harmful side effects.

MICHAEL TEAGUE

CHRONIC PAIN PATIENT, ALLERGIC TO CONVENTIONAL MEDICATIONS; SERVING AN 18-MONTH SENTENCE

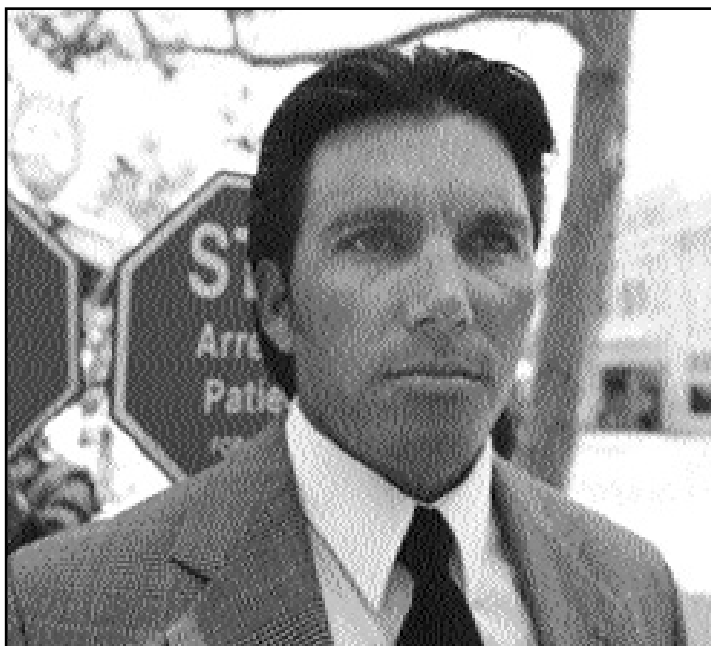
"We are a law enforcement family, and we believed in truth and justice," said Anita Teague, a police department employee, who was clearly shaken by the incarceration of her thirty-three-year-old son, Michael. Their family includes ex-military, a police officer, and volunteers for the county police, all of whom knew about the intense back pain that Michael still suffers from a severe accident.

They also knew he had life-threatening reactions to normal analgesics like aspirin and Tylenol. And they saw how medical marijuana relieved his pain and allowed him to live a productive life, running the Orange County swimming pool service business he had bought from his father. They knew he had a doctor's recommendation for cannabis and was following the laws of California, so they had no qualms about his using or growing the medicine that benefited him. They believed Michael's use of medical marijuana would be protected by California's Prop. 215. And it was, at first.

In 2002, based on a tip from a confidential informant, Michael's home was raided by local police, who discovered the small marijuana garden in the back of his garage. Even though Michael produced a doctor's recommendation for his medical use on the spot, he was arrested. In searching the house, officers also found a gun his mother had left in a jacket in one of his closets, and he had forgotten about. The Orange County district attorney nonetheless declined to press charges at arraignment, after being informed of Michael's medical conditions.

But somehow information about the arrest soon reached federal authorities, and two weeks later officers of the Department of Alcohol, Tobacco, and Firearms came to his house with guns drawn and re-arrested him, charging him with being an "unlawful drug user in possession of a gun." Coming from their law enforcement and military background, his family was surprised by the gun charges, as Michael had a clean record and, as the DA had concluded, was obeying state law.

Advised that he would be unable to present medical evidence to a jury, Michael choose a "stipulated" trial where he pled to personal cultivation charges in exchange for the right to appeal. Meanwhile, the prosecution tried to paint Michael as a major drug dealer and demanded that he serve a five-year mandatory minimum sentence.



Michael at a rally before his sentencing.

At sentencing, the federal judge chided prosecutors for overstating their case, and for not delivering vital information about the confidential informant. The judge rejected the government's arguments, but said the presence of a gun forced him to sentence Michael to prison. Though before doing so, the judge rejected mandatory minimum sentencing guidelines and used a "safety valve" to reduce his term. He sentenced Michael to 18 months and expressed hopes that his ruling would set precedent for judges caught in the conflict between federal and state laws.

Michael is currently in federal prison awaiting the outcome of his appeal. His family waits at home.

His discouraged mother writes, "Because of the federal government's conflict with the state, Michael has lost his swimming pool business, had to have us sell his house, borrow money, and has had to pay out thousands and thousands of dollars in court costs and attorney fees. This is in addition to losing his freedom and having to endure personal assaults on his mind and his body. He has had to endure the chronic back pain with no relief whatsoever. This has not only affected Michael but everyone involved with him. The conflict between the state and federal laws is destroying innocent people - not only the patients, but their friends and families."

A LETTER FROM MICHAEL TEAGUE'S MOTHER

I am the mother of a young man who is facing 5 years in federal prison. The concept of your son going to prison is, for most of us, incomprehensible. For our family it's even worse. Michael is a medical marijuana patient.

We are a typical American family. Michael has a brother and two sisters. His dad and I have worked hard to provide for them. His brother is a police officer, one sister a 2nd grade school teacher and the other an accountant. Michael has lived in Southern California his entire life. He is 33 years old and owns a small swimming pool service operating in Orange County. Due to a back injury he is a chronic pain sufferer and has a severe, life threatening reaction to normal pain medications like aspirin, Tylenol, etc.

Because he has no other options, he has a doctor's recommendation to use marijuana to alleviate the pain. Having lived through Michael's life-threatening incidents and seeing him in great physical pain, I have seen how medical marijuana treatments have relieved his pain and allowed him to live a normal life. In his choice of marijuana as medicine, we felt he was following the laws of California, not knowing of the conflict between state and federal laws.

In February I was diagnosed with stage-two breast cancer and have been undergoing chemotherapy. The chemicals they put into my body cause me to have good days and bad days, and when they are bad they are really bad. I have come to terms with the fact that I have cancer and I appreciate how much worse it could be. The support I receive from my family has helped see me through some very tough months. When I sit and get my chemo I talk with other patients and realize what they are going through. I am grateful that the tumor seems to be shrinking. It's just that sometimes things seem to be more effort than they are worth and I get overwhelmed. The stress and the emotional and financial pressures have been extreme for all of us.

But because of this experience, I have come to understand why the medical marijuana issue is so important. When the nausea is so bad that just rolling to your side is agony, you want anything that will help. I have had days where I would be crying; crying that I just couldn't do this anymore. My family has given me the courage to continue with the treatments and believe I am going to survive. I don't know what I would do if I could not take medication to help get at least some relief. I am so thankful that I am not allergic to prescribed medication as Michael is. The need for making medical marijuana available for relief of the nausea or the bone pain I am now experiencing has been brought home to me even more.

My feelings regarding medical marijuana and my own personal medical experiences have caused me to take a good hard look at the reason for laws not allowing the use of marijuana to alleviate medical conditions. There is a disparity between our state and federal laws. Michael has never been in any trouble, he has no convictions for anything greater than traffic violations. Michael has been caught up in a legal question in which the state and federal laws are in disagreement.

LARRY RATHBUN

MULTIPLE SCLEROSIS PATIENT, 10-YEAR SENTENCE

Upon returning from his second tour of duty in Vietnam in 1971, Larry Rathbun began exhibiting symptoms of vertigo and loss of motion in his left leg. It wasn't until 1989, however, that a VA hospital in Salt Lake City, Utah, was able to confirm that the neurological problems he was experiencing were due to Multiple Sclerosis. His doctors told him that whatever he was doing to treat his disease, he should continue, as his continued mobility was surprising.

When a VA doctor later learned that it was marijuana that was helping him, he tried to prescribe the synthetic THC pill, Marinol, for him, but it was not available through the VA hospital. Living on a 20-acre, secluded ranch in Montana, Larry was able to treat his illness by growing his own supply of medical marijuana. He attributes his ability to avoid using a wheelchair to his medical use of cannabis.

All was fine until 1999 when an acquaintance who got in trouble with the law made a deal to turn someone in. That someone was Larry. Police descended on his ranch and seized nine, immature cannabis plants. Since Montana does not allow a medical marijuana defense, he was not able to discuss his condition in court. Despite the small number of plants totaling less than an ounce of dried marijuana, Larry was charged with two counts of intent to distribute and possession of drug paraphernalia. Unable to hear why he was cultivating marijuana, a jury found him guilty, and the judge sentenced him to 10 years, with six years suspended for each felony.

Larry walked into the prison on March 15, 2000. Nineteen months later he rolled out in a wheel chair. He later testified before the Montana legislature about medical marijuana. On probation until March 2005, he now lives quietly in the state of Washington, where he has a legal recommendation of use medical marijuana. He is still being hassled by the Montana Department of Corrections though, which claims he violated his parole by not completing a drug treatment program there. His only drug problem is that he gets great medical benefit from using cannabis, a drug not recognized by the state of Montana for the treatment of MS.

PROSECUTED

ROBERT RANDALL

FATHER OF THE MEDICAL MARIJUANA MOVEMENT. 1948-2001

Known as the "Father of the Modern Medical Marijuana Movement," Robert Randall was the patient who made legal history when he persuaded a Washington, DC federal court that his use of marijuana was a matter of medical necessity. His efforts over the years not only drew attention to the medical benefits of cannabis but also brought about research, legislation, and access to medical marijuana for others. His activism and advocacy have been a source of inspiration for many who have taken up the cause of medical marijuana.

In 1972, at the age of 24, Robert had already lost sight in his right eye, when he was diagnosed with a serious form of glaucoma and told that he had at most three to five years until he would go blind. Since his mid-teens, he had been experiencing transient tri-colored halos and often would go "white-blind" in the evening. His ophthalmologist tried a variety of medications to lower the intraocular pressure in his eyes, but nothing was effective. They knew that surgery was risky as it could potentially damage the optic nerve, so it was ruled out. They told him there was nothing more they could do for him, that he should live his life as normally as possible until he lost all of his vision.

Robert soon had to quit his job as a cab driver and ended up on welfare as his eyesight worsened. One evening in 1973, a friend gave him a couple of marijuana cigarettes, and as they were smoking, he noticed the halos had disappeared. After six months of trial and error, he came to the conclusion that without marijuana there were halos and white-blind nights. When he smoked, they were gone. He wanted to tell his doctor, who was mystified about the fact that his visual fields had stabilized, but he was afraid of the consequences. He got off welfare and was able to put his education to work as a part-time college speech professor. His life was back on track.

To ensure an adequate supply of his marijuana medicine, Robert decided to grow his own plants. In 1975, while vacationing in Indiana with his

partner, Alice O'Leary, the local vice cops raided his home and seized his plants. They left a note requesting that he surrender himself for arrest. "I could not know at the time, but being arrested was about the best thing that could have happened to me. Being arrested saved my sight," he wrote.



At his trial in 1976, D.C. Superior Court Judge James A. Washington ruled that Mr. Randall "has established a defense of necessity...The evil he sought to avert, blindness, is greater than that he performed." The charges were dismissed. His attorneys had also petitioned the Food and Drug Administration to have him included in a research program that would give him 10 joints a day. As a result of their efforts, he became the first person in the United States to receive a legal, regular supply of 300 medical marijuana cigarettes per month provided by the federal government from their cultivation site at the University of Mississippi.

In 1978, when the federal government tried to cut off his supply, he sued and won again. The Federal government then established the Compassionate Investigational New Drug Program (IND Program), which gave him sustained access to this non-approved drug. The Federal IND program was eventually opened to other medical necessity patients (most of whom had to get arrested and prove medical necessity in court), but it remained extremely limited. In its heyday, only about 14 people with serious or life-threatening conditions were admitted to the program. Only seven remain in the program today.

In the late 1970's, Robert helped to move legislation that recognized marijuana's medical value and set up statewide research and access programs in more than 30 states. At one point, hundreds of people were approved to the IND program and received marijuana through the state research programs for a limited time, but federal opposition ensured that most of the state programs were never activated.

Robert and Alice formed the Alliance for Cannabis Therapeutics; a non-profit organization dedicated to changing the federal laws prohibiting access to medical marijuana in 1981. When the AIDS epidemic was in full force in the United States by the early 1990s, Robert established the Marijuana AIDS Research Service (MARS) to help AIDS patients gain access to the IND

program. Hundreds of patients filed for admission to the program, but the flood of applications led to the government's shutting down the program altogether. Only those few who were already receiving marijuana were able to continue having legal access to the drug. AIDS patients who used marijuana to relieve their symptoms of nausea from wasting syndrome and the side effects of chemotherapy, were on their own.

The closure of the Federal IND program to new patients motivated activists to sponsor state ballot initiatives and legislation. Currently ten states allow patients to legally use, possess, and cultivate medical marijuana. The federal government still classifies marijuana as a Schedule I drug and actively opposes safe access for patients who have discovered its medical benefits, though it continues to provide marijuana free to the remaining IND patients.

Robert wrote a series of books about his story, those of other medical marijuana patients, and medical and legal issues. They include *Marijuana, Medicine & the Law, Volume I and II*, *Cancer Treatment & Marijuana*, *Muscle Spasm, Pain & Marijuana Therapy*, *Marijuana & AIDS: Pot Politics & PWAs in America*, and his autobiography, *Marijuana Rx: The Patients' Fight for Medicinal Pot* (with his wife, Alice).

Thanks to steady access to medical marijuana, Robert Randall maintained his sight until he died of AIDS in 2001. He was living proof that medical marijuana works.

NEW ENGLAND JOURNAL OF MEDICINE

"A federal policy that prohibits physicians from alleviating suffering by prescribing marijuana to seriously ill patients is misguided, heavy-handed, and inhumane.... It is also hypocritical to forbid physicians to prescribe marijuana while permitting them to prescribe morphine and meperidine to relieve extreme dyspnea and pain...there is no risk of death from smoking marijuana.... To demand evidence of therapeutic efficacy is equally hypocritical"

**Jerome P. Kassirer, MD, editor
N Engl J Med 336:366-367, 1997**

BARB and KENNY JENKS

AIDS PATIENTS WHO WON MEDICAL NECESSITY CASE, RECEIVED MARIJUANA FROM THE FEDERAL GOVERNMENT

Kenny Jenks was a hemophiliac who contracted AIDS through contaminated blood in 1980 and then unknowingly infected his wife, Barbara. Both became too sick to work, and they lived on disability. Like many AIDS patients, they discovered marijuana helped them eat and gain strength.



After they were arrested and charged with three felonies for cultivating marijuana, their lawyer argued in court that this was a case of medical necessity. They contended that marijuana was the only medicine that lessened the vomiting and nausea caused by AIDS and the drugs used to fight the disease. The Court of Appeals in Tallahassee, Florida ruled in their favor in 1991.

After that lengthy legal struggle, the DEA allowed them into the federal Compassionate IND program, which still provides a handful of patients with up to six pounds of marijuana per year for medical use. At the time, more than 30 people suffering from serious illnesses had successfully proven their medical necessity and were approved to receive federal marijuana.

The Jenks went public with their story, and soon more than 300 other AIDS patients had applied to the program. "Our major goal is to have marijuana on a prescription basis, like any other drug, where the decision would be between the doctor and the patient," said Kenny, who became chairman of the Marijuana/AIDS Research Service. The sudden surge in applicants prompted the first Bush Administration abruptly shut down the intake program in 1992. Even those who had already been approved were denied access to the medicine, and only the few patients who were previously receiving government marijuana at that time have been allowed to continue to do so.

The Jenks' crusade for justice and compassion had been wiped out at the moment of its triumph. The stress of their personal ordeal took a toll on the couple's health. Both Barb and Kenny died soon after the IND program was closed to new patients.

MYRON MOWER

DIABETES, WASTING SYNDROME, LANDMARK DEFENDANT

There was no question that Myron had the right to cultivate marijuana for his medical needs under California state law. He was a bona fide diabetes patient suffering from multiple complications, including near complete blindness, intractable nausea and weight loss.

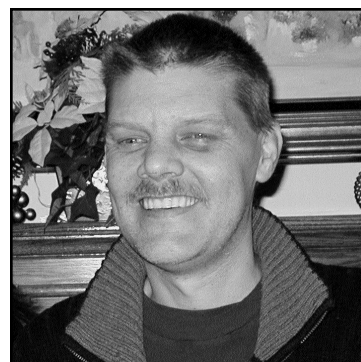
In July 1997, Myron Mower, then 35, was extremely ill in the hospital when deputies conducted a search of his home. Under his terms of probation for a prior cultivation conviction, they were allowed to enter and search his residence at any time. They discovered his patch of 31 medical marijuana plants, and proceeded to uproot 28 of them. Later that day, a deputy visited him in the hospital and talked to Myron while he was hooked up to a morphine IV. Armed with a secret tape recorder, he asked the patient about his cannabis garden. Although Myron said he was growing for his own needs, he also said he was growing for two other patents with doctors' recommendations. Because the Tuolumne County Sheriff's Department adopted a policy earlier that year to arrest anyone with more than three plants, they decided that Myron was growing too much marijuana. Weeks later, he was arrested and charged.

During his trial, Myron had to take periodic breaks to take his insulin shots, vomit, or get fresh air to keep from passing out. He denied growing for other patients, claiming that he didn't know why he made that statement, except that he was heavily drugged when he said it.

Deputy District Attorney John Hansen, even acknowledged, "If there is a person in the state of California for whom Prop. 215 was enacted, it is Myron Mower." But, he urged the jury to convict anyway, based solely on the number of plants grown (even though a cannabis expert testified that his garden size was a reasonable for his own medical need). The jury took only 90 minutes to return with a guilty verdict for felony cultivation.

Although Myron could have been sentenced to three years for this offense, prosecutors only asked for more probation to monitor his supply; they wanted to search his home without warrants for the next five years. The

Mowers didn't mind reasonable limits, but they did mind the probation raids. As his wife, Laurie said, "They can come in and trash our home whenever they want. They come in with their full-blown armor, guns drawn, and all our neighbors think we're this big drug house. We're not. He's never sold marijuana, and they know that. All they want is control, and all we wanted was for him to have his medication and have a normal life like they do."



Myron appealed the conviction. His case went all the way to the California Supreme Court. On July 18, 2002, California's highest court returned a landmark ruling which has made it easier for medical marijuana defendants to prevail at their trials. It ruled that patients should be protected from unnecessary prosecution for growing and possessing marijuana. Now known as the Mower Decision, the court ruled that Prop. 215 is more than just a criminal defense. It also provides qualified immunity from prosecution, establishing a two-step process for patients who are arrested and shifting the burden of proof to the prosecution. First, defendants are entitled to a pretrial hearing, where charges may be dismissed by showing that they are legal patients with a reasonable amount of medicine. Second, if their case goes to trial, prosecutors must prove guilt "beyond a reasonable doubt" not by a mere "preponderance of evidence."

"The possession and cultivation of marijuana is no more criminal - so long as its conditions are satisfied - than the possession and acquisition of any prescription drug with a physician's prescription," wrote Chief Justice Ronald M. George. These words changed the legal environment for patients in California, recognizing that patients are not second-class citizens without any rights. California Attorney General Bill Lockyer, whose office prosecuted this case, applauded the decision, stating it "strikes an appropriate balance in helping ensure that truly needy patients whose doctors have recommended medical marijuana to alleviate pain and suffering related to serious illnesses will have access to medicine under California law."

The California Supreme Court sent Myron's case back to the county, where the district attorney dropped all charges.

PETER McWILLIAMS

CANCER AND AIDS PAITENT, AGE 50 AT THE TIME OF HIS DEATH FROM ASPHYXIATION

Peter McWilliams was a best-selling writer and publisher of numerous self-help and other books, including *Ain't Nobody's Business if You Do: The Absurdity of Consensual Crimes in Our Free Country* and *LIFE 101: Everything We Wished We Had Learned About Life in School - But Didn't*. Having repeatedly pulled his life together after personal hardships, he wrote and published books to help others rise above adversity.

In March 1996, Peter was diagnosed with AIDS and cancer. Prescribed chemotherapy and radiation to fight the cancer and combination drug therapy for the AIDS, he found that the treatment was almost worse than the disease. Nauseous, unable to eat and without appetite, Peter began to waste away at his Los Angeles home, despite the medications his doctors prescribed to help him.

After doing some research, Peter decide to see if cannabis would help control the side effects of the cancer and AIDS treatments. To his amazement, he found that using cannabis allowed him to keep down the drugs that were helping fight his diseases.

Peter told himself that if he lived, he would devote his life to getting medical marijuana to all the sick people who needed it. He made a remarkable recovery and was once again his positive, vivacious, productive self.

Then, in 1996, California voters passed Proposition 215, which legalized cultivation and use of medical marijuana. Peter became an outspoken advocate, and he commissioned Todd McCormick, an activist and patient, to write a book on cultivating different strains of medical marijuana for different illnesses. Todd began his research by growing different cannabis strains at his Bel Air home, but was soon raided by the DEA.

Peter, Todd and others were charged with conspiracy. Since federal law does not recognize medical cannabis, the judge forced them to stop using med-

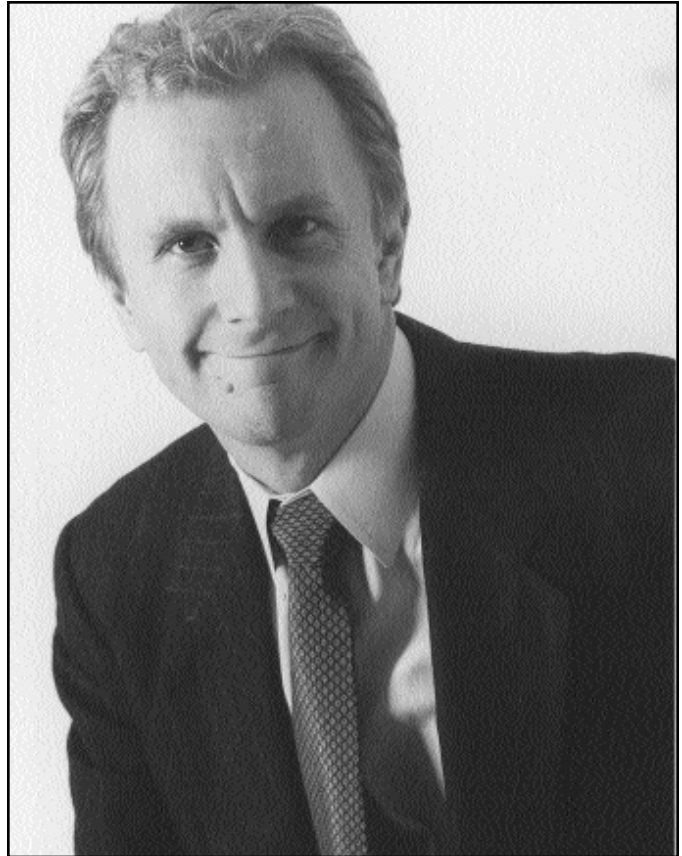
ical marijuana as terms of their release while they awaited trial.

Since Peter's mother's and brother's houses had been put up to secure his bond, a positive drug test would mean that they would lose their homes if cannabis was detected in his urine, thus assuring Peter's compliance with these terms.

With no legal defense available under federal law and facing a mandatory 10-year sentence, McWilliams pled to a lesser charge that reduced his possible sentence to a maximum of five years.

But while awaiting sentencing he was still unable to use the cannabis that had proven effective in controlling his nausea where other drugs had not. Peter McWilliams died in his home on June 14, 2000 at the age of 50, asphyxiating on his own vomit.

For this cancer and AIDS patient, federal denial of the natural medicine that best controlled his nausea became a death sentence.



ED ROSENTHAL

CULTIVATION EXPERT, AUTHOR, ACTIVIST, PATIENT JURY RECANTS AFTER CONVICTING ON 3 COUNTS

The pre-dawn raid at best-selling author Ed Rosenthal's home was timed to coincide with similar actions at the Sixth Street Harm Reduction Center, a San Francisco medical marijuana dispensary, and the home of the dispensary's manager. It was also timed to coincide with the arrival in San Francisco of the head of the DEA, Asa Hutchinson, for a speech at the Commonwealth Club, which he used to announce the arrest of the man millions of readers knew as "Ask Ed", the grow-your-own advice columnist for *High Times* magazine.

But instead of applause, Director Hutchison's announcement was met with catcalls and the sound from the street of a man with a bullhorn berating him and exhorting a crowd to chanting. A scene not unlike the protests San Francisco is known for, except that the man with the bullhorn was the city's district attorney, Terence Hallinan.

The day the trial started, it was frontpage news on the *New York Times*. Before it was over, it would generate hundreds of articles, editorials condemning the trial appeared in papers across the country, and primetime network news did features on him and the jury that would come to first convict him and then recant.

Even though Ed had been deputized an officer of the City of Oakland for the purpose of growing marijuana for patients, even though everything he did was done in cooperation with local law enforcement and city officials, the jury was kept in the dark. Under federal law, why he was growing the plants, or for whom, was considered irrelevant as evidence.

As a result, prosecutors were able to portray him as a common drug dealer, and Ed was convicted on all counts by the jury. But as soon as they emerged from the federal courthouse, they discovered the whole truth. Within hours, the majority of jurors had publicly renounced their verdict, saying they never would have convicted had they known all the facts.



Ed Rosenthal (left) and Charles Sackett, the jury foreman, at a press conference with other members of the jury and city officials.

At trial, Ed was prevented from telling the jury anything about medical marijuana. They were not allowed to hear about California state law or the Oakland ordinance that he was working to support. They were not allowed to hear from Oakland City Council, the city attorney or even the head of narcotics — all of who were prepared to testify on Ed's behalf.

With the approval and cooperation of the city, Ed provided small “starter” plants so that patients could then grow their own medicine. He was told that, as an officer of the city carrying out a city ordinance, he would be immune from prosecution in the same way police and other officials may possess and transport otherwise illegal drugs as part of their jobs.

A few days later, at a hearing on Ed's ability to remain free pending sentencing, half the jury was present in the gallery behind Ed, wearing buttons that said “Free Ed” and “Ed Rosenthal: Hero.” They then held a press conference on the steps of the federal building at which the jury foreman read a statement from the jury apologizing to Ed and calling on the judge to let him go.

Faced with a letter signed by the jury asking for leniency, as well as similar letters from California's attorney general and others, the judge disregarded the mandatory minimum sentence of ten years and sentenced Ed to a day in prison with credit for time served. Ed is appealing his conviction.

NORM and PAT MAJOR

CHRONIC PAIN AND CANCER PATIENT AND HIS CAREGIVER BOTH CONVICTED OF MARIJUANA CULTIVATION



Norm and Pat Major had three children and eight grandchildren. Norm was a former member of the board of governors at the Elks Club. Pat spent time working at the Altar Society at St. Peters Catholic Church. Because he "wanted a life," Norm and Pat Major became felons in Oregon, where state law did not then distinguish between medical and non-medical marijuana use.

Back in 1966, an industrial accident in which a scaffold fell on Norm's lower back caused recurring tumors to occur in his back. Two years later, as a result of painful complications, he was forced to undergo a hindquarter amputation, sacrificing a leg and half of his pelvis.

In 1972, the cancer spread to a lung, which was removed. Recurring cancers, including a brain tumor, led to repeated surgeries. Norm had more than 80 surgeries, including two to cut nerves to reduce pain. He built up tolerance for legally prescribed pain killers. He took morphine every 3 to 4 hours.

"I couldn't get out of bed because I was so drugged. I was more dead than alive. I took tons of stuff just to go to sleep." Addicted to legal drugs, Norm developed the temperamental behavior and physical symptoms typical of users of opiate-based street drugs. "I was a druggie. It was a nightmare."

Several doctors recommended that he try marijuana. The decision to do so was very difficult for the couple, requiring a lot of praying and crying, but

they tried it, and it worked - marijuana relieved the pain. After a few months, Norm got off all of his prescription drugs. In the following years, he resumed his life, pursuing hobbies such as refinishing furniture.

To avoid the criminal market, the couple grew 36 cannabis plants in an indoor garden in their basement, until an informant reported them to the police, leading to a raid and subsequent conviction. Rather than face trial without a defense, they pled guilty and paid a \$23,500 fine to save their family home from forfeiture.

Norm died on January 28, 2003.

FEDERATION OF AMERICAN SCIENTISTS

"Based on much evidence, from patients and doctors alike, on the superior effectiveness and safety of whole cannabis compared to other medications, ... the President should instruct the NIH and the Food and Drug Administration to make efforts to enroll seriously ill patients whose physicians believe that whole cannabis would be helpful to their conditions in clinical trials"

(November 1994)

BERNIE ELLIS

TENNESSEE PATIENT AND CAREGIVER

The hundred letters of support asking the judge for leniency in sentencing Bernie Ellis, attest to the fact that imprisoning this compassionate, giving man would be a true injustice. On a professional level, Bernie Ellis has worked for years to improve the lives of individuals and communities as an epidemiologist who specializes in public health, HIV/AIDS, alcohol and substance abuse-related programs for local communities, states, national agencies and Indian reservations throughout the US. On a personal level, he has used his gardening skills to help restore the flower beds for his local town square, produce berries, and provide free medical marijuana for selected patients suffering from cancer, AIDS and other life-threatening illnesses.

The letters of support to the judge came from patients telling how Bernie helped them personally and family members who were grateful for the relief their loved ones experienced before they died. There were letters from medical professionals who have seen and researched marijuana's medical efficacy, and more from public health colleagues, physicians, professors, ministers, substance abuse treatment program directors, and tribal leaders who told of the many professional contributions Bernie had made to their programs throughout his career, and that he continues to make. There were letters from a vice president of a foundation who funded his work, as well as a former administrator from the Office of National Drug Control Policy. And there were letters from Bernie's neighbors and friends, who have known him for years and describe him as an honest, hardworking, respected, contributing and long-standing member of their community. By all counts, he is an asset to society, not a criminal.

Yet, he has been treated like one. Bernie is a patient himself who had used cannabis with the knowledge of his doctors for pain relief associated with degenerative joint disease and fibromyalgia, as well as a sleep disturbance from these conditions. He claims that cannabis also helped him quit drinking alcohol and has enabled him to remain sober for ten years. But Bernie is facing time for cultivating enough marijuana for his personal need and for two to five other people with serious medical needs.

On August 28, 2002, the Tennessee Marijuana Eradication Task Force raided the 187-acre farm Bernie has owned since he was 19 years old. The raid appears to have been based on a tip by a "confidential informant" who Bernie suspects was a local drug dealer he refused to sell to three days earlier. With a large ground force and two helicopters, they found about 25 to 30 plants of any significant size, some seedlings and smaller plants. While they didn't arrest Bernie that night due to his level of cooperation, they charged him several months later in federal court.



If he had gone to trial, he would have faced the possibility of serving up to 40 years in prison, a \$2 million fine and the loss of all his property. Bernie believes he had to take a plea agreement, knowing that none of the reasons for growing medical marijuana would be allowed in a federal trial. He is currently facing two to ten years in federal prison, and a \$212,500 fine.

Today, Bernie suffers quietly from pain that had previously been relieved by cannabis. However, he remains optimistic that he will be able to continue working for the betterment of the nation's public health, and he has submitted proposals to the New Mexico and Hawaiian governments to set up medical marijuana cooperative programs for seriously ill patients in their states. While awaiting sentencing, he has continued to work as a consultant for various public health and substance abuse reduction programs around the country. If the judge listens to the pleas of Bernie's supporters, there is a chance that he could avoid prison altogether and be confined to home detention. Too often it comes down to formulas and points when determining federal sentencing, rather than individual justice.

Wouldn't it make more sense to keep a man like Bernie on the outside where he continues to contribute to society, rather than wasting years of his life in prison, at taxpayers' expense? Wouldn't it make more sense to allow him to remain a productive, trusted and respected member of his community and of the public health profession, rather than removing him from the communities he loves, depriving them of his professional experience and efforts to improve the well-being of all? The answers to these questions will affect Bernie's future and the futures of the other Tennesseans who have been grateful to know him as a neighbor and friend. They will also affect the several American Indian tribal communities who have appreciated his efforts in the past on their behalf and who would like the benefit of his continued counsel and good works.

STEVE KUBBY

CANCER PATIENT - REFUGEE IN CANADA

In 1968, when Steve was just 23 years old, he began experiencing symptoms of hypertension and palpitations that would turn into a disease with a prognosis that no young person should have to face — a rare, fatal form of adrenal cancer, pheochromocytoma.

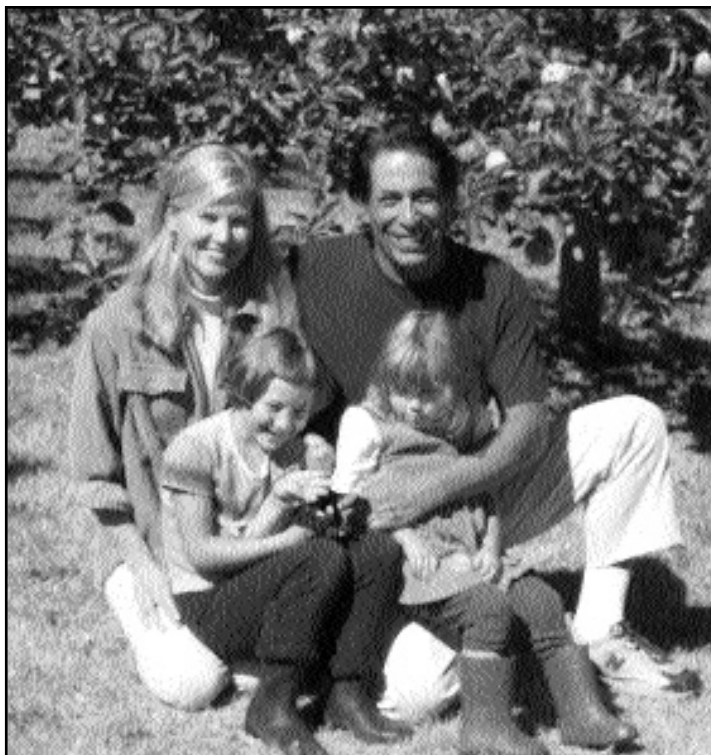
Steve had a surgery to remove a tumor, and then two more in 1975 and 1976. This last time, his medical records show that the cancer had metastasized to his liver and beyond. Fortunately, Steve survived. His physician, Dr. Vincent DeQuattro, a specialist from the USC School of Medicine, monitored his condition and treated him with conventional therapies, including chemotherapy, until referring him to the Mayo Clinic in 1981 for yet another surgery and radiation.

After that, Dr. DeQuattro lost contact with Steve and assumed he had died soon thereafter, since all other patients had a 100% mortality rate with his diagnosis (most within five years). But then, 17 years later, he received his 1998 California voter pamphlet in the mail and was surprised to learn that Steve was alive and well and running as the Libertarian candidate for governor. He made contact with Steve and soon learned that he had controlled the symptoms of his disease solely by smoking medical marijuana and by maintaining a healthy diet. Dr. DeQuattro says, "In some amazing fashion, this medication has not only controlled the symptoms of the pheochromocytoma, but in my view, has arrested its growth."

After playing an instrumental role in helping to pass California's Prop. 215, authorizing patients like him to cultivate marijuana, Steve decided to grow the medicine that helped him thrive, founding an online ski magazine and authoring two books, *The Politics of Consciousness* and *Why Marijuana Should Be Legal* (with Ed Rosenthal).

Steve set up an indoor grow room in his Squaw Valley home. He felt safe living there with his wife, Michele, and young daughter, Brooke, until he was tipped off that he was under surveillance by the Placer County Sheriff

Department. He left notes in his trash telling the narcotics officers sure to be searching it that he was legally growing marijuana for their medical use. (Michele's uses cannabis to control cramping associated with Irritable Bowel Syndrome.) He invited them to check out their garden. Instead, the police raided it in January, 1999 and arrested him.



When Steve was sent to jail for a few days, he was deprived of medical marijuana and became seriously ill. His blood pressure shot up to dangerous levels, and his doctor wrote a letter to the court explaining Steve's condition and warning the judge what could happen if Steve was further deprived of cannabis.

"Please consider the consequences of Steve's condition not being controlled," DeQuattro wrote. "His tumor is manufacturing large quantities of norepinephrine (noradrenaline) and possibly epinephrine (adrenaline). Either compound in minute quantities could kill him instantly by causing sudden cardiac death due to arrhythmia or acute myocardial infarction, or sudden death due to cerebral hemorrhage or cerebral vascular occlusion."

Their trial generated lots of media and sympathy, and Michele was ultimately acquitted of all charges. Steve was not so lucky, as one juror would not go along with the 11 others who voted for acquittal, and it was declared a mistrial. But Steve was convicted of a minor felony possession charge involving a psilocybin mushroom stem and a few peyote buttons found in a small canister in their guestroom drawer.

The Kubbys believe they were targeted for their outspoken advocacy

for medical marijuana patient's rights. They were afraid that even if Steve received home detention and three years probation or, worse, a few months in jail, they would still be vulnerable to vindictive state law enforcement and the federal government, which could still file charges against them. So they obtained the court's approval to move to Canada where the laws are more sympathetic towards medical marijuana patients.

Once there, they soon found employment and a nice place to live, and Steve got permission from the Canadian government to grow enough marijuana to keep his condition under control. Hoping to remain permanently, Steve then filed for political refugee status under Canada's Immigration and Refugee Protection Act.

"In Canada I'm allowed to grow 117 plants, possess 12 pounds of dried cannabis and travel with a pound and a half of cannabis anywhere in the country. Why would I want to leave?" he asked.

Steve's petition for asylum was denied in January, 2004, despite the fact that the government's own expert witness agreed with Dr. DeQuattro that Steve's medical condition could kill him if he were incarcerated again. The Canadian government's ruling concluded that the checks and balances of the American legal system would protect him and that he could expect adequate medical treatment in prison if he required it.

Currently the Kubby's are requesting a review of their IRB decision from the Federal Court of Canada. They hope to explain to the court that the United States government is unable by law to protect Steve because the prohibition on marijuana makes no provision for medical use. They remain in Canada awaiting his appeal.

MIKE FOLEY

CHRONIC PAIN SUFFERER, CAREGIVER CLEARED BY STATE, CONVICTED BY FEDS

When San Francisco District Attorney Terence Hallinan took the witness stand on behalf of medical marijuana caregiver and chronic pain sufferer Mike Foley in March 2001, it made front-page news. Charged in Sonoma County with what the DA there said was too many plants for state law, Mike and his co-defendant Ken Hays were trying to explain to the jury that they were providing medicine for hundreds of patients in San Francisco through a dispensary there, and as a result needed hundreds of plants. After weeks of testimony, it took the jury only a matter of hours to reach a precedent-setting verdict of not guilty. Next election, the Sonoma County DA who brought the case was voted out of office.



Since 1998, Mike, together with Ken Hays and others, had been working to revitalize one of San Francisco's first cannabis dispensaries, turning it into one of the most respected. CHAMP became known for taking care of its members, even providing food to their clients, some of whom were homeless. After a year, Mike and Ken were arrested and their marijuana seized. It would be nearly two years before their trial would begin, but before then, police would return to see Mike, seizing more plants and arresting him again. A month after being acquitted in the first case, the charges from the second arrest were dismissed.

But then in June 2002 federal agents come calling. They had a warrant for someone else, but find Mike's personal garden and not only arrest him but initially deny him bail, claiming the severe possible sentence made him a flight risk. Only after Mike's attorney showed that there were fewer than a hundred was Mike allowed bond, set at \$100,000. After pleading guilty to lesser charges, Mike was at first sentenced to five months in federal prison and five months in a halfway house, to be followed by 3 years probation. But at the last moment before Mike was to go to prison, the judge reconsidered. Finally, in March 2004, Mike was re-sentenced to six months of house arrest and three years of probation. He was also ordered not to use cannabis, an issue his attorney is appealing based on recent court rulings.

SISTER SOMAYAH KAMBUI

SICKLE CELL DISEASE SURVIVOR AND CAREGIVER

Four years in a row, men with guns have swarmed over her fences to seize her medicine just as it was ready to harvest, but Sister Somayah Kambui will not give up. Sometimes they arrest her, sometimes they do not, but every year this grandmother goes back out and starts over. Her own health and that of too many others depends on it.

Sister Somayah suffers from the severe debilitating pain of this dreadful disease. Though it is genetic among people of African descent, she believes she did not suffer as a child because her mother gave her cod liver oil everyday. It was not until she was serving in the U.S. Air Force during the Vietnam War that she learned from an Air Force doctor that she had Sickle Cell Disease. She tried the medications normally prescribed to combat the episodes of severe pain associated with Sickle Cell, like morphine and Demerol. But it was not until her Choctaw father, Haraway A. Moore, revealed that he, too, had the disease and told her about his own home remedy, that she found a treatment that really worked - cannabis tea.

Sister Somayah has since dedicated her life to researching remedies for Sickle Cell Disease, what she calls a "genetic anomaly of the red blood cells." A disease that causes a malformation of the red blood cells that prevents oxygen and nutrition from getting to the vital organs, sickle cell can escalate into organ damage, severe joint and bone pain, and skin ulcers. There is no cure, and many sickle cell disease sufferers require large doses of narcotics to combat the pain.

Sister Somayah has found the cannabis hemp plant to be essential to her health. She has explored many ways of using all parts of the plant: the hempseed that she presses into oil, the leaf and bud. Though it is genetic among people of African descent, she believes she did not suffer as a child because her mother gave her cod liver oil everyday.

To treat her condition she takes hemp seed oil, which she likens to the cod liver oil, because it contains the beneficial essential fatty acids that re-oxy-

generate her blood and provide anti-inflammatory properties. She uses the seeds, leaves and flowers in teas, tinctures, and foods, as well as hash-oil in the bath and hemp seed oil topically on her skin. In an emergency, she will take a 'toke' for immediate pain relief, but she prefers to ingest it orally. Her research has been published in the *New England Journal of Medicine*, as well as other publications.



In 1993, she founded the support group and sanctuary, Crescent Alliance Self-Help for Sickle Cell, now based in her South Central Los Angeles home, to teach other people how to manage their disease with folk remedies. In the 90's she met Jack Herer and was inspired at hemp rallies to start the business, "Project Hemp is Hep," to sell seed oil, hemp clothing, and her original "Body HiH Scrubbie," as well as to promote healing with hemp and cannabis.

Subsisting on Veteran Disability Compensation and left with the VA hospital for treatment, she ultimately decided to cultivate her own medical marijuana in her backyard. Her troubles with the Los Angeles Police Department began in 1996 when they arrested her for one, six-inch seedling. These charges were dismissed thanks in part to a physician's letter (even though it was before Prop 215) and to an outpouring of support for this well-known hemp activist.

When Prop. 215 was passed in California in 1996, she exercised her right to cultivate her medicine and formed a patient cooperative, the Nigritian Kief Society. She believes that medicinal hemp, or "Nigritian Kief" as she calls it, is a sacred and healing herb to African people, who she believes are naturally intended to consume the plant and suffer diseases from nutritional deficiencies without it.

Because Sister Somayah has been an outspoken advocate for the many uses of hemp, she has become a target of repeated harassment by law enforcement. Her home and Nigritian Kief gardens have been raided for the last four

years in a row near harvest time. October 5, 2001, she was arrested on 15 counts of cultivation, possession for sale, maintaining a place for distribution, and sales. She spent 62 days in custody, at great detriment to her health, before going to trial. The police claimed to have seized over 260 pounds of wet-weight marijuana, cookies, and about a gallon of "hash oil."

During the trial, an expert testified that Sister Somayah's dried crop would have a weight of 11 to 25 pounds of bud, and the "hash oil" was actually hemp seed oil, with negligible THC content. The jury also heard testimony by a former partner who said that he helped her provide cannabis to poor Sickie Cell patients who had no money to pay for it. Other patients took the stand to praise Sister Somayah for the help she had given them in the past.

Her VA physician, Dr. Alan Lichtenstein, and Dr. William Eidelman affirmed that cannabis was a highly beneficial treatment for her Sickie Cell Disease. Sister Somayah was acquitted on all counts on March 18, 2002. The jury said they thought she was a fantastic woman who they admired for standing up for California's medical marijuana law.

Even though the jury affirmed her right to continue to grow, 6 months after her acquittal the police uprooted her garden of 25 plants and arrested Sister Somayah again. No charges were filed, but she filed a civil lawsuit against the LAPD for harassment and against the city of Los Angeles for refusing to protect her.

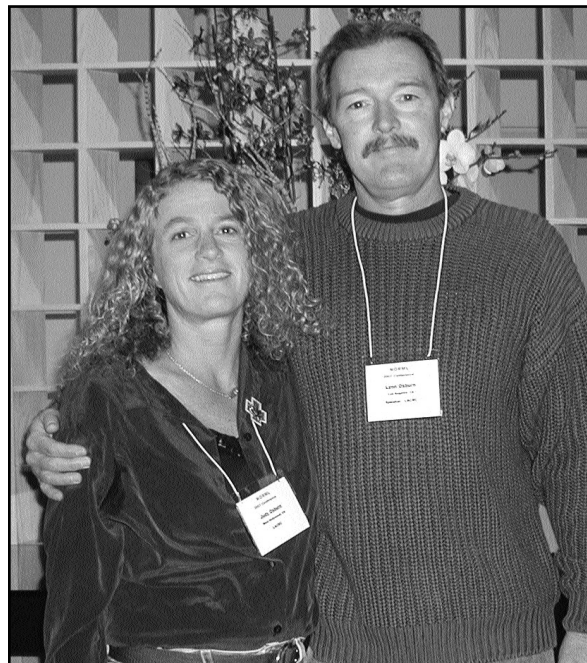
Unfortunately, the harassment has not yet stopped. On the basis of an LAPD complaint, the DEA raided Sister Somayah on October 8, 2003, coming in with guns drawn, to destroy her plants and take her to jail. While charges have not been filed, and the DEA officers who took her home hugged her goodbye, it still does not compensate for the damage done to her well being, her personal resources, her medicinal garden, and her civil rights. With help from Americans for Safe Access, she is now filing a complaint for monetary and punitive damages, as well as for injunctive and declaratory relief to stop future harassment against her.

A short documentary film, titled, *Sister Somayah & Her Folk Remedy of Choice* was accepted in the Pan African Film Festival. For more information, see her web site at: <http://www.geocities.com/sistersomayah/>.

LYNN and JUDY OSBURN

CAREGIVERS AND CHRONIC-PAIN PATIENTS, DIRECTOR OF THE LOS ANGELES CANNABIS RESOURCE CENTER

While DEA agents were ransacking the West Hollywood headquarters of the Los Angeles Cannabis Resource Center (LACRC), one of the center's members went out front, took the American flag down, turned it upside down, and ran it back up the flag pole. This was a month after the terrorist attacks of 9/11, and flags were flying everywhere, just not upside down. Offended passersby came over to question the local police officers the feds had called in to control the area. Clearly unhappy about being part of the operation, the local police explained to one person after another that federal agents were inside taking medicine from sick people, and the LACRC had every right to fly the international signal of distress. Days later, the entire West Hollywood City Council held a press conference with the sheriff and other concerned citizens to denounce the raid.



Established in 1996, soon after the passage of California's Compassionate Use Act, the LACRC in West Hollywood was serving 960 patients at the time of the DEA raid that closed it. Of those patients, 80% were HIV/AIDS sufferers; the rest battled cancer and other serious illnesses. More than 450 different doctors had referred patients to the LACRC for marijuana.

The LACRC worked so closely with local authorities that the City of West Hollywood had helped buy the building in which the center operated,

and a city councilman served as the center's attorney. The center was so open in its work that in 1999 it applied for a federal license to "manufacture marijuana for medical research" and taken investigators on a guided tour of the facility. That application was cited by the DEA as the basis for its raid.

A few weeks later, no one was around to see any distress signals when the DEA busted in on Lynn and Judy Osburn, members of the LACRC who helped grow marijuana for the center at their Ventura County ranch. Agents seized the 200-odd plants they were growing for the LACRC - Judy was one of the center's directors - but did not arrest them until August of 2002, when they returned to uproot their personal garden.

Both Lynn, a 54-year-old Vietnam veteran, and Judy, his 50-year-old wife, are documented medical marijuana patients - Lynn for migraines and arthritis related to a diving accident and Judy for chronic back pain related to a horseback-riding accident. Federal authorities nonetheless charged them for all the plants found in all the raids and denied them both bail. Judy would serve a month and Lynn eventually five months before they could arrange for bail.

Meanwhile, the federal government began forfeiture proceedings to seize both the LACRC building and the ranch where the Osburns have lived for 26 years, raising their two teenage daughters. The pending forfeiture meant the property was not available as bail collateral. Making bail took everything their family and friends had.

Since the LACRC and the Osburns' cases went before a federal court, they were left without a defense. Precluded from telling the jury why they were growing marijuana or how they had the blessing of state and local officials, the Osburns and other LACRC directors pled guilty to lesser charges that did not require prison time.

At the sentencing of three other LACRC officers in the month before the Osburns came before him, U.S. District Judge Howard Matz scolded the prosecutors. "I don't know why the federal government is allocating resources to prosecuting medical marijuana cases," he said. The judge ruled that the crime they committed was a "lesser harm" than would have resulted from not helping patients, and sentenced them each to a year of probation each.

A month later, it was Lynn and Judy's turn. Under the terms of an unusual plea agreement, the Osburns were able to both take full legal responsibility for their work on behalf of the LACRC and yet still appeal their convictions. While the government sought up to 37 months in prison for the Osburns, they argued that their work was also a "lesser harm," and that the substantial amount of time the Osburns spent in custody before being able to post bond should be taken into account.

Judge Matz agreed, sentencing Judy to 6 months of house arrest and one-year of probation and Lynn to federal prison for a year and a day, with credit for the five months already served - the extra day making Lynn eligible for time off for good behavior. They both plan an appeal and Lynn Osburn remains free on bond pending its outcome.

After their sentencing, the Osburns said in a prepared statement, "We accept that what we did openly to help sick and dying patients violated federal law. However, we firmly believe that law is unconstitutional when applied to patients acting in compliance with California's Compassionate Use Act. While we hope for, and have good reason to expect, a favorable ruling from the Ninth Circuit Court of Appeals, we accept whatever final outcome may result from our legal challenges, and remain proud of our cooperative efforts that helped people live longer, better lives."

Well-known activists who have spent years advocating for cannabis and asset forfeiture reform, over the past decade the Osburns have written and edited numerous books and newsletters related to hemp and medical marijuana. They have been guest speakers at rallies, appeared on radio shows and television, and actively worked on initiative campaigns, including California's Proposition 215. They continue to speak out wherever they go.

PERSECUTED

SHIRLEY DORSEY

CHRONIC PAIN SUFFERER

DRIVEN TO COMMIT SUICIDE - APRIL 1, 1991



Byron Stamate, age 73 at the time of his arrest in 1991, faced the loss of everything he had earned in his entire lifetime as a civil servant when he was caught growing medical marijuana on his land near Placerville, California for his long-term companion, Shirley Dorsey.

Even though Shirley used cannabis to control crippling back pain and neither she nor Byron posed any threat to the community, the local prosecutor hounded them relentlessly with threats and planned to force Shirley to testify against her caregiver and companion. Finally, it became too much for her to bear.

Despondent over the prospect of not only losing Byron, but of ending up homeless and penniless in their retirement years, Shirley committed suicide on the first anniversary of the raid that ruined their lives.

Her suicide note said this: "They want to take our property, security and herbal medicine from us, even though we have not caused harm to anyone. It is not fair or in the best interest of the people of society. I will never testify against you or our right to our home. I will not live in the streets without security and a place to sleep. I am old, tired and ill, and I see no end to the harassment and pressures until they destroy us."

Despite Shirley's suicide, Byron was sentenced to 9 months prison and his home, cottage, and \$177,000 life savings were seized. The prosecutor later said that if he had it to do over, he would still do exactly the same thing.

Five years later, California voters passed an initiative, Proposition 215, to protect people like Shirley and Byron.

"BROWNIE MARY" RATHBUN

ARTHRITIS SUFFERER AND BELOVED CAREGIVER *1921-1999*

"Brownie Mary," as Mary Rathbun was affectionately called, was well known around the city of San Francisco for her courageous work as a volunteer at San Francisco General Hospital AIDS Ward 86. Beloved by thousands, she was an icon for the stand she took against the cruel and arbitrary federal policy of denying access to cannabis even to the dying.



At great personal risk, Mary baked marijuana brownies for "her kids" for many years before Proposition 215 made it legal in California. Three times she was arrested for the crime of being a Good Samaritan who gave free medicine to people with AIDS, but she remained committed to her work. The last time she was arrested was July 21, 1992, while delivering medicine to patients in Sonoma County. Before she came to trial, The City and County of San Francisco proclaimed a special day in her honor that coincided with her trial date. The charges were dropped.

Mary also used cannabis herself, to help cope with the discomfort of having two artificial knees as a result of arthritis, which crippled her in her late years. Despite this, she kept delivering brownies of compassion for as long as she could.

"This medicine works. It works for the wasting syndrome. These kids have no appetite; but when they eat a brownie, they get out of bed and make themselves some food. For chemotherapy, they eat half a brownie before a session, and when they get out, they eat the other half. It eases the pain. That's what I'm here to do," said Mary.

"Brownie Mary" died April 10, 1999, having seen medical marijuana legalized in California and several other states.

MONTEL WILLIAMS

MULTIPLE SCLEROSIS PATIENT AND MEDICAL MARIJUANA ADVOCATE, BUSTED IN THE DETROIT MICHIGAN AIRPORT

Nationally syndicated television talk-show host Montel Williams is a criminal, but not by choice. Diagnosed with Multiple Sclerosis in the mid '90s, he tried all the standard pain medications to deal with the intense nerve pain and muscle spasms that wrack his body. Extreme neuralgic pain from his shins to his toes afflicts him every day with a sensation he describes as like “slamming your crazy bone on something, that initial thing that hurts, then multiply that by about 50. I have that every day. When it’s bad, I have it by about 100 and sometimes it even gets worse than that.”

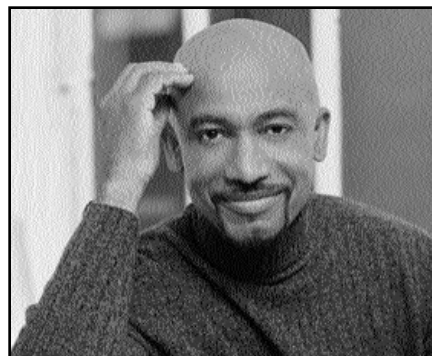
To cope with that pain Montel has been prescribed pain medication from Vicodin to Percocet to OxyContin to morphine, but the side effects were not only physically intolerable, they began to take a toll on his spirit, propelling him into the depression that further devastates many people with intractable, incurable chronic pain. Things got bad enough at one point that Montel came close to suicide, holding a gun in his hand, contemplating ending it all. But the thought of his children and family brought him back, giving him the courage to carry on in the search for better ways to treat his debilitating disease.

As he puts it, “The last alternative left? Medical marijuana. In fact, marijuana has helped my symptoms so much that I have become an advocate for the legalization of medical marijuana for qualified patients like me—those suffering from debilitating and/or devastatingly painful diseases.”

Montel has recommendations to use marijuana from doctors in several states—including California, where he owns property—but he works out of New York where there is currently no medical marijuana law and travels extensively.

In November 2003, Montel got detained in the Detroit Metro Airport after baggage screeners found paraphernalia and what they claimed to be a small amount of marijuana. Montel denies that he was traveling with any mar-

ijuana, and airport officials decided to cite him only for the paraphernalia possession, saying "We don't want to damage his reputation. Montel Williams may or may not have broken any law." In fact, Michigan has no medical marijuana law either, and possessing even trace amounts of marijuana there can mean up to a year in jail. But celebrity has its rewards, and Montel was only cited, fined \$100, and sent on his way.



A spokesperson for Montel released this statement the day after the incident: "Montel Williams has been very open about his battle with MS in the hope of raising awareness and helping others. He has prescriptions for many different medications for MS, some of which manage his pain, which is constant. One of the medications he has been prescribed to alleviate his chronic pain is medical marijuana.... The fight for compassionate care and medical marijuana is one that Mr. Williams is very passionate about and one that he continues to advocate."

Since then, Montel has become even more of an advocate. His latest book, *Climbing Higher*, has a chapter on his medical marijuana use called "In the Eyes of the Law, I'm a Criminal," in which he calls for change in the federal prohibition and real research initiatives. He hosted a segment on his nationally syndicated show about medical marijuana and federal law, what he called "the political war on drugs."

And in May of 2004, Montel took his story to the New York legislature, which has been considering passing a medical marijuana law. He was persuasive. After his visit, the leader of the state senate publicly reversed his position on the issue, coming out in support of the bill.

"I'm breaking the law every day, and I will continue to break the law," Montel said at a press conference while he was in Albany lobbying the legislature. He told the press that he uses marijuana every night to control his MS symptoms. "Because I do not condone breaking any law, I would like to see all 50 states and the federal government decriminalize medical marijuana. I would also like to see more research into its effects on MS—for the treatment of pain and spasticity," he said. "I know we can build a future of hope and health, and together we're going to win."

VALERIE and MIKE CORRAL

SEIZURE SUFFERER, FOUNDERS OF THE Wo/MEN'S ALLIANCE FOR MEDICAL MARIJUANA

In 1973, Valerie Corral was involved in a freak accident that changed her life. A P-51 Mustang, a converted W.W.II fighter plane, "buzzed" her car. The resulting accident left her with a head injury and a friend badly injured. Valerie's injury precipitated an epileptic condition with as many as five *gran mal* seizures a day.

Valerie tried using prescription pharmaceutical drugs to control her seizures, but her epilepsy did not respond to them without devastating side effects. After her husband, Mike, read about experiments using marijuana to control laboratory-induced seizures in rats, Valerie decided to try it. She stopped using addictive drugs and began to smoke measured amounts and varieties of cannabis. She found she could completely control the onset of *gran mal* seizures using cannabis alone. For years, the couple grew their own marijuana for her medicinal use.

Five times over the years they were visited by Santa Cruz County Campaign Against Marijuana Planting (CAMP) officers. During each encounter, they explained her medical marijuana use, and each time their privacy and some of her medicine was spared. Then, on August 12, 1992, they were arrested. Seven and a half months later, Valerie's case became the first to successfully argue a medical necessity defense of cannabis in California. The district attorney told the sheriff that he would not press charges if they were re-arrested. The next spring, they planted again.

In 1993, just six months after winning their historic case, marijuana task force officers arrived in force. Their home was ravaged and they were again arrested. Once again, they explained that she used cannabis to control her epilepsy, and acknowledged that she had been distributing it to terminally ill patients for seventeen years. That prompted the officers to add a felony distribution charge.

Valerie reached out for community support. As a result of her efforts and those of many others, the citizens of Santa Cruz County voted to adopt

Measure A, calling for the non-prosecution of medical marijuana patients. Local police have left them alone since its passage, and Valerie has since been appointed to the Santa Cruz County Alcohol and Drug Abuse Commission.



Along with the other members at the Wo/Men's Alliance for Medical Marijuana (WAMM), Valerie and Mike do research on different strains of cannabis and supply free (or by donation) high quality, organically grown medicine to seriously ill patients who qualify for the co-op. WAMM serves approximately 250 members who suffer from diseases including HIV or AIDS, multiple sclerosis, glaucoma, epilepsy, various forms of cancer, and other terminal and chronic illnesses. Membership is comprised of 85% terminally ill patients; the others suffer from chronic pain and illnesses.

Early in the morning on September 5, 2002, 20 to 30 armed DEA agents broke into the Corral's home without warning, cuffed them and held guns to their heads. A paraplegic WAMM board member, Suzanne Pfiel, who sleeps with an assisted-breathing device, was staying with them at the time. She was awakened at gunpoint, handcuffed to her bed and abandoned.

Less than two weeks later, the Mayor and City Council of Santa Cruz joined WAMM to distribute medical marijuana to thirteen patients at Santa Cruz City Hall. Before 200 members of the media, 1,300 people assembled in solidarity. But that support did not change the grim situation WAMM faced. Since the raid, fifteen WAMM members have died and many more face a hastened and more painful death because of WAMM's diminished capacity to provide its member-patients with their necessary allotments of medicine.

This crisis prompted the City and County of Santa Cruz to join with WAMM in suing the federal government over the raids. With the *Raich v. Ashcroft* decision having established that the federal government does not have jurisdiction to interfere with medical marijuana patients and caregivers like the Corrals, they got a preliminary injunction protecting them from any future raids or arrests. Valerie and Mike immediately went out to plant.

DON NORD

COLORADO PATIENT WITH MULTIPLE MALADIES, SUING FOR RETURN OF HIS MEDICINE

"I told them I was a registered medical marijuana patient, but they said they were federal agents and my certificate doesn't mean anything to them," said Don Nord, a disabled laborer from Colorado about the people who raided the small garden on October 13, 2003.

While the Grand Routt and Moffatt Narcotics Enforcement Team (GRAMNET) agents didn't throw Don in jail, they seized his three marijuana plants, 5 ounces of loose marijuana, a pipe, rolling papers, and the growing equipment he had borrowed from a friend. The officers cited him for possessing an amount over the allowance, but a judge later dismissed the charges and ordered the police officers to return his property - including two ounces of marijuana. Two ounces is the amount that patients in the state medical marijuana program are allowed to possess since the Colorado initiative was passed in 2000. Two days before Christmas, the task force returned everything, except the marijuana.

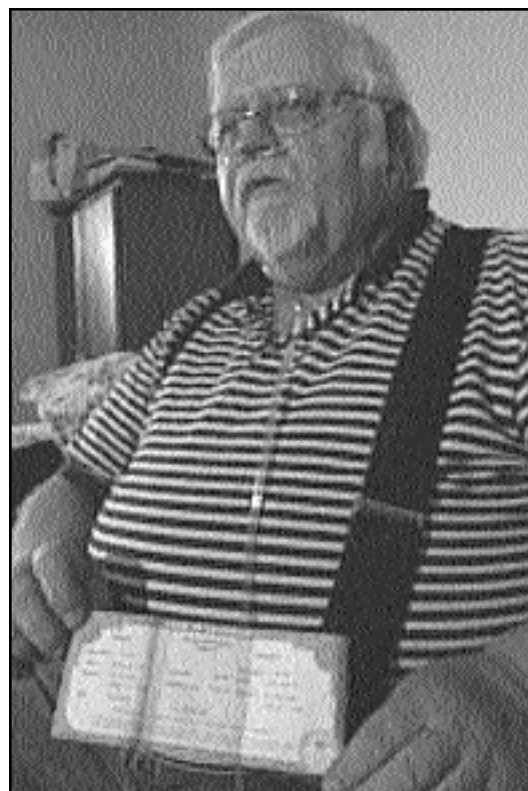
But that's not good enough for Don. He is adamant about getting what is rightfully his returned. It's become a matter of principle to this 57-year-old man who suffers from a myriad of health problems, including loss of a kidney due to cancer, phlebitis, blood clots, diabetes, and neuropathy in his feet (that he says feels like he has rocks in his shoes), not to mention pancreas and gall bladder problems. He uses cannabis to manage the pain associated with his debilitating medical conditions and to help him sleep at night.

Being on a fixed income of \$655 per month, Don simply cannot afford to buy cannabis on the black market. Two ounces of cannabis could easily cost him more than a month's income. To make matters worse, if he can't get medical marijuana, he will have to take more prescription drugs, which he also can't afford.

So when the task force refused to return his medicine, his attorney, Kristopher Hammond, filed contempt of court charges against the task force

agents. The judge agreed, and again ordered the agents to give Don's medicine back to him. They refused again and challenged the judge's ability to cite them for contempt.

Since the task force consisted of one federal agent and eight local law enforcement officers who were deputized by the DEA, they claim that federal law forbids them to comply with this order despite state law. A DEA spokesman claims that, "Federal law supercedes state law, and the federal government does not recognize the medicinal use of marijuana."



On January 24, 2004 the US Attorney's office filed a motion on behalf of the task-force officers, requesting that the case be removed from the state court and that the contempt charges be dropped. A U.S. District Court in Colorado claimed jurisdiction, and the case is currently being heard in Federal Court.

Don's attorney believes the conflict between state and federal jurisdictions can be resolved. As Hammond states, "The answer is two-fold. We have to choke them off at the top or at the bottom. In Washington, there is a bill, the Hinchey amendment, which would prevent the Feds from doing what they're doing. It would require them to obey state law in medical marijuana cases. As it is now, the Feds come in, get a search warrant knowing it's medical marijuana, destroy the pot, and never file charges. It's crazy -- we're giving them taxpayer money to run around and refuse to obey the law.

"Back here, local government needs to say [to local law enforcement] we won't give you any money if you are violating the laws," Hammond continued. "This medical marijuana law was passed by the will of the people of Colorado. This is a rather conservative state, but conservatives are supposed to be for states' rights. People here need to stand up for that principle."

MARLENE RASNICK

CANCER PATIENT, ADVOCATE, BOARD MEMBER OF THE LOS ANGELES CANNABIS RESOURCE CENTER



On November 6, 2001, twelve days before her death, Marlene Rasnick spoke at a candlelight vigil protesting the DEA raid on the Los Angeles Cannabis Resource Center in West Hollywood, California. Despite being wheelchair-bound due to her end stage ovarian cancer, she was helped to the stage to express her grief "at what the DEA has done," to thank the center's staff, and to light a memorial candle honoring the many LACRC members who had passed away.

Marlene was on the board of the LACRC and a spokesperson for the center, which provided cannabis to 960 patients with AIDS, cancer, and other serious illnesses. She was a fighter for patients' right to medical marijuana to the end. It was her last public appearance.

Marlene had been diagnosed with cancer four years earlier. Though in and out of hospitals for the remainder of her life, she was always available for a speech, meeting or interview to advance the cause of medical marijuana. She used it to deal with the pain of the disease and the nausea from the chemotherapy and knew first-hand the benefits of marijuana therapy. She was interviewed often about the issue, including a 1999 segment on "CBS in the Morning" and a 1999 CNN program during which she said about marijuana, "It takes away physical, negative symptoms. And it also gives me a little feeling of well-being. That's, well, kind of nice and pleasant."

In the early 1970s, Marlene co-founded the Public Works Improvisational Theater Company. She was an actor, teacher, singer, and activist. She performed and directed free-form improvisational pieces and taught workshops funded by the California Arts Council for professional actors, urban youths, the deaf, and senior citizens. In 1994, she taught at the National Theater School of Canada. Until a couple of weeks before her death,

she also taught weekly Children's Theater Games workshops. Aside from her medical marijuana activism, Marlene and her husband and artistic partner, Lee Boek, were social activists for other causes and well-known and respected in their community.

"Medical marijuana made it possible for me to sit in my garden and enjoy my friends. To enjoy music. To be able to sing again. To stretch my body. To be able to embrace life and to be able to say, 'Life's not over.' So if this government wants to tell seriously ill people that life is over for them, we don't want to accept it. And we'll do all we can to say, 'Life's not over,'"

Those were the words Marlene spoke to a packed press conference at the West Hollywood City Hall on October 26, one day after 30 DEA agents raided the Los Angeles Cannabis Resource Center. Less than a month later, on November 18, 2001, Marlene lost her five-year battle against ovarian cancer, dying at home in Los Angeles with her husband by her side.

"I pray the federal officials responsible for this raid never personally endure the suffering they've caused for Marlene and the other members," said LACRC director Scott Imler. At least death spared Marlene the prospect of federal trial and prison.

Threatened with federal charges that carried twenty-year mandatory minimum sentences for their work as directors of the center, Scott Imler and two of the LACRC's other officers took a plea bargain in 2004.



STEPPING UP

ANGEL McCLARY RAICH

INOPERABLE BRAIN TUMOR, WASTING SYNDROME, CHRONIC PAIN; SUED THE FEDERAL GOVERNMENT

On December 16, 2003, Angel McClary Raich became the first medical marijuana patient to successfully sue the federal government. Joined by another patient, Diane Monson, and the two anonymous caregivers who provide Angel the marijuana that sustains her life, she sued Attorney General John Ashcroft and the DEA, seeking an injunction against any future arrests or prosecutions.

The Ninth Circuit Court of Appeals in San Francisco ruled that it was unconstitutional to apply the federal ban on marijuana to patients, so long as they use it for medical purposes on their doctors' advice, obtain the drug without buying it, get it within their state's borders, and comply with state law. The federal government is appealing the decision, which is expected to ultimately be decided by the Supreme Court, perhaps as early as the fall of 2004.

Angel has been permanently disabled since September 1995. In late 1997, Angel's doctor recommended cannabis as a possible medication to treat her complex medical conditions. Confined to a wheelchair from January 1996 to August 1999, Angel regained her mobility with the help of cannabis.

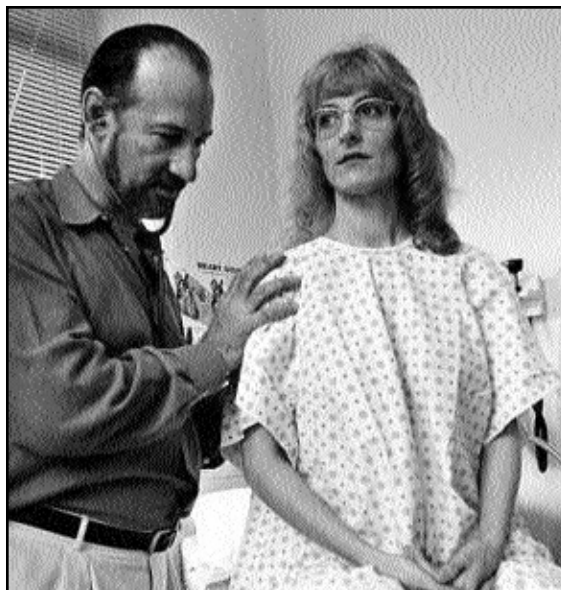
Angel also suffers from several conditions that cause severe, chronic pain, including fibromyalgia, endometriosis, scoliosis, uterine fibroid tumors and rotator cuff syndrome. She is battling an inoperable brain tumor, seizures, and life-threatening wasting syndrome accompanied by near-constant nausea.

These interlocking medical problems have been a huge challenge for her doctors. Complicating her treatment has been the fact that she has severe chemical sensitivities and is violently allergic to almost all of the pharmaceutical drugs that are modern medicine's first, second, and third lines of defense against most of her illnesses. This interferes with the treatment of all of her

medical conditions, and it means her suffering cannot be controlled by synthetic medications.

The prolonged pain and suffering from her medical conditions significantly interferes with her quality of life. Even the federal government does not dispute that cannabis is essential to her health.

The fight for patients' rights helps keep her going, with the support of her husband, attorney Robert Raich, and their two teenage children. She says, "the hardest part of being disabled is watching the suffering in your children's eyes as they watch you endure such suffering with no end in sight."



Angel Raich being examined by Dr. Frank Lucido

Angel's case was the first instance of an aspect of the federal ban on marijuana being ruled unconstitutional and has already had far-reaching effects. Based on the Raich ruling, a similar injunction protecting a medical cannabis cooperative in Santa Cruz is expected soon. The first federal prisoner to be released pending appeal based on Raich is also being permitted to use cannabis as recommended by his doctor while on release. And a couple awaiting federal trial in Los Angeles will be the first to present what the judge there called a "Raich defense"-- evidence that their cannabis was medical.

"I am elated knowing that I am the first medical cannabis patient to be protected by the judicial branch of government," says Angel. "I take comfort knowing that my children and I are now safe, and that my case has set a precedent for other patients around the country."

DAN SOLANO

DISABLED POLICE OFFICER, MEDICAL MARIJUANA PATIENT FOUNDER OF POLICE OFFICERS FOR DRUG LAW REFORM

Dan Solano had been a patrol officer with the Detroit Police Department for six and a half years when a violent incident forced him into an early retirement. While on patrol in October 1991, Dan stopped a vehicle for going the wrong way on a one-way street. When he approached the driver and requested his license and vehicle paperwork, the driver did not cooperate. Dan asked the driver to step out of the car. The vehicle door was opened, and Dan made an attempt to remove the driver from the vehicle, at which point the driver panicked and put the car in reverse. The open door trapped Dan and slammed him into the parked police car, crushing him first between the door and the bumper of the police car, then between the two cars. Caught on the fleeing vehicles bumper and dragged into the street, Dan was left for dead.

Dan sustained many physical and head injuries, but he survived. His body began to heal, but his head injury left him with severe headaches, insomnia, memory problems, and intense mood swings. Dan was put on strong pharmaceutical drugs, which were ineffective and left him unable to function. He left the police force on disability.

Dan's complaint about the pharmaceutical medications was the constant feeling of being hung over and in a drugged haze. In addition, they did little to control his mood swings and other cognitive problems. When Dan was experiencing a manic episode and got behind the wheel of a car, he was a potential danger to all on the road.

His life was a mess until 1994 when a friend told him to try a "joint" for his medical conditions. Within three hours his headache subsided, and he could sleep. He continued using medical marijuana after that, finding that cannabis "evened out" his moods, especially mellowing out his dangerous manic phases. When he smoked cannabis, he had no hangover, and he was able to function. He could eat, as it settled his stomach, also crushed during the incident. The problem now was where to get a regular supply of medical marijuana. In 1994, there was nowhere he could go for safe access to it.

Dan tried to buy it on the streets, but people were afraid to sell to him, as they knew he was a former cop and Marine. They did not trust him not to turn them in. He went farther from home and bought pot from street dealers, hanging out with them long enough that they would sell to him. His supply was unreliable and often of poor quality. A couple of times he handed over \$40 to a street dealer and got nothing in return. At times, it was impossible for him to find any marijuana, and he had to rely on friends and family to buy some for him.



He knew they saw the benefit he got from using medical marijuana, but Dan hated putting them in the situation of buying on the illegal market. Finally, he made his own connections, but the quality was still undependable. Unlike his pharmaceuticals, his new medicine of choice was expensive and not covered in his medical plan.

For a former law enforcement officer, Dan hated waking up every day feeling like he was a criminal. It tormented him to break the law, knowing that his former colleagues and society would view him in that light. The feeling that he was doing something wrong was constantly nagging him in the back of his head, but he also knew that medical marijuana was the only thing that helped him lead a normal life.

In 1999, Dan began investigating the history of marijuana prohibition and the Drug War. The more he learned, the more he knew he had to do something about it. In 2000, he formed Police Officers for Drug Law Reform. He worked on getting more support for change within the law enforcement community. Dan is currently advocating for the Detroit Medical Marijuana Proposal, which will be on the August, 2004 ballot. It would allow individuals who are under the care of medical professionals to possess and use marijuana for their medical needs. If this passes, he could rest assured that, at least in the city of Detroit, he would no longer be considered a criminal.

CHERYL MILLER

MULTIPLE SCLEROSIS SUFFERER. TIRELESS ADVOCATE DIED JUNE 7, 2003

Cheryl Miller was diagnosed with chronic, progressive Multiple Sclerosis (MS) in 1971. She tried all the medications that were prescribed for her, but many had such harmful side effects and were so toxic to her liver that she had to stop using them. Eventually she and her husband Jim heard that marijuana might help ease some of her symptoms, and they decided she should give it a try. As Cheryl had never smoked cannabis in her life and her MS made inhaling smoke intolerable, Jim added cannabis to a salad dressing so she could eat it. They were amazed how Cheryl's normally stiff-as-a-board body became relaxed and pliant. They became believers that cannabis was the best medicine for her pain, muscle stiffness, and spasms.

In 1992, Cheryl's neurologist prescribed the synthetic THC pill, Marinol, which replicates some of marijuana's effects. But as she said, and many other patients have found, "the THC pill helps, but not as much as eating marijuana." Research conducted by GW Pharmaceuticals in Great Britain has shown that this is due to the fact that the whole plant contains more than 80 cannabinoid compounds other than THC, and the combination of cannabinoids are more useful in treating many conditions than THC alone.

Soon after discovering the helpful properties of cannabis, the Millers became tireless activists in support of the legalization of marijuana for medical use. Beginning in 1993, after failed attempts to get lawmakers' attention to address this matter through lobbying, they found that protesting had more of an impact. Jim pushed Cheryl's wheelchair 58 miles across their state of New Jersey, and the media began to pay attention. In 1997, even though she had been homebound by her condition for over 10 years, she and her husband participated in that year's Boston-to-Washington "Wheelchair Crusade" for medical marijuana.

As Cheryl's MS progressed, they took their activism to the next level. In 1998, Cheryl and Jim committed an act of civil disobedience at Congressman Jim Rogan's (CA) office, to protest his vote in favor of House

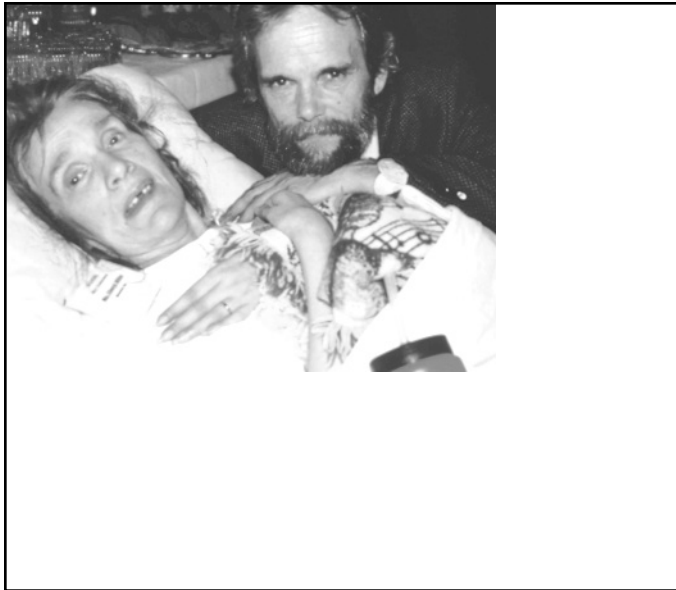
Resolution 372, which stated that the U.S. House of Representatives is "unequivocally opposed to legalizing marijuana for medicinal use." At Rogan's office, Jim placed a small piece of food containing marijuana in Cheryl's mouth, and they were arrested for marijuana possession. The charges were later dropped.



In October 1999, when Rep. Bob Barr (GA) pushed through a bill to prevent citizens in Washington DC from having their votes counted after they passed a 1998 medical marijuana initiative, the Millers and other medical marijuana patients held a protest at Barr's office. Jim lifted Cheryl out of her chair and placed her in a sleeping bag in the doorway. Jim was arrested and charged with a misdemeanor for demonstrating in a Capitol building, but they opted not to charge Cheryl.

Even though Cheryl's health was deteriorating rapidly, Congressman Barr was on the receiving end of one of her last political acts. Televised throughout his home state of Georgia, Cheryl was featured in a political campaign commercial which ended with the question, "Why does Bob Barr want this woman in jail?" Barr was not re-elected.

Cheryl Miller died June 7, 2003 from pneumonia and other MS-related complications. She was 57 years old. As a tribute to Cheryl and her advocacy, her friends and supporters created the Cheryl Miller Memorial Project to continue her legacy. On September 22 and 23, 2003, medical marijuana patients and advocates went to Washington, DC to stage a candlelight vigil and day of congressional office visits to educate representatives about the realities that patients face each day.



Cheryl Miller with her husband and fellow-advocate, Jim Miller

Jim wrote the following tribute to his wife and best friend: "Cheryl made her life an open book so others could have a better life.... She was never afraid of the consequences of what we did to help fight medical marijuana prohibition....

"Cheryl's logic was this: There was nothing that law enforcement or the judicial system could do to her that would be worse than what MS was doing to her, and would not last the lifetime that MS

would last. She saw that her power to be an example increased proportionately with the level of her disability. By the time she could no longer move her arms or legs, Cheryl decided that it was time to go on an offensive in Washington DC."

Still a tireless advocate himself, Jim goes on to say, "What we call courage, Cheryl called faith. She knew that she could make a difference, and believed that the worst thing that could happen would be to do nothing at all. She was afraid of being able to help seriously ill people, and not doing so. She was a teacher, and I learned from her. I am learning still.

Jim Miller continues the fight in Cheryl's absence. In September 2003, he helped start the national Multiple Sclerosis Patients Union to advocate for other MS patients, in the hope that they may be spared some of the hardship Cheryl suffered.

MORE STORIES

These are just a few of the stories of patients caught in the crossfire of the war on medical marijuana.

There are hundreds more, many of which no one ever hears. Federal law and that in too many states does not permit patients to explain anything about their medical condition, or the advice their doctors may have given them about using it, or even the medical research showing how effective marijuana can be for treating their conditions.

In the eyes of the law, these seriously ill or injured individuals are criminals, deserving prison before compassion.

Many patients and their caregivers are caught in a legal system that protects the right of doctors to recommend marijuana to their patients but not the right of patients to use it. They have little choice but to accept the best deal prosecutors offer. They go quietly into prison or other correctional supervision without ever having a chance to explain to the world the injustice that is being inflicted on them.

The debate about medical marijuana patients and their rights is not an abstract, theoretical one. Real lives are at stake, as these stories make clear.

Fortunately, this situation is easily changed. The will of the people is clear: Americans support safe, legal access to medical marijuana for those who are helped by it. The science is compelling: cannabis is safe and effective medicine that holds great promise for the treatment of many conditions. The solution is easy: policymakers and judges can just change the law.

The seriously ill or injured should not go to prison for following their doctors' advice. With your help, they won't have to. Call your Congressional representative today at 1-800-839-5276 and tell them to stop the war on medical marijuana. Or call us at Americans for Safe Access, 1-888-929-4367.

WHERE WE ARE NOW

WIDESPREAD PUBLIC SUPPORT *STATE LAWS PASSED*

As more scientific research on cannabis is published and more of these stories are heard, law and policy have begun to change. Since California passed the first state medical marijuana law in 1996, nine other states have joined it in trying to provide legal protection for patients. Public opinion is clearly in favor of ending the prohibition for medical use. According to a CNN/Time poll in November 2002, 80% of Americans support medical cannabis. The refusal of the federal government to act on this has meant that patients have had to turn to the states for action.

As of May 2004, medical cannabis legislation is under consideration in Illinois, New York, Arkansas, Montana, Wisconsin and Michigan. Currently, laws that effectively remove state-level criminal penalties for growing and/or possessing medical cannabis are in place in Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont and Washington.

Thirty-six states have symbolic medical cannabis laws (laws that support medical cannabis but do not provide patients with legal protection under state law). Voters in the District of Columbia also passed a medical marijuana initiative, but it was blocked by Congress, who have authority over the District's local laws.

NEW FEDERAL COURT RULING

A December 2003 decision by a federal appeals court in *Raich v. Ashcroft* established that it is legal under federal law for patients to grow, possess and consume cannabis, so long as they don't pay for it or cross state lines. The ruling directly affects patients in the nine western states in the Ninth Circuit's jurisdiction, but the precedent has been set for the nation. The federal prohibition on cannabis does not apply to patients in these circumstances.

IS CANNABIS LEGAL TO RECOMMEND?

In 2004, the United States Supreme Court upheld earlier federal court decisions that doctors have a fundamental Constitutional right to recommend cannabis to their patients.

The history. Within weeks of California voters legalizing medical cannabis in 1996, federal officials had threatened to revoke the prescribing privileges of any physicians who recommended cannabis to their patients for medical use. In response, a group of doctors and patients led by AIDS specialist Dr. Marcus Conant filed suit against the government, contending that such a policy violates the First Amendment. The federal courts agreed at first the district level, then all the way through appeals to the Ninth Circuit and then the Supreme Court.

What doctors may and may not do. In *Conant v. Walters*, the Ninth Circuit Court of Appeals held that the federal government could neither punish nor threaten a doctor merely for recommending the use of cannabis to a patient. But it remains illegal for a doctor to "aid and abet" a patient in obtaining cannabis. This means a physician may discuss the pros and cons of medical cannabis with any patient, and issue a written or oral recommendation to use cannabis without fear of legal reprisal. This is true regardless of whether the physician anticipates that the patient will, in turn, use this recommendation to obtain cannabis. What physicians may not do is actually prescribe or dispense cannabis to a patient or tell patients how to use a written recommendation to procure it from a cannabis club or dispensary. Doctors can tell patients they may be helped by cannabis. They can put that in writing. They just can't help patients obtain the cannabis itself.

Patients now protected. A December 2003 decision by a federal appeals court in *Raich v. Ashcroft* established that it is legal under federal law for patients to grow, possess and consume medical cannabis, so long as they don't pay for it or cross state lines. The ruling applies directly to the nine western states in the Ninth Circuit's jurisdiction, but the precedent has been set for the nation. The federal prohibition on cannabis for any use does not apply to patients in these circumstances, and the federal government has been enjoined against arresting or prosecuting them.

ABOUT AMERICANS for SAFE ACCESS

Americans for Safe Access is the largest national grassroots coalition working to protect the rights of patients and doctors to legally use marijuana for medical purposes. Our mission is to ensure safe, legal access to marijuana for all who are helped by it. We provide legal training for lawyers and patients, medical information for doctors and patients, media support for court cases, activist training to grassroots organizers, and rapid response to law enforcement encounters. We work with local, state and national legislators to raise awareness of issues concerning medical marijuana patients. Our successful media and legal campaigns have resulted in important court precedents, new sentencing standards, and more compassionate community guidelines.

MORE RESOURCES

Americans for Safe Access maintains a website with more resources for doctors and patients, which you can visit at www.SafeAccessNow.org. There you will find the latest information on legal and legislative developments, new medical research, and what you can do to help protect the rights of patients and doctors.

For questions or more information contact us at 888-929-4367 or email us at info@SafeAccessNow.org.

