



# Americans for Safe Access

Activist Newsletter

*Defending Patients' Access to Medical Marijuana*

August 2007

Volume 2, Issue 8

## **Dispensary Progress in LA Despite DEA Raids and Threats *City Council Starts Regulatory Process; Calls on DEA to Cease and Desist***

For two years, ASA organizers have been working with city officials in Los Angeles to ensure safe access to medical marijuana, educating them on the needs of patients and the benefits of a sound regulatory approach. The efforts of ASA and other patient advocates has resulted in significant progress in LA, so much so that the DEA has made it a target.

On the same day that the Los Angeles City Council was preparing to take an important step toward regulating the operation of medical cannabis dispensing cooperatives, federal agents staged another set of coordinated paramilitary raids designed to intimidate local officials and patients. The raids on ten dispensaries came within weeks of the DEA sending over a hundred threatening letters to landlords of LA dispensaries, telling them the dispensaries are operating illegally under federal law

and that the landlords could lose their buildings to federal asset forfeiture.

These attacks on patient access were similar to the dozen simultaneous raids conducted in January. Like then, ASA activists sprang into immediate action, organizing protestors at dispensaries while raids were still going on and alerting the local media, which turned out in force.

Within two hours of the raids starting, over 200 patients and advocates had gathered at one Hollywood dispensary, blockading the entrances and preventing DEA agents from leaving until they released the employees being detained.

That same day, the Los Angeles City Council—under the leadership of Councilmember Dennis Zine, a former LA police officer with whom ASA has

worked closely—voted unanimously to establish the groundwork for a regulatory process for medical cannabis dispensaries that ASA has been advocating for two years.

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## **Patient Protections Edge Forward in DC**

***MORE VOTE TO STOP DEA RAIDS;  
HEAT FOR REPS WHO OPPOSE***

July marked the fifth attempt in as many years to end on the federal level DEA interference in state medical marijuana programs. In fact, on the very day that the DEA was making its simultaneous raids in Los Angeles, Congress was debating the Hinchey-Rohrabacher amendment to the Commerce/Justice and Science appropriation bill.

The bi-partisan Hinchey-Rohrabacher amendment—named for Representatives Maurice Hinchey (D-NY) and Dana Rohrabacher (R-CA)—would prohibit the DEA spending funds on the arrest or prosecution of patients or caregivers who are legal under state law. The final vote for the amendment was 165 in favor, 262 opposed and 10 abstaining, an improvement over previous years that reflects ASA's hard work in the National Office and grassroots efforts.

With the change in Congressional leadership, particular the ascendancy of Nancy Pelosi (D-CA) to Speaker, ASA and other advocates had hoped for more. And, in fact, ASA helped recruit three new votes and over two dozen new medical cannabis supporters, but the opposition convinced nine representatives (eight Democrats and one

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## **ASA Persists in Medical Marijuana Truth Suit *Judge Delivers Setback But DQA Fight Continues***

ASA's landmark litigation to force the federal government to admit the truth about medical marijuana hit a bump in July, but ASA's legal team fights on.

Federal District Court Judge William Alsup used a technicality to dismiss ASA's Data Quality Act (DQA) lawsuit. But, at the same time, he gave ASA the chance to amend the lawsuit and refile it, which we are doing.

In its decision, the court indicated that ASA could argue that the nearly three years of stalling from the Department of Health and Human Services and the Food and Drug Administration constitutes unreasonable delay. That opens the door for ASA to force a substantive

response from the government on ASA's petition, which says that there is no sound scientific basis for the government's continued insistence that "marijuana has no currently accepted medical use in treatment in the United States."

A substantive response from the government would be either an acknowledgement of the thousands of scientific and medical articles and research findings showing medical uses for marijuana, or a continued denial. If the government refuses to concede the facts, ASA can then turn to the courts for intervention.

ASA will file an amended complaint in the DQA case on or before August 17.

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## Win in Medical Marijuana Caregiver Case Judge Tosses Colorado's Arbitrary 5-Patient Limit

Safe access in Colorado took a big step forward this month, when a district judge overturned a state policy that arbitrarily limited the number of patients for which a caregiver can provide marijuana.

The decision in the case of a seriously ill man living with HIV/AIDS came thanks to litigation led by Brian Vicente, lead counsel and head of the Colorado Campaign for Safe Access, a joint project of Sensible Colorado and ASA.

"Arbitrary and capricious" is how Senior Denver District Judge Larry Naves described the Colorado Health Department's limit of five patients per caregiver, as he issued an injunction suspending the policy statewide.

The decision gives patients far more choice in accessing medical marijuana. Specifically, the decision allows the

plaintiff, Damien LaGoy, to appoint the medical marijuana provider of his choice. LaGoy, who uses medical marijuana to cope with nausea related to AIDS wasting syndrome and hepatitis C, had his caregiver request denied by the State Health Department in May 2007.

"This is a historic victory for patients," said Vicente. "The decision to overturn this illegal policy is a giant step towards safe access to medical marijuana in Colorado."

Colorado's Amendment 20, an initiative adopted by voters in 2000, allows caregivers to grow and provide medical marijuana for patients in need and provides no limit on the number of patients a caregiver can help.

Media interest in the case and ruling was extensive, including TV and newspaper coverage.

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The council all signed a letter to the DEA and then unanimously approved a motion endorsing the Hinchey-Rohrabacher amendment, which would prevent future DEA attacks on state medical marijuana programs.

Councilmember Zine also joined ASA before the hearing in a press conference calling on the DEA to abandon its attacks on medical cannabis dispensaries and allow LA to move forward without further federal interference.

ASA's communication efforts helped ensure that LA media covered the raids and City Council actions from the patients' perspective—not the DEA's. And the story was picked up by the major networks and carried by hundreds of television and radio stations as well as newspapers across the country.

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Republican) to flip their votes from last year. But not without consequence.

As Alan Bock, an editorial writer for the conservative Orange County Register notes, "I'm pleased to see that some of those who voted against the Hinchey-Rohrabacher amendment (which would deny funds for any DEA crackdowns on patients, growers and distributors in states with medical marijuana laws) are getting some negative attention. Jerry McNerney of Pleasanton, CA, a freshman, was the only S.F. Bay-area Democrat to vote against the measure, and according to this story [in the San Francisco Chronicle] he's being criticized widely and having to defend himself." [AmericansForSafeAccess.org/HincheyHeat](http://AmericansForSafeAccess.org/HincheyHeat)

Check out ASA's August Action Alert for how to make sure your representatives hear your voice on this issue.

## NATIONAL ACTION ALERT

### Did Your Representative Stand Up to the DEA and Vote to Protect Patients?

In late July, the medical cannabis movement achieved a record number of congressional votes for the Hinchey-Rohrabacher Amendment to the Commerce-Justice-Science Appropriations bill, which would have eliminated funding for federal raids of patients and providers in medical cannabis states. Unfortunately, the amendment did not have enough votes to pass.

This year, our opposition convinced 9 representatives (8 Democrats and 1 Republican) to flip-flop their votes against us. Their actions are an attack on patients and they must be held accountable!

Visit [www.AmericansforSafeAccess.org/HincheyAction](http://www.AmericansforSafeAccess.org/HincheyAction) to find out if your representative voted against the amendment and to hold him/her accountable for his/her actions. If your Congressperson voted in favor of the amendment and protecting patients please be sure to thank him/her for his/her leadership.

## Check Out ASA's Online Store for Cool ASA Gear



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