



# Americans for Safe Access

Activist Newsletter

*Defending Patients' Access to Medical Marijuana*

March 2009

Volume 4, Issue 3

## **U.S. Attorney General Says Medical Marijuana Raids Over Pressure from Advocates Brings Change to Long-standing Federal Policy**

The tireless work of medical cannabis patients and activists has begun to pay big dividends in Washington, D.C., with the new Administration's attorney general, Eric Holder, telling a news conference that ending the raids on medical cannabis providers is now government policy.



*Attorney General Holder and Pres. Obama*

ASA members were among the thousands of advocates calling the White House and their elected representatives in the wake of the raids, deluging the administration's website with pleas for policy change, and participating in a protest at the Los Angeles federal building.

Holder, appearing at a Washington news conference on Feb. 25 alongside the DEA's current Acting Administrator, Michele Leonhart, was responding to a question about whether the DEA raids that occurred in California since Obama took office would continue.

"What the president said during the campaign, you'll be surprised to know, will be consistent with what we'll be doing in law enforcement," Holder said, noting that Obama is his boss. "What he said during the campaign is now American policy."

During the campaign, President Obama was repeatedly faced with questions about federal interference in the 13 states that have enacted medical

cannabis laws. Obama said then that his experience with his mother's death from cancer made him sympathetic with the plight of patients, and that he saw no difference between a doctor prescribing morphine and marijuana.

During a March 2007 interview, he also said that he thought it "entirely appropriate" for states to look after the health and welfare of

their citizens by legalizing the medical use of marijuana "with the same controls as other drugs prescribed by doctors."

The attorney general's comments follow a White House statement earlier in the month, in which spokesman Nick Shapiro responded to pressure over recent raids in California.

"The president believes that federal resources should not be used to circumvent state laws" Schapiro said, and that the president's appointees would be expected to "review their policies with that in mind."

*(continued page 2)*

## **Obama Urged to End Landlord Intimidation**

The Obama Administration has been asked to stop the Bush tactic of intimidating California commercial property owners who rent to collectives that provide medical marijuana.

Congresswoman Lois Capps (D-CA) sent a letter last month to incoming U.S. Attorney General Eric Holder, decrying threats by the Drug Enforcement Administration (DEA) and the U.S. Attorney's Office against property owners that lease space to state-sanctioned medical marijuana providers. The letter was prepared with assistance from ASA's Washington office.

Since the summer of 2007, the DEA has sent letters to at least 300 landlords in California threatening federal criminal prosecution and asset forfeiture if they continue to lease to medical marijuana dispensaries. The Department of Justice had not acted on the DEA threats until early January, when property owners in Capps' district of Santa Barbara received an ultimatum—evict their tenants by February 21, or face legal jeopardy.

Capps letter urges the new administration "to act swiftly to suspend the enforcement threats against the property owners in California who are in compliance with local and state law."

Though licensed under a Santa Barbara city ordinance, since the threatening letters were first sent in 2007, most of the dispensaries in Santa Barbara have been evicted by their

*(continued page 2)*

## **Congress Asks DEA to End Monopoly on Medical Marijuana Research Materials**

More medical cannabis will be available for research soon, if members of Congress have their way.

After lobbying by ASA, 16 members of Congress sent a letter last month to Attorney General Eric Holder, urging the DEA to act "swiftly to amend or withdraw" an order that significantly curtails medical marijuana research in the United States.

At issue is a 2001 request by a University of Massachusetts, Amherst researcher, Dr. Lyle Craker, to grow pharmaceutical-grade cannabis for federally approved research studies. Currently, many approved studies are unable to proceed for lack of research materials. In February of 2007, DEA Administrative Law Judge Mary Ellen Bittner ruled that monopoly should end because expanded medical marijuana research is "in the public interest." The DEA sat on the ruling for nearly two years before rejecting it less than a week before the new administration took office.

For more than forty years, the government has given the University of Mississippi a monopoly on cultivating marijuana for medical research. Not only is this arrangement unlike that for any other controlled substance regulated by the federal government, no other country restricts research in this way.

The Congressional letter authored by John Olver (D-MA) notes that "45 members of the House of Representatives and Senators Edward Kennedy and John Kerry, as well as a broad range of scientific, medical and public health organizations [...] have all written to DEA in support of Professor Craker's efforts."

In her ruling, Judge Bittner concluded that the quality and quantity of marijuana supplied by NIDA was inadequate for the level of research that cannabis deserves.

The ACLU, which represents Professor Craker in this matter, is requesting reconsideration and an opportunity to respond to new evidence used by the DEA in its decision.

# Maryland Lawmaker Backs State Study

## Patient advocates call law inadequate, seek changes

Maryland has edged one step closer to expanding a state medical marijuana law that advocates say is too limited.

With assistance from ASA, Maryland State Delegate Henry Heller (D-Montgomery County) introduced legislation in February that creates a task force to study the issue.

The bill, HB 1339, would require Maryland's State Department of Health and Mental Hygiene to staff a Governor-appointed task force to evaluate whether the current state law is effective, fair, and equally enforced across all state jurisdictions, among other issues.

"Maryland's medical marijuana law is broken," said Tony Bowles, a spokesperson with the Montgomery County Chapter of Americans for Safe Access. "People suffering from serious or chronic conditions are still vulnerable to arrest and prosecution, and are left without a safe, secure way to access physician-recommended medical marijuana."

The Maryland state legislature passed the Darrell Putman Compassionate Use Act in 2002, requiring state and municipal courts to

consider a physician's recommendation for medical use of cannabis to be a "mitigating factor" in marijuana-related state prosecutions. The law permits an affirmative defense in state court, yet qualified patients may still be convicted and fined up to \$100.

Advocates say Maryland's citizens with a physician's recommendation to use marijuana are routinely arrested, prosecuted, and, in some cases, fined more than the state's statutory \$100 limit.

"Maryland's qualified patients in Maryland should not be forced to break the law and use the illicit market to access to the medicine their doctors recommend," said Bowles.

Thirteen other states, containing more than 72 million people, have passed laws authorizing patients living with a serious or chronic condition to use physician-recommended marijuana free from criminal prosecution.

The Maryland chapters of Americans For Safe Access have been working with patients and their supporters bring similar protections to their state.

"Every year, Maryland wastes precious law enforcement resources to investigate, arrest and prosecute scores of people who legitimately use medical cannabis," said Bowles.



Tony Bowles

(NEW POLICY, continued from page 1)

The statements this month from the White House and the Attorney General were greeted with relief by patients and advocates.

"Americans for Safe Access welcomes President Obama's continued pledge to end federal interference with state medical marijuana laws," said Caren Woodson, ASA's Director of Government Affairs. "These statements reflect a sea change in federal policy."



Caren Woodson

ASA sent policy recommendations aimed at harmonizing federal and state law and encouraging research to President Obama and Congress earlier this year. More than 72 million Americans live in a state that has enacted laws that authorize the limited therapeutic use and distribution of cannabis.

"We look forward to working with the President and his Administration to enact long-term policies that support safe and legal access to cannabis for therapeutic use and research," said Woodson.

Fierce federal opposition to state medical cannabis programs begun during the Clinton Administration, which threatened to sanction any physicians who discussed it with patients before being rebuffed by a U.S. Supreme Court ruling that affirmed doctors' First Amendment rights. Under Clinton, civil court action was taken to shut down dispensing collectives.

The Bush Administration pursued a more aggressive policy, raiding medical cannabis dispensaries throughout California, bringing criminal charges against more than 100 individuals, and threatening landlords with property forfeiture for renting to licensed dispensaries. Patients in Colorado and New Mexico were also targeted, though not on a similar scale.

LANDLORDS, continued from page 1)

landlords or have closed voluntarily to avoid legal problems.

"We applaud Representative Capps' leadership in opposing DEA intimidation," said Caren Woodson, ASA Director of Government Affairs. "Given public statements by President Obama and others in his administration about changing medical marijuana policy, these tactics are completely indefensible."

ASA and other advocates estimate that approximately 400 dispensaries provide medical marijuana to a majority of the more than 200,000 qualified patients in California. The state attorney general has issued guidelines for medical marijuana dispensaries, and the California Board of Equalization is collecting sales tax on medical marijuana, generating revenue estimated at more than \$100 million.

## NATIONAL ACTION ALERT

### Be One of President Obama's 10 Letters a Day

Every day, President Obama reads 10 letters from average Americans, and yours can be one of them. The president not only reads the letters his staff pick, he acts on them.

This month we're asking you to sit down and write a letter to the President. Make it relevant, timely and compelling; explain how your struggle for safe access to medical cannabis is about healthcare, the economy, and everyday Americans caring for each other.

Go to [www.AmericansForSafeAccess.org/PresidentialRecommendations](http://www.AmericansForSafeAccess.org/PresidentialRecommendations) for more information, inspiration or help with talking points. Send your letter to the President to:

The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

## Become a Member

**YES! Please accept my donation**

(check one)  Monthly  One-time  \$100  \$50  \$35  Other Amount \$ \_\_\_\_\_

Name \_\_\_\_\_  Check or Money Order Enclosed.

Address \_\_\_\_\_  Visa  Mastercard  AMEX  Discover

City, State, Zip \_\_\_\_\_ Card Number: \_\_\_\_\_

Phone \_\_\_\_\_ Signature: \_\_\_\_\_

Email \_\_\_\_\_ Expiration Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Mail to: Americans for Safe Access, 1322 Webster St., Suite 402, Oakland, CA 94612

[www.AmericansForSafeAccess.org](http://www.AmericansForSafeAccess.org)