

## A Movement Chronology through 1999

# What Happened After Proposition 215 Passed?

When Prop 215 passed on November 4, 1996, many optimists thought it would mean the beginning of the end of a destructive, costly prohibition. They assumed the significance of the vote was unmistakable —the people of California had told the government to lay off citizens who were using marijuana for medical purposes. These optimists clung to the naive belief that, because America is a democracy, elections results matter.

But the passage of Prop 215 was viewed by Attorney General Dan Lungren, as a mistake to be rectified by law enforcement. He instructed police and prosecutors to keep arresting and charging people who used marijuana, even if they had the approval of a physician. Marijuana arrests in California actually increased in 1997, according to the Bureau of Criminal Statistics, to 57,667 —up for the sixth year in a row. Many doctors came to feel less willing to discuss marijuana as a treatment option with their patients, as they feared Lungren's wrath and the attention of Janet Reno's Justice Department.

This chronology of the medical marijuana movement is for patients, caregivers and concerned citizens who want a fuller, more coherent account than the corporate media has provided. We ask all participants in the movement to contact us ASAP to fill in the blanks.

**Nov. 6** ATTORNEY GENERAL LUNGREN SENDS A MIDNIGHT FAX to all California law enforcement officials; effective 12:01 a.m., The AG advises, “the focus in cases involving potential marijuana violations should be on whether the medicinal use defense is factually applicable.” The cop on the beat is advised to “ask early whether the person is taking medication, what medication for what condition, at which doctor's direction, and the duration of treatment... whether the individual is a patient or caregiver. If he/she says patient, then ascertain name of doctor and caregiver. If caregiver, ascertain for whom, for how long, and on what basis.”

**Also 11/6** Bill Zimmerman's “Californians for Medical Rights” renames itself “Americans for Medical Rights” and announces plans to put medical marijuana initiatives on the ballot in five more states. Their Sacramento lobbyist boasts that the organization consists of four people.

**Nov. 7** The Wo/Men's Alliance for Medical Marijuana is granted non-profit status and an employer identification number by the California Secretary of State's office. The articles of incorporation state that the Santa Cruz or-

ganization “will research, prepare and disseminate reports prepared for either the general public or the medical community based on information gathered directly from patients using marijuana to treat their medical needs. WAMM will also ensure that seriously ill patients have access at no charge to a safe supply of marijuana as prescribed by a physician through propagation of verdure in conjunction with community support. [“Verdure” is green-growing matter.]

**Nov. 21** The Oakland Cannabis Buyers Club announces that its membership stands at “775 meticulously screened patients, and we are growing carefully.” Proprietor Jeff Jones thanks the city council for resolving that the “arrest of individuals involved with the medical use of marijuana shall be a low priority for the city of Oakland.” Protocols developed by the Oakland CBC are sent to clubs springing up around the state. Typically, a new member is required to produce a written medical diagnosis -signed by his or her doctor on stationery bearing a license number- recommending marijuana as a treatment. The club then calls the doctor's office to confirm the diagnosis.

**December 1** MedEx Santa Cruz is established “to provide in-home delivery of safe and affordable cannabis.”

**Dec. 3** Lungren convenes a special “All Zones Meeting” of DAs, sheriffs, and police chiefs to lay out his approach to enforcement of Prop 215. “We think the narrowest interpretation is the most appropriate,” Lungren tells the law enforcers. “It would be our view that marijuana would not be available for acne, hangnails, stress or arthritis.” [This is a revealing slip of the tongue, since the initiative specifically sanctioned the use of marijuana in the treatment of arthritis.] The AG proclaims his strategy: to prosecute marijuana cases as vigorously as before; to put the burden of proof on defendants; and to require their physicians to testify in open court. Lungren says he will go to Washington to urge U.S. Attorney General Janet Reno to enforce the federal laws against marijuana use. San Francisco DA Terence Hallinan, the only open supporter of Prop 215, is denied a chance to address the session.

**Dec. 4** Bill Zimmerman of Americans for Medical Rights tells the Sacramento Bee, “I think the attorney general is correct in arguing that the initiative should be interpreted narrowly.” In Almadore County, District Attorney Steven Cilenti sends the following note to Judge Don Howard of the County Judicial Court: “It is respectfully requested you dismiss the charges on the above named defendant as de-

defendant has medical reasons to possess marijuana.” The sheriff subsequently mails back the patient’s two grams.

**Dec. 17** In Sonoma County *The People of California vs. Alan Edward Martinez and Jason John Miller* is heard in municipal court and the first attempt to get a marijuana case dismissed on the basis of Prop 215 is promptly rejected by Judge Mark Tansil. The Defendants Alan Martinez, 40 -a nurse’s aide who has epilepsy- and Jason Miller, 24, his primary caregiver, were arrested in August ‘96 for cultivating marijuana in a windowsill planter box. Their lawyer, Bill Panzer, moves for an “in camera” hearing to keep confidential the identity of Martinez’s doctor; this, too, is rejected. “If the DEA withdraws a doctor’s right to prescribe,” Panzer argues, “they lose their malpractice insurance, their hospital privileges, and their ability to make an income.” Tansil rules, “The court can’t grant this witness special immunity. We must trust the system to deal fairly with this doctor and hope the doctor is a strong enough person to do the right thing.”

**Also 12/17** In Alameda County a defense motion to move the case of *People vs. Dennis Peron and Beth Moore* to San Francisco -where 43 of the 44 alleged violations occurred- is denied by Judge Larry Goodman. This is the case stemming from the Aug. 4 raid on the SF Cannabis Buyers Club, which led to indictment on possession and transportation charges by an Alameda Grand jury. Peron’s lawyer J. David Nick argued that the grand jury should be reconvened to consider the “medical necessity” defense created by Prop 215, and that the raid itself was an improper attempt to influence the vote on 215.

**Dec. 19** The San Francisco club stages a “We Forgive You Love-In” at the Bureau of Narcotics Enforcement office near Fisherman’s Wharf. Some 40 members sing Christmas carols “in the spirit of the holidays, to forgive those in the BNE for their acts of aggression against the sick and dying who have been harassed and prosecuted for medical marijuana use...”

*See the pot-filled bong before us!  
Fa la la la la, la la la la  
Makes you want to sing a chorus!  
Fa la la la la, la la la la...*

Lungren, in Washington, D.C., calls on Justice Department officials to enforce the federal anti-marijuana laws.

**Dec. 22** Thomas Constantine, head of the Drug Enforcement Administration, threatens, “We are going to take very, very serious action against” doctors recommending marijuana for medical purposes.

### **Feds Threaten California MDs**

**Dec. 30** Drug Czar Barry McCaffrey, Attorney General

Janet Reno and Health & Human Services Secty Donna Shalala declare the Clinton Administration’s opposition to the medical use of marijuana at a widely covered press conference. They produce a chart entitled “Dr. Tod Mikuriya’s (215 Medical Advisor) Medical Uses of Marijuana” Twenty-six conditions are listed. One is misspelled -”Migranes.” Three -”Removal of Corns,” “Writer’s Cramp,” and “Recalling ‘Forgotten Memories”- simply do not appear in the various list of conditions Mikuriya has compiled. McCaffrey declares, “This isn’t medicine, this is a Cheech and Chong show.” He warns that “a practitioner’s action of recommending [marijuana]... will lead to administrative action by the DEA to revoke the practitioner’s registration.”

Mikuriya calls the chart “a crude dirty trick -the kind of disinformation the U.S. military put out during the Vietnam War, only in this case the ‘enemy’ is the people of California.”

Lungren thanks McCaffrey and Reno for “quick action.”

Doctors are alarmed. “The war on drugs has become the war on physicians,” comments Virginia Cafaro, MD, of San Francisco.

Dennis Peron says, “Good publicity for Cheech and Chong.”

## **1997**

**January 8** Superior Court Judge David Garcia rules that the passage of Prop 215 entitles the San Francisco Cannabis Buyers Club -closed in August ‘96-to operate. Dennis Peron, Beth Moore, et al are allowed to provide marijuana “for the personal medicinal use of persons who have designated the defendants as their primary caregiver pursuant to Health and Safety Code S11362.5.” Garcia tells the prosecutors from the Attorney General’s office “I don’t think you or I are going to say that the people of California were totally ineffectual in trying to pass a medical marijuana law. The defendants are ordered to operate as a non-profit organization and to maintain records showing that they have been designated as primary caregiver by members who have recommendations from physicians.” Garcia also orders the defendants to “maintain records showing monies expended and received as reimbursement of expenditures including overhead for their activities relating to the provision of medicinal marijuana.” The AG’s office says its will contest the ruling that a club can be a caregiver under Prop 215.

**Jan. 9** In Plumas County cultivation charges against Cynthia Ann Powers —a multiple sclerosis patient who uses marijuana medically— are dropped by DA James Reichle who says, “After carefully looking at her situation, Powers is a Proposition 215 case.” In Alameda County charges against Harold Sweet, a glaucoma sufferer, are dropped.

**Jan. 13** In response to criticism by doctors and scientists, McCaffrey announces that his office will underwrite a \$1 million study of the medical potential of marijuana.

na by the Institute of Medicine (a branch of the National Academy of Sciences, whose function is to give the government objective answers to scientific questions).

### ***Conant v. McCaffrey***

Jan. 14 Several prominent Bay Area physicians and patients who use marijuana for medical purposes sue McCaffrey, Reno, Shalala and DEA chief Constantine in federal court for “effectively gagging physicians.” *Conant v. McCaffrey*, a class-action suit on behalf of all California doctors and patients who discuss marijuana as a treatment option, seeks to prevent the government from prosecuting or threatening to punish doctors who recommend marijuana. The suit, which is assigned to U.S. District Judge Fern Smith, charges that the feds “have intruded into the physician-patient relationship, an area traditionally protected from government interference.” The plaintiffs include doctors Marcus Conant, Arnold Leff, Neil Flynn, Milton Estes, Stephen Follansbee, Stephen O’Brien, Robert Scott, Debu Tripathy and Donald Northfelt; patients Jo Daly, Keith Vines, Judith Cushner, and Valerie Corral; the Bay Area Physicians for Human Rights; and Being Alive, an AIDS patient advocacy organization.

Tod Mikuriya, MD —the California doctor who McCaffrey threatened by name, is not invited to join as a co-plaintiff by the drafters of the civil suit, attorneys Graham Boyd and Dan Abrahamson. Boyd and Abrahamson refuse to explain their reasoning.

**Jan. 15** The San Francisco Cannabis Cultivators Club reopens for business at 1444 Market. The club requires members to produce a letter of diagnosis but does not require a written recommendation for marijuana. “We’re on the honor system here,” says Peron. “You tell us your doctor recommends marijuana and that’s fine with us.” Carpenters begin transforming the basement of the club into an indoor greenhouse.

**Jan. 30** An editorial in the *New England Journal of Medicine* —“Federal Foolishness and Marijuana,” by Jerome Kassirer, MD, the editor-in-chief— derides the U.S. government’s policy as “misguided,” “hypocritical,” “out of step with the public,” and “inhumane.” The prestigious journal calls for reclassifying marijuana from Schedule 1 (drugs of abuse with no therapeutic value) to Schedule 2 (which includes drugs deemed medically useful despite being potentially addictive, like and cocaine and codeine). Such a change would allow doctors to prescribe marijuana without fear of reprisal. Kassirer decries “the absolute power of bureaucrats whose decisions are based more on reflexive ideology and political correctness than on compassion.”

*“I don’t think anyone wants to settle issues like this by plebiscite.” —Harold Varmus*

**Also 1/30** (and probably not coincidentally) The director of the National Institutes of Health, Harold Varmus announces a special conference to resolve “the public health dilemma” raised by the passage of Prop 215. “I don’t think anyone wants to settle issues like this by plebiscite,” says Varmus, calling instead for “a way to listen to experts on these topics.”

**February 2** Dennis Peron calls on state legislators to end the Campaign Against Marijuana Production. “To ensure the availability of cheap and pure marijuana to the patients who need it... stop the helicopter flyovers and seizures of marijuana in the production areas.” CAMP commander Walt Kaiser comments “We anticipate it will be business as usual. Prop 215 is an affirmative defense — but people will have to prove in court that cultivated marijuana was intended for a medical use.”

**Feb. 6** “Bay Lawmaker Aims to Help Pot Law” —SF Examiner headline. State Sen. John Vasconcellos announces that he will introduce legislation to “help implement” Prop 215. Americans for Medical Rights claims credit for helping to draft the so-called “enabling legislation.” Dennis Peron is suspicious: “Prop 215 doesn’t need any help.”

**Feb. 7** McCaffrey’s lawyer rejects any possibility of settlement in *Conant v. McCaffrey*, writing “Doctors cannot evade the prohibitions of the Controlled Substances Act by claiming that they are merely providing their patients with ‘recommendations.’”

**Feb. 9** Marine Lance Cpl Jason Allen Miller, trained in beach landing techniques, is caught delivering a half ton of marijuana by speedboat from Tijuana to a San Diego beach. Miller was found to be working for a San Diego family with Marine Corps connections (Gringos, by the way; corruption practices “diversity”) ...A nationwide poll financed by the Lindesmith Center finds 2-to-1 support—or greater— for allowing doctors to prescribe marijuana for seriously or terminally ill patients.

**Feb. 11** A hit piece in *The New Republic* entitled “The Return of Pot” informs our leaders inside the Beltway that renewed propaganda is required to discredit the medical marijuana movement. The disdainful impressions of author Hannah Rosin —who flew out from the east for a whirlwind tour of a few clubs and an overview from Bill Zimmerman— are cited by pundits as factual data.

“As Hanna Rosin reports in the current issue of the *New Republic*, the clubs are peopled not by the desperate terminally ill but by a classic cross-section of California potheads, all conveniently citing some diagnosis or other -migraines, insomnia, stress- as their tickets to Letheland.” —Charles Krauthammer in the LA Times.



**Feb. 15** DEA agents question family doctor Robert Mastroianni of Pollack Pines, who has recommended marijuana to three seriously ill patients since the passage of Prop 215. The local pharmacist says he has also been contacted by the DEA. Mastroianni says the effect has been intimidating. "I am now reticent and reluctant to recommend the use of medical marijuana even if it is my ethical duty to do so."

**Feb. 19-20** The conference of experts sought by Harold Varmus is convened by Alan Leshner of the National Institute on Drug Abuse. The experts conclude that the safety and efficacy of marijuana with respect to many illnesses is unproven.

"Analgesia: No clinical trials involving smoked marijuana have been performed in patients with naturally occurring pain... Neurological and movement disorders: Evidence that marijuana relieves spasticity produced by multiple sclerosis and partial spinal cord injury is largely anecdotal... There is scant information on the use of marijuana or other cannabinoids for the actual treatment of epilepsy... Nausea and Vomiting Associated With Cancer Chemotherapy: Since the approval of dronabinol in the mid 1980s, more effective antiemetics have been developed, such as ondansetron, granisetron, and dola-setron, each combined with dexamethasone. The relative efficacy of cannabinoids versus these newer antiemetics have not been evaluated.... Appetite Stimulation: Marijuana is reported to increase food enjoyment and the number of times individuals eat per day... There are no controlled studies of marijuana in the AIDS wasting syndrome, nor have there been any systematic studies of the effects of marijuana on immunological status in HIV-infected patients." The experts call for "more and better studies."

**Feb. 22** Orange County fires an equipment operator who used marijuana as a treatment for glaucoma. Rob Dunaway, 38, of Mission Viejo, was diagnosed with glaucoma at 19 and for 15 years has smoked a small amount of marijuana after work -never before or during, he says. "It's heartbreaking," says Dunaway. "I love my work. It's what I've done all my life."

**Feb. 23** The Internal Revenue Service rules that taxpayers cannot deduct the cost of marijuana as a medical expense because it is a Schedule I drug and cannot be legally prescribed. The ruling means that employee benefit packages cannot cover marijuana expenses. In the same ruling, 1997-9 I.R.B.1, the agency announces that the cost of Laetrile, a substance derived from apricot pits to which desperate cancer patients sometimes turn, can no longer be deducted as a medical expense.

### **Lungren's Guidelines**

**Feb. 24** The Attorney General's Office issues guidelines for law enforcement officers in response to Prop 215. Patient Qualifications are defined as follows. "1. Patients must be California residents. Out-of-state residents, temporary visitors or foreign nationals without legal residence in the U.S. are not covered... 2. Patients must be seriously ill. Minor in-

juries, colds, common flu, most skin cancer, stress, etc., are not covered. 3. The patient must have had an examination by a physician, and the physician must have determined that the specific patient's health would benefit from marijuana as a treatment for the specific illness. 4. The patient must not be engaged in behavior that endangers others such as driving a vehicle, working with dangerous equipment, or being under the influence in public. 5. The patient cannot be involved in any diversion of marijuana for nonmedical purposes... 6. Patients cannot cultivate or possess amounts greater than necessary for their personal medical needs. This precludes commercial and most cooperative style operations. Questioning by an officer should help determine whether the amount is consistent with what was recommended by the doctor for what length of time and for what illness. By way of example, if the patient is undergoing chemotherapy treatment for 30 days and the basis for the recommendation is to combat nausea caused by the therapy, then a supply greater than 30 days is more than necessary for medical use. Note: one marijuana plant produces approximately one pound of bulk marijuana. One pound will make approximately 1,000 cigarettes. Therefore, one can argue that more than two plants would be cultivation of more than necessary for personal medical use."

Lungren's Guidelines state that cannabis clubs cannot qualify as primary caregivers under the law. "Although they may be supplying marijuana for medical purposes, they would not qualify as being primarily and consistently responsible for the housing, health or safety of the patient."

Tod Mikuriya says, "The response of organized medicine has been shameful. They are more interested in relaying the federal threats to their members than in protecting them, let alone seeing that a safe and effective medicine is available to patients."

**Feb. 27** The federal government seems to relent in response to Conant v. McCaffrey. A letter from the Dept. of Health & Human Services and the Dept. of Justice to 250 medical organizations and groups in the U.S. states, "Nothing in federal law prevents a physician, in the context of a legitimate physician-patient relationship, from merely discussing with a patient the risks and alleged benefits of the use of marijuana to relieve pain or alleviate symptoms." The letter warns, however, "physicians may not intentionally provide their patients with oral or written statements to enable them to obtain controlled substances in violation of federal law... The CMA and AMA urge Conant et al to drop their lawsuit. CMA attorney Alice Mead "recommends that physicians not sign or complete those forms [patients' forms related to marijuana use] and that they should not prepare their own similar forms." Tod Mikuriya says, "The response of organized medicine has been shameful. They are more interested in relaying the federal threats to their members than in protecting them, let alone seeing that a safe and effective medicine is available to patients."

**March 1** Mountain View police return six plants and some growing equipment seized from Edward Willis, a 43-year-old electrician with AIDS. “We respect the voters’ call. In certain circumstances, upon a doctor’s recommendation, we will honor a patient’s right to use marijuana for medical purposes,” said Santa Clara County Assistant DA Karyn Sinunu (a veteran prosecutor who says she reconsidered her own position after watching a friend undergoing treatment for stomach cancer obtain relief by smoking marijuana). Willis’s doctor, Deborah Shih of Kaiser Santa Calara Hospital, had provided him a letter stating she would consider prescribing marijuana for him if she were legally able to do so.

**March 11** San Jose city attorney Joan Gallo unveils a proposed ordinance to regulate the locations and operations of medical marijuana facilities. The city would allow “medical marijuana dispensaries” to operate only in commercial areas, away from schools, churches and daycare centers, and smoking of medical marijuana would not be permitted on the premises.” Dave Fratello of AMR applauds the city for “sensible regulation.” Dennis Peron says, “They want to put us alongside the porno shops. Would they tell a doctor or a pharmacist where they can or can’t have an office?” Robert Niswonger, who was planning to open the Santa Clara County Cannabis Club at his home, which is near an elementary school, is advised to find another location.

**Also 3/11** The Wall St. Journal runs a commentary by Gabriel Nahas, MD, and three colleagues, “Marijuana Is the Wrong Medicine,” taking issue with Kassirer’s *NEJM* editorial. Nahas flat out denies that marijuana relieves pain. “If Kassirer means to imply that marijuana is analgesic, he is simply wrong.”

**March 17** Leaders of the California Medical Association and the American Medical Association urge a settlement of *Conant v. McCaffrey* in a letter to the plaintiffs and the feds. The CMA issues guidelines to its members, advising that a doctor can discuss the risks and benefits of pot as medicine and document the discussion in the patient’s record, but should not make a recommendation on whether to use mj, should remind patients that it remains illegal under federal law, and should not help patients get marijuana from buyers’ clubs.

**March 18** Los Angeles prosecutors dismiss the case of an AIDS patient charged with marijuana possession. Willie Perkins, 35, had a written diagnosis from a doctor at Harbor-UCLA Medical Center acknowledging the possible benefits of marijuana. “Reviewing the spirit of the law... we decided to dismiss this case,” says Deputy City Attorney Jerry Baik.

**March 25** The San Jose City Council becomes the first California entity to officially monitor and permit the distribution of medical marijuana. Peter Baez and Jesse Garcia announce they will be opening soon at a site on San Carlos Street... Mendocino County DA Susan Massini warns grow-

ers that contracts with cannabis clubs will provide no legal protection. “They will not be immune from felony prosecution even though they’ve reached a contract with an organization that may be perceived in San Francisco as being legal,” Massini says. Sheriff Jim Tuso says his deputies will continue to arrest growers and confiscate their product even if they have contracts with a medical marijuana sales outlet. Humboldt County Sheriff’s Sergeant Steve Knight adds, “We’ve been instructed from our district attorney that a contract with the San Francisco cannabis club is not going to prevent us from taking the marijuana and arresting the person for cultivation or possession for sale.” Dennis Peron contends that patients can name a cannabis buyers club as “their primary caregiver with respect to providing marijuana” and that the club can reassign the right to cultivate marijuana to a grower.

**April 5** The new Ukiah Cannabis Club begins registering members at the Forks Theater, 40 Pallini Lane... Proprietor Cherrie Lovett, a lupus patient, says “It’s gonna be small and it’s gonna be really low key, but I want all sick people to come and be a family.” The theater is owned by Marvin and Millie Lehrman, who also help run the club.

April 9 Jeff Webb of Oroville is arrested after being stopped by the CHP for a license plate violation near the Yuba/Sutter county line. Webb informs the officer that he and his wife are primary caregivers delivering medical marijuana to patients. Three small bags of pot with SF Cannabis Club seals are found in the car (less than 2 ounces). Webb is arrested and charged with transportation and possession for sale. CHP captain Fred Steisberg says “Just having a card and a sticker on the bag isn’t enough. We define the term ‘primary caregiver’ as someone who provides housing, care and safety for the patient.” [Prop 215 defines primary caregiver as someone who provides housing, care or safety...]

**April 10** A warrant is issued for the arrest of Jean Baker, 39, the director of the Humboldt Cannabis Action Network, after she fails to appear in court on cultivation charges. Baker says county law enforcement officials are punishing her for negotiating cultivation contracts with local growers. Deputy DA Worth Dikeman says Baker was observed in September at a site where marijuana was later found growing. Sheriff Dennis Lewis says that under Prop 215 “Patients and caregivers can grow for personal use, but there’s no mention made of proxies growing large fields for clinics or clubs.”

### **DEA Raids Flower Therapy**

April 21 At 6:30 a.m. federal DEA agents break down the door of San Francisco’s Flower Therapy club, seize 331 marijuana plants along with lights, fans and cash. DEA spokesman Stan Vegar says, “The federal statutes state that cultivation of marijuana -and in this case, high-level, sophisticated, large-scale indoor marijuana cultivation- is illegal. Prop 215 simply did not change federal law and it did not

change the San Francisco DEA's interest in these types of cases." Proprietor John Hudson says the club will stay open for business. "This is a futile attempt to try and harass the medical marijuana movement." San Francisco DA Terence Hallinan, who was not notified in advance of the raid, calls it politically motivated. (Federal drug cases usually involve tons, not pounds of marijuana.) Hallinan urges U.S. Attorney Michael Yamaguchi not to prosecute the Flower Therapy staff, offering to "testify to the fact that this group was trying to comply with the law in the state of California."

Dennis Peron accuses rogue DEA agents of "attempting to derail Yamaguchi's nomination for federal judge (by putting him in the political bind of being damned if he does and damned if he doesn't prosecute the Flower Therapy staff)... **Also 4/21** Senator Lauch Faircloth (R-NC) introduces a bill, S40, that would mandate an eight-year prison term for doctors who recommend marijuana, as well as revocation of their DEA registration.

**April 30** Judge Fern Smith -a Reagan appointee- grants a preliminary injunction in *Conant v. McCaffrey* "limiting the government's ability to prosecute physicians, revoke their prescription licenses, or bar their participation in Medicare and Medicaid because they recommend medical use of marijuana." In a 43-page opinion she writes, "The First Amendment allows physicians to discuss and advocate medical marijuana, even though use of marijuana itself is illegal... The government's fear that frank dialog between physicians and patients about medical marijuana might foster use does not justify infringing First Amendment freedoms... Defendants may only prosecute physicians who recommend medical marijuana to their patients if the physicians are liable for aiding and abetting or conspiracy under these statues." Plaintiffs' attorney Graham Boyd gloats that doctors can now, "recommend it, they can have discussions with their patients and they can do what doctors normally do, but they cannot help them obtain marijuana. They cannot fill out recommendations... They really shouldn't take calls from the clubs." (In fact doctors "normally" write prescriptions and tell their patients where they can get them filled. More accurate than the lawyers' self-congratulation is Judge Smith's own conclusion: "This injunction does not provide physicians with the level of certainty for which they had hoped.")

**May 1** An arrest warrant is issued for a Mountain View man who obtained pot from the Santa Clara County Medical Cannabis Center using a forged prescription form. Director Peter Baez alerted authorities.

**May 14** Researchers from Kaiser Permanente in Oakland and the University of California School of Public Health in Berkeley publish results of a study that examined the records of more than 65,000 members of the Kaiser health plan for an average of 10 years. Some 14,000 of the members said

they were marijuana users between 1979 and 1985. A decade later the death rates of both subgroups were identical. Lead author Dr. Stephen Sidney warns that "marijuana can lead you into situations of risky sex." Also, "The criminalization of marijuana use may itself be a health hazard, since it may expose the consumer to violence and criminal activity." The authors cited "reasonable evidence" for marijuana's effectiveness against nausea and in treating glaucoma.

**May 20** Marines on a drug interdiction patrol near Redford Texas shoot and kill 17-year old Esquivel Hernandez Jr., a goatherd (and US citizen).

**June 1** A hearing judge in Santa Cruz refuses to dismiss *People v. Elm*. Sue Ellen Elm was charged with cultivation and possession for sale. She moved for dismissal of the cultivation charge on the basis of Health and Safety Code section 11362.5. As described by the "Update" compiled by the AG's office, "Defendant offered a letter from her psychiatrist which asserted (1) that defendant suffered from Dysthemia [mild depression]; (2) that defendant was using marijuana as treatment; and (3) that defendant had medical reasons for her use of marijuana. On the strength of these assertions, defendant argued that she was not subject to any criminal prosecution. The court found that section 11362.5 applied only to 'seriously ill' California residents, and that the court may determine (1) whether a person is seriously ill; and (2) whether marijuana use is medically appropriate for that person." The judge said the psychiatrist's letter was insufficient evidence.

**June 6** Preliminary hearing in the *People v. King* in Tulare County. The case involves cultivation of 30 plants by a cancer patient named Mike King, 52, a former deputy sheriff who was severely injured when his patrol car was hit by a train (while he was pursuing a suspect). After many back operations and unrelenting pain, somebody recommended that King try marijuana "and he abandoned his longtime War on Drugs attitude and sure enough it was the thing that made it possible for him to lead a reasonably normal life," says his lawyer, William Logan.

**July 1** Nicasio podiatrist Alan Ager goes on trial in Marin County on charges he was growing 134 plants in his yard. Ager's defense: he smoked pot to deal with back pain and was seeking to lay in a year's supply.

**July 3** Al Martinez is killed when his car swerves off Bodega Highway, probably the result of an epileptic seizure. Martinez had been off marijuana since his arrest on cultivation charges, according to his lawyer. "The first death directly caused by government resistance to implementing Prop 215," says Pebbles Trippet. "They scared him out of taking his life-saving medicine. He feared



they were going to use it against him in the prosecution.”

**July 29** Cancer survivor Todd McCormick is arrested by LA sheriff’s drug investigators for growing 4,000 plants in an old Bel Air residence. McCormick is held on \$500,000 bail, which Woody Harrelson posts for him. McCormick says he was growing different strains “so I could do research on my own body” and against the day he might be too weak to do so.

**August 4** Criminal defense lawyer Tony Serra sends out a press release revealing that he uses marijuana as an anti-stress medication and is a member of the SF Cannabis Club. Serra says he’s going public to encourage fellow lawyers and others in “high stress lifestyles” to “come off the booze and get on the cannabis.”

**August 12** Scott Summers of Santa Margarita tells Narcotics Task Force agents he had a contract signed by Dennis Peron to grow pot for the SF club. Summers will later plead no contest.

**August 15** In *People vs. Trippet*, the First district court of Appeals rules that Prop 215 protects transportation of marijuana for personal use and that it applies retroactively. Trippet was appealing conviction in a 1995 *Contra Costa* case in which she had been found with marijuana in her car and convicted for transportation. The court ruled that Prop 215 creates an “implied defense” for transportation. “The voters could not have intended that a dying cancer patient’s primary caregiver could be subject to criminal sanctions for carrying otherwise legally cultivated and possessed marijuana down a hallway to the patient’s room.” Judge Paul Haerle also commented on the question of allowable quantity: “The statute does not mean that a person who claims an occasional problem with arthritis pain just in case it suddenly gets cold. The rule should be that the quantity possessed by the patient, and the form and manner in which it is possessed, should be reasonably related to the patient’s current medical needs.” The court ordered a retrial for Trippet.

**August 18-19** The civil trial of Dennis Peron, Beth Moore et al, begins in San Francisco with Superior Court Judge J. Albert Robertson II presiding. Senior Assistant Attorney General John Gordnier successfully moves to prevent a jury trial and to block Dan Lungren’s appearance as a witness. Peron hopes to prove that Lungren’s closure of the club in August ‘96 was motivated by political opposition to Prop 215. The case is a civil matter involving the operation of a public nuisance as defined by state law. Peron also faces criminal charges with a different set of co-defendants in Alameda County in connection with the purchase and transportation of marijuana for his club... 18/20 The defense is granted a continuance (which it had sought because all the key rulings had gone against them).

**August 22** The Ager case ends in a hung jury (10-2 to convict). The Marin DA’s office will subsequently announce its intention to retry him.

**August 26** “Conservative Attorney General Lungren and liberal lawmaker John Vasconcellos stood shoulder-to-shoulder Tuesday to announce they had agreed on a three-year state study of marijuana.” —The SF Examiner. At a press conference with a smiling Vasco and Carol Migden (co-sponsor of the bill), Lungren accepts congratulations from the liberals. The AG’s support for this bill, Vasco says, “is a remarkably fine example of how the people and the government can work together.” Papers across the state play up the story. As the Santa Cruz Sentinel observes, “Lungren comes off as the politician who listened to the people, who put the rhetoric aside, and went for the truth.”

**October 8** UCSF Professor Donald Abrams —after years of seeking approval, funding and government marijuana to study whether or not cannabis use leads to weight gain in AIDS patients— gets the green light and \$1 million from the NIH. Abrams’s grant-winning protocol now emphasizes safety questions (whether or not there is an impact on the immune system, viral load and hormone levels, and whether THC affects protease inhibitor metabolism). The study will involve three groups of 21 patients. Each group will stay in a specially ventilated wing of SF General Hospital for three weeks. One group will smoke mj, one will receive Marinol, and the third will be given a placebo tablet.

**Oct. 14** CAMP concludes its 9-week raiding party. A press release from the Attorney General’s office quotes Lungren, “The value of the plants confiscated this year underscores that the passage of Proposition 215 should in no way curtail law enforcement’s efforts to interdict marijuana.” The release continues: “The 132,485 plants if grown to maturity, could have been processed into about 66 tons of marijuana... that is more than 120 million marijuana joints that will not be rolled, smoked and potentially offered to children... Lungren stressed that the marijuana trade is growing larger and is being infiltrated by Mexican nationals, who are already heavily involved in the methamphetamine trade... The plants seized during this operation were never intended to be used for medicinal purposes.” CAMP claims to have discovered 676 cultivation sites, arrested 54 suspects, and seized 25 weapons and \$1,300 in cash. Of the 260 raids, 222 were in Humboldt, Mendocino and Sonoma counties... Dennis Peron comments, “Lungren managed to use the words ‘marijuana,’ ‘Mexican’ and ‘methamphetamine,’ in one sentence.” Raids in Santa Cruz County dropped from 45 to five as the Sheriff’s Office reduced the number of days devoted to surveillance.

### **Is Stress “Serious?”**

Oct. 14 Sacramento County Superior Court Judge Harry Hull rules that defendant Richard Hearth can’t introduce into

evidence a doctor's recommendation obtained 11 months after his arrest for cultivation and possession of marijuana. Hearth had called the police to his house after three of his seven plants were ripped off in September, 1996. He was then arrested for cultivation and possession. In August 1997 he obtained a letter from Dr. Eugene Schoenfeld stating, "I have evaluated Mr. Richard Hearth and find that he has been using marijuana for medicinal purposes for at least five years. I recommend that he continue using marijuana as needed for anxiety. This recommendation is valid until November 30, 1997." Deputy District Attorney Michael Blazina argued that "a physician's recommendation pursuant to Prop 215 must occur prior to defendant's cultivation and possession." The prosecution also argued that "defendant's anxiety is not a sufficient illness to qualify for proposition 215 protection," citing ballot arguments which refer to "seriously and terminally ill patients." Schoenfeld — who in the '60s wrote a column for the Berkeley Barb under the name "Dr. Hip," and in the '80s directed a drug and alcohol rehab center in Salinas— had testified that Hearth suffers from chronic and situational anxiety and situational depression for which marijuana could provide relief. Judge Hull rules that Hearth was relying on "an approval given primarily to create, after the fact, a defense to a criminal prosecution... Further, I find that the 'illness' for which Dr. Schoenfeld prescribed the past and future use of marijuana was not one within the contemplation of the voters at the time they approved this law."

**Oct. 15-18** The Drug Policy Foundation holds its 11th annual meeting in New Orleans. The Edward Brecher Journalism Award goes to Garry Trudeau and the Richard J. Dennis Drugpeace Award for outstanding achievement in the field of drug policy reform to state senator John Vasconcellos.

**Oct. 16** San Mateo County Supervisor Mike Nevin suggests that the county establish medical marijuana outlets at local clinics and distribute marijuana seized by law enforcement.

**Oct. 17** Alameda County Superior Court Judge Dean Beaupre sends the criminal case against Dennis Peron et al back to San Francisco to avoid "the appearance of improper forum-shopping" by the Attorney General. Only one of the 44 illegal acts the defendants allegedly committed took place in Alameda County — Peter Vouhoue had been followed to Oakland and arrested there after delivering marijuana to the SF Cannabis Club.

**Oct. 17-18** Proprietors from 15 cannabis clubs meet in Santa Cruz to seek agreement on basic principles of operation. Scott Imler of the Los Angeles CBC is the prime organizer of the conference, which also drew representatives from clubs getting off the ground, as well as about 100 interested observers.

**Oct. 21** Marin County Supervisors John Kress and Steve Kinsey propose an ordinance to allow the county to give out

certificates to people who have verified illnesses that a licensed clinician deems appropriate to treat with marijuana. The cards would be valid for a year and cost \$25. County Health director Thomas Peters says he will take feedback on the proposal for one month and then bring it back to the board for a vote... The Bureau of Narcotics Enforcement lowers its hiring requirement from four years of college to two; investigative experience is no longer required.

**Oct. 28** Officers from the sheriff's department raid the Monterey County Medical Marijuana Care Center, seizing seven grams of marijuana and the medical records of more than 100 members... The club will subsequently close.

**November 5** On prime time TV, Murphy Brown, diagnosed with breast cancer, smokes marijuana to deal with the effects of chemotherapy.

## **The Year of Bittersweet Expansion**

In which the original organizers defend themselves in California courts while the medical marijuana movement goes national, funded by enlightened capitalists and guided by a "professional" campaign consultant from Santa Monica.

**Nov. 11** Steve Michael of ACT UP! - Washington, D.C., sponsor of a medical marijuana initiative that has already collected 12,000 signatures, protests AMR's plan to sponsor a separate measure. "I am angered that the California-based Americans for Medical Rights would actively undermine the efforts of DC AIDS activists working to qualify a medical marijuana initiative in our community... The AMR crowd has hired a K Street PR firm and is currently calling on community groups throughout the District of Columbia to convince people to support their effort... This has been a long and draining campaign. I have been frustrated by the leadership of the drug policy movement time and time again. With a few exceptions they've ignored our requests for help, even the simple things, like postage, printing, signs, volunteers. We've been left twisting in the wind"

Activist Lin Hagood adds: "It's like the AMR crowd is afraid that if we prevail they won't be able to cash in on our effort. We are going public in the hope that those who funded the California Initiative drive like Mr. George Soros learn of our poverty status and will bypass the fat cat AMR gatekeepers and help the DC community activist based effort to secure legal and safe access for medical marijuana to serious ill Washingtonians. I can't believe Soros has anything to do with the secret campaign by AMR to crush Initiative 57."

**Nov. 28** The DEA announces that state, local and federal agents confiscated more than 553,000 plants in Califor-



nia during the '98 growing season. (In '96 the figure was 351,000.) More than a quarter of the total came from Mendocino County. CAMP seized 132,000 plants —40% more than in '96. Agent Bill Ruzzamenti suggests that Prop 215 misled the growers. "There is a misconception out there that growing marijuana is somehow legal, and it's not."

**Dec. 9** The American Medical Association's policymaking committee calls for free discussion between doctors and patients about marijuana as a treatment option, and clinical trials of its possible benefits.

**Dec. 12** The First District Court of Appeals rules that under the terms of Prop 215, sales are illegal and clubs can't be primary caregivers. Attorney General Dan Lungren immediately notifies the district attorneys in California's 58 counties that they can now move against the clubs: "When the issue of whether so-called 'buyers' clubs' could be primary caregivers under Proposition 215 arose, this office sought to resolve the issue through the judicial process. It was our opinion that California's citizens had approved a narrow measure that clearly did not contemplate sales of marijuana through 'clubs...' Many of you have clubs operating in your jurisdiction. This letter is to advise you of the ruling in *People v. Peron* so that you can prepare to take appropriate action. If you have any questions or need assistance with this issue, please contact either George Williamson or John Gordnier." Dennis Peron comments, "Democracy itself is under attack here. The judges are calling the voters fools. They nullified the vote, essentially."

**Dec. 14-16** Investigators from the Institute of Medicine conduct a "Basic and Clinical Science Workshop" on the UC Irvine campus as part of an 18-month study commissioned by Barry McCaffrey's National Office on Drug Control Policy. The IOM study is being conducted by two MD investigators -Stanley J. Watson, Jr. a mild-mannered research psychiatrist from the University of Michigan and John A. Benson, Jr., a silver-haired, bow-tie-wearing professor emeritus from Oregon Health Sciences University. The study director, Janet E. Joy, has a PhD in biology. Patients and caregivers sharing their experience and observations included Bill Britt, Peter McWilliams, Todd McCormick, Anna Boyce, Dr. Del Dalton, Marvin Chavez, Etienne Fontan (Cannabis Alliance of Veterans), Andrew Kinnon, Kenneth Smuland, Vic Hernandez, Bonnie Metcalf of the Yuba County Compassionate Use Co-op, Jo Anna Mckee (Green Cross Patient Co-op, Seattle), Jeff Jones, Dale Gieringer, and Chris Conrad (author of *Hemp for Health*).

The IOM team then heard from researchers describing the basic science, as currently understood, and the prospects of cannabis as a treatment for a remarkably wide range of conditions. It exerts its effects by acting on receptors in the brain and elsewhere that respond to the body's own "cannabinoids." The line-up:

"Neuropharmacology of Cannabinoids and their Receptors" by Steven R. Childers, Wake Forest University School of Medicine; "Precipitated Cannabinoid Withdrawal and Sensory Processing of Painful Stimuli" by J. Michael Walker, Brown University; "Role of Cannabinoids in Movement" by Clara Sanudo, Brown University; "Tolerance and Cannabinoid-Opioid Interactions" by Sandra Welch, Medical College of Virginia; "Immune Modulation by Cannabinoids" by Norbert Kaminski, Michigan State University; "Marijuana and Glaucoma" by Paul Kaufman, University of Wisconsin; "Effects of Marijuana and Cannabinoids in Neurological Disorders" by Paul Consroe, University of Arizona Health Science Center; "Neural Mechanisms of Cannabinoid Analgesia," by Howard Fields, UCSF; "Wasting Syndrome Pathogenesis and Clinical Markers" by Donald Kotler, St. Lukes'-Roosevelt Hospital; "Clinical Experience with Marijuana" by Stephen O'Brien, East Bay AIDS Center; "Marijuana in AIDS Wasting: Tribulations and Trials" by Donald Abrams, UCSF; and "Marijuana is Different From THC: A Review of Basic Research and State Studies of Antibemesis" by Richard E. Musty, University of Vermont.

**Dec. 17** In Sonoma County charges are dropped against Nancy Maffei, who used marijuana in treating lupus, a disease involving inflammation of the connective tissue. Symptoms can include joint pain, skin lesions and fever. Maffei's caregiver Bob Sullens, who was growing 24 plants on her behalf, pleads no contest to possession of less than an ounce and pays a \$100 fine.

**Also 12/17** Concluding that the negative mental-health effects of cannabis have been exaggerated, and that the prohibition has been ineffective, and that "the police are open-minded on the issue of decriminalization," New Zealand's parliamentary health select committee calls for reviewing the legal status of cannabis.

**Dec. 22** Scott Imler, proprietor of the West Hollywood club, writes the *SF Chronicle*, "The only 'haphazard... for profit' buyers' club in the state is the high-flying Market Street circus."

**Dec. 26** Dennis Peron announces he will run for governor of California as a "liberal Republican" to face Dan Lungren in the June '98 primary.

**Also in December** Terry Parker of Toronto gets a judge's approval to use marijuana to prevent epileptic seizures... The DEA's Miami Field Division issues an internal "Survey of the Marijuana Situation" suggesting that active opposition to the medical-use movement is the proper role of government. The DEA mocks California's Compassionate Use Act: "Since enacted, marijuana has been dispensed in California Buyer's Clubs for illnesses such as foot pain, headaches and pre-menstrual syndrome." So nu? On current distribution patterns, the DEA is worthy of Anslinger: "Both Colombian and Mexican marijuana is still being moved across the southwest border

of the U.S. via land vehicles, in particular trucks. From there it is moved into Florida via the I-10 corridor, mainly distributed into areas by Mexican nationals and migrant workers.”

## 1998

**January 1** CHAMP, the buyers club at Church and Market (“Cannabis Helping Alleviate Medical Problems”) closes following Lungren’s threat and labor-management tension. Co-founder Vic Hernandez expresses disappointment that neither the city nor the state will provide an alternative to black market supply sources...

The drug-testing industry trade journal MRO Alert calls on Congress to prohibit the possession and sale of hemp products. “There is little question that the most pressing issue in drug testing today is the commercial distribution of hemp products... The adverse impact such products have on drug testing programs is profound.” The drug testers want to ban all “products that would cause a positive urinalysis.” Including poppy seeds?

**Jan. 9** In federal court in San Francisco, the U.S. Department of Justice files suit against the Cannabis Cultivators Club and Dennis Peron; Flower Therapy and John Hudson, Mary Palmer, Barbara Sweeney and Gerald Buhz (their landlord!); the Oakland Cannabis Buyers Cooperative and Jeffrey Jones; the Marin Alliance for Medical Marijuana and Lynette Shaw; the Ukiah Cannabis Buyer’s Club and Cherrie Lovett and Marvin and Mildred Lehrman; and the Santa Cruz club (no proprietor named). The feds are seeking an injunction against the clubs under the rarely used civil provisions of the Controlled Substances Act, the 1970 law that established the drug scheduling system and decreed that marijuana has no medical use. The approach seems designed to avoid a jury trial on the clubs’ right to operate... In response, Dennis Peron asks SF District Attorney Terence Hallinan and California Attorney General Dan Lungren to file fraud charges against five DEA agents who falsified doctors’ letters of diagnosis to gain membership in his club. Flower Therapy promptly gets an eviction notice from a landlord worried about losing his property.

**Jan. 14** Marvin Chavez, who began operating the Orange County Club out of his home after Prop 215 passed, is busted for transportation and sales. Chavez had helped coordinate the local Prop 215 campaign. He tried to run the club according to the law he had helped establish. He informed patients that marijuana would be passed out free to members but a voluntary donation would be requested (like \$20 for an eighth of an ounce). “Undercover cops forged a doctor’s letter, getting in the door through subterfuge,” says Chavez. “They begged me for some pot without adequate paperwork, begged me for a break. At first I said ‘no,’ then finally gave in to the begging, saying ‘Just this once.’ The police played on my compassion and entrapped me.”

**January 15** Researchers at the University Massachusetts describe the “powerful anti-inflammatory effects” of CT-3, a non-psychoactive synthetic derivative of THC, in the journal *Arthritis & Rheumatism*. The manufacturer, Atlantic Pharmaceuticals, expects to file an investigational new drug (IND) application with the FDA. In early tests, CT-3 substantially reduced inflammation at very low doses and prevented the destruction of joint tissues that typically result from chronic inflammation.

**Jan. 21** The Arcata City Council unanimously approves Ordinance 1276, which “recognizes that the assistance of medical marijuana associations... may in some situations help promote the safe and lawful access to and consistent and affordable distribution” called for by Prop 215. Jason Browne of the Humboldt Cannabis Center, working closely with Arcata Police Chief Mel Brown, developed the plan, which includes voluntary registration by patients with the police. The Humboldt Cannabis Center is a coop of 32 caregivers and patients who pay a \$20 monthly fee, which entitles them to a portion of the crop being grown by members at two separate locations. They make contributions for any additional cannabis they get from the center.

**Also 1/21** Florida Governor Lawton Chiles (who publicizes his own Prozac use) and his Cabinet issue a resolution denouncing the attempt by Floridians for Medical Rights to legalize the medical use of marijuana.

**Jan. 22** San Diego Municipal Court Judge Gale Kaneshiro orders possession charges dismissed against Michael Ganey, who had had been arrested despite a doctor’s recommendation to use marijuana for pain relief (he has a degenerative disorder in his wrists and ankles). Kaneshiro will subsequently grant a motion for return of his confiscated property (less than an ounce of marijuana). But attorney James Silva will have to threaten contempt proceedings before San Diego’s Harbor Patrol will honor the order.

**Jan. 31** After spending \$250,000, AMR says its initiative drive in Maine has fallen about 4,000 signatures short. “A fraction of that money would have allowed the local grassroots activists to qualify their own initiative,” observes Laura Kriho of the Colorado Levellers.

**February 1** C.H.A.M.P. reopens under new management. The fact that it was closed when the federal indictments came down created a unique window of opportunity, allowing the club to escape prosecution.

**February 3-4** The Thousand Oaks City Council moves to close down the Ventura club and the DA gets a court order to the same effect -based on Lungren’s argument that neither the club nor its proprietors are primary care-

givers for the members under Prop 215. The order does not prohibit co-founders Andrea Nagy and Robert Carson from growing for personal use, and they are allowed to take home the plants under cultivation at the club.

**Feb. 11** Canadian Ross Rebagliati, who won the Olympic snowboarding championship in Nagano, Japan, is stripped of his gold medal after testing positive for marijuana. Rebagliati says he inhaled second-hand smoke at a party. He will soon be reinstated as champion by the IOC on the fuzzy logic that marijuana -given the adverse effects on motor coordination attributed to it- can't possibly be a performance enhancer! The truth is, marijuana makes you looser, which is why many snowboarders (and other athletes) don't consider it a no-no. An experienced smoker tells the Update, "Maybe it costs you your edge, but maybe that's not always a bad thing."

**Feb. 18** Robert Carson is stopped while driving and arrested for possession and transportation of marijuana. A migraine sufferer with a doctor's letter of recommendation, Carson is represented by Bill Panzer and James Silva, who will argue that Prop 215 implicitly bars prosecution in such cases.... The California Supreme Court declines to review the appellate court ruling that denied caregiver status to cannabis clubs.

**Feb. 21** The New Scientist reveals that a recently published World Health Organization report had concluded originally that marijuana is less harmful than alcohol or tobacco-but the conclusion was deleted under pressure from U.S. officials.

**Feb. 23-24** The Institute of Medicine holding its third public session on medical marijuana, hears from four researchers on the subject of cannabis administration. Private-sector testing of aerosols, nebulizers, suppositories and other alternatives to smoking suggest a widespread conviction among scientists that the chemical components of cannabis have significant therapeutic potential.

**Feb. 24** In Sacramento federal Judge Lawrence Karlton cuts four months off the 14-month sentence of convicted pot grower Roni Aurelio in exchange for a promise from Aurelio that she will warn would-be growers that Prop 215 doesn't shield them from federal laws banning cultivation. Karlton says he took into account "the possibility that she relied on state law in determining the legality of her conduct." The sentencing marks the first time the US government has successfully prosecuted a California resident who claimed the right to grow mj under Prop 215.

**Feb. 26** House Resolution 372, introduced by Rep. Bill McCollum (R-Fla) would put Congress on record disapproving of state initiatives to legalize medical marijuana - "a dangerous and addictive drug."

**March 9** Mendocino County Superior Court Judge

Henry K. Nelson upholds a prior ruling for the return of marijuana seized from Christopher Joseph Brown. The case against Brown had been dismissed on the basis that the marijuana he was growing and possessed was lawful under Health and Safety Code section 11362.5 (Prop 215). Nelson found that the amount possessed by Brown (about 11 ounces) was reasonably related to his needs.

**March 15** Dennis Peron rents a six-bedroom house on a 20-acre spread, about 7 miles north of Middleton in Lake County —"a country resort for club members where we can grow marijuana under Prop 215." There's a pond and a couple of outbuildings overlooking a vast meadow. The area is thinly wooded and the neighbors' places are visible. The landlord is a 75-year-old well-wisher known as Magic Jack. Asked why he didn't choose Russian River or Mendocino, Dennis says, "I like Lake County. It's affordable."

**March 16** San Francisco DA Terence Hallinan files an amicus brief in the federal case stating that if the cannabis clubs are closed down, patients will die and "what is now a reasonably well-controlled, safe distribution system... will devolve into a completely unregulated and unregulatable public nuisance." He raises the possibility of a city-run distribution system. Attorney General Dan Lungren, informed of the remark, threatens to prosecute any city personnel who distribute marijuana.

**March 18** Fern Smith orders the plaintiffs in *Conant v. McCaffrey* — five patients, nine AIDS specialists and one oncologist — to turn over records and answer federal lawyers' questions regarding discussions about marijuana since November 1994. The government is trying to establish that there has been no lessening of doctor-patient discussion of marijuana, and therefore no "chilling effect" resulting from threats by McCaffrey to prosecute doctors who abide by Prop 215.

**March 19** A study in the *Journal of the American Medical Association* summarizes 47 surveys conducted over the past 20 years and concludes that 60 percent of Americans support legalizing marijuana for medical use.

**March 20** Basketball great Kareem Abdul-Jabbar, the leading scorer in NBA history, surrenders 6 grams of marijuana -less than a quarter ounce- and pays a \$500 fine to US Customs officials at an airport in Toronto. Jabbar is a migraine sufferer.

**March 23** San Jose police seize patients' records from the Santa Clara County Cannabis Center -one day after a sympathetic police chief is replaced by a drug warrior. In the days to come police will contact doctors listed in the files to discuss their patients' cases. Co-founder Peter Baez, 35, is arrested (shortly after surgery for colon cancer) on charges of selling marijuana to a person who had no doc-



tor's approval. Police claim that Baez and Jesse Garcia were making a profit on the operation. They had \$29,000 in the bank and had started drawing \$300/week. Baez, who has AIDS and faces more surgery, says he owes \$17,000 to growers, \$1,200 in rent and \$15,000 in legal bills.

Also 3/23 A ballot proposal which would amend the Nevada constitution to allow for the use of marijuana for medicinal purposes is filed by Americans for Medical Rights. It would allow Nevada residents who suffer from cancer, AIDS, glaucoma, multiple sclerosis and other "chronic or debilitating conditions" to possess and use marijuana with a doctor's permission. Some 46,000 signatures are required -with a minimum number from each county. If the voters pass the measure in '98, they will have to ratify it again in 2000 in order for it to take effect. Although it requires medical mj users to register with a state agency, the Nevada proposal is the most liberal from AMR in that it doesn't set quantity limits.

Alan Leshner, director of NIDA — the man whose approval is needed for marijuana research to be conducted legally in the U.S.— reveals a bizarre mindset when he tells the New Yorker: "My belief is that today, in 1998, you should be put in jail if you refuse to prescribe SSRIs for depression... I also believe that five years from now you should be put in jail if you don't give crack addicts the medications we're working on now." [SSRIs are antidepressants of the Prozac type.]

**March 24:** A hearing on the Justice Department's motion for an injunction that would close six northern California cannabis buyers clubs is held in Judge Charles Breyer's courtroom. See story below.

**March 30** Cheryl Miller, with the aid of her husband Jim, uses medicinal marijuana in the office of U.S. Rep. Jim Rogane and is arrested and charged with possession. The civil disobedience is to protest H.Res. 372, which would affirm that the House is "unequivocally opposed to legalizing marijuana for medicinal use." Miller, 51, has had multiple sclerosis since 1971. She states, "Having tried every legal drug to treat my pain and spasticity, I have found that marijuana is the safest and most effective medicine for me."

**April 2-3** Nine federal marshals break into Todd McCormick's empty Laurel Canyon residence in an attempt to arrest him for bail violations. Next morning McCormick turns himself in and is jailed because there are traces of THC in his urine; his claim that the THC is from legally prescribed Marinol is disallowed.

April 8 The cases against Steve McWilliams and Dion Markgraaff, organizers of the San Diego Caregivers Club, are consolidated. McWilliams, 43, a former cowboy who uses cannabis for pain and migraines, was stopped in January at an internal border checkpoint while bringing 11 plants to a paraplegic club member. Investigators searched

his home -on a ranch owned by cancer patient Carol Byron- and found a collective garden inside a barn. On the walls were the names of patients to whom the plants belonged, including the ranch's residents and San Diego club members. McWilliams is charged with cultivation, maintenance of a location for distribution, conspiracy to cultivate for distribution; based on the Trippet precedent, transportation charges against him are dropped. Markgraaff is charged with conspiracy to distribute, sales to an undercover agent, and cultivation at the club's Ocean Beach office. The San Diego club served HOW MANY members at two locations, one in the Hillcrest district, one in a strip mall near a police station in Ocean Beach police station. It closed in February, following the busts. Lawyer James Silva thinks he'll be allowed to mount a Prop 215 defense when the matter goes to trial in February 99. McWilliams is facing four years, eight months in prison; Markgraaff is facing eight years.

**April 11** Marvin Chavez and Jack Shachter, co-directors of the Orange County Cannabis Co-op, are arrested and charged with selling to undercover officers who posed as patients and caregivers. Chavez was first arrested in January on seven counts of felony marijuana distribution and warned by a judge to cease his activities. Within weeks he was entrapped by two undercover agents with phony doctors' letters. Shachter, who has painful detached retinas, will be charged with felony sales (to an undercover agent posing as a legitimate patient's caregiver) and "intent to deliver."

**April 14** Federal Judge George King orders the release of Todd McCormick because there was no legal basis for his arrest. "Is there a case law I am not aware of under which we can hold Mr. McCormick until his hearing?" King asks Federal Prosecutor Fernando Aenlle-Rocha. "Not that I am aware of," Aenlle-Rocha answers. "How could this man watch Todd led away in tears two weeks ago when he knew all along that what the government was doing was illegal?" asks Peter McWilliams, McCormick's friend and publisher. "This was prohibited by the Bail Reform Act of 1984. This is not new law. The government had to know it was illegal. Apparently people can be locked up just because the government asks for it. That's how dangerous to all of our liberties the federal war on California medical marijuana patients has become."

**April 15** Judge David Garcia orders the SF cannabis club closed because it sold marijuana to caregivers; and if the sheriff won't enforce the order, says Garcia, Dan Lungren can do it with state Bureau of Narcotics Enforcement agents. Dennis Peron complains, "They're closing us down on a technicality. I wrote the law specifically so that I could sell to caregivers of people who were too sick to leave the house." He vows to stay open "till they come to get us and we have another Waco." The Examiner headlines: "Pot Club to Defy Order." But overnight a new strategy is developed.

Dennis notifies the sheriff that he is formally closing his operation, which will re-open for business as the Cannabis Healing Center under the direction of Hazel Rodgers. “If they want to play games, we can play games,” says Dennis.

Also 4/15 Fearing consumers will infer “a connection between beer and drug abuse,” the German Beer Association sues Asbjoern Gerlach, who has begun marketing a beer containing hemp. The ancient law stating that beer must be made from nothing but malt, hops, yeast, and water was relaxed in 1993 so Anheuser-Busch and Miller could sell their “beer” in Germany, additives and all.

**April 20** Lawyers file motions to dismiss charges against B.E. Smith. “After B.E. Smith publicly declared his intention to grow marijuana for medical use under California Health and Safety Code 11362.5, he was targeted by the federal government for prosecution under federal law,” according to a writ filed in U.S. District Court for the Eastern District of California by Attorney Thomas Ballanco (Los Angeles) and Federal Defender Timothy Zindel.

#### **The Background of the Smith Case by Ellen Komp of The 215 Reporter:**

Smith, a 50-year-old Vietnam vet with post-traumatic stress disorder, announced his intent to exercise his rights to the Trinity County Board of Supervisors in April, 1997. He repeated his intentions in an article in the Trinity Journal. Sgt. Dave Cox, head of the narcotics division of the Trinity County Sheriff’s department, threatened he would use federal law and federal law enforcement officers to deal with Mr. Smith.

Smith got national television coverage when he publicly planted 20 marijuana plants in June. His landlord, Martin Lederer, reported the planting to local sheriffs, who did nothing. Smith, a self-taught student of common law, refused to accept state jurisdiction by signing a ticket or bailing out, so that indictment would require an injured party to appear before a magistrate. Since there was no injured party, there could be no indictment.

After three weeks, Smith planted again, ending up with 87 plants. The plot was posted with statements from patients about why they could not grow for themselves: one was paralyzed from the waist down, another lost a leg, a third lived in the inner city.

Despite Smith’s invitation to an open inspection, local and federal police agents conducted covert surveillance and a warrantless search of the garden. On September 23, 1997, federal agents led by the U.S. Marshal obtained a search warrant and tore up the plants. An Eastern District Grand Jury indicted Smith and Lederer with multiple violations of the federal Controlled Substances Act. (Lederer was one of the patients for whom Smith grew.) Both appeared before the magistrate judge on December 4 and pleaded not guilty.

Ballanco (representing Smith) and Denvir (representing Lederer) have filed motions to dismiss based on the commerce clause and erroneous scheduling of marijuana. A

separate motion alleges that the federal government exercised selective prosecution in order to deny a 215 defense to Smith and Lederer. Discriminatory prosecution or enforcement of the laws is generally recognized to constitute a valid defense to criminal charges (45 ALR Fed 732 (1979)). To select a man for prosecution because he has spoken freely within the meaning of the First Amendment is impermissible (U.S. v. Steele 461 F 2d 1148 (9th Cir. 1972)).

The amount of marijuana involved in the case —87 plants— is far below the amount that would ordinarily be prosecuted by any U.S. Attorney in this state. A 1994 Memorandum by the U.S. Attorney for the Eastern District of California precludes federal prosecution for less than 200 plants on federally owned land, 500 plants on private land, or 200 kg of marijuana. A law clerk reviewed files of the Federal Defender’s Office for the Eastern District and was unable to find a single indictment alleging manufacture of fewer than 100 marijuana plants. Indeed, the average marijuana case filed in the district alleges ‘manufacture’ of over 1,500 plants.

“At least in this district, the U.S. Attorney is endeavoring not only to prevent speech but to coerce it through criminal process,” the motion states.

**April 20:** Sheriff Mike Hennessey closes the SF club. Hazel Rodgers, a club member whose name is on the lease, says she’ll run the operation on a patients-only basis (no sales to caregivers). The landlord, afraid he might lose his property if he honors the lease, won’t go along with the scheme, so the services of a locksmith are employed. More than 120 people work at 1444 Market; without the structure and support their employment provides, some may not fare very well. And many of the 8,000 members have come to rely on 1444 Market St. as a social scene.

**April 20** Constable Gil Puder, a 15-year veteran of the Vancouver, B.C. police force, defies an order from the chief and gives a speech called, “Recovering Our Honor: Why Policing Must Reject the War on Drugs.” Drug busts almost always are aimed at the poor, he notes, and are relatively easy; the pay-off for cops includes overtime and faster promotions.... In Tuolumne County, Superior Court Myron Mower —a severe diabetic, legally blind, unable to hold down food— is convicted of felony cultivation. Sheriff’s deputies, after raiding his house and ripping out 28 of 31 plants, found Mower in a hospital, hooked up to a morphine drip. “My health was all in that garden,” Mower told them. “You guys don’t know what you’ve done to me.”

Mower “confessed” that the plants were for himself and two other sick people —resulting in his conviction and the imposition of a \$1,000 fine by Superior Court Judge Eric DuTemple, plus five years’ probation... At a rally in front of the Calaveras County Courthouse, lawyer Tony Serra says he will argue that Robert Galambos —busted in Paloma with 380 plants- was growing mj for cannabis buyers clubs. “You

can't in essence legalize milk and outlaw the cow," Serra says.

**April 22** "Young Blacks Link Tobacco Use to Marijuana" The New York Times makes a frontpage story out of surveys showing that black teenagers begin smoking cigarettes later than whites, but start using marijuana earlier. The increase is attributed to "a belief that cigarettes prolong the heady rush of marijuana."

The Santa Cruz Club is closed for good. Med Ex, under Anita Henri, seeks to pick up some of the slack... Carl Wright from the Feather River Compassionate Use Co-op says the assistant DA shelved his case. Carl can have his plants back and be allowed to furnish, not sell, medical mj. He can also show people how to grow.

**April 27** In Los Angeles U.S. District Judge George King says he will allow Todd McCormick to use Marinol if prosecutors cannot prove he is using it to mask marijuana use. McCormick is awaiting trial on charges of growing 4,116 marijuana plants in a rented Bel Air mansion. He claims protection under Prop 215. If convicted he faces a minimum 10-year sentence.

**April 28** Portland, Oregon, multiple sclerosis patient Craig Helm is sentenced to two years probation and two \$100 fines after a jury finds him guilty of marijuana manufacture and possession. Helm was arrested at his home in Hillsboro, Oregon in 1996, after a police raid that netted eight marijuana plants. Helm, 48, is a former truck driver whose MS has confined him to a wheelchair. He began using marijuana, he says, when his prescription for the painkiller Baclofen failed to calm the wrenching muscle spasms in his legs, and his doctors told him they wanted to surgically implant a pump that would feed the drug directly into his spinal canal. Helm's attorney, Leland Berger, says Helm rejected a pre-trial offer of bench probation in part because he hoped that the case might be dismissed on the basis of a "choice of evils" medical necessity (between marijuana and the surgically-implanted pump) defense. To that end, and with the help of the Medical Marijuana Defense Fund, Berger was able to fly Virginia neurologist Dr. Denis J. Petro to Portland to provide expert testimony on the efficacy of marijuana in the treatment of Helm's symptoms. Deputy District Attorney Greg Olson called the studies Dr. Petro cited "junk science" and sought to have his testimony stricken from court records, but Circuit Judge Gregory Milnes decided to allow it.

Helm's own neurologist, Dr. Michelle Mass, told the court that she would have prescribed Marinol for Craig had he asked for it in the past, and that she would do so in the future," according to Berger.. "She also said that she would prescribe marijuana if it were legal." Though the defense failed, the trial contributed to local understand of marijuana's medical applications. "The very experience of having twelve people sit there watching Craig and listening to testimony over three days will have positive ripple effects throughout the community," says Berger (whose account of

the case, and the response he received from a jury member after the trial, are posted on the Portland NORML web site at [http://www.pdxnornil.org/news98\\_index\\_0430.html](http://www.pdxnornil.org/news98_index_0430.html).)

**April 29:** Good news and bad for the club at 1444 Market St. A San Francisco judge rules that it can stay open under the leadership of Hazel Rodgers until the AG's office brings evidence to prove that its activities are unlawful. But representatives of the building's owner file preliminary eviction papers... 65 counties in Kentucky, West Virginia and Tennessee are declared a "High Intensity Drug Trafficking area" by the federal government; pot is considered the number one cash crop in the depressed region. The designation will mean an infusion of \$6 million for interagency eradication efforts... Andrea Nagy cites Prop 215 in applying for a pardon for a 1991 cultivation conviction. "I have rehabilitated myself," Nagy tells Superior Court Judge Stephen Hintz, "and the activity I committed is no longer proscribed by the state." The pardon is granted over the objections of an Assistant DA.

**May 2** In Shasta County, Rick Levin is arrested for cultivation and possession. He suffers from severe spasms and pain following a fall that burst his T12 vertebra and caused spinal cord damage. He has a four-page declaration of approval from his primary care doctor which Judge Ruggerio disallows as evidence. Levin's wife Kim is also busted.

The number prisoners in California for marijuana sales and possession —1,905— has risen by more than 10% since the passage of Prop 215, according to a report from the State Department of Corrections. "This refutes the ludicrous claims that Prop 215 has effectively legalized marijuana in California," comments NORML's Dale Gieringer.

**May 7** Charges are dropped against David Kassikov of the Chico Co-op. DESCRIBE CASE. Observers think the prosecution didn't want to reveal the affidavit on the basis of which the original search warrant was issued.

**May 8** The San Jose club, with 270 members, goes out of business. "We've been killed by the police and the district attorney," says Peter Baez. "My credit is out. I can't get any more marijuana...." Also 5/8: Former State Senator Bill Lockyer, running for Attorney General, reveals that he voted for Prop 215 and promises, if elected, to assure distribution of medical marijuana.

**May 9** "Bowling to the wishes of consumers, the Government announced today that it would not allow food to be labeled 'organic' if it was genetically engineered, irradiated or grown in soil fertilized with sewage sludge," reports the NY Times. "The action came in response to comments from tens of thousands of consumers concerned about the purity of their food and the integrity of the organic label..."



Agriculture Secretary Dan Glickman said biotechnology, irradiation and sludge fertilizer were safe and had 'important roles to play in agriculture.'" The organic farmers organized fast on this. The poisoners will try again, you betcha.

**May 10** The trial of Dave Herrick begins. Herrick is a Vietnam vet and former San Bernardino county deputy sheriff (1977-91) who retired on disability due to a back injury after a car rolled over him. He uses marijuana for pain relief; had worked as a volunteer at the Orange County Cannabis Co-op; was arrested in March '97 with seven quarter-ounce baggies marked "NOT FOR SALE" and charged with possession for sale, "even though I showed the cop my written doctor's recommendation, and advised him that I was a member of the O.C. Cannabis Co-op, showed him my membership card, etc. etc."

Judge William Froeberg denies Herrick the right to cite Prop 215 or "medical necessity" in his defense, and cracks to the public defender, "Does he think he's Mother Theresa?"

**May 12** The San Mateo County Board of Supervisors allocates \$50,000 to design a three-year study of the medical use of marijuana that will follow FDA guidelines.

**May 14** Judge Charles Breyer issues a preliminary injunction against five cannabis clubs (Santa Cruz having folded). "The fact that it may be lawful under state law for defendants to cultivate and possess marijuana for medical purposes, does not make it lawful under federal law," Breyer rules. Gerald Uelmen, now representing the Oakland club, sees a small silver lining:

"The right to a jury trial has been left in tact, and quite clearly the availability of these defenses [necessity and joint purchase] has not been foreclosed. So, in continuing to operate, the clubs are not defying federal law. They are not defying an order by any federal court to close down. They are simply going to assert their right to have the availability of these defenses determined by a California jury."

**May 14** Dave Herrick of the Orange County Cannabis co-op is found guilty of two counts of selling marijuana -and acquitted on two counts. Judge William Froeberg would not let Herrick cite Prop 215 as a defense because it does not specifically protect the sale of marijuana. Mira Ingram reports: "Froeberg did not allow any evidence to be seen by the jury that related to Proposition 215, virtually eliminating all evidence Public Defender Sharon Petrosino had to submit. Stickers from cannabis baggies stating "Not for sale," a club ID card, and a doctor's note could not be seen by the jury. The jury came out after about an hour of deliberations to ask the judge why they weren't allowed to consider Proposition 215 in deciding the verdict. Judge Froeberg said that 215 covers possession and use, but not sales. The jury deliberated for about two more hours

before coming up with the two guilty verdicts." The Orange County club gave away marijuana and requested donations to cover its expenses. The suggested donation for 1/4 ounce was \$20. Public defender Sharon Petrosino compared the approach to the one used by nonprofit organizations that send address labels to prospective supporters.

Judge Froeberg metes out a four-year sentence, one year shy of the max: "Mr. Herrick is nothing more than a marijuana dealer... As a former law enforcement officer, Mr. Herrick should have known better."

Narcs from the WHAT County Sheriff's Dept simultaneously raid the Arroyo Grande home shared by Thomas Dunbar and Jo-D Harrison Furino, seizing 203 opium poppies and 68 mj plants, and the Los Osos residence of John Edward McLean and his wife Violet, seizing 51 mj plants and 446 poppies. The defendants say they were for medical use.

**May 15** The DEA, obligated to seek public comment on the environmental impact of using herbicides to eradicate marijuana, hears opposition from citizens in Hawaii. "Unless the DEA can prove that the spraying is less dangerous to personal, community and environmental health than the plant they are trying to eradicate, there is no justification for this expensive waste of taxpayers money," says Daniel Susott, an Oahu physician. A spokesman for the state Agriculture Dept. reminds the DEA that many Big Island residents grow their own vegetables and drink water from rain tanks... Also 5/15 In Lexington, Kentucky, would-be hemp farmers and vendors file suit in US District Court to legalize the low-THC version of the cannabis plant. Their lawyer says it's a matter of survival for many small farmers, adding "This whole country was created by people who were involved in agriculture and grew hemp." The federal government moves to have the suit dismissed

**May 16** Some 20 DEA and local law enforcement agents storm in on four very sick people in the early morning hours at Dennis Peron's spread in Lake County. They seize 238 plants from the garden -lopping them off a few inches above the ground, so that they'll grow back- and several pounds of dried mj. Jon Entwistle vows to replant. Sheriff Rodney Mitchell tells the Middletown Times-Star, "A mature, well-cultivated marijuana plant can produce one to three pounds of high grade processed marijuana."

**May 21** The Oakland club announces that it will remain open despite Judge Breyer's order, and that every transaction now involves a statement confirming that the marijuana was purchased or cultivated jointly by the members for their medical use. As the press conference begins, Jeff Jones is notified by staff that a DEA agent, posing as a patient, is trying to buy medical marijuana. "Jeff went to the room where the DEA agent was sitting and asked him to verify all the papers he had just submitted. Jeff then escorted the agent into another

er room and opened the door to a roomful of media. Jeff told the media that he had just caught a DEA agent trying to make an illegal purchase with falsified papers. The terrified agent fled and tried to escape down the elevator... as soon as the elevator door opened [on the ground floor] the cameras and journalists were all over the DEA agent, who was struggling to cover his face like a common criminal.” —Steve Kubby

**May 26** Scott Imler of the L.A. Cannabis Resource Center tells the L.A. Times that the government has succeeded in closing 23 of 29 cannabis clubs, attributing his club’s success to the thoroughness with which they confirm letters from doctors and enforce their rules. The club, which has 459 members, receives strong support from West Hollywood mayor Steve Martin. (No, not that Steve Martin.) They have 250 plants under cultivation, the goal being to grow enough in-house to meet all their needs.

**Also May 26** The State Senate’s Committee on Public Safety, chaired by John Vasconcellos, holds a modestly entitled “Medical Marijuana Distribution Summit” (to which Dennis Peron is not invited) in connection with a bill Vasco has introduced, SB 1887, under which cities could establish and regulate dispensaries.

- Some 50 farmers in the Chatham-Kent area of Ontario get federal permits to plant the first legal hemp crop in more than six decades in Canada. They are under contract to Kenex, Ltd, which is licensed and regulated by the government under the Controlled Substance and Abuse Act of 1996 (which legalized hemp farming). Bob Lecuyer of Kenex estimates 2,000 acres will be planted in ‘98, 4,000 in ‘99. “There is great demand for hemp products from the automobile industry,” he says. \$2 million worth of specially designed processing equipment from Europe is being installed.

**May 28** CHAMP membership reaches 500 as patrons of the club at 1444 Market seek a new source of medical marijuana. CHAMP insists on a doctor’s note recommending the use of marijuana and dated within 30 days of the new member’s application; staffers then call to verify and issue a photo ID. Manager Ken Hayes says they’re grossing \$35,000/month... ACT UP at 3991 17th St. gains 100 new members in a week -from 300 to 400. They require that prospective members sign a declaration under penalty of perjury that a doctor has recommended pot for their medical condition. “We’re not doctors or judges,” says Michael Bellefontaine. “If you make a promise that you are sick and you need pot, I give you pot.” There’s no smoking at the club, which is in a small apartment. Prices for 1/8th ounce range from \$55 (top grade California sinsemilla) to \$15 (Mexican). They’re grossing \$25,000/month, which barely covers rent and supplies... Across the street is a small nonsmoking club run by AIDS patient James Green, who opened in December ‘97 and now

has 150 members. His highgrade mj sells for \$70 an ounce.

**May 28** Clifford Shibata, a longtime DEA employee who ran the agency’s Clandestine Laboratory Group in San Francisco is convicted of embezzling \$120,000 that was supposed to be used to buy evidence and pay informants.

**May 30** On the eve of the June primary, Chronicle columnist Ken Garcia directs a hit piece at Dennis Peron “Pot Clubs’ Peron —Such a Dope.”

**June 1** Retiring Commandant Robert E. Kramek complains to the Washington Post that the Coast Guard needs and extra \$500 million to \$600 million more a year to spend on drug interdiction. [Is this really a higher priority than fisheries enforcement and the inspection of vessels?]

**June 3** Lawyers Bill Simpich and Kenneth Frucht sue Attorney General Dan Lungren in San Francisco Superior Court for blocking the implementation of Prop 215. They’re seeking an order to stop the AG from prosecuting medical marijuana users and to allow counties and cities to get involved in distribution... The United Nations will seek support for a multibillion dollar plan to eradicate the world’s entire production of heroin, cocaine and marijuana within 10 years. Pino Arlacchi, the UN’s top counter-narcotics official, says he has already gotten a pledge of cooperation from the Taliban in Afghanistan (the Islamic group that won’t let girls attend school and stones women on the street). Arlacchi is said to have become the UN’s top counter-narcotics official after curtailing the power of the Mafia in Italy; this is like Barry McCaffrey being named drug czar by Clinton because “as a 4-star general he stopped drugs from entering the United States from South America...”

**Also 6/3:** DEA Chief Tom Constantine and William Bennett join Florida politicians in a kickoff to the campaign to oppose the medical marijuana initiative.

**June 4** In Placer County, Deputy DA David Tellman tells a jury, “I don’t think that stuttering is one of the illnesses that voters contemplated when they voted in favor of Proposition 215.” David Black of Dutch Flat will be convicted on possession charges.

**June 5** The long-delayed study by Donald Abrams of UCSF into the effects of smoking marijuana on HIV/AIDS patients has been so saddled with restrictions that few test subjects have volunteered. According to the AIDS Treatment News, “the main drawback is that you must spend 25 days in a research ward at San Francisco General Hospital, without leaving during that time, and without receiving visitors (due to Federal rules for studying marijuana).” Volunteers either smoke marijuana cigarettes (4% THC), take Marinol, or take placebo capsules. Abrams, who got

a runaround for years from NIDA, got the green light when he changed the stated emphasis of his study from seeing whether mj promoted weight gain to seeing whether it interacted adversely with protease inhibitors (which are metabolized in the liver, as is THC). Abrams is seeking 64 volunteers who meet the study criteria; to date 32 have enrolled.

In England, a jury clears Colin Davies of Greater Manchester of cultivating cannabis in violation of the Misuse of Drugs Act. Davies, a former joiner who broke his back after a 60-foot fall from a bridge in 1994, denounces the prosecution as a waste of money. "The only victim out of all this is me. I could not believe it when the police broke down my door. I was being arrested for something that was for my own medical benefit. Where am I on the scale of criminality?"

**June 5** Donna Cockrel, a Frankfort Kentucky teacher who was fired after teaching her fifth-grade students about hemp, files a federal lawsuit against the school system and her former bosses.

**June 8** In North Carolina a jury finds Jan Marlowe guilty of marijuana possession -after denying her a medical necessity defense. Marlowe, 45, suffers pain and nausea from porphyria (a liver abnormality), degenerative disk disease, rheumatoid arthritis, and fibromyalgia. Her doctor testified that conventional pain medications damaged Marlowe's liver, and that he recommended marijuana as a safer alternative. The Court refused to hear evidence on her medical need for marijuana.

**Also 6/8** On the opening day of the United Nations' Special Session on Narcotics, an open letter to UN Secretary General Koffi Annan, drafted by Ethan Nadelmann of the Lindesmith Center and signed by over 500 prominent individuals, runs in the New York Times. "We believe the global war on drugs is now causing more harm than drug abuse itself," it states, and calls on the Secretary to lead a discussion of alternative solutions. "Global Days Against the Drug War" demonstrations in some 30 cities protest the UN's role as prohibition enforcer.

**June 9** Mendocino County Supervisors vote 3-2 to replace language calling marijuana eradication "not a reasonable and attainable goal" and "not a wise use of public funds" —in order to get their annual \$250,000 grant.

**June 10** "Two months and nearly two million men into the Viagra craze, concern is growing about the possibility of unanticipated side effects and adverse reactions when the impotency pill is taken with other medications," reports the *Wall St. Journal*. "Federal regulators yesterday disclosed 10 more deaths of men who were taking Pfizer Inc.'s new drug.. While pharmaceuticals manufacturers test their concoctions on several thousand subjects to monitor side effects and efficacy, the real experiment begins only after a drug hits the market and vastly more people begin taking it..."

Roche Holding AG withdraws Posicor, its highly touted

hypertension drug, 10 months after it hit the market; it was found to cause adverse reactions ... Other recently pulled drugs include American Home Products' Redux, an obesity pill found to cause heart-valve damage; Hoechst's Seldane, an allergy medicine that caused dangerous interactions with many other drugs; Eli Lilly's Oraflex, an arthritis drug linked to 70 deaths; and Johnson & Johnson's Zomax, a painkiller found to cause fatal allergic reactions... Many more drugs have to add warnings to their labels as adverse side effects and interactions are discovered after they hit the market.

**June 13** Police officials from major U.S. cities convene to discuss the corruption of law enforcement by drug money. The number of federal, state and local officials in federal prisons has soared from 107 in '94 to 548 in '98. Former San Jose Police Chief Joseph McNamara says, "corruption ranges from chiefs and sheriffs on down to officers. Every week there's another police scandal related to the drug war -corruption, brutality, and even armed robbery by cops in uniform."

**Also 6/13** Hundreds of people in pain demonstrate in Washington to demand freer access to medication. Skip Baker, the organizer of the American Society for Action on Pain (ASAP), says tht 51 percent of cancer patients are under-medicated. "In some states it's legal to help a pain patient die, but not legal to control their suffering so they can live."

**June 17** Barry McCaffrey warns the Senate Foreign Relations Committee, "There is a carefully camouflaged, ex-orbitantly funded, well-heeled elitist group whose ultimate goal is to legalize drug use in the United States.... Through a slick misinformation campaign, these individuals perpetuate a fraud on the American people, a fraud so devious that even some of the nation's most respected newspapers and sophisticated media are capable of echoing their falsehoods..."

An FDA advisory committee endorses the safety of Olestra, a synthetic fat manufactured by Procter & Gamble and used in Frito-Lay potato chips.

**June 18** A French government study concludes that smoking marijuana poses less of a threat to public health than the regular consumption of alcohol. Marijuana has low toxicity and little addictive power, researchers at the French medical institute INSERM concluded. The report identifies alcohol, heroin, and cocaine as the drugs most dangerous to health. Tobacco, psychotropic drugs, tranquilizers, and hallucinogens were placed in a second, less harmful group. Marijuana was classified in a third category of substances posing relatively little danger. A Health Minister calls the report "toxicologically correct but politically wrong."

**June 19** After a doctor confirms that he had approved a decision by 62-year old Dean Jones to use marijuana (for high blood pressure, migraine headaches, back problems and periodic inflammation of the foot), the Ventura



County district attorney's office decides not to file charges against Jones. Simi Valley police, under court order, return pot plants they'd seized from Jones's backyard during a May 27 raid. Although the plants were no longer alive, and only 10 of 13 were returned, Jones says, "I've been vindicated and I'm legal and that's all I wanted in the first place." Jones and his wife had notified the Simi Valley PD that he was growing marijuana for his own medical use; he was arrested the next day. He spent 14 hours in the Ventura County jail and will now file a claim for false arrest.

In Arizona, medical marijuana advocates push for a "no" vote on Propositions 300 and 301- which would confirm the state legislature's override of the 1996 vote allowing medical use of all schedule I drugs. The cause gets \$900,000 from the richest man in the state: John Sperling, a professor of economic history whose Phoenix-based Apollo Group owns 88 private colleges. Sperling's critique of the drug war, as summarized by the Arizona Republic: "the \$350 billion spent each year on illegal drugs is going to drug lords in this and foreign nations, who in turn use their wealth to corrupt police, border agents, judge and politicians." Sperling warns of "a bureaucratic-industrial complex that has resulted in laws and enforcement measures that have given our nation the highest rate of imprisonment in the industrialized world. The cabal is composed of police and prison guards, their unions, the construction firms that build prisons, the private firms that run the growing number of private prisons, the food and other commodity firms that supply prisons, and the politicians whose campaign coffers are filled by all those who benefit from the current system." This from a man who is in an allied field, in a sense, and truly understands the situation. Sperling describes the Arizona legislature as "totally indifferent, not only to the will of the citizenry, but also to a bankrupt (drug war) program." A small split in capital through which a little flower seems to be growing...

Alaskans for Medical Rights circulates an initiative that allows patients to possess one ounce and cultivate three plants. It requires patients to register with the state, and makes no provision for distribution.

**June 22** In Santa Monica, mj possession charges are dismissed against Kim Jiminez. Attorney James Silva reports: "Jiminez is a paraplegic who is confined to a wheelchair and recently had his right leg amputated. He suffers from a spasticity condition as a result of his spinal cord injury. Mr. Jiminez is the owner of a hemp boutique on Main Street in Santa Monica. He was cited for possession of under an ounce in early June when he was medicating outside of his place of business. Despite informing the police that he was a patient, he was cited and his medicine was confiscated. I presented the letter from his doctor to the City Attorney and explained the protection that the Compassionate Use Act is calculated to afford patients and the charges were dismissed today."

**June 29** In San Bernadino County the drug eradication team seizes 18 plants from Prop 215 organizer Gene Weeks -plus his growing equipment and four "mother plants." He writes to a friend, "they took \$740 all the money I had, my entire collection of High Times, misc personal and intimate photos, my personal medicine. they then arrested me and transported me to West Valley correctional facility in Rancho Cucamonga where I was detained without even my diabetes medicine, not to mention pain medication for my severely degenerated arthritic spine or my wheelchair. I was released three days later, broke, sick, not charged with any crime, and having no medication. Thanks to a couple of angels named Janette and Alan I had a ride home and some McDonalds burgers (jail food isn't fit for my 8 yr old dog, who was locked in my trailer alone while I was in jail)... I'm depressed and confused as to the fact that I'm a Vietnam era veteran who is totally disabled, and now my government, for which I volunteered to do war, is now making war on me because I must use cannabis to make life and the painful body I'm trapped in just bearable for one more day."

**June 30** Vasconcellos' distribution bill, SB-1887, is defeated by the Assembly Health Committee.

**July 1** Advertisements warning that marijuana is unhealthy begin airing nationally. The federal government and the ad industry will spend \$2 billion over five years on the propaganda campaign. The Partnership for a Drug-Free America will direct the funds to favored newspapers, TV and radio stations in 12 markets; ads will also be placed on billboards and the internet. It will be the 15th largest brand campaign in America, reaching 95 percent of homes with four antidrug messages a week.

**Also 7/1** In Dallas, Texas, opponents of the drug war picket the DEA office. Spending on prison construction to college construction in Texas is 77-to-1, says one of the signs. 50,000 Americans are arrested every month on marijuana charges... Marijuana growers in Washington state worry that pollen from the hemp being grown in Southern Canada will reach their all-female plants, causing them to seed up.

**July 6** Wives of two soldiers die as an Army helicopter crashes in the Bahamas. Chief Warrant Officers Daniel Riddell and David E. Guido and Sgt William Westgate had taken Pam Guido and Rebecca Riddell for a ride in their UH-60 Black Hawk. Stationed at Hunter Army Airfield in Savannah, Georgia, they were in the Caribbean on a mission that supports DEA drug interdiction efforts. An Army investigator will note that the assignment had a "party atmosphere" and was known as a way for military families to take free vacations.

**July 7** The Oakland City Council approves a policy al-

lowing patients growing marijuana indoors to possess 48 flowering plants and 96 non-flowering plants -and six pounds of processed marijuana. Those growing outdoors are allowed are 30 flowering and 60 non-flowering plants. The amounts are based on what the federal IND program provides to its eight patients. Police are instructed not to cite patients and caregivers who can document their status and don't exceed the quantity limits.

**Also 7/7** In Philadelphia a class action lawsuit is filed against the federal government by attorney Lawrence Elliott Hirsch representing Kiyoshi Kirumiya of Philly and 165 other medical marijuana users seeking a judgment "declaring the therapeutic cannabis prohibition is unconstitutional and that The People are free to use it for their health without control or interference by the government of the United States of America." In a 128-page brief, Hirsch will assert, "The right to consume, ingest or smoke a plant that grows wild in nature, such as cannabis, is antecedent to, and more fundamental than the right to vote..." In SF the federal government files a motion with Judge Breyer asking that the U.S. Marshal be authorized immediately to close down the cannabis clubs in Oakland, Marin and Ukiah.

**July 14** An Aurora, Illinois, pediatrician is arrested for growing 20 indoor plants.... A Brooklyn assistant DA is arrested outside a Led Zeppelin reunion concert on charges of marijuana and hashish possession.

**July 14-20** U.S. Drug Czar Barry McCaffrey, on "a fact-finding mission" in Holland, insults his hosts by claiming that their liberal policies have resulted in widespread drug abuse and a high murder rate. The Dutch Ambassador corrects him and the *Washington Times* (which printed McCaffrey's claims uncritically): "Your reporter... was told clearly and plainly that the homicide rate in the Netherlands was 1.8 per 100,000, which is one-fifth that of the U.S. rate of 8.2 per 100,000. He was also told that the incidence of cannabis use in the Netherlands was 4.6 percent of the total population vs. 6 percent in the U.S. and that the incidence of youth drug use was almost 50% less than in the U.S. in recent years. In fact, U.S. government data show that in 1995, almost 50% of high school seniors had tried an illegal substance, which is much higher than the 30.2% attributed to the Netherlands." Holland's Health Minister Else Borst says of her interaction with McCaffrey, "When I say we prefer young people only experiment with cannabis, he just falls silent and gazes ahead." Some fact-finder.

**July 16** The Pentagon is trying to persuade Panama to create a "multinational counternarcotics center" that would house more than 2,000 U.S. troops. (If a new agreement is not reached, all U.S. military forces must leave Panama by the end of '99.)... The *Fresno Bee* reports, "The 9-year-old

boy who tipped deputies to his parents' suspected marijuana crop remained in the custody of Fresno County's Children Protective Services Wednesday, along with his 10-year-old sister." The boy called 911 because his parents were having a fight, then showed the cops their crop -two plants. "The couple were jailed briefly before being released on their own recognizance... A man at their home said Wednesday that he didn't want to talk about the incident. 'Why don't they just leave us alone?' said the man, who refused to give his name. 'We're just hard-working Americans.'" [In Catholic school, M. was told that the Soviets were so evil they encouraged kids to turn in their parents. I was taught the Nazis did it.]

**Also in July** A study in the *Journal of the American Medical Association* followed 13,625 cancer patients released in nursing homes. Of those in daily pain, 16% received a mild pain reliever such as aspirin, Tylenol or Advil; 32% received codeine or a similar drug; 26% received morphine; and 26% received nothing at all." Co-author Vincent Mor of the Centre for Gerontology and Health Care Research at Brown University says "Drugs, particularly narcotic pain killers, are not viewed positively by nurses and doctors. There's a very strong worry about addiction." The study concludes, "Daily pain is prevalent among nursing home residents with cancer and is often untreated, particularly among older and minority patients."

**July 20** An audit by Peat Marwick determines that the DEA has no system for keeping track of property and equipment, cannot document more than \$5 million in purchases made last year, and has no reliable records for its inventory of seized drugs.

**July 22** Representatives Bill McCollum of Florida and Sen. Mike DeWine of Ohio propose a \$2.6 billion "Western Hemisphere Drug Eradication Act" -part of an effort by Republicans to pump up the interdiction budget. They claim that the acquisition of 10 modernized Navy P-3 patrol aircraft (refurbished by Lockheed-Martin for \$43 million per) will help cut the flow of drugs into the U.S. by 80 percent over three years. DANGER DANGER DANGER!

**July 23-25** The International Cannabinoid Research Society meets in La Grand Motte, France.

**July 24** Peter McWilliams, a best-selling writer/publisher, is indicted along with Todd McCormick and seven others on charges of conspiring to "manufacture" marijuana for medical use. McWilliams, who has AIDS complicated by non-Hodgkin lymphoma, has been on a complex regimen of protease inhibitors and anti-virals since 1996. He was arrested for helping finance gardens in four locations (including McCormick's infamous "Bel Air mansion"). Under federal mandatory minimum sentencing guidelines, he and McCormick each face at least 10 years. McWilliams says he

was denied access to his AIDS medications while in custody.

**Also 7/28** The Oakland City Council unanimously approves an ordinance sponsored by Nate Miley, that designates the Oakland club to enforce the state's marijuana laws, i.e. to provide marijuana to seriously ill Californians as per Prop 215. Lawyer Rob Raich, who devised the plan, thinks that being named "officers of the city" should give staffers the same protection that narcs have under the federal Controlled Substances Act to possess and sell marijuana! "The Oakland Cannabis Buyers' Cooperative runs a clean, legitimate business, contributes to Oakland's downtown revitalization, and prevents seriously ill people from turning to the streets to buy their medicine," says Miley.

**July 29** The international basketball federation (FIBA) votes to penalize the use of mj by players in its tournaments... In Ontario, Canada, the London Cannabis Compassion Centre is open for business at 199 Wellington St.; proprietor Lynn Harichy has MS. Husband Mike makes deliveries to most of the 40 or so clients, who are too ill to come get their own. The centre sells quarter ounces for \$65 -about \$10 below street price. Requirement of a doctor's recommendation waived for persons over 65. The Harichys decided not to run the operation out of their home because they didn't want their children exposed to a police raid.

**July 30** "The Washington State Medical Use of Marijuana Act" —Initiative 692— makes the ballot after AMR underwrites the collection of 260,000 signatures.

**July 31** Federal judge Charles Breyer grants a motion to have the case against Flower Therapy dismissed. The club lost its lease after its proprietors were indicted. Rumors abound that some staffers are working for a club associated with ACT-UP in the Castro... Judge Robert Fitzgerald allows the prosecutor of Marvin Chavez access to patient records seized from the Orange County Co-op.

**August 4** To the dismay of his lawyers, Marvin Chavez (who has spent 90 days in jail awaiting trial) rejects a deal that would mean no prison time. Copping a plea would also enable Chavez to use marijuana —but not distribute it. "I'm not trying to save the world," says Chavez, "but I'm an American and I'm willing to stand for my civil rights." Chavez suffers from a rare spinal disorder.

**August 5** Republican leaders quash a plan by two Republican Congressmen to require drug testing of House members and their staffs, the Associated Press Reports. "We have a few well-placed people who don't want this," says Rep. Joe Barton, a co-sponsor of the proposal. Rep John Boehner of Ohio has refused to allow the plan to be brought up for discussion. Majority Leader Dick Arney of Texas told reporters there

isn't time to take up the matter before the August recess. Many lawmakers have complained that the measure is unnecessary and insulting. This is the same crew that overwhelmingly passed the "Drug Free Workplace Act of 1998" to expand mandatory workplace testing among ordinary UC citizens.

**August 6** (Hiroshima Day): Congressman Bob Barr, Republican of Georgia, introduces House Resolution 4380, amending the FY 1999 Washington DC budget to prohibit the certification of election results on Initiative 59. "None of the funds contained in this act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substance Act, or any tetrahydrocannabinols derivative." Sic, sick, sic. [D.C.'s 530,000 residents don't even have a representative in Congress, only an "observer."] Co-sponsor Dennis Hastert, Republican of Illinois, says he's thinking of the safety of constituents who come to visit the nation's capitol.

**August 10** Colorado Secretary of State Vicky Buckley rules that AMR did not submit enough valid signatures to place the medical marijuana initiative on the ballot... In weeks to come a Denver District Court judge will order the measure placed on the ballot; then the Colorado Supreme Court will order Buckley to make a line-by-line count.

**August 11** *The Wall St. Journal* reports that many big HMOs "hoped to turn tidy profits by offering the elderly an alternative to traditional fee-for-service Medicare. But soaring drug prices, federal Medicare budget tightening and management miscalculations have dashed their dreams. Instead, the HMOs are scrambling to close some money-losing Medicare plans and raise charges for others. Their actions are jolting patients and raising questions about the government's effort to cut Medicare costs by encouraging even more elderly beneficiaries to sign up for managed care in coming years."

**August 11 or 12** Michale Ganey's residence WHERE is raided by a multijurisdictional Narcotics Task Force. "We know you're growing mj, show us where it is." Ganey, exonerated earlier in the year, shows them. They yank some 30 plants, mostly seedlings, and charge him with cultivation.

**August 14** Heavily armed DEA agents invade Dennis Peron's Lake County Cannabis Farm and destroy 130 plants nearing maturity. The feds don't file charges against the heartbroken patients, who ask "Should the DEA systematically raid the homes of seriously ill persons and remove doctor-approved medications with no trial or concern for the health or well-being of the person trying to recover? Why would they want to? Is the 'war on pot' more important than saving lives in an epidemic? Does federal prohibition against marijuana apply to individual cancer



patients cultivating one or two plants to help mitigate the pain so they can stay in chemotherapy?” Lake County Sheriff Rodney Mitchell says he thinks the farmers wanted to get raided as a publicity stunt. “Otherwise, why would they fax me a copy [of an invitation to an open house]? why would they fax the DEA one? Why would they put it on their web site, which the DEA monitors every day?”

**Also 8/14** Chris Webber, a great basketball player under contract to the Sacramento Kings, is fined \$500 for carrying less than half an ounce of marijuana in his luggage while passing through the airport in San Juan, Puerto Rico. Webber has been labeled a troublemaker because, as a rookie, he told his coach not to shout insults at him. This episode will cost him his endorsement deal with Fila.

August 14 A second judge (the first being on vacation) rules that Marvin Chavez cannot defend his marijuana distribution on the basis of Prop 215. “To forbid any mention of Prop 215 at Marvin Chavez’s trial is to perpetrate a fiction in the courtroom and deny the jury relevant information.” —*The Orange County Register*.

**August 20** The Religious Freedom Protection Act, introduced by Sen. Joe Baca, passes the California Senate (having previously passed the assembly). Pebbles Trippet calls it “perhaps the most important religious freedom statement since the *People v. Woody* case, which confirmed Native Americans’ right to use sacramental peyote. It’s the California counterpart to the Religious Freedom Restoration Act, originally passed by the U.S. congress in 1993, only to be voided as unconstitutional by the U.S. Supreme Court in June ‘97. Its purpose is to codify the principle that government should not substantially burden religious exercise without compelling justification and only by the least restrictive means consistent with that.

“It also provides a claim or defense to persons whose religious exercise is substantially burdened by government. It will provide protection for religious minorities as intended by the federal RFRA, and can be used by religious minorities whose use of marijuana is spiritual and sacramental, such as Rastafarians, Hindus, Sufis, Coptic Christians, etc.”

Gov. Pete Wilson will veto it.

**August 21** “It is impossible to fight the massive cannabis trade in Greenland as it involves the whole of society,” Hans Haahr, chief of the national Drug Squad, tells Radio Greenland. Haahr estimates that the trade in cannabis is equivalent to nearly 10 percent of the annual gross national product. Of all places!

**August 31** Judge Charles Breyer rejects as “creative, but not persuasive,” Oakland’s argument that under the federal Controlled Substances Act, city officers enforcing local

drug ordinances are immune from prosecution for possessing, buying and selling illicit drugs in the course of their work, i.e., they have the same rights as narcs. Breyer turns down the Justice Department’s request that the clubs be immediately found in contempt of court and closed. A lawyer from the downtown San Francisco firm of Morrison & Foster, invited by Rob Raich to join the Oakland club’s defense team, requests a jury trial on the question of whether the club could operate under a “medical necessity finding.”

**September 2** In a pamphlet by Utah criminology professor Gerald Smith —introduction by Senator Orrin Hatch— parents of teenagers are warned that marijuana use may be indicated by “excessive preoccupation with social causes, race relations, environmental issues, etc...”

*The Lancet* publishes a study of the lifestyles young British doctors. Some 93% are found to drink alcohol, 60% to excess. More than 35% of the men and 19% of the women use cannabis, with more than 11% doing so regularly... A study published in the *Annals of Emergency Medicine* concludes that marijuana use is not associated with injuries requiring outpatient treatment. The investigators tracked 1,611 members of a California HMO over three years.

**Sept. 5** In Nevada, the Secretary of State qualifies AMR’s medical mj initiative; it’s on the ballot as “Question 9.” Gov. Bob Miller, Attorney General Frankie Sue Del Papa and Highway Patrol Chief Michael Hood all come out in opposition. The sheriff of Las Vegas calls it “an absolute scam.” The chief of the state Division of Investigations predicts drug defendants will clog the courts with spurious medical defenses. They all take solace in the primacy of federal law.

**Sept. 10** An innovative solution to the doctors’ dilemma is set forth in a Sept. 15 “memorandum of understanding” between District Attorney Mike Mullins and the county medical association’s board of directors. The SCMA’s 21-member Professional Standards and Conduct Committee —which reviews malpractice cases and complaints lodged against physicians— will review members’ recommendations of marijuana on a case-by-case basis, creating a measure of collective responsibility. physicians treating AIDS patients in the Guerneville area.

**Sept. 12** Singer-songwriter Buzzy Linhart, a glaucoma patient who says “I would be blind without marijuana,” is busted and jailed in Berkeley for cultivation of 12 plants in his backyard. A neighbor’s complaint about some kids trying to cut through their yards brought the police, who reviewed his bona fide doctor’s recommendation, helped him bring the plants indoors, and left.

**Sept. 13** An ambitious Berkeley cop obtains a warrant to search Buzzy Linhart’s house by failing to inform a judge of her fellow officers’ conclusions. His plants plus small

amounts of processed mj and hash are confiscated, and he is arrested. [Linhart wrote Bette Midler's first big hit, "Friends."]

**Sept. 16** House Joint Resolution 117 —a "sense of the Congress" resolution reiterating that marijuana is dangerous and addictive and should not be legalized for medical use—passes by 310-93, with no public hearings. The American people are urged to vote no on medical marijuana initiatives... Renee Emry Wolfe, 38, a multiple sclerosis patient pregnant with her fourth child, seeking to discuss the bill with Rep. Bill McCollum, goes into spasm in his office and lights up a joint for relief. She is promptly arrested.

**Sept. 17** *The Vancouver Province* reveals that Vancouver police used US Navy undercover agents to gather evidence for marijuana busts at Hemp B.C. and the Cannabis Cafe back in April. Court documents show that four U.S. agents were named in an application for a search warrant that led to a raid on the stores in late April. A lawyer for the woman who owned the stores calls the U.S. involvement "absolutely bizarre."

**Sept. 21** Human rights activists accuse Moscow police of planting drugs on suspects —on orders from political or criminal groups seeking to compromise their enemies. An editor who ran for mayor of Kirov and the head of an agricultural concern say they were framed. In Russia —where more than 63,000 people were arrested on drug charges in '97— teachers are being paid in vodka.

**Sept. 22** The *LA Times* informs employees that they are not allowed to consume hemp nutritional products. An internal managers' report states, "Hemp oil, hemp seed and seed sweetie goodies will cause a positive drug test on accident-related drug testing programs within the *Times*." The report concludes that "employees are not to eat these products." But seed sweetie goodies remain legal, and the sweetie-goodie defense has been upheld in court.

**Sept. 23** Placer County Sheriffs raid Georgia and Michael Baldwin's home with guns drawn. The couple are arrested despite recommendations for the use of medicinal marijuana written by their physician, Alex Stalcup, MD. "Proposition 215 does not apply in Placer County," a deputy comments. The police tell the local media, "the whole house has been turned into a marijuana growing and packaging operation" -a charge that will adversely affect the Baldwins's dental practice. "What they did find," according to Dr. Baldwin, "was less than an ounce of usable marijuana, 96 marijuana plants, 20 of which were two-to-three feet tall, 16 of them were one foot tall, and the rest were two to four inches tall. And they found 50 cuttings that had just been started and had no roots at all... The entire garden that was seized fits into two grocery bags."

**Sept. 24** Campaigning against Measure 67, Multnomah

County Sheriff Dan Noelle claims marijuana "contributes to violent and assaultive behavior." Portland psychologist Roger Burt says mj is "definitely in the big leagues of addiction." The Oregon Medical Association remains neutral, the AMA is opposed to Measure 67, which allows patients with a doctor's recommendation to grow up to seven plants and possess an ounce of dried mj.

**Sept. 29** A letter supporting House Resolution 117 from Deputy DA Carl Armbrust —who prosecuted Dave Herrick and is prosecuting Marvin Chavez— appears in the Orange County Register. Dismissing the Californians who voted for Prop 215 as a "relatively small handful of people who want to smoke pot," Armbrust concludes, "Congress did the right thing. In the words of the office of National Drug Control Policy, 'Medicine must be based on science rather than ideology...'" In Germany, a committee of the House of Representatives of the State of Berlin unanimously endorses the medical use of cannabis. The committee consists of members of all parties.

**Sept. 30** Heather Gordon of Miami, a 23-year-old political science student who had been accepted for a White House internship, is rejected after answering "yes" to a question about having smoked marijuana costs her her security clearance... Companies that do drug testing have significantly lower productivity than comparable companies that do not, according to a study by Edward M. Shepard and Thomas J. Clifton of the Le Moyne College Institute of Industrial Relations. They surveyed 63 firms in the computer and communications equipment industries and found that both pre-employment and random drug testing had a significant negative effect on worker output. They speculate that testing may be a waste of resources or might hurt employee morale

**October 7** A retired Penn State chemistry professor who had staged four symbolic marijuana "smoke-outs" to protest the prohibition is found guilty after a judge tells the jury, "Even if you don't like the law, you must follow it." Julian Heickle, who represented himself, had told the jury "The state is trying to punish me for exercising a God-given right to own a vegetable."

**Also 10/7** E-mail from Brenda Kerhsenbaum: "Sister Somayah is being held at the 77th and Broadway jail in downtown LA. Somayah, who grows cannabis for medical use for herself, and other medical patients who held letters from physicians, was arrested by four LAPD narcotics police who said she had too many plants. She grew 30, all small except for two large, and that the letter she showed them was dated 1997! One of the police was an officer she had lodged a complaint against with the city council. Recently she petitioned the city council in her district to be aware of her legal pharm. She is being held on \$50,000 bond. She

said the jail is very cold, and we do not think she has her medicine. Somayah suffers from sickle cell disease, a very painful ailment, and she uses cannabis to relieve the pain. She can go to the Veterans Administration any time for morphine. She greatly prefers cannabis. We have attempted to contact Kenny Kahn, who helped her previously. Also, Scott Imler is trying to find some legal assistance for her..."

**Oct. 7** Peter McWilliams files suit against Attorney General Dan Lungren in Superior Court in Los Angeles. The suit, which charges the AG with four breaches of the California Constitution, asks for no monetary damages -only that he fulfill his oath of office...President Clinton signs the Higher Education Act of 1998, which would deny student loans to convicted drug offenders -but not to murderers or thieves... The Patients and Caregivers Health Center is open for business on Mission St. in San Francisco...

**October 8** Six marines have been arrested and at least seven others are under investigation for marijuana and steroids use, according to Camp Pendleton officials. Five of the arrested men were helicopter mechanics; the other worked at the Substance Abuse Control Center on base and allegedly helped Marines alter the results of their drug tests.

**Oct. 9** Sophomore Jennifer Treisch appeals to administrators at Spring Valley High School in Columbia, South Carolina, to lift a ban on necklaces made of hemp twine. Treisch, one of several students who have taken up necklace making, says, "I like the look of natural things, and I see hemp as a strong and natural fibre. The rule is really pointless. The administration is focusing more on enforcing rules than on our education."

**Oct. 10** Pharmacologists from the University of Adelaide, in the largest-ever study correlating road accidents with drug and alcohol use, find that drivers who had smoked marijuana were marginally less likely to have an accident than those who were drug-free. A study spokesman, Dr. Jason White, said the slight difference could be explained by anecdotal evidence that marijuana smokers were more cautious and drove more slowly because of altered time perception. White said the study showed the importance of concentrating efforts on alcohol rather than other drugs... The Lancet publishes a major study of car crashes by Scottish researchers, revealing a strong link to tranquilizer use.

**Oct. 13** Judge Charles Breyer rejects the "medical necessity" argument and authorizes U.S. marshals to shut down the Oakland Cannabis Buyers Cooperative. Lawyer Rob Raich paraphrases Breyer's reasoning in rejecting the medical-necessity argument: "Even though members testified that medical cannabis has actually saved their lives, they didn't say they would die tomorrow without it." Breyer says the Marin Alliance can have a jury trial on the narrow

issue of whether they actually distributed marijuana on the day a federal agent said they did (in a report too shoddy for Breyer's taste). Breyer also rejects the clubs' challenge to the "rational basis" of the government's marijuana prohibition, saying he doesn't have the authority to evaluate it.

**Oct. 15** In Edwardsville, Illinois, Wesley Earl Lowry and his wife, foster parents in court to adopt children ages four and six (whom they've been raising for two years) are busted for possession of 4.9 grams of marijuana and may now lose the kids... A NORML analysis of DEA marijuana eradication data reveals that law enforcement eradicated over 237 million feral hemp plants ("ditchweed") in '97, along with four million cultivated plants.

**Oct. 16** A 73-year old Rabbi named Eli Gottesman is arrested for allegedly trying to smuggle a bottle of shampoo filled with cocaine and marijuana into a federal prison in upstate New York. "God knows I didn't do anything wrong," says the former "Rabbi of the Year."

**Oct. 18** Colorado Secretary of State Victoria Buckley, a Republican, rules that there aren't enough valid signatures for Colorado's medical marijuana initiative to qualify for the ballot. Buckley claims that a line-by-line check turned up 36, 911 invalid signatures -out of 88,715, total- so the measure fell short by 2,338.

**Oct. 18** Police chiefs from the 52 largest cities in the US and Canada, convening in Salt Lake City, oppose ballot initiatives for the legalization of marijuana for medical use. "Decisions about medicine in our country should be based on science, not popular votes," says the organization's president Washington, DC Police Chief Charles Ramsey (echoing Harold Varmus).

**Oct. 18** At their annual convention, the American Association of Pediatrics hears marijuana denounced by Hoover Adger, Jr. MD, of the Drug Czar's office, who says "If pot is a medicine, teens will rightfully conclude that it's good for you. That sends the wrong message."

**Oct. 19** At 5 p.m. the Oakland Cannabis co-op closes for business, as ordered by Judge Breyer. The co-op, which served some 2,000 members, had been operating in defiance of Breyer's May 13 order with the support of the city government. The city council had deputized the club's staff in an attempt to comply with federal law (based on the same clause that entitles narcs to buy and sell controlled substances). Gerlad Uelmen is convinced that Breyer will be reversed for dismissing the co-op's "joint user" argument, which holds that the members formed one legal entity to obtain their marijuana, therefore no act of distribution occurred...

**Also 10/19** In Texas, Stephen Hale, the Democratic candi-



date for Denton County district attorney pleads guilty to delivery of marijuana and gets two years probation. Arrested in March for giving a woman a quarter ounce, Hale chose not to withdraw from the race. "The people who would support me don't care about my giving a little bit of marijuana to a former girlfriend, and those who hate me will hate me anyway," he says. The former girlfriend, he adds, "was strung out on Valium." As Wise County attorney from 1993 through 96, Hale dismissed several hundred marijuana cases. He told the *Dallas Morning News* that he developed his relaxed attitude towards pot as a GI in Vietnam. He was busted for possession there, too, but escaped a felony conviction and was able to get his law degree. In 1994 Wise County police groups called for his resignation. Hale says, "Almost every GI I knew smoked marijuana, but I got caught. I came home from serving my country on felony probation for not hurting anybody... I dismissed over 500 marijuana cases because I did not see how it was in the interest of justice to punish someone for a victimless offense. That's still how I feel about it." P

**Oct. 21** At a pretrial hearing, Justice Dept. lawyers move for dismissal of the class action suit challenging the federal government's prohibition of cannabis — *Kurumiya vs. the US*— on the grounds that Congress can ban anything it wants for whatever reason. In response to a question by Judge Marvin Katz, the government lawyers acknowledge that the U.S. provides marijuana to eight patients under the compassionate use program.

[In the 1970s, in response to a lawsuit by patients, the US Dept of Health and Human Services began supplying up to 300 joints a month to people with documented medical needs. The government closed the program to new applicants in 1992, when many AIDS patients sought to join.]

Judge Katz, a Reagan appointee who used to be Sen. Arlen Specter's law partner, likens the government's approach to providing morphine to only eight people, and refuses to dismiss the suit. He surprises all involved by proposing a settlement whereby the government would distribute mj to the plaintiffs in "a carefully monitored, scientifically controlled program" that would yield "useful scientific research results that would help decide whether marijuana was medically beneficial or not."

The stunned government lawyers respond that the proposal is unacceptable, but Judge Katz orders them to consult with their higher-ups. Hirsch comments that it's the first time "any judge in the federal system has taken such a rational and compassionate approach."

**Also Oct. 21** *The Ottawa Sun reports*: "Mounties will use teddy bears to help ease the fears of terrified tots whose parents are on the receiving end of a drug raid. It's amazing what a difference handing a brand-new teddy bear to a sobbing three-year-old can make, says RCMP constable Jean-Louis Rompre, who spearheaded Project Comfort.

Rompre said. 'It just clicked when I saw a little girl a few months ago. She was so afraid and just kept crying...'"

**Oct. 24** Behind in the polls and increasingly desperate, Dan Lungren takes to pot-baiting Gray Davis. At a campaign stop in Fresno, the *Examiner* reports, "Lungren scoffs at Davis' optimism, joking that the Democrat might have taken Proposition 215, which allows the use of medicinal marijuana, too seriously." Does Lungren's "joke" have any implication other than that Davis smokes marijuana?

**Oct. 12** In Sacramento, Bob Ames is arrested at his home in Sacramento for cultivation of 32 medical cannabis plants. He will be charged with cultivation for sale.

**Oct. 20** Dentist Michael Baldwin and his wife Georgia —physician-authorized marijuana users—are arraigned in Auburn municipal court for cultivation of 146 plants being grown indoors. Lungren has instructed prosecutors that one ounce per month is sufficient for all patients, and that each plant yields a pound. Patients contend that indoor plants typically yield 1/2 ounce.

**Oct. 22** Congress passes the "Western Hemisphere Drug Elimination Act," introduced by Rep. Bill McCollum R.-Florida and Sen. Mike DeWine R.- Ohio. It will allocate \$23 million to scientists developing a fungus genetically engineered to destroy opium poppies and coca plants. "These micro-organisms have the potential to cripple drug crops before they are even harvested," according to DeWine. The obviously insane scheme to eradicate plants that mankind spent thousands of years breeding is hailed by the chairman of the House Foreign Relations Committee, Benjamin Gilman, R.-N.Y. as a "silver bullet... extremely effective, not costly, doesn't affect the environment and is a good way of eradicating coca." [Ed. Note: DANGER DANGER DANGER.]

**Oct. 26** Campaigning in Oregon against Measure 67, Dr. Donald Vereen, an aide to Barry McCaffrey, says the validity of medical marijuana should be up to federal health officials. "We don't want something determined to be a medicine because a bunch of people voted on it."

**Oct. 27** Back in federal court in San Francisco, Bill Panzer, representing the Marin Alliance, argues that Breyer has the jurisdiction to hear arguments on "the rational basis of the government's prohibition of marijuana." Breyer disagrees.

**Oct. 29** In New York, Derrick Smith, facing his third conviction for marijuana sales, jumps through a courthouse window and falls 16 stories to his death. State Supreme Court Justice Budd Goodman had offered Smith three to six years in prison in exchange for a guilty plea. "I'm 19 years old, your honor. That is terrible. That's terrible," Smith told the

judge, who then set his trial date. As Smith was led from the courtroom to a secure area, he ran, jumped on a bench in front of the window and leaped to his death. Smith's mother was among the spectators in the courtroom who heard the commotion; she ran behind a partition, saw the open window and the court officer there alone. "I thought his mother was going to have a nervous breakdown," said a court employee. "She kept saying, 'That's my son. That's my son.'"

Also 10/29 The ACLU challenges the Barr amendment forbidding Washington, D.C. to count the votes on Initiative 59. The DC Board of Elections and Ethics, named as a defendant, responds by joining the suit as a plaintiff, arguing that Congress is violating the first amendment rights of DC residents. The Clinton Justice Department says it will defend Congress's right to deny DC home rule... Barbara Bush appears in TV ads made by the Drug Free America Foundation for airing in states with medical marijuana initiatives: "Now is not the time," the former first lady declares, "to send the message to our young people that marijuana is 'medicine.' It is not. It is a dangerous, illegal drug." Ex-presidents Gerald Ford, Jimmy Carter and George Bush all issue statements denouncing the initiatives in the name of Science. Operatives from McCaffrey's staff are barnstorming and firing off op-ed pieces. Their strategy is obvious now: a stall in the name of science. "No one argues that people should eat moldy bread instead of taking a penicillin capsule," writes McCaffrey. [He never mentions that penicillin was approved for use after its efficacy was proven on just six patients.] "If components of marijuana other than THC are found to be medically valuable," McCaffrey concludes, "the current scientific process will approve those components for safe use." Having claimed for years that the mj plant had no beneficial effects whatsoever, the drug warriors are now promising to deliver us the "good" part of the plant without the "bad."

Oct. 30 Contra Costa County agrees to pay \$1.2 million to settle damage claims of general assistance welfare applicants who, over the past six years, had been required to take a "Substance Abuse Subtle Screening Inventory" -on the basis of which they'd been subject to drug testing. Some 5,000 GA recipients may be eligible for relief. ACLU lawyer Brad Seligman established that the test was totally unreliable and inaccurate... Paul McCartney says his wife Linda, who died in the spring, had smoked marijuana to ease the discomfort of chemotherapy -with a doctor's approval... The Oakland club is permitted by Judge Breyer to reopen as an educational resource and purveyor of hemp products. Rumors abound that cannabis is being dispensed to club members at a nearby location.

**Nov 1.** The Boston Globe runs "A Realistic Prescription to Mix Marijuana and Moderation" by Thomas W. Clark, an addiction researcher. "Despite its bad official press, THC actually ranks lowest in addictive potential of all commonly used substances, even below caffeine, according to two inde-

pendent ratings by NIDA and the University of California. Lab animals cannot be induced to consistently self-administer THC, as they can with opiates, amphetamines, cocaine, alcohol, and nicotine... How strict are we willing to get to suppress a drug that, used in moderation and in a non-smoked form, is no more risky (subtracting the risks of criminal prosecution) than having an occasional glass of wine with dinner?"

**November 3** Residents of Washington, D.C. get to vote on Initiative 59 because ballots were printed before Congress prohibited the results to be certified, but the votes are not tallied -the first time in American history that a voted has been voided thus. An exit poll paid for by AMR shows Initiative 59 winning by a 69-31 margin... In Arizona, Proposition 300, which would approve the state legislature's override of the 1996 vote allowing medical use of all schedule I drugs, loses by a 57-43 margin... In Colorado, Initiative 19 -which will not count unless a federal court overrules the Secretary of State- passes by 57-43. .. In Alaska, Proposition 8 passes by 58-42... In Nevada Question 9 is answered yes by 59% of the voters... In Oregon Measure 67 wins 55-45 and Measure 57, which would have recriminalized possession, loses by 33-67... In Washington State Initiative 692 passes by 59-41 and carries every county... In Minnesota, Jesse Ventura is elected governor on the Reform Party ticket; he recognizes the war on drugs as a failure, wants to reintroduce industrial hemp... And in California, Bill Lockyer wins the AG's race by a 9% margin over Stirling, and Lungren himself goes down in the governor's race to Gray Davis. [Deceased Sheriff Sherman Block outpolled Lungren by 86,000 votes in LA County.] In Mendocino County, voters elect a sheriff, Tony Craver, and district attorney Norman Vroman -a Libertarian- who advocate the decriminalization of marijuana. In Orange County, Mike Carona, a candidate bitterly opposed by Brad Gates, is elected sheriff.

## **Year Three: Affirmative Action For Medical Marijuana Users**

**Nov. 5** Lockyer tells the 10 o'clock news that Lungren was "obsessed" with marijuana. "We used to say he must own a copy of 'Reefer Madness' and watch it every night..."The incoming AG reveals that his mother died at 50 and his sister at 39, both from leukemia. "You don't have to see this very much before you start to say, 'If they are in pain like this then why can't they have access to this medicine?'"

**Also 11/5** The DEA publishes a notice in The Federal Register proposing to move Marinol -synthetic THC made by Unimed Pharmaceuticals- from Schedule II to Schedule III. "It could just sit there for a long, long time," explains a Washington insider. But eternal optimist Dennis Peron comments, "All these years they've been saying 'you don't need marijuana because Marinol is the same thing.' Which

means they're thinking about putting marijuana in Schedule III, too." Schedule II drugs (such as cocaine, morphine, and methamphetamine) are recognized as having medical use but a high potential for abuse. Schedule III drugs have accepted medical use and a lower potential for abuse (such as aspirin with codeine). The move follows a study showing that there is virtually no street market for Marinol.

**Nov. 6** Glenn Levant, the head of DARE, complains to the *LA Times* that the use of a cannabis leaf in ads for Alterna Hemp Shampoo "is a subterfuge to promote marijuana." Levant, a former deputy Los Angeles police chief, founded the private nonprofit to promote his "Drug Abuse Resistance Education" program to schoolchildren nationwide....

**Nov. 8** *The Willamette Week* reports that Portland defense lawyers "are up in arms after discovering that the police have been secretly tracing phone calls — perhaps for years — to get leads on suspect marijuana growers. The Portland police Marijuana Task Force put a "trap" on the phone line of American Agriculture, a store that sold indoor growing equipment. They traced incoming calls and paid unannounced "knock-and-talk" visits to the homes from which they'd been placed. Defense lawyers say the police illegally obtained the court order to install the trap...

The Interior Minister of Germany's new government, a coalition of Social Democrats and Greens, says the ban on possession of cannabis will be reviewed.

**Nov. 10** After many delays, the trial of Marvin Chavez is underway in Orange County Superior Court. Judge Thomas Borris denies Chavez the right to use a Prop 215 defense, on the grounds that he wasn't an authentic "primary caregiver" to club members Shirley Reaves and Gene Hoffer. Defense lawyers J. David Nick and James Silva focus on entrapment. An undercover agent from the DA's office, Joseph Moreno acknowledges he provided Chavez with a phony doctor's recommendation -after Chavez rejected a recommendation from a phony chiropractor. Nick establishes that the 1/8th oz bag was labelled "Not for Sale" and had the name of the Orange County Patient Doctor Nurse Support Group on it; and that Chavez had explained to the narc his rights under Prop 215.

**Also 11/10** Federal health officials reject a proposal from neurologist Ethan Russo to compare smoked marijuana to synthetic THC and an injected painkiller in acute migraine treatment. "Our bureaucrats," says Russo, "are ignoring the science, as well as the rising tide of public opinion that is clamoring for clinical studies of cannabis..."

The House of Lords Select Committee on Science and Technology recommends that the government immediately move marijuana to schedule II so doctors can prescribe it and pharmacists provide it. The 70-page report states, "We have received enough anecdotal evidence to

convince us that cannabis almost certainly does have genuine medical applications, especially in treating the painful muscular spasms and other symptoms of MS and in the control of other forms of pain... We therefore recommend that clinical trials of cannabis for the treatment of MS and chronic pain should be mounted as a matter of urgency. We warmly welcome the fact that, in the course of our inquiry, both Dr. Geoffrey Guy of GW Pharmaceuticals, and the Royal Pharmaceutical Society's working group under Sir William Asscher, have set off down this route."

The Lords also call for the development of cannabinoid drugs and safer delivery devices. Some of the same scientists who had input into the House of Lords report have also contributed to the upcoming Institute of Medicine report, which will cover a lot of the the same ground. Can we expect similar recommendations?

The British Home Office Minister promptly counters, "there is no scientific evidence that it will work," and rejects the Lords' recommendation. The British Medical Association backs the Home Office, according to James Landale of the *Times* (UK), because making cannabis available by prescription would reduce the drug companies' incentive to develop more effective drugs.

November 14 *The Lancet* publishes a study by Wayne Hall and Nadia Solowij (University of Southern New Wales, Sydney) on "the most likely undesirable effects of cannabis." The researchers, having reviewed all the medical literature, list respiratory complications (notably bronchitis) and highway accidents (risk increases with use of alcohol). Longterm heavy use can be associated with "subtle" alterations of cognitive function (memory, attention, comprehension) and a risk of "dependence." Hall and Solowij say nobody knows if these effects are reversible... Cannabis as a cause of mental illness is very rare, although its use might accelerate the illness for individuals with psychotic tendencies. The researchers conclude, "moderate indulgence in cannabis use has little danger for health." *The Lancet* tones down its 1995 declaration — "smoking cannabis, even as a longterm habit, is not dangerous for health" — but notes, "It would be reasonable to think that cannabis is less a threat for health than alcohol and tobacco."

NORML convenes in Washington, D.C... Geoffrey Guy reports that the plants GW Pharmaceuticals is growing -under license from the Home Office will be ready for harvest around Christmas. Using the model of a start-up biotech corporation, he is forming a separate company to conduct clinical trials.

Tod Mikuriya proposes a collaboration. "Instead of waiting for the legislature to set up a University of California project," Mikuriya tells Guy, "the existing Cannabis Centers can participate in a pharmaceutical research project supervised and administered by physicians and scientists, in which GW Pharmaceuticals would supply cannabis (from cultivars developed by Hortapharm) with varying cannabi-



noid ratios,” and he, in California, would supervise trials of their effects on different illnesses and conditions. Guy is interested in collaboration of several sorts: “1. Direct supplying of medicine to participating patients and centres. 2. Supplying of clones or seed stock and overseeing production and distribution from contracting growers. 3. Biomonitoring of patients as they are administered medicine through the inhaled route utilizing the internet or other 2-way video.”

**Nov. 17** In Manchester, England, Colin Davies, the founder of a co-op that supplied free cannabis to people with multiple sclerosis is arrested for cultivation, possession, and possession with intent to supply cannabis. Officers remove 28 plants and his co-op records from his flat. Davies, who has a painful, debilitating back condition, had already been exonerated in one jury trial.

**Nov. 18** The widow of Sonny Bono blames his death in a skiing accident on the prescription drugs he was taking (Valium and Vicodan) Congresswoman Mary Bono tells TV Guide that Sonny was taking “15, 20 maybe pills a day, all prescribed by doctors, that badly impaired his judgment.” The drugs made him moody, withdrawn and angry, and made their 12-year marriage “very difficult” according to Mary. She also blamed the drugs for a 16-foot fall Sonny took off a balcony two years before he died.

**Nov. 19 From Bill Britt:** After not being allowed to consider Proposition 215, the jury came in with a verdict in Marvin Chavez’s case around 9:45 am this morning. He had 10 charges against him, and was found not guilty on two charges, but guilty of 5 misdemeanors and 3 felonies in the rest.

Counts 1-5, where he was charged with felony sales to a patient and a caregiver who were members of the club, the jury found him not guilty of felony sales, but guilty of misdemeanor furnishing after hearing testimony from those involved that they donated money to the Co-op and weren’t paying for the cannabis.

On counts 6 and 7, which involved undercover police, Marvin was found guilty of felony sales. In one charge, he gave undercover narcs an ounce of cannabis and the narcs voluntarily donated \$80 to the Co-op. In the other, Marvin gave undercover narcs 1/4 of an ounce and the police voluntarily donated \$20 to the Co-op.

On counts 8 and 9, which involved another undercover narc, one who was a caregiver for the undercover “patient” narc, the jury found Marvin not guilty. Police had no tape recordings of those transactions. The narc involved in these counts said Marvin called the cannabis a “lid.” Funny how he has never used that term around any of us patients, and most of us wouldn’t even know what a lid is. This narc also was a member of the California Narcotics Officers Association, the organization which gave the largest donation to the anti-215 campaign. Another narc

in one of these charges testified onstage that he had seen a newspaper article about Marvin, but had no idea how Marvin was trying to work under 215. He also testified that he had no idea what Proposition 215 is. Being a narc who has read about Marvin, that testimony is hard to believe.

It is interesting that the jury found Marvin guilty of felony sales on two of the charges that involved police entrapment and not guilty on the other two police entrapment charges. Finding police entrapment on two of the charges sends a message to police trying to pose as patients to infiltrate cannabis co-ops and harass sick people.

The tenth charge, for transportation of a package of cannabis to the post office, where he tried to mail over an ounce (although the DA’s method of weighing was questionable) of medicine to a patient living in Northern California. The jury found him guilty of felony transportation in that charge.

Marvin will be sentenced on Friday, January 8. DA Carl Armbrust said he expected Marvin to get about 7 years in prison. Attorney James Silva said he will file an appeal.

**Also 11/19** Alterna Inc. sues Glenn Levant, the head of DARE America Inc., for defamation, saying it will drop the suit if Levant retracts his slur on their ad campaign, paid their legal fees and bought “correctional advertising to inform all Alterna customers of Levant’s inaccurate comments.” Levant calls the suit “a cheap publicity gimmick...”

**Nov. 21** Ed Plotner of Redding, a hepatitis patient who was denied a liver transplant after testing positive for marijuana (which he used to combat severe appetite and weight loss), dies. Banned by most transplant programs, marijuana — unlike heroin, cocaine and alcohol — is not a risk factor for hepatitis.

**Nov. 22** The Marijuana Policy Project, analyzing the FBI’s annual Uniform Crime Report, notes that the number of marijuana arrests — 695,201 — was higher in 1997 than in any other year in U.S. history. Of the arrests were for possession, the marijuana “sale/manufacture” (5.6%) and “possession” (38.3%) by their total number of arrests for all drug abuse violations. Some 37,000 non-violent marijuana offenders are incarcerated in federal and state prisons and local jails in the U.S.

**Also 11/22** Alan Leshner the director of NIDA, responds to Thomas Clark’s “Realistic Prescription,” which appeared in the Boston Globe Nov. 1. Leshner begins by dismissing the distinction between hard and soft drugs — the distinction you would most want to impress upon a kid if you really cared about their safety. He says mj’s “high potential for abuse” is proven by the fact that “every year more than 100,000 people, many of them adolescents, seek treatment for their inability to control their marijuana use.” Leshner ignores the fact that most are forced to “seek treatment” in order to work, or by the school/criminal justice system. “Most people who are knowledgeable about addiction

would qualify this as an addictive drug,” Leshner asserts.

(It so happens that “most people who are knowledgeable about addiction” owe much of their livelihood to treating marijuana users remanded by schools, courts, employers, and parents.)

We can expect to see versions of Leshner’s letter to the *Globe* appearing elsewhere in the media as the big Stall in the Name of Science unfolds. “Another science-based reason for not condoning marijuana use comes from a recently published study by a Harvard researcher showing that use of any illicit drug, but especially marijuana, significantly increases the probability that an individual will abuse other drugs during the course of a lifetime.” Note the gratuitous and misleading use of “science-based” and “Harvard.”

**Nov. 24** In Colorado, the Supreme Court rules that the vote for the medical marijuana initiative (which passed by a 57-43 margin) should not count because the backers didn’t get enough signatures to qualify. Chief Justice Mary Mullarkey declares, “The purpose for a detailed signature verification procedure is to maintain integrity in the initiative process.” This is mullarkey of the highest order. The obvious purpose of the signature process is to confirm that a substantial number of voters support a given initiative, justifying the expense of putting it on the ballot. The fact that initiative 19 passed should have made this review of the verification process moot...

In Orange County parents of three Foothill High School athletes accused of smoking marijuana challenge the Tustin Unified School District’s policy of reassigning students to other schools after a first “drug offense.”

**Nov. 27** The FDA issues new rules requiring drug companies to test drugs on children before marketing them, but a loophole makes it possible for pediatric testing to occur after a new drug has been approved for adult use. FDA Deputy Commissioner William Schultz says, “We do not expect to hold up the approval of new drugs for adults even if the study in children was inadequate. Instead, we’ll approve the drug for adults and then require studies in children.”

**Nov. 30:** A Time magazine cover story on Ritalin reports that some 4 million schoolchildren in the U.S. are being given this strong legal speed —with almost a million more getting Prozac and similar antidepressants...

The Associated Press reports that the US Attorney’s office in San Francisco, responsible for enforcing federal law from the Oregon border to Monterey Bay, pursued only four of the 32 environmental crime cases referred to it for prosecution in recent years, “exasperating federal pollution cops who have watched their efforts go nowhere.” An EPA agent complains, “I can’t tell you how many times we would go to the prosecutors, and guess what? They’re involved in a dope trial for the next six weeks.”

**Also in November** Jeannette Tossounian of Kitchener, Ontario, acknowledges to the Kitchener-Waterloo Record

that she is proprietor of a dispensary called Marijuana Used for Medicine. She provides mj in small quantities at less than half the retail price to people with documented need. MUM members ask doctors to sign a form stating “I have discussed with my patient what I am aware of in terms of the health benefits and risks of marijuana. I would consider prescribing it if I were legally able to do so.” Tossounian finds that “most doctors are supportive,” although some are “totally afraid to sign the form.” Her 50 clients include people from all walks of life suffering from a range of ailments, including epilepsy, chronic pain, multiple sclerosis, AIDS, hepatitis, migraine, arthritis and cancer. MUM is the fourth Canadian club to come out of the closet. Local police are aware of the club and consider it a very low priority bust...

Add Canada items: Speedskater Catriona LeMay Doan, Canada’s golden girl at the Nagano Olympics, lags behind Ross Rebagliati, the snowboard champ who test positive for marijuana, in endorsements. “You see his face everywhere,” complains LeMay Doan. “I’ve always been very vocal on being anti-drug...” A survey of passengers arriving in Toronto from Jamaica on Air Canada finds that 56 percent of blacks are searched compared to only 10 percent of whites. “You stand there at the airport and watch it and it’s incredible” says lawyer Donald McLeod. “We are not an apartheid state.”

**Nov. 29** Swiss voters defeat a measure to legalize heroin, cocaine and marijuana. The chief of the federal health department says the government will propose new drug laws in ‘99. Regular cannabis users in Switzerland: 500,000 out of 7 million population. Heroin and cocaine addicts: 30-36,000.

**December 1, 1998** The DEA’s Miami Field Division issues an internal “Survey of the Marijuana Situation” suggesting that active opposition to the medical-use movement is the proper role of government. The DEA mocks California’s Compassionate Use Act: “Since enacted, marijuana has been dispensed in California Buyer’s Clubs for illnesses such as foot pain, headaches and pre-menstrual syndrome.” So nu?... On current distribution patterns, the DEA is worthy of Anslinger: “Both Colombian and Mexican marijuana is still being moved across the southwest border of the U.S. via land vehicles, in particular trucks. From there it is moved into Florida via the I-10 corridor, mainly distributed into areas by Mexican nationals and migrant workers.”

**December 2:** An FDA advisory panel recommends that a new arthritis drug called Celebrex from G.D. Searle & co. (a unit of Monsanto) carry a warning that it can cause ulcers. Celbrex was also found to cause hypertension, swelling and kidney problems. FDA-approved painkillers cause between 10,000 and 20,000 deaths a year and more than 100,000 hospitalizations. Celebrex is a new type of drug designed to block the Cox-2 enzyme, which is involved in inflammation. Cox-2 inhibitors are not sup-

posed to affect the gastrointestinal lining... A Public Citizen survey of FDA medical officers (physicians responsible for reviewing New Drug Applications) identifies 27 drugs approved in the past three years that shouldn't have been, and declining standards of safety and efficacy...

Members of Floridians for Medical Rights sue the Jacksonville Sheriff and the Duval County Supervisor of Elections in federal court for forcing them to leave an area near a polling place during the recent elections. No damages are sought, but the group wants better training for officers and poll workers...

Daniel Cohn-Bendit, now a member of Parliament, sponsors a conference on medical marijuana in Berlin, with the concrete goal of creating a central library of all the relevant scientific literature... Kirsten Muller-Vahl of the Medical University of Hanover describes impressive results of a trial in which THC was given to patients with Tourette's syndrome and other muscle tremor...

IDEC Pharmaceuticals and Genentech notify doctors that their anticancer drug Rituxan has caused at least eight deaths since it was approved by the FDA last year. Roche (which owns 66% of Genentech and distributes the drug in Europe) has warned that Rituxan should be administered only in hospitals, with a physician present...

**December 3** Medical marijuana becomes legal in Oregon and Washington. "It will be imperative that the patient educate the doctor. That education won't be coming from Eli Lilly or Merck," says Rick Bayer, the doctor who led the Oregon drive. [And wasn't provided in medical school, he might have added.] Law enforcers moan to the media about anticipated difficulties and the sneakiness of the citizenry. Molalla police chief Rob Elkins worries that if officers confiscate marijuana and then have to return it to patients, they'll be violating federal laws against drug trafficking!

Multnomah County DA Michael Schrunk, who prosecuted about 900 felony marijuana cases in '97, says that only 19 of them involved medical-use defenses (although why anyone would raise an impermissible defense is unclear). He predicts the number will rise as perfectly healthy folks claim to be gaining medical benefits from the devil weed...

The Oregon Medical Association advises its members not to write recommendations for patients seeking to use marijuana -despite the passage of the AMR initiative. "At this point it would be mistake for physicians to participate in an activity which may or may not be the subject of conflict between state and federal law, much less a complicated scenario currently lacking an administrative rule infrastructure. Physicians who are willing to participate in the medical marijuana process would be well advised to wait until the Health Division makes its rules and the federal government takes an official position on the act itself."

In Seattle, Jo Anna McKee says she's gotten at least 100 calls since the election from people "who have been sick for a while but were afraid of getting in trouble," won-

dering how to obtain marijuana for medical use. Plans are afoot to set up "new branches, so to speak" of the Green Cross Patient Co-op, which had been providing medical marijuana to some 400 patients prior to the election with the tacit assent of local law enforcement.

Also 12/3 The Marijuana Farmers of St. Vincent, an island nation in the Caribbean (population 110,000), send Bill Clinton a letter demanding compensation if the U.S. destroys their crop. Six U.S. Marine Corps helicopters are scheduled to ferry more than 120 troops from the Caribbean Regional Security Service and St. Vincent police force to uproot and burn marijuana plants on "remote northern plots." Similar operations in recent years have destroyed millions of plants in Trinidad, St. Kitts, St. Lucia, Dominica and Antigua. "We have 8,000 people whose livelihood depends on marijuana" said organizer Junior Cottle. Some 60 percent of the population worked in the banana industry before trade negotiators reduced St. Vincent's European export quota. Marine Corps Lt. Col Jeff Douglas says that the U.S. will only provide transportation and will train troops to avoid booby traps...

**Also 12/3** Municipal Court Judge Maral Adjikian orders the LAPD to return 35 plants taken from Sister Somayah, a member of the West Hollywood Club —the first time plants have been ordered returned in LA County...

The *Arizona Daily Star* reports that thieves made off with about 500 pounds of marijuana from a 7-ton load that was supposed to be burned at a south Tucson incinerator on Nov. 17. The load was made up of pot seized by Customs officials in West Texas and New Mexico. Ten customs employees involved in the incineration have been placed on paid leave. Taxpayers should be relieved to note that the Customs Service has convened a narcotics destruction task force.

**Dec. 4** Gerald Uelmen, representing Peter Baez, argues that San Jose police went beyond the scope of their search warrants when they seized all 265 client files from the Santa Clara County Medical Cannabis Center in March. Baez faces seven felony counts in connection with his operation of the club, which opened in April '97 and closed May 8. The DA argued that the police were empowered to seize the files by a San Jose ordinance governing the club... The Justice Department asks US District Judge Richard Roberts to dismiss the ACLU suit that would force the District of Columbia to reveal the vote count on Initiative 59. Here we have an issue on which Clinton and Bob Barr agree!

**Also 12/4** The FDA acknowledges that 33 deaths due to liver failure have been caused by Rezulin, a diabetes drug launched in March 1997 by Warner-Lambert Co. after "fast track" approval by the FDA. The drug was withdrawn from the market in Britain a year ago. Nine drugs other than Rezulin reduce blood sugar in patients with adult-onset diabetes. Liver injuries caused by Rezulin have occurred in about 2 percent of all patients according to FDA records; most heal



on their own. A veteran FDA medical officer assigned to evaluate Rezulin had recommended rejecting it initially but was removed from his position on the advisory committee.

**Dec. 5** Fox Butterfield of *The New York Times* reports that 350,000 undergraduates are now majoring in “criminal justice” at U.S. colleges. The field has become “a cash cow for college administrators.” Most of the students are “from working class backgrounds and are the first members of their families to go to college. The appeal is jobs as police officers, prison guards, probation officers, private security company employees or FBI agents.”

The dean of the College of Criminal Justice at Sam Houston State University in Texas observed that “the largest single impact on criminal-justice enrollment in the past 10 years was ‘Silence of the Lambs.’” Butterfield interviewed a student who’s “an administrator for an investment bank by day but wants to become a profiler for the FBI. Her inspiration comes from watching the NBC show ‘Profiler,’ which is about a beautiful blond FBI agent who solves gruesome murders through psychological analysis of demented killers’ minds.” A teacher commented, “Now they all want to be FBI profilers. They see it on TV; it’s very glamorized.”

**Dec. 7** *High Times* and John Gettman ask the DEA to delay the rescheduling of Marinol, subject to public hearings. *High Times* and Gettman are co-petitioners in another action to reschedule marijuana and THC, as well as Marinol (which is synthetic THC made by Unimed Pharmaceuticals). They argue that rescheduling Marinol is inconsistent with DEA policy statements that trace amounts of THC in industrial hemp are such a danger to public health as to justify a ban on hemp cultivation in the U.S. (Sales of Marinol increased sharply in the first nine months of ‘98, according to Unimed.)

**Also 12/7** The Second District court of Appeals (Division 6) issues an order staying all lower court proceedings until it reviews J. David Nick’s appeal of the order under which the Thousand Oaks Cannabis Club was closed back in February. “The judge [who issued the original order] ruled that only completely incapacitated patients can have caregivers and that supplying a medical service or drug on a schedule to a patient is not ‘consistently assuming responsibility for the health and safety of that person,’” says Nick.... Barry McCaffrey tells the Council of State Governments that the US is winning the war on drugs, but victory is being jeopardized by the medical marijuana movement. His latest sound bite: “Pain management is not best done with a joint and two vodkas.”

**Dec. 8** How crazy can you get? The Michigan Court of Appeals refuses to block extradition and Alfred Odell Martin is transported back to Martinsville, Virginia, where 25 years ago, he was jailed for selling \$10 worth of marijuana. Martin, who’d been sentenced to 10 years in prison with nine years

suspended, fled to Michigan where he married, raised three children, and worked for a mortgage company. “Michigan may know him as the responsible businessman with a good record, but Martinsville knows him as a drug dealer,” says prosecutor Joan Ziglar... Roche Diagnostics has won Food and Drug Administration clearance to begin marketing ONTRAK TESTCUP-er. The drug testing device is specifically designed to assess the drug use status of emergency room patients. ONTRAK TESTCUP-er is capable of simultaneous detection of cocaine, morphine, amphetamines, barbiturates and benzodiazopenes, with results in less than five minutes.

**Dec. 10** A Lake County jury, after a nine-day trial, finds Charles Eddie Lepp of Hidden Valley not guilty. Lepp is a 46-year old Vietnam vet who has had bypass surgery and suffers from post-traumatic stress disorder, chronic back pain, skin cancer, degenerative arthritis, and manic depression. He was arrested in August, 1997, with 131 plants growing in his yard. He said he and his wife Linda had a verbal approval from a doctor in Salinas, NAME Wahl to use mj for pain relief. Linda has thyroid cancer. She spent the first 11 years of her life in a brace and is clinically depressed. Their co-defendant and friend Matt Bronsert has been in constant pain since an on-the-job injury. Lepp was growing for all three.

Deputy District Attorney Fred Raper argued that the quantity of mj Lepp was growing suggested that he intended to sell some. Lepp said the surplus was for donation to the SF Buyers Club. Raper also challenged the validity of Lepp’s recommendation. Dr. Wahl denied having recommended mj; The Lepps testified that he did and the jurors believed them. Lepp says the case put him \$15,000 in debt. John Entwistle, Jr., says the jury’s verdict “will be viewed as the green checkered flag to produce, produce, produce!”

Lepp says, “I did everything I could to obey the law. I got a doctor’s approval. I’ve always been honest with my doctors. I don’t want doctors prescribing conflicting medicines, so I’ve always told them all the medicines I do, including marijuana... Because of all the stink, my doctor flip-flopped and claimed he never gave me a recommendation. What he’d said was, ‘If you believe marijuana helps you, go ahead and smoke it. I’ll testify in court and support you.’ I took that as a recommendation. When asked if he had told me this he said ‘It’s possible.’ The jury believed me. The reason they couldn’t convict me was that they looked at me and saw themselves, their mother, their brother, their sister. I told them, ‘I’ve done nothing wrong. I’m like you.’ But if I were black or gay, they might’ve tried to backdoor me. But I’m a white middle class goddamn war hero, military intelligence. I have letters of support from the V.A., with combat duty in Vietnam in 1972. 90% of what’s wrong with me can be traced to my service years.

“I need marijuana. When I take pain pills -I’ve have to take hundreds a month- it tears me up. I get bad when I drink alcohol. On weed, I’ve never met anyone who doesn’t like me...

The jury was made up of 10 men and two women. The DA used up all 20 peremptories getting rid of 215 supporters. Again and again, jurors said the same kind of things, like ‘I support medical use... I voted for 215... You’ll have to disqualify me.’”

The Lepps’s co-defendant Matt Bronsert pled guilty to possession charges and got 120 days’ jail time and three years’ probation.

**Dec. 11** Hawaii Gov. Ben Cayetano says he will push for a law to legalize the use of marijuana for medical purposes. “We need to be at the forefront of treatment,” says Cayetano.

**Dec. 13** Texas Ranger Sgt. David Duncan charges that his investigation of the killing of teenage goatherd Esequiel Hernandez, Jr. by Marines on drug interdiction patrol has been obstructed by the military. Duncan was not given timely access to the witnesses; subpoenas were ignored and documents concealed. This killing of a US citizen occurred in May ‘97 in Redford, Texas. The Marine Corps has agreed--without admitting wrongdoing, of course--to pay \$1.9 million to the Hernandez family. Also Dec. 13, the Navy’s Criminal Investigative Service acknowledges that 20 marines and sailors from the San Diego area have been investigated for drug smuggling in ‘98. Pentagon officials tell the LA Times they don’t know how many servicemen have been court-martialed for smuggling, or how many are currently under investigation. They call the drug busts “isolated incidents” as the cancer metastasizes.

**Dec. 14** The Virginia House of Delegates passes a resolution asking federal officials to let the state’s universities experiment with cultivation of hemp for commercial use. The sponsor, Delegate Mitchell Van Yahres, suggests that hemp would be a good option for farmers adversely affected by the national tobacco settlement. The General Assembly will consider the measure at its next session.

**Dec. 17** A parliamentary health committee in New Zealand, after an eight-month study, concludes “the negative mental health impact of cannabis appears to have been oversaturated, particularly in relation to occasional adult users of the drug...” European researchers report in The New England Journal of Medicine that at least half the drugs donated to wartorn Bosnia-Herzegovina were unusable--outdated supplies dumped by their manufacturers, who reaped millions of dollars in tax breaks savings on disposal costs. “17,000 metric tons of inappropriate drugs may save donors \$25.5 million,” according to the report. Studies of “aid” sent to people in need after earthquakes and famine in Africa, Mexico and the former Soviet Union show the same pattern of dumping for profit by drug companies.

**Also Dec. 17** Concluding that the negative mental-health effects of cannabis have been exaggerated, and that the prohibition has been ineffective, and that “the

police are open-minded on the issue of decriminalization,” New Zealand’s parliamentary health select committee calls for reviewing the legal status of cannabis.

**Dec. 18** Sacramento Police Detective NAME MacKannin testifies that, regardless of paperwork demonstrating medical status, all patients caught with medical cannabis will be arrested and prosecuted, all immature medical cannabis will be killed, and all medical cannabis gardens will be destroyed. MacKannin, who led the raid on Bob Ames’s residence, testified that he believed the Sacramento patient/activist “was growing it for himself and to give it away to others for free. “ Although the judge noted that this case doesn’t include most of the items ordinarily found in sales cases --and that giving away cannabis to qualified patients would not be illegal under California state law-- Ames was ordered to stand trial next year on two felony charges, cultivation, and possession with intent to distribute medical cannabis.

**Dec. 18** The prosecution of Lori Converse and her caregiver, William McConnell, is delayed so that the Sonoma County Medical Association’s peer review committee can validate her need for medical marijuana. Converse, 33, suffers from degenerative disc disease stemming from two car crashes. She and McConnell were arrested Sept. 17 for cultivation. “I was blown away that they threw me in jail and treated me so brutally in the first place,” commented Converse, who had two letters from doctors authorizing mj use. “I figured being broken and all that they’d take that into consideration.”

The review panel had hoped to avoid getting involved in ongoing cases to prevent the possibility that its members could be subpoenaed. But District Attorney Mike Mullins expressed hope the review panel would weigh in, adding, “There is reason to believe she has a serious illness within the meaning of the statute.” Converse, who takes legally prescribed morphine for her pain, was forced to go without it for six days while in jail.

**Also 12/18** Judge Richard Roberts hears arguments on the ACLU/Washington, D.C suit to count the Initiative 59 votes. The Clinton Justice Department supports Bob Barr’s amendment, arguing that Congress has the legal authority to not certify legislation in the District; but in typical “I didn’t inhale” fashion, they raise no objection to the vote count being released! “That’s basically turning an election into a public opinion poll,” observes Wayne Turner, the AIDS activist who organized the Initiative 59 campaign. “This is about the right of the people of the District of Columbia to have their votes counted and to have them count.” He sums up the situation and the year: “This is about democracy held hostage.” The voided vote is a first in U.S. history.

**Dec. 21** Ed Learn, Will Larson and Robert Bonencamp --patients whose plants were uprooted from a Guern-

eville garden in August by Sonoma county sheriffs- file a petition for the return of their plants. "We know this will be a symbolic victory, because the plants are long dead," comments Dennis Peron, "but when the judge orders the medical marijuana returned, a lot of patients will know that Prop 215 is alive and well in Sonoma County."

**Dec. 18** "In recent weeks, squads of lobbyists from PhRMA [the drug industry's lobby], Merck, Warner-Lambert, Bristol Myers Squibb and others have descended on Congress," according to *The Wall St. Journal*, to oppose a bill, introduced by Democrat Tom Allen of Maine, that would give senior citizens the same discount on prescription drugs that HMOs and the government now get. Although the measure wouldn't cost taxpayers anything, drug lobbyists contend it would "ultimately harm the elderly by halting the development of promising drugs that could aid against the ravages of old age."

The *Journal* reports, "With profit surging, drug companies had the financial wherewithal to spend more on lobbying in 1997 than any other industry. PhRMA [the industry lobby] spent more than \$6 million, while Merck dispensed \$5.1 million for a squad of five in-house lobbyists, among other expenses. Eli Lilly, Bristol-Myers Squibb and Glaxo Wellcome each spent around \$3.8 million."

A PhRMA spokesman told the *Journal*, "This is part of the democratic process. We lobby, and the other side lobbies."

**Dec. 22** A unit of RJR Nabisco pleads guilty and will pay a \$15 million fine for its role in the smuggling of hundreds of millions of dollars worth of cigarettes into Canada. The goal was to evade U.S. and Canadian taxes. Reynolds and other companies started shipping large amounts of Canadian brands, like Players, to the northern U.S., even though few Americans smoke them. Distributors would move them into Canada through the St. Regis Mohawk/Awkeasne Indian Reservation —just like "drug" smugglers from Mexico use Camp Pendleton to enter the U.S.

**Dec. 23** San Jose police sgt. Tim Kuchac, who had stated in his affidavit that he was part of the team that served the first warrant on the SJ club and noticed a computer that could have contained business records, admits under questioning from Peter Baez's lawyers that he had not been to the center before signing the affidavit. "I have very few instances in my life as a lawyer where I had a police officer admit on the stand to perjury," comments Gerald Uelmen...

**Also 12/23** The state auditor reports that wells and reservoirs in California are now infiltrated with carcinogenic MTBE from gasoline (to the point of being undrinkable in Tahoe, Santa Monica and other water districts) because state officials chose to ignore the problem between 1990, when they first became aware of it, and 1997. The auditor finds "deficiencies at every step of the regulatory process, from is-

suing permits... to enforcing laws designed to protect us." In other words, while the Attorney General was showing zero tolerance for marijuana users, he showed zero interest in the oil companies' poisoning our water. Good riddance to Dan Lungren -and may we not kid ourselves in the days to come about the Democrats' commitment to the corporations.

**Dec. 24** Basketball star Corie Blount, home in Columbus, Ohio, for Christmas, is pulled over by the highway patrol because his car windows are too dark. A drug-sniffing dog finds a briefcase with \$19,000 in cash, which is confiscated and handed over to the DEA. Blount says he had just sold a car -but he will have to prove it in court before he can get his money back. In the *Columbus Dispatch* columnist Steve Stephens writes, "David Stern must wish he had the kind of negotiating power wielded by the State Highway Patrol... If the cops decide they want a particular pile of money, they need only claim that it would probably have been used to buy drugs. To get the money back, the (former) owner of the cash must take the cops to court to prove otherwise... Many innocent citizens, less able to afford the loss and the high-priced attorneys needed for a court fight, have suffered from the same seizure laws. How many basic rights will be seized before citizens demand their return?"

**Also 12/24** *Rolling Stone* publishes a major piece on medical marijuana by William Greider that describes Bill Zimmerman —his primary source— as "the national head of the movement." Greider proclaims, "If this year's outcome turns out to be an important turning point, one explanation may be that the 1998 referendum propositions were different [than Prop 215]. They were designed to be law-enforcement friendly, and they included new regulatory rules that avoid much of the legal ambiguity and conflict that followed California's decriminalization vote in 1996."

**December 25** Another Christmas in jail for thousands whose only crime was possession of prohibited drugs. Will Foster does not receive his hoped-for freedom, despite unanimous approval from the state's parole board to release him and several prison supervisors' taking the unusual step of urging Gov. Frank Keating to issue a pardon...Some 43,000 people are in California prisons for drug offenses, not counting those in county jails or federal prison. Of these, 17,747 are in for possession. "While California now has five times as many drug prisoners as in 1986," notes Dale Gieringer, "this has had no evident effect on illegal drug use..."

In New York state a bipartisan coalition backed by the Lindesmith Center launches an ad campaign opposing the long mandatory minimum sentences instituted in 1973 by Nelson Rockefeller.

In a downcast Christmas column, Ann Landers observes "the war on drugs has turned out to be a colossal failure." The line will be censored in



the *Tampa Tribune* and some of her other outlets.

**Dec. 26** Police in San Francisco —claiming they'd been summoned by a silent emergency alarm— trash the apartment of Richard Evans, director of the recently opened San Francisco Patients and Caregivers Health Center on Mission Street, and arrest him on cultivation and pornography charges (based on his possession of two books by photographer Jock Sturges). Evans, who has applied for a permit to operate his club, says he was growing strictly for medical use -his own and his club members'. He calls the porno charge an attempt by "rogue agents" to slander him. District Attorney Hallinan will promptly dismiss all the charges against Evans. But the police will re-arrest him and hold him for five days.

**Dec. 28** Attorney General-Elect Bill Lockyer issues a list of priorities that includes making Prop 215 work. He calls his predecessor "overly zealous in continuing to oppose [Prop 215] even after the people had adopted it."

In Washington state Lieutenant Governor Brad Owen pays a \$7,000 fine for turning his office into a mini-campaign headquarters opposing Initiative 685 (a 1997 medical mj initiative that lost at the polls).

**Dec. 29** Rastafarians from St. Vincent and the Grenadines condemn the eradication effort by the US the DEA and Marine Corps. The 10 day exercise netted more than a million plants on 302 plots. "The task force also burned 148 huts," according to the Miami Herald...

Russian President Boris Yeltsin instructs the government to set up a special fund for waging a war on illegal drug trafficking...

Industrial hemp is being grown in fields around Chernobyl in an attempt to remove radioactive pollutants from the soil. Certain plants break down or degrade organic pollutants and stabilize metal contaminants by acting as filters or traps. "Hemp is proving to be one of the best phyto-remediative plants we have been able to find," says Slavik Dushenkov of Phytotech. [Why don't we try it at Hunter's Point and the Presidio?]

**Also 12/29** In Tacoma, Washington, a blind, semi-paralyzed man with AIDS is arrested for cultivation of three plants and jailed for two days. Police say the newly-passed medical marijuana initiative does not apply because Kelly Grubbs did not have a letter of recommendation. Dr. Rob Killian protests that such letters are kept in doctors' files, not issued to patients, lest they be construed by the feds as prescriptions. *The Seattle Times* editorializes that Killian "flunked in this first test case of the law." Will law enforcement in Washington state use Lungren's tactics to oppose implementation?

**Dec. 31** At the glasshouse complex operated by GW Pharmaceuticals in Southeast England, staffers are harvesting 5,000 eight-foot-tall cannabis plants —10 separate strains with varying cannabinoid ratios, provided by HortaPharm, which will be processed into "a treacly liquid" for use in inhalers. The Medical Research Council is drafting guide-

lines under which tests on patients will be conducted in the new year by GW and the Royal Pharmaceutical Society.

The first trial, by Dr. Anita Holdcroft of Hammersmith Hospital, London, will involve patients in post-operative pain. A second, by Dr. John Zajicek of Derriford Hospital, Plymouth, will test whether MS patients get relief from spasms. One group of about 100 patients will be given the conventional treatment for controlling muscle spasms. A second group will receive THC. A clinical trial overseen by Guy will commence in spring 1999 and will involve some 2,000 patients over the course of two years. "We will be using whole plant extracts for delivery by inhalation since this is far more precise and controllable than the oral route," says Guy. "The first area of study in patients will concern the relief of nerve damage pain including sufferers of multiple sclerosis.

"By the end of 1999 we intend to be working with pharmaceutical grade extracts from cloned plants rather than growing from seed. We will then be growing and harvesting on a regular basis." By then he expects to be supplying other researchers —Tod Mikuriya intends to be among the first in line— who want to test the safety and efficacy of Guy's plant extracts.

Readers can add to this chronology by sending items to [editor@beyondthc.com](mailto:editor@beyondthc.com).