

War on the Wounded:

The DEA vs. California's legal marijuana

By Steve Brown

The raid

"They pushed their way in-I saw them on the security camera. They had DEA written on their jackets," Imler said. "They herded us all into the foyer area by the door, padded everybody down, and moved us over to the main area in the second story flat where we live."

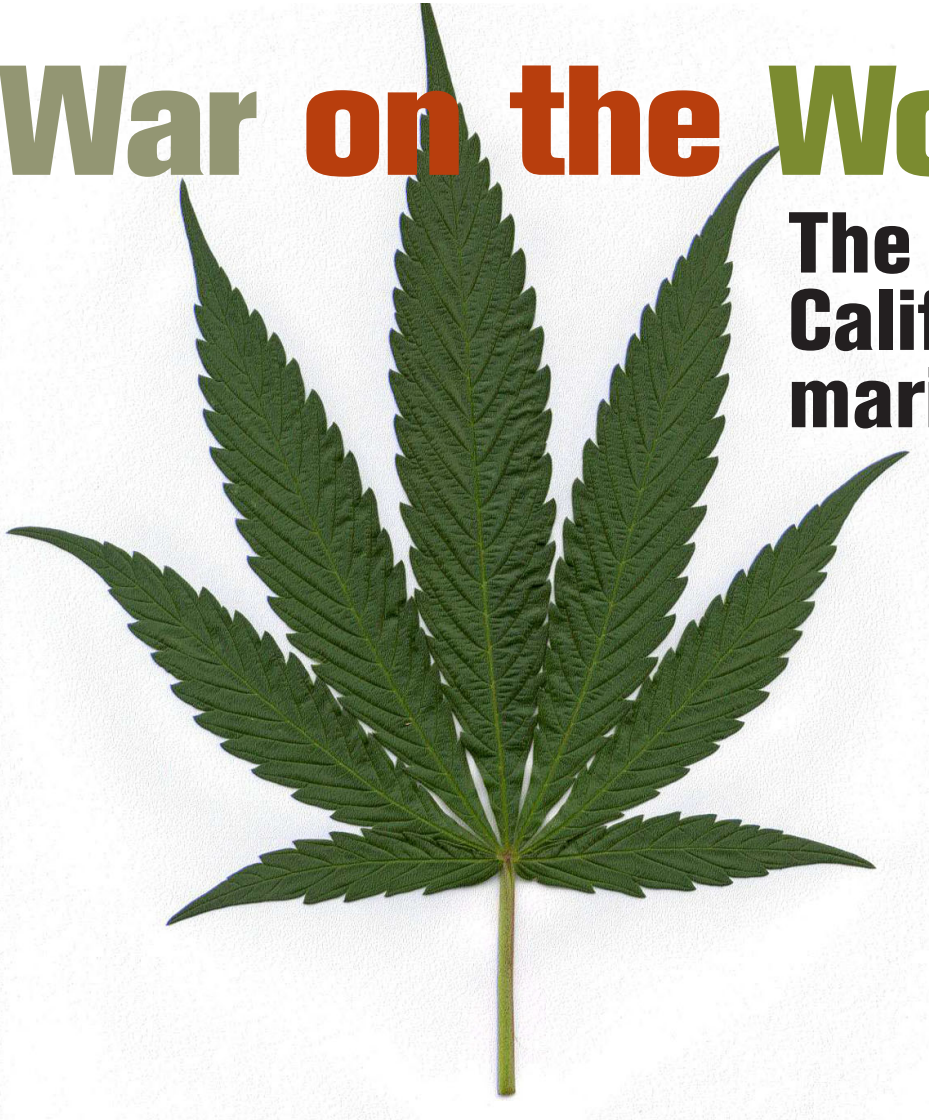
Imler, his partner, and staff, were kept waiting for six hours, he said, while the DEA agents ransacked the center.

"They were polite enough," he said. "They didn't wave their guns at us-they knew we weren't criminals. They scared the crap out of an old lady down below-they waved their guns in her face and everything. With us, they were polite and businesslike. We tried to cooperate-we wanted to make sure they took everything that proved we didn't do anything wrong."

Imler said the DEA took marijuana plants, growing equipment, the center's computers and its hard copy medical files on the approximately 2,000 people the center had certified as eligible for medical marijuana, and another 1,000 or so the center did not qualify, as well as 30-40 boxes of disbursement slips for medical marijuana sold or given out over the five years of the center's legal operations. The federal agents, he noted, loaded everything essential for the center's operations into two rented moving vans.

"They were really pooped by the time they left," Imler said. "It was obvious they were tired."

"A lot of the agents seemed to be real young and green. It almost seemed like a



It was late in the afternoon on an autumn day at the Los Angeles Cannabis Resource Center in West Hollywood. The center was closed, it was always closed on Thursdays, but about seven of the medical marijuana center's staff of 11 were gathered upstairs where the organization's president, Scott Imler and his partner live.

Around 5:30 p.m. on that day, October 25, 2001, approximately 30 federal Drug Enforcement Agency officers came through the front door. While the nation was focused on the tragedies of September 11 and the war on terror, declared just over a month earlier, another war was declared by the federal government on its own — and possibly most vulnerable — citizens. This war would be against California's legalized med-

ical marijuana operations, the people who provide medical marijuana, and those who depend upon it-sometimes for life itself.

The LACRC, one of many centers open legally since the passing of the Compassionate Use Act-Proposition 215-in 1996, grew and provided medical marijuana to nearly 1,000 AIDS, cancer, and other chronically or terminally ill patients from all areas of Southern California, including the Coachella Valley. Legalization, medical marijuana users say, took them from being forced to purchase what they see as a necessary and viable medicine from black market drug dealers selling questionable marijuana, to becoming open and legitimate patients seeking relief through safe, reliable-and legal-outlets.

But on that October day, all of that would change.

training exercise or something,” Imler said. “Some sat and ate hamburgers while they watched us. We just sat here, talked to each other and the agents, and I tried to keep the guys [staff] calm. They were pretty upset. I tried to reassure them everything was all right. The agents told us right away they weren’t going to arrest anyone.”

The center was closed.

The aftermath

“You’ve got to laugh about it at this point,” Imler said recently. “I’ve shed all the tears I’ve got. We didn’t reopen—we weren’t able to. Our program was set up to grow it ourselves, harvest it and share it with those who need it. The whole point was to operate legally.

“By closing the center, 962 people were affected,” Imler continued. “To continue, the risks to myself and the staff were staggering.

“But the hardest thing has been for our members—all this politics and machinations about the law, these things I have to grapple with daily, pale in comparison to what our members have to deal with every day,” Imler continued. “All our worst fears have come to pass—shitty quality marijuana, it being way too expensive—we’ve had two people in the hospital from bad pot, a number mugged trying to buy it, one held up at gunpoint, and everybody’s lost weight (one of the primary uses of medical marijuana is to quell nausea for AIDS and cancer patients to regain their appetite and keep their medication down). Weight loss is not something they can deal with well, a lot have trouble keeping their food down and their meds (medication) down.”

Imler had operated the center with the cooperation of the Los Angeles County Sheriff’s Department (who did not take part in the raid), and is resigned about the fates of his center’s former members, and perhaps even himself.

“Laughing—that’s all that’s left at this point. The reality is too grim,” Imler said. “We’ve lost over a dozen people since we closed. I’m not going to say that is a direct result though—our members are the sickest of the sick. It’s not unusual for people to die around here. The co-chair of our board died three weeks after the raid. It’s sad to have to die a criminal in your own country. A lot of our members are indigent and we bury them.”

The circumstances of the closure of the center are a far cry from those of its inception. The City of West Hollywood, the sheriff’s department, and the Southern Califor-

nia Conference of the United Methodist Church were all involved with the center’s creation, Imler said. A number of local churches were supportive, he noted, and after a raid shortly before the passing of Proposition 215, one offered the center sanctuary. From 1996, the center operated legally, always trying to ensure its compliance with the law, and that, Imler said, may have been its downfall.

“The only things in the DEA’s warrant were things we had disclosed voluntarily,” he said. “Things were taken from the DEA manufacturing license we had applied for back in 1999 in an attempt to submit to federal authority. We had filed with the IRS, the FDA (Food and Drug Administration), and tried to do everything possible. I don’t know what else we could have done. They don’t want anything to be legitimate about medical marijuana. If they can get us, they can get anybody.”

Imler said the organization, and he himself, have had their savings bled away after the closure. A default on the center’s mortgage for their 12,000-square-foot building is imminent, he noted, asking if the center was not legitimate, then how did it obtain its loan—from Wells Fargo Bank—with support from the city?

“They [the DEA] took \$53,000 out of our bank accounts when they did the raid. They looted all of those,” Imler said. “We had a reserve, and since I didn’t want to leave all our creditors hanging, we basically paid off our creditors and have been paying on our mortgage. But we’re low on funds. Now they want to assess me taxes on five years of revenues saying we’re not a nonprofit, but a criminal organization.”

The center had originally filed for official nonprofit status with the IRS, Imler said, but was told to “keep doing what you’re doing until you hear from us,” Imler said. Then, three days before Clinton left office, January 17, 2001, the IRS revoked their status, he said.

“I’m not a Libertarian anti-government type person,” Imler said. “I never have been. I believe in the system we have. I did things the way I was taught in civics class. We worked with the city and the police. Now they [the DEA] are talking about putting me in jail for 40 years—the rest of my life. Nine of 11 of our staff have AIDS. All the lawyers say there’s nothing we can do. We’ve never been accused of anything, never had a day in court. What happened?”

Imler personally faces three charges in

the warrant—manufacturing marijuana for sale, maintaining a drug house and money laundering. He said the center’s operations were hardly those of a crack house—ADP did their payroll, a CPA firm prepared their taxes, as well as computed all the equity and share calculations necessary for the cooperative organization of the center.

The center required doctor’s recommendations for medical marijuana, and verified the recommendation with the doctor via telephone, and then verified the doctor’s license with the California Medical Board, Imler said. A photo ID card was issued if the patient qualified, and a 24-hour hotline staffed by Imler and his partner, was available for the police to call to verify a patient’s qualifications to receive and possess medical marijuana.

“The whole reason we did Proposition 215 was so we were not criminals, and we would not have to go to drug dealers,” Imler said. “About 85 percent of our patients used less than one pound of marijuana per year, and 65 percent used less than half a pound. About 80 percent of our members had AIDS, five to 10 percent had cancer, and the rest had sickle cell anemia, Multiple Sclerosis, Lou Gehrig’s Disease, and spinal injuries. We had more than 440 doctors participate in over five years who were willing to stand by their patient’s use of it [medical marijuana].”

The city, the sheriff’s department and many members have been supportive of the center reopening, Imler said, but the DEA raid has created a fear that has stopped him.

“What it boils down to is that I’m afraid of what they’d [the DEA] do to the individuals involved,” Imler said. “I don’t trust them [the DEA] to be rational. They just love to lock people up. We have this obsession with drug war crimes and if I was certain that we were going to get to have a trial about the truth, I might push the envelope. But if they march us to the gallows, our legal defense only works up to the point where we were notified [at the raid].”

“When the DEA came in October, right after September 11, and closed the L.A. co-op, it was a sign they were being very aggressive. It was a totally uncalled for raid,” said Dale Gieringer of California NORML, the state branch of the national drug policy reform organization, NORML. “The DEA took out the best run club in California, the one that had done the most to comply with all the regulations at every level of government. They had completely open books, paid

taxes on the marijuana, and were the only club in California that size that grew all in-house.

"Their own public statements were used to close them down," Gieringer continued. "They never sold to agents, they were too tight with their security. They were closed down because they tried to be above-board. The government had no scruples. The better run the club is, the more the government is afraid of it. They are afraid it will look legitimate."

Heightened alert

On February 12, as the war on terror continued, the FBI issued a heightened national security alert. The nation was on edge, bracing for more possible terrorist attacks.

In San Francisco, it may have been more appropriate to brace for another assault from the federal government.

San Francisco has long been a base of support for the medical marijuana movement. Its 30-year history of supporting marijuana initiatives and propositions culminated in unified civic support for medical marijuana dispensaries and cooperatives.

After the raid by the DEA in Los Angeles, San Francisco Supervisor Mark Leno introduced a resolution for the city to declare itself a medical cannabis sanctuary, and to ask the district attorney, sheriff, state attorney general, and the Department of Consumer Affairs to not assist in "the harassment, arrest, or prosecution of physicians, medical cannabis dispensaries, individual patients, or primary caregivers attempting to comply with Proposition 215."

"The point we are collectively making is clear and simple—don't even think of troubling our medical cannabis clubs, patients and caregivers," Leno said. "San Francisco voters have spoken out clearly on this issue for over three decades—we want our city to be a safe haven for legitimate medical use of cannabis."

Early that Tuesday morning, that official request fell on deaf ears as DEA agents dynamited the doors to the Sixth Street Harm Reduction Center.

The DEA operations came on the same day as DEA Administrator Asa Hutchinson's visit to San Francisco to speak at the Commonwealth Club of California. In addition to the raid on the Sixth Street center, DEA agents arrested its manager Richard Watts, James Halloran of Oakland, and marijuana writer and proponent Ed Rosenthal. Kenneth Hayes was named, but was in Canada

on the day of the raids.

"We tried to claim San Francisco as a sanctuary, but I'm not sure how that's being approved by [U.S. Attorney General John] Ashcroft," Leno said recently.

"Four people were named," said Rosenthal's attorney, William Panzer. "Halloran got his case separate, and the other three are together. Ken Hayes is still in Canada, and with all the noise the DEA has been making about it, they still haven't started extradition. That will take two years to play out."

Panzer said at the time of the interview, Watts was still in custody but may be released soon. He noted the government was trying to disqualify him from representing Rosenthal. A hearing on a motion to disqualify was set for April 24, he said. Rosenthal faces a mandatory 10-year sentence, Panzer said.

"We have an administration that is saying the black market in drugs is helping terrorists," Panzer said. "Hutchinson says he is not going after the patients, but we want to shut them [medical marijuana distributors] down and make the patients go to the black market. They're [the DEA] helping the terrorists if you buy their own argument."

"Things were going well, and really, things are continuing to go well," Leno said, noting the Sixth Street center was quickly back in operation, and other clubs were not raided by the DEA. "The raids were certainly received as a direct assault on the community. We were outraged. There was no need for it and none of the explanations that are coming out of Washington [D.C.] make much sense. They try to wrap this into their homeland defense program and if you follow their logic, it's more important to bust facilities that are providing home-grown medical cannabis to patients with prescribing physicians' letters than to focus on the heroin traffic out of Asia. It does not make any sense."

Leno said one reason why the raids have not ended medical marijuana distribution operations in San Francisco is the support and reassurance given to the medical marijuana community by the city.

"There will always be a strong defense for the right of San Franciscans to have safe and affordable access to medical cannabis."

Bob Hartnagel, a legislative aid in Leno's office who helped draft a medical marijuana ID card program for the city and county through the San Francisco Department of Public Health, said the city's support for medical marijuana comes from all sectors of city government.

"The city is on the forefront of this movement. We're collaborative," Hartnagel said. "We've worked with the medical cannabis advocates, the clubs, the medical establishment and different city agencies. We all cooperate with this whole universe of people involved with the use of cannabis for medicinal purposes. We believe there is medical value for it and we support it."

The February DEA raids in San Francisco involved no local law enforcement. The San Francisco Police Department, according to Hartnagel, were intimately involved in helping craft city policy dealing with medical marijuana. Training was provided to officers to understand medical marijuana guidelines and policy.

"It would be ridiculous to leave them out," Hartnagel said. "The fact that they'd come meet with us is great."

Hutchinson didn't expect his Commonwealth Club appearance to be met with protest—at least from the city's supervisors—and its district attorney, said San Francisco DA Terence Hallinan.

"It seems like they [the DEA] came in like gangbusters," Hallinan said. "But they were not expecting the DA and five members of the board of supervisors picketing them. San Francisco voted twice, by over 80 percent, in support of medical marijuana. Everybody here knows somebody who says it's saving their life."

"The DEA is in a lock-step mentality," Hallinan said. "When they did their raids, we didn't control traffic, we didn't do anything to help. The police didn't know about it [the raids] any more than we did. It's kind of an amazing thing that the whole country seems to be moving in one direction and the DEA is determined to move in the other, continuing hard line policies toward marijuana."

Hallinan said as a district attorney he supports medical marijuana for a number of reasons. He noted prosecuting cases associated with medical marijuana ties up courts and jail space, placing a strain on resources that should be allocated to fighting violent crime.

"Proposition 215 is saying specifically that we don't think this should be dealt with as a legal matter," Hallinan said. "It's a medical matter. I've agreed with that for many years. There is no question it [legalizing medical marijuana] has improved things, and saved a lot of money and resources. There's still an occasional bust where the person doesn't have a legitimate medical use for

it. Those are still handled as narcotics cases.”

The district attorney said the fact most people in San Francisco know someone who uses medical marijuana to alleviate their pain or to help with a medical condition has played a major role in gaining its acceptance there as a legitimate medicine.

“I really do think that’s the key,” Hallinan said. “The recognition that medical marijuana is not a scam comes from personal knowledge. I know people who are no more of a criminal than you or I who say, ‘This is saving my life.’”

“To Asa Hutchinson I would tell him to take it [marijuana] out of Schedule One (a federal rating for drugs with no medicinal value and a high potential for abuse),” Hallinan said. “It has a medical component. I think that it’s much more widespread than anyone knew until the last few years. Whether physical, for nerves, as an appetite stimulant, or even mental disorders, marijuana has a medical aspect. Take it out of Schedule One and regard it as a medical drug.”

“There is no question that the raids in San Francisco were timed to occur the same day Asa Hutchinson came, no question that was deliberate,” Gieringer said. “They would love to make examples here.”

The politics of medicine

The DEA isn’t the only agency still prosecuting medical marijuana patients and those who grow and distribute their medicine. Often, local police and district attorneys take on the role of finding ways around complying with the spirit, if not the letter, of Proposition 215 (now part of the California Health and Safety Code).

According to some of those who helped author the successful proposition, there was a degree of contention between those who wanted to use it as a specific legal tool to guarantee the rights of medical marijuana patients and those who had larger goals in mind—a move toward eventual legalization of marijuana. The resulting language leaves some holes in how the new law is interpreted.

The result? Varying interpretations on points of the law from county to county, district attorney to district attorney, and police officer to police officer. In cities such as San Francisco, police do not actively prosecute identifiable legitimate medical marijuana users or centers for its distribution, and the now defunct Los Angeles center received respectful reviews from the county sheriff’s department.

But elsewhere, acceptance or prosecu-

tion for medical marijuana is almost randomly interpreted by authorities, with numerous counties leaving policy to be decided on a piecemeal basis, with no formally established policy at all. Everything from the issues of possession, growing, or transporting medical marijuana to plant yield issues (How much marijuana equates to an amount for necessary “personal” use? How much useable marijuana does a plant produce?) are up for grabs. These inconsistencies have not made using medical marijuana any easier for patients who have found it to be an integral portion of their treatments. And combined with a recent decision by the Supreme Court seen to endanger medical marijuana patients reliant on federally-funded public housing, and increasing drug testing throughout the public school system, many are finding the climate getting worse.

For many, just the stress of the possibility of losing their home over possessing a medicine that they claim helps them and is theoretically legal in this state, becomes a negative health factor.

“The thing that scares me the most is the Supreme Court decision on Section 8 [public] housing,” said Shawn Casey O’Brien, a former Democratic candidate for secretary of state, radio talk show host and a political activist for the disabled community. O’Brien uses medical marijuana to help treat symptoms of cerebral palsy and is outspoken on the subject. “Now we have guilt by association, you don’t have to have any intent or knowledge. If you’re a disabled person who uses medical marijuana you can lose your housing. It shows you the Supreme Court, as far as I’m concerned, is nuts. You even have a 76-year-old grandmother thrown out of her home because a teenage grandson smoked a joint in a parking lot down the street.

“Now I see the commercials that say I supported terrorism because I smoked a joint,” O’Brien continued. “Here’s a really bad thing though—when you lie to your children about marijuana you undermine all your credibility with your child for the rest of your life. He goes out, smokes a joint and thinks, ‘Mom lied to me.’ Your credibility on drugs, sex, AIDS is gone. You’d better talk to your kids honestly. I’m very careful now. I don’t want to undermine my credibility. If they really end up having a drug problem you want to be the first one they run to.”

O’Brien said he has not gotten a doctor’s recommendation and that it can be difficult

to find a doctor willing to write one due to the threat of losing their license to prescribe medications. Once, he said, he used to buy marijuana for a member of the clergy who ministered to people with AIDS. He said most disabled people are poor, and a war on medical marijuana is ultimately a war on poor people.

“It’s a way to keep brutalizing poor people and to support the prison industrial complex,” O’Brien said. “I hope people will stand up and say enough is enough. I believe someday I’ll be able to grow my own little plant, smoke it, and not be considered a criminal. Democracies always destroy themselves from within. With this Supreme Court, we’re off to a raving good start.”

Dave Herrick, a Vietnam vet and a former 15-year veteran law enforcement officer with the San Bernardino Sheriff’s Department, said he believes the recent DEA raids are just the beginning. Herrick uses medical marijuana for spinal injuries he received while on the job as a deputy. He also operated a medical marijuana cooperative in Orange County for a time.

“They’re going to try to wipe out all the states that have enacted it [legalized medical marijuana],” Herrick said. He is adamant about the comparable low danger of marijuana use to the public.

“I had the pleasure of serving the citizens of San Bernardino County for 15 years and I never once took a call for an overdose on marijuana. You can’t overdose—you fall asleep. I never went to any domestic violence call where marijuana was the primary drug. I have never been to a traffic accident where the primary reason for the accident was linked to marijuana use. No, most potheads get so paranoid they want to maintain an aura of being perfectly normal. They’re driving too good, following the law too perfectly. The DEA asked me why in my career had I only written two tickets for the possession of marijuana. Those two weren’t potheads, they were assholes, speed freaks with pot on them.

“Law enforcement is the only job in the world where a high school dropout can make \$75,000 a year with overtime,” Herrick said, noting problems exist for police in being forced to individually interpret Proposition 215 without guidance from the government. “Their issue is, ‘Give me a freakin’ law I can work with.’ Don’t ever give police an opportunity to make a judgment on their own—they’ll fuck it up. Keep it simple stupid. Remember, the police are a paramili-

tary group, they mostly hire former military. You've got a group here that doesn't understand gray areas."

Herrick also experienced the other side of law enforcement—as a convicted felon, who later had his conviction overturned.

"I did 29 months of a four-year sentence for aiding and abetting—providing three-quarters of an ounce of marijuana over a period of six to eight weeks—to a 73-year-old terminally ill cancer patient," Herrick noted of his marijuana conviction. "He died between my preliminary and pretrial hearings. They brought him in from a hospice 100 miles in an ambulance, for him to testify against me. He wouldn't, he pled the Fifth. This guy is dying and they're bringing him to court. That's how bad they wanted to put me in jail. Even the DA just was sitting there shaking his head."

Herrick began using marijuana for pain relief for his herniated vertebrae that leave him in pain "no matter where I move or how I sit."

"I took morphine drips, I was addicted to Vicodin, took Percodan," Herrick said. "Vicodin can make you hallucinate. I almost walked off my second story balcony with my daughter in my arms. But there was no balcony, just a window. I never have that problem with pot. Never once have I had a bad reaction."

Herrick, who also helps an attorney who specializes in medical marijuana cases, termed the DEA raids as "their last great act of defiance."

"They're losing in court, we're getting these cases overturned—not by us shuffling our feet and coming up with some off-the-wall bullshit—we're challenging them."

Accounts of turning to medical marijuana after coping with the side effects of narcotic drugs, including addiction, are numerous. They come from a spectrum of people ranging from those who grew up smoking marijuana in their youth, to those who had never had the intention of ever using it.

One of the latter is Jay Cavanaugh, a molecular biologist and biochemist, as well as a 10-year member of the California State Board of Pharmacy, appointed by the governor at the time. Cavanaugh also participated in several drug abuse treatment and prevention programs in various capacities. He is a father and an evangelical Christian.

"I got involved in a way many of us tragically get involved—I was diagnosed as being terminally ill," Cavanaugh said. "I'm 5-

foot 8-inches tall and I was down to 120 pounds, I was on my way out. I hadn't smoked any marijuana since college 30 years before. You're not talking with someone who was a social marijuana smoker.

"When I was that ill," Cavanaugh continued, "I heard about medical marijuana. I was skeptical as hell. I couldn't leave the house or anything. But I could get on the Internet and educate myself. When 215 passed, I thought it would be worth a try. I got a recommendation from a doctor who reviewed 300-400 pages of my medical records. Then I wondered, where do you get cannabis? I had no idea. I couldn't go out, I was homebound at that time, I was too weak. So my 79-year-old mother found me some at her bridge club."

The marijuana helped him, and the more involved with learning about it, the more radicalized he became because of what he has seen, Cavanaugh said. Now, the Ph.D. educated scientist is president of The American Alliance for Medical Cannabis.

"I'd normally be called a right-wing, Christian family, suburban father," he said. "But when you've met other people in the same boat—not just ignored, but ridiculed by the government—that's enough to piss you off.

"My blood is up—our organization is filing a new petition with the DEA seeking rescheduling of marijuana to Schedule 3, based on the government's own studies."

Cavanaugh said it is wrong that federal court does not allow using medical marijuana—though legal under state law—to be introduced as evidence or a defense under federal law.

"It's not even admissible," Cavanaugh said. "And not even counting what CPS (Child Protective Services) is going to do to your kids, or the housing people who would throw you out of public housing, you can lose your student loans and have your property confiscated—all of which happens. They don't just kill you, they eat you."

Even the government's tests of the possible medical uses of marijuana may be doomed to failure, Cavanaugh said. Federally legal cannabis is only grown at one location, he said, and is not the same as marijuana available on the black market or through medical marijuana facilities.

"Some of us actually think they're setting us up to fail by limiting us to government cannabis with 3 to 4 percent active THC (the active ingredient in marijuana)," Cavanaugh said. "The medical cannabis that

is widely used is 15 to 20 percent THC, five times the potency. This means people smoke five times less. By using a deliberately adulterated drug in the clinical trials, what do they expect to prove?

"I'm an ex-drug warrior myself," Cavanaugh added. "I've spent most of my life treating drug addicts. I am no fan of people abusing drugs. It's a real tragedy. But that has got nothing to do with cannabis, medical or otherwise."

Government arguments that medical marijuana patients can use the synthetic pill form — Marinol — are only partially right, Cavanaugh said. It works for some, but isn't effective for others, and taking a pill to quell nausea, one of the frequent uses of medical marijuana, isn't a workable solution.

But, Cavanaugh asked, even if more effective forms of Marinol are developed, why pay for over-priced prescriptions if you could grow your own medicine?

"The patients are really out there — not just the 1,000 Scott [Imler] had at the LACRC, but with seven million people in the greater L.A. area, conservatively there is 250,000 people who would achieve a major benefit from medical marijuana. We've never even scratched the surface. With 10 percent of the population chronically or terminally ill, to say one out of three might benefit, that's pretty conservative."

Blowing smoke

Medical marijuana users and those who provide cannabis to patients with cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or other illnesses which are treatable with marijuana (the list of conditions comes from Proposition 215), claim the relevance of marijuana in treating their conditions, and some say it has saved their lives. Many cite an increase of acceptance of medical marijuana, and marijuana in general, in Europe, as well as the establishment of a medical marijuana program in Canada, as signs that the scientific approach toward the medical applications of cannabis is changing.

But while some attitudes may be changing and anecdotal evidence for its use abounds, are the law enforcement communities, especially the DEA, open to a change in perspective on the use of medical marijuana?

"The whole edifice of federal marijuana law now is such an elaborate Rube Goldberg contraption of injustice it basically defies any common sense," Gieringer said.

“There’s only one thing stopping medical marijuana in my opinion and that’s the law enforcement establishment. Marijuana laws are a crime creation program, an employment program for drug cops, the drug bureaucracy, police, the DEA, state agencies and the prison guards. Our polls show a high level of public support for medical marijuana, on a national level it’s 70 percent or higher. And the politicians are still scared off. They’re using all the federal resources to defend a bankrupt system rather than reform it, which is totally inevitable. This is the concession of ultimate bankruptcy, this is the Armageddon on the medical marijuana issue, and quite possibly on the marijuana issue in its entirety. They’re not going to win this, they’re not going to suppress medical marijuana. The more they fight it the more likely this will end in full legalization.”

Alan Bock, author of “Waiting to Inhale,” a book that covers the implementation of Proposition 215, said the DEA’s raids so far in California have not seemed to be a concerted effort on the government’s part to end medical marijuana.

“They’ve been pretty cautious it seems to me,” Bock said. “I talked with Ed [Rosenthal] a couple of days ago and he said, ‘This is fun. We’re going to kick their butts.’ He’s not intimidated, he’s approaching this as just another challenge.”

Even if the federal government continues to prosecute medical marijuana users while denying its use as a defense in court, Bock said that strategy will only work for a while.

“Eventually, there will be a movement to tell the juries and they may vote to acquit,” Bock said.

Bruce Mirken, the director of communications for the Marijuana Policy Project in Washington, D.C., said it is important to remember that 99 percent of marijuana prosecutions occur at the state and local level, under state law, and medical marijuana laws protect users 99 percent of the time. As for the DEA’s motivations for the recent raids in California, Mirken is unsure.

“What the DEA is doing, I wish I knew,” Mirken said. “We’ve made some attempts to get some coherent answers from the DEA Administrator Asa Hutchinson. He was at a recent appearance in Rockville, Maryland

where some people [who use medical marijuana] asked him directly, very courageously, if they should be arrested and go to jail. He absolutely would not give a straight answer.”

Hutchinson’s responses to direct questions regarding medical marijuana reportedly deny DEA targeting of individual patients. Mirken, who was at the Rockville appearance of Hutchinson, said: “He said the DEA is not in the habit of going after individual patients, but he would not say that he thought people should be arrested and wouldn’t absolutely declare they wouldn’t be,” Mirken said. “He made it sound like he wasn’t going after patients, but said nothing so concrete as to be called a liar if they [the DEA] should.”

“I can certainly imagine that it [the DEA’s actions and position] can’t help but make people nervous, fearful and stressed. The last thing you need [as a medical marijuana patient] is the stress of wondering whether federal agents will come knocking on your door to haul you off to jail for using something to help your chemotherapy.

“There are multiple levels of absurdity involved here, Mirken added. “Doctors are allowed to prescribe morphine, methamphetamines and cocaine, and they’re saying effectively under federal law that marijuana is classed as being more dangerous than those drugs. That’s just nuts. There’s no polite way to put it. That they don’t allow people to use it even with a doctor’s recommendation truly boggles the mind. Marijuana has 670 active cannabinoids which may contribute to its effect. Maybe nature put them there for a reason. Marinol doesn’t have all of those. It’s not shocking to hear Marinol doesn’t work for some.

“The reason to oppose marijuana has been the message legalizing it sends to young people, but we have data from California on teenage drug use through 2000,” Mirken said. “Teenage use of marijuana went up through the early 1990s to 1996 — the year Proposition 215 passed — and then it went down. The DEA’s message is they are willing to let people who are seriously ill suffer to prop up a failed policy and that we think you young people are so stupid that we’re going to let people with AIDS, cancer and other diseases go through unspeakable agony because we don’t think you are bright enough to tell the difference between

medicine and a toy.”

Lance Williams of the Los Angeles Division of the DEA said all medical marijuana questions are handled at the national level.

“Basically what we’re saying at this point is that marijuana is a Schedule I drug, it is illegal, and it has not been proved to be medically efficacious by the scientific community,” said Rogene Waite, a spokesperson at DEA headquarters. “There is not a body of medical evidence that has convinced people at the federal level that it should be a legal scheduled drug.”

Asked if the DEA planned to continue raids on medical marijuana operations in California, Waite answered: “We wouldn’t put out anything about our plans. That’s not the way law enforcement works. The DEA stands behind its actions and those actions are going to be what you’re going to be able to base your opinions on.”

Meanwhile, Massachusetts Congressman Barney Frank continues to gather support for his legislation that would repeal federal restrictions preventing states from allowing the medical use of marijuana. A dozen states either have passed or are in the process of considering medical marijuana laws. Frank’s legislation would reclassify marijuana from a Schedule I to Schedule II drug to allow physicians to prescribe it in states where law permits. But the process of getting the legislation passed with a Republican majority in the House of Representatives has been difficult.

“I’m very frustrated by the hypocrisy of so many of my colleagues,” Frank said. “They talk about states’ rights until they don’t agree with it [medical marijuana]. They talk about the popular will, listening to the will of the people, except when they don’t like it.

“The notion the federal government won’t allow medical marijuana when it allows much more mind-altering drugs than marijuana proves this is an element of a cultural war,” Frank said. “It has very little to do with medical law. Ashcroft is supposed to fight terrorism and he finds the time to fight people suffering pain.”

Outside the closed doors of the LACRC a sign commemorates the day the DEA closed the center. It asks one question: “Why is America wounding its own?” ■

Closer to Home

By Steve Brown

The latest war on medical marijuana isn't just affecting those suffering from cancer, AIDS and other diseases and conditions elsewhere. The Coachella Valley has its share of those who turn to marijuana for relief.

"I personally know 40 to 50 medical marijuana users here and that's not even the tip of the iceberg," said Lanny Swerdlow, who runs MAPP, the Marijuana Anti-Prohibition Project of Palm Springs and the Coachella Valley. "I know people who used to go into Los Angeles when they had the club going. Now they are having to deal on the black market with criminals."

Swerdlow said local medical marijuana patients are not happy with the DEA's recent raids and other law enforcement actions against other patients and suppliers of marijuana to cancer and AIDS patients.

"They're scared," he said. "One was interested in starting a buyer's cooperative here, but she dropped out. She was scared the government would take her children away. That's one reason I don't know very many of them [medical marijuana patients], they're afraid to be in public about it."

Fear doesn't just limit itself to users of medical marijuana here, Swerdlow said. It impacts doctors as well.

"The doctors I've talked with say it has medicinal value, but no, they won't recommend it," Swerdlow said. "It's not worth the risk. The DEA can take away their ability to prescribe drugs. Western medicine is 80 percent based on drugs so that would put them out of business."

Even the American Medical Association testified in the 1930s that marijuana, the second most prescribed drug in the country at the time, according to Swerdlow, should not be banned because of its medical uses.

Don David Young, a local artist who is also HIV positive, uses medical marijuana as part of his mostly natural regimen to maintain his health. In addition to coping with HIV, he also broke his back in a car accident 13 years ago.

"I've been HIV positive for 18 years," Young said. "Part of that time I was on totally alternative medicine. I didn't take any HIV meds and used only herbs and homeopathics. Marijuana was one of those things I used."

"When I moved back to the desert over a year ago, the stress from the move sent me for a loop," he added. "I had to go back on meds, it made me very sick. I was bedridden for four months, feeling like I was going to puke constantly. You don't feel like eating, you lose weight, it's a downhill spiral. The marijuana is good for appetite, nausea, and it's an anti-depressant. Depression is a side effect of having a terminal illness. Marijuana is good for that."

Young said he refrains from using marijuana while working at his faux painting business and dealing with his customers, though on busy days that can mean he also doesn't eat until later either.

"My being an artist lets me kind of get away with it easier than someone else," Young said. "I don't go to work stoned. But a lot of guys can't take it. With drug testing they'll lose their job. It's not an option for them."

Young said he never came up with the \$250 he said was necessary to obtain an official recommendation from a doctor in Palm Desert. Instead he procures the marijuana he needs from a network of acquaintances.

After talking with Swerdlow, Young painted "The Martyrdom of Peter McWilliams," showing an emaciated McWilliams with the wings of an angel being held by police among his garden of marijuana plants.

"The wings signify his innocence and his transition into the next world," Young said. "He's standing in his little crop of pot plants he was growing for his medical use."

"Peter was an AIDS patient," Young explained. "He was growing his own medical marijuana, for his own use, and was busted. They had to put his parent's house up for collateral for him to get out of jail. If he violated the terms of his probation and

ever smoked again, his parents would lose their house. He decided not to smoke again and choked to death on his own vomit because the meds make you nauseous."

"That's one of the reasons I use it," Young added.

Another medical marijuana user suffering chronic pain from several conditions for nearly three decades, who wanted to remain anonymous for fear of legal complications, said she obtained her first recommendation about four years ago.

"I felt so free," she said. "It was the first time in 20 years or so I had been able to smoke it and have a reason for it. Because, if they attacked me, the cops, I could say, 'Look, I have a reason to smoke. This is for my health.' I know this drug has kept me alive for 25 years."

This medical marijuana user had applied for acceptance at the LACRC medical marijuana center just weeks prior to the DEA raid there.

"The feds already have my name and a couple of friends of mine," she said. "That sort of makes me angry, it was an invasion of privacy."

"A lot of people are out of medicine right now and prior to the raid they would buy from the clinics," she continued. "Now they have to buy off the street again. It makes me feel real angry. If they'd legalize it I know the price would go down. By making it illegal they're jacking up the price for us."

"In Riverside County the District Attorney has said he's not going to recognize Proposition 215 and we're all going to be under arrest. Everyone's waiting to see what the feds are going to do."

Trying to survive on Social Security Disability payments is difficult for those paying hundreds of dollars for any medication, she said. Prices for one ounce of marijuana have ranged from \$325 to \$500, she said, even through co-ops.

"I wish I could go to Rite Aid and buy an ounce," she said.

That's not likely to happen anytime soon.

Though repeated calls to the Riverside County Sheriff's Department for comment on medical marijuana policy were not returned over a period of days, Swerdlow said he has had some communication with the department and it was not encouraging.

"They consider it to be a defense in court," Swerdlow said. "They will still arrest people. They don't see it [Proposition 215] as something that prevents them from arresting people. They don't like the law and it

can be interpreted by every cop in the state in whatever way they want."

Swerdlow said responses to his inquiries about medical marijuana policy here have seemed threatening.

"They talk about referring doctors to the DEA, that they'll investigate and where appropriate they'll turn them over to the DEA," Swerdlow said. "They were absolutely threatening. They say they will look at each case individually and will not issue

guidelines to police on how to determine who is a medical marijuana user or not. They really don't want to talk about this."

MAPP is hosting a seminar on Marijuana law reform on the local level with guest Bonnie Flickinger, a city councilmember and past mayor of Moreno Valley.

The seminar will be 4 p.m., Sunday, April 7 at the Cathedral City Library on Date Palm Drive. For information call (760) 799-2055.



Thirty years ago— Nixon on Marijuana

By Steve Brown

Just over thirty years ago, on March 22, 1972, during the administration of President Richard Nixon, a presidentially-appointed group, the National Commission on Marihuana and Drug Abuse, commonly known as the Shafer Commission (after its chairman, Raymond Shafer, a Republican former governor of Pennsylvania), released its report and recommendations. The commission called for decriminalization of marijuana.

Tapes of Nixon's Oval Office discussions concerning the commission during that time reveal a presidential psyche convoluted to the point of making the Fabulous Furry Freak Brothers seem great rational thinkers.

The recently declassified tapes, from 1971 through 1972, show the president's determination to create an "all-out war" on marijuana, no matter what findings the commission he appointed, made.

To see how political views on marijuana use may, or may not have changed over time, read on-into the brain of Richard Nixon.

May 13, 1971:Dope? Do you think the Russians allow dope? Hell no. Not if they can allow, not if they can catch it, they send them up. You see, homosexuality, dope, immorality in general: These are the enemies of strong societies. That's why the Communists and the left-wingers are pushing the stuff, they're trying to destroy us."

"I know all the arguments about, well, marijuana is no worse than whiskey, or etc., etc., etc. But the point is, once you cross that line, from the straight society to the drug society-marijuana, then speed, then it's LSD, then it's heroin, etc., then you're done."

May 26, 1971:Now, this is one thing I want. I want a Goddamn strong statement on marijuana. Can I get that out of this sonofabitching, uh, Domestic Council?

"I mean one on marijuana that just tears the ass out of them...You know it's a funny

thing, every one of the bastards that are out for legalizing marijuana is Jewish. What the Christ is the matter with the Jews, Bob [H.R. "Bob" Haldeman], what is the matter with them? I suppose it's because most of them are psychiatrists, you know., there's so many, all the greatest psychiatrists are Jewish. By God we are going to hit the marijuana thing, and I want to hit it right square in the puss, I want to find a way of putting more on that."

September 9, 1971:It's now becoming a white problem."

"I have a strong firm convictions which I have expressed and which I won't change, about the, about the, the, the situation [unintelligible] about marijuana, in, in two areas. One, about its legalne-, about legalizing which some would do. Second however, now on the other hand, my, my attitude toward penalties on marijuana, is uh, very powerful. I talked with District Attorney on [unintelligible] and all the rest, and to take somebody that's smoked some of this stuff, put him into a jail with a bunch of hardened criminals, is [silly?], that's absurd...There must be different ways than jail."

"On the marijuana thing, I have very strong feelings that that's, uh the, best final, uh, analysis, that once you start down that road, uh, the chances of going further down that road are greater."

"It doesn't make a damn bit of difference what we say about drugs, if people want them, they think it's all proper, they're going to use them, they're going to find ways to get it."

(To Shafer)

"You're enough of a pro to know that for you to come out with something that would run counter to what the Congress feels and what the country feels and what we're planning to do, would make your Com-

mission just look bad as hell."

"I come down very hardly on the side of putting in, uh, hard-headed doctors, rather than a bunch of muddle-headed psychiatrists...They're all muddle-headed. You know what I mean?"

"They get so that their hearts run their brains, and it should be the other way around, most of the time."

May 18, 1971:A person does not drink to get drunk... A person drinks to have fun."

"Well, you know I suppose they could say that, alcoholics don't think straight too, can't they?"

"At least with liquor, I don't lose motivation."

"These, uh, more radical demonstrators that were here the last, oh, two weeks ago. [unintelligible] They're all on drugs."

A March 24, 1972 press conference after the Shafer Commission report was released.

A question from a reporter: "Mr. President, uh, do you have a comment sir on the, uh, recommendation of your commission on drugs that the use of marijuana in the home be, uh, no longer, uh, considered a crime?"

"Um, I met with Mr. Shafer, uh, I've read the report, uh, eh, it is a report that deserves consideration and will receive it. However, as to one aspect of the report I am in disagreement. I was before I read it and reading it did not change my mind. Uh, I, uh, oppose the legalization of marijuana, and that includes the sale, its possession, and its use. I do not believe you can have effective criminal justice, uh, based on the philosophy, uh, that something is half legal and half illegal. That is my position, despite what the commission has recommended."