

# The Dis- Implementation of Prop 215

By Pat McCartney and Martin A. Lee

Ten years after the Compassionate Use Act was passed by the voters, state and local officials are still collaborating with federal law enforcement to undermine California's medical marijuana provision.

On the morning of January 13, 2004, Tehama County prosecutor Lynn Strom unexpectedly announced that the state of California was dropping charges against Cynthia Blake and David Davidson for possessing and growing cannabis with the intent to distribute. While the two medical marijuana patients waited in the courtroom, Strom and the defense attorneys disappeared inside the judge's chambers to discuss the motion to dismiss. Moments later, more than a dozen sheriff's deputies pounced on the hapless couple, handcuffed them, and shoved them into an unmarked police car waiting outside the Corning courthouse. They were already en route to jail in Sacramento when Strom informed their lawyers that the state was bowing out because the Feds were taking over the case.

It was a devastating blow for Blake, a retired Federal Reserve employee, and her life-partner, Davidson, a retail shop owner. Both in their early fifties, they were booked on federal drug charges and transferred to the jurisdiction of the Eastern District office of US Attorney McGregor Scott. If convicted, they each faced a mandatory minimum of ten years

to life in prison for exercising a right they thought they had gained with the 1996 passage of Proposition 215, the California ballot measure that legalized pot for medical purposes.

Both had a physician's recommendation to ease their ailments with cannabis, and neither had a criminal history. They had been tending three dozen pot plants in a remote garden, which they shared with other patients; their attorneys insist that no money had exchanged hands for the herb. But none of this would matter in federal court, which treated all marijuana as equally illicit, making no exceptions even for the seriously ill.

The well-coordinated Blake-Davidson hand-off was not the first time local authorities in California had turned over a medical marijuana case to federal authorities. But it is perhaps the most dramatic example of ongoing, secret collusion between various levels of government to prevent the implementation of the Compassionate Use Act, as Proposition 215 was called on the ballot.

For the past 10 years, state and local officials sworn to uphold the state ballot measure have instead proven to be willing —sometimes eager— accomplices



San Francisco District Attorney Terence Hallinan outside the Sacramento hotel where California DAs, police chiefs, and sheriffs had been summoned to an "Emergency All Zones Meeting" Dec. 3, 1996. Attorney General Dan Lungren laid out his "narrow interpretation" of California's new medical marijuana law: keep arresting and prosecuting people for cultivation and possession, and let the courts decide if a "medical use" defense applied. Hallinan urged his law-enforcement colleagues to defer to state and county health departments in applying the new law.

in a concerted U.S. attack on a state law. On its tenth birthday, the landmark California law remains under siege.

Within days after Prop 215 was enacted in the fall of 1996, top California law enforcement officials secretly huddled with America's drug war high command in Washington, DC, where they plotted to sabotage a voter initiative they were unable to defeat at the ballot box.

Tod Mikuriya, MD, contends that such involvement by government employees in partisan politics is a violation of a federal law known as the Hatch Act. "The dictionary doesn't define 'partisan politics' in terms of Democratic vs. Republican contests," says Mikuriya. "It's outrageous that taxpayer money is funding political campaigns telling us to vote

the way the government wants us to vote."

On Dec. 3 in Sacramento, 300 district attorneys, police chiefs, sheriffs, and narcotics officers attended an "Emergency All Zones Meeting," at which they were advised, basically, to continue arresting and prosecuting as before. Attorney General Dan Lungren and his deputies maintained that the new law did not shield marijuana suspects from arrest but merely provided them an "affirmative defense" to invoke at a trial. (The "Yes-on-215" ballot arguments written by Bill Zimmerman had pitched it as merely providing an affirmative defense. Not surprisingly, Zimmerman told the L.A. Times he felt closer to Lungren's view of the law than to Peron's.)

Under Lungren's "narrow interpretation," local narcotics officers could exercise unilateral power in deciding if med-pot growers had more plants than they, the officers, believed justified by their medical condition.

Enforcement of the Compassionate Use Act varied dramatically across California's 58 counties. Where ballot support was strongest, especially in the San Francisco Bay Area, patients could obtain locally issued ID cards and purchase their medicine from storefront dispensaries that had begun opening even before Prop 215 passed. But beyond an hour or so drive from San Francisco, in the Other California —Red-State California, as it were— local police and prosecutors conducted a reign of terror against patients and caregivers that continued unchecked by sympathetic jury pools and went unnoticed by the state's metropolitan press corps.

Operating with federal anti-marijuana grants that increased by 50% in the first

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## A Stall in the Name of Science

Some in the medical establishment were embarrassed by the Dec. 30, 1996 press conference at which top federal officials dismissed as "Cheech and Chong medicine" a therapeutic agent they knew to be effective and safe. An editorial in the *New England Journal of Medicine* —"Federal Foolishness and Marijuana," by Jerome Kassirer, MD, the editor-in-chief— called the federal policy "misguided," "hypocritical," "out of step with the public," and "inhumane... the absolute power of bureaucrats whose decisions are based more on reflexive ideology and political correctness than on compassion."

On the very day the *NEJM* editorial ran, Harold Varmus, director of the National Institutes of Health, called 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," said Varmus, calling instead for "a way to listen to experts on these topics."

There followed a conference in February, organized by Alan Leshner of the National Institute of Drug Abuse, at which various experts decreed that there was no proof that marijuana was safe and effective medicine in treating pain, neurological and movement disorders, etc., and called for "more and better studies."

McCaffrey changed his line and announced a \$1.5 million allocation for a study by the Institute of Medicine (IOM) on the medical potential (and dangers) of marijuana. Somebody evidently had explained to him that the NIH, NIDA, the DEA, and the FDA could be counted



Constance Pechura, Stanley J. Watson, and John A. Benson visiting the San Francisco Cannabis Buyers Club.

on to run a four-cornered stall that would justify the prohibition for years to come.

The IOM study was conducted by two male MD "investigators" — Stanley J. Watson, a research psychiatrist from the University of Michigan and John A. Benson, a professor emeritus from Oregon Health Sciences University—and three female "staff." In December '97, the IOM team visited Bay Area cannabis buyers clubs. They came the day after an appellate court had ruled that Dennis Peron's club was illegal. The headlines carried Lungren's vow to close down all the clubs. (See story on following page.)

It so happened that Watson *et al* arrived at the Market St. club while a memorial service was being held. They went to get some lunch while on the fourth floor Dennis Peron sat alone in the last row, head bowed as friends, coworkers, and family members recalled Ken M., a person with AIDS who had worked at the club for four years. "The friendliest guy... we always used to talk baseball... He was one of the best war-

rriors for medicinal marijuana... When we marched on the DEA, it was Ken who made up those wonderful chants..."

When he finally spoke with the IOM team in his office, Dennis explained that his head was someplace else; his right to operate, confirmed by the people of California, had just been taken away by three judges. He'd glanced at their questionnaire, he said, but it was buried under a pile of paper on his desk.

Somebody came into the office with Ken's ashes under his arm, said goodbye, and exited. Dennis turned back to the IOM team with a generalization: "People's responses to marijuana are like an inverted U. On one end of the U there are people who should never do marijuana. They take a puff of it, they get red, they cough, they get paranoid, they feel like death is imminent. And on the other end of that U is somebody in a wheelchair or they're in constant pain, they should never be without it. In between is everybody else.

"This is a club of last resort for some people," he went on. "How I run it is, I try to think of it as a country club for poor people who have never really had much in their life. And now that they are physically challenged, they even have less. Most of them are living on SSI in tiny one-room hotels downtown where everything's crazy and the bathroom's down the hall and there's screaming people down the hall. When they come here it's like a sanctuary for them. There's comfortable couches, there's places to sit at tables and talk. You'll see

*"Marijuana is part of it, but the biggest part of healing is not being alone."* —Dennis Peron

combinations you never see outside except on a bus: a black person with a white person with a brown person with a gay person, all at the same table, all sharing a part of their life. I like to think of this as a giant group therapy! And no matter what you got, this is therapy for it. And marijuana is part of it, but the biggest part of healing is not being alone. They always find that people who are alone die faster."

Dennis told the doctors, frankly but diplomatically, that he was skeptical about their mission. "You know, the medical potential of marijuana has been studied to death. The Schafer commis-

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*"Prop. 215 might fly in San Francisco, but not here," said a Placer County deputy.*

five years after passage of Prop 215, a dozen regional task forces worked with DEA and IRS partners to target marijuana growers regardless of medical use. "Prop. 215 might fly in San Francisco, but not here," a Placer County deputy told the target of a 1998 arrest and prosecution.

Nowhere did local authorities repress medical users more than in the Eastern District, the sprawling federal court district spanning California's San Joaquin and Sacramento valleys and the Sierra Nevada, where Blake and Davidson faced charges.

Drug War strategists had pegged physicians as the weakest link in the medicinal cannabis supply chain. Gen. Barry McCaffrey, Clinton's drug czar, took aim at the doctors first, threatening to revoke the licenses of those who approved cannabis use by patients. A group of physicians and patients, with help from the ACLU and the Drug Policy Alliance, promptly sued the U.S. government on free speech and privacy grounds. The suit, called *Conant v. McCaffrey*, resulted in a federal injunction issued on First Amendment grounds upholding the doctors' right to discuss cannabis as a treatment option.

So the feds passed the baton to the California Attorney General's office, via its agents in the state medical board's enforcement division, to crack down on physicians specializing in cannabis consultations. Despite specific language in Proposition 215 exempting doctors from retaliation by state officials, the Medical Board launched legal proceedings against several physicians based on evidence gathered by local undercover narcs who feigned symptoms to obtain a medical recommendation.

Unable to gag the doctors, the Clinton administration paid for anti-marijuana advertising and filed federal civil actions against a half dozen cannabis dispensaries in Northern California. It was the opening salvo of a seesaw legal battle, which culminated in a unanimous U.S. Supreme Court decision against the Oakland Cannabis Buyer's Cooperative (OCBC) in April 2001. As a result, some of the six clubs stopped selling medical marijuana, but others remained in business in open defiance of federal law.

The OCBC ruling gave the Bush administration its first chance to escalate the federal assault on California's fledgling medical marijuana infrastructure. Assisted by local narcotics units, the Ashcroft Justice Department went after dispensaries, medicinal grow-ops and high-profile activists up and down the state.

Federal agents may have overreached when they raided the Santa Cruz cannabis hospice led by Valerie and Mike Corral. Elderly disabled patients were handcuffed to their beds, while men in paramilitary gear tore apart their gardens and living quarters. Local officials rallied behind the patient collective, defiantly distributing marijuana on the steps of City Hall the day after the heavy-handed bust in September 2002. This was followed by another public-relations fiasco a few months later, when Americans for Safe Access, a newly formed grassroots organization, convinced Bay Area jurors to denounce their own guilty verdict in the federal trial of pot cultivation expert Ed Rosenthal, who ended up



**Cynthia Blake and David Davidson (with attorneys Omar Figueroa and Tony Serra) had physicians' approval to use and grow cannabis but were arrested in Tehama County. Cultivation charges were filed by the District Attorney. As Blake and Davidson were preparing to defend themselves in Superior Court, their prosecution was taken over by the U.S. Attorney's Office.**

with a one-day sentence.

Suddenly, it seemed like the government's bare-knuckled crusade against medicinal cannabis was foundering. Optimism increased among California med-pot activists, who were buoyed by several federal and state court rulings in 2003. In December, the Ninth Circuit U.S. Appeals Court ruled in favor of Angel Raich and Diane Monson, two California women who had sued the Justice Department for the right to use medicinal marijuana.

But just as the momentum appeared to shift in favor of the med-pot cause, the federal government launched a concerted rollback effort. Leading the rollback has been McGregor Scott, who was appointed by President George W. Bush to head the U.S. Eastern District, one of four federal jurisdictions in California, in March 2003.

Scott was known to medical marijuana activists as the overzealous Shasta County DA who prosecuted Rick Levin, a disabled contractor who had been cultivating for personal medical use. (Levin prevailed.) But Scott's elevation to U.S. attorney was welcomed by California law enforcement officials. "It's going to be nice to have a U.S. attorney who has a local perspective," said Sacramento District Attorney Jan Scully.

Scott had been active in the California District Attorneys Association. A board member for three years, he also chaired the CDAA small counties committee. When he assumed his new office, Scott appointed the CDAA's veteran executive director, Lawrence Brown, as his chief assistant. Brown, who hired his successor at the CDAA, would become Scott's point man on medical marijuana.

Scott promptly met with the district attorneys of all 34 counties in the Eastern District to lay out the federal position on medical marijuana and other issues. He also sought to influence the state medical board. Joan Jerzak, the chief of the board's enforcement division acknowledged at an August 2003 meeting that she had conferred with Scott regarding medical marijuana, and that he wanted a closer working relationship. "A management group will probably be the interface," Jerzak said as she asked the board not to reformulate its policy on medical marijuana until the Supreme Court ruled in the *Raich* case.

**SB 420**

A key development was the October 2003 enactment by California lawmakers —after 11th hour concessions to the state Bureau of Narcotics Enforcement— of Senate Bill 420. SB 420 was written to "clarify" Prop 215 and protect patients from law enforcement's arrest-first policies. Sponsored by Sen. John Vasconcellos, the bill set a statewide minimum number of permissible plants and ordered counties to issue ID

cards to qualified patients to shield them from arrest. The new statute also created more protection for caregivers, allowing them reasonable compensation for their time and services, and gave groups of patients the right to grow and distribute as collectives or cooperatives.

Although the California District Attorneys Association made sure SB 420 prohibited anyone from making a profit, entrepreneurs opened more than 100 storefront dispensaries within a year, many in previously unthinkable locations. Medical cannabis users in many rural communities came out of the closet. They started new patient groups or allied with statewide groups, and spoke out on behalf of public access to cannabis at storefront dispensaries before city councils and boards of supervisors. Today, the number of medical-marijuana facilities in California exceeds 200.

*More than 100 California jurisdictions have proceeded to ban dispensaries, but another three dozen have expressly allowed and regulated the storefront distribution of medical marijuana.*

SB 420 set the stage for the current battle over the proliferation of patient-run dispensaries. For the first time, local elected officials in scores of cities and counties were forced to take a stand on the issue, as increasing numbers of activists applied for permits to open dispensaries and local law enforcement objected —or lobbied for preemptive moratoria and prohibitions. More than 100 California jurisdictions have proceeded to ban dispensaries, but another three dozen have expressly allowed and regulated the storefront distribution of medical marijuana.

SB 420 was the ultimate product of a task force created by Vasconcellos and Attorney General Bill Lockyer, a Democratic elected in 1998 to succeed the unpopular Lungren (who got only 39% running for Governor against Gray Davis). Although Lockyer said he had voted for Prop 215 —and would submit an amicus brief supporting Raich— he was unwilling to rein in hostile local officials. Responding to an August 2000 plea for uniform county standards by the North State Sheriffs Association ("...the law desperately needs clarification"), Lockyer declined to issue new plant and possession guidelines, washing his hands of how local jurisdictions should act.

California police and prosecutors opposed to medical marijuana turned away from the state's top lawyer for advice about medical marijuana to the state's private law enforcement associa-

tions. If ordered by a court to return pot to a defendant, "I have the counsel for the California Sheriff's Association telling me I'm committing a felony," remarked El Dorado Sheriff Jeff Neves at a meeting with patient advocates. In 2002, Yuba Sheriff Virginia Black had the California State Sheriffs Association ask other sheriffs to write letters to Ashcroft and DEA Administrator Asa Hutchinson asking them to "resolve" the conflict between state and federal law. ("I urge you to contact your local DEA office," Hutchinson replied.) The same year, the sheriffs association general counsel issued an alert following a California Supreme Court ruling overturning the conviction of Myron Mower, a 31-year-old blind diabetic arrested in his hospital room. "Does this mean that law enforcement should no longer arrest one in possession of marijuana if, for example, he or she has a note, letter, or prescription from a doctor?" Martin Mayer asked, before answering: "Absolutely not!"

At its 2005 Summer Conference, the California District Attorneys Association secretly issued a new opinion about SB 420 in a closed executive session. While the CDAA had inserted language in SB 420 prohibiting cooperatives from making a profit, now the CDAA told the state's district attorneys that no money could change hands when a cooperative distributed medicine to a patient.

If SB 420 had opened a Pandora's box of neighborhood marijuana dispensaries, the U.S. Supreme Court's June 2005 decision in *Gonzales v. Raich* gave federal authorities a powerful tool in their effort to close it. While the 6-3 decision against Angel Raich and Diane Monson —whose medical cannabis had been grown and consumed within California— did not overturn the law created by Prop 215, the justices reaffirmed the federal government's authority to enforce federal law.

On August 1 Scott sent a letter to all California's district attorneys, sheriffs and police chiefs interpreting the Supreme Court decision. Local law enforcement had asked the U.S. Attorney's office for "possible enforcement action against 'medical marijuana' dispensaries," Scott stated, before citing the CDAA summer conference opinion as proof that the dispensaries violate California as well as federal law. Scott encouraged local agencies to first consult with their own district attorney regard-

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**LOBBYIST JOHN LOVELL** represents the California Peace Officers' Association, the Police Chiefs, the Narcotics Officers, and the Chief Probation Officers. It was at his insistence that SB 420 created a statewide ID card system. (Lovell's civilian clients have included Donald Trump, the DuPont Corporation, and Ernest & Julio Gallo Wineries.)

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ing the potential for local prosecution. He also attached a copy of an article about SB 420 that ran in the *Prosecutor's Brief*, a quarterly CDA publication.

Days after the Raich ruling, Lockyer, issued a bulletin to the state's law-enforcement agencies, stating that the Supreme Court decision had not addressed the validity of the Compassionate Use Act. Two weeks later he sent another, spelling out that "officers may make an arrest for any federal offense," but suggested that California peace officers exercise discretion and decline to arrest patients and seize marijuana under federal law.

Scott's anti-cannabis campaign set the stage for increased cooperation by local prosecutors, who have transferred a number of difficult medical-marijuana cases to federal authorities, especially in the Eastern District. Armed with Scott's letter and the secret CDA opinion, law enforcement opposed the opening of new dispensaries and pushed city councils and county supervisors for moratorium ordinances. The California Police Chiefs Association lobbied officials with the League of California Cities, and on a few occasions DEA agents or a DEA counsel attended city council meetings at the invitation of local police.

Relocated to the foothills of El Dorado County, McGregor Scott took a personal interest in the public discussion of a marijuana dispensary ordinance in the gold-rush town of Placerville, the county seat. After watching public-access television coverage of a city council hearing, Scott phoned the town manager, John Driscoll, to commiserate. The U.S. attorney told him the advocates who spoke at the meeting were simply in it for the money, Driscoll reported to associates.

### The Situation in San Diego

In 2005 San Diego county supervisors refused to authorize the patient ID program mandated by SB 420, and filed suit to overturn the law. In December '05 county law enforcement joined DEA agents in a sweep of a dozen local dispensaries. In July '06 they closed the half dozen clubs that had dared to remain open.

Activists and patients hope the San Diego lawsuit (which has been joined by two other counties) and the subsequent raids will be the last gasp of an ultimately futile effort to subvert California's medical marijuana provision.

The state's medical marijuana users are heartened by the California appellate court's September 2005 decision that overturned the conviction of Michael Urziceanu, who had been arrested for operating a cannabis dispensary in Sacramento. The three-judge panel noted that the Medical Marijuana Program created by Senate Bill 420 "represents a dramatic change" for qualified patients and caregivers. "Its specific itemization of the marijuana sales law indicates it contemplates the formation and operation of medicinal marijuana cooperatives that would receive reimbursement for marijuana..."

Those remain fighting words to many local police officers and prosecutors with regards to medical marijuana. From the earliest days of the Compassionate Use Act, California law enforcement opposed any legal sale of marijuana, even nonprofit exchanges. As civil rights attorney Tony Serra remarked, "They've legalized milk, but outlawed the cow."

*Even today, the California Narcotics Officers Association website asserts "There is no justification for using marijuana as a medicine."*

Phil Urie, the assistant San Joaquin district attorney who wrote about SB 420 for the CDA's Prosecutor's Brief, dismissed the significance of the appellate court ruling. The "basic problem" as Urie sees it are the dispensaries that brazenly violate the law, and "a certain number of significant jurisdictions who have just simply turned a blind eye." Even today, the California Narcotics Officers Association, which trains the state's narcotics officers, features on its website a position paper asserting: "There is no justification for using marijuana as a medicine."

As the drug warriors wage their secret war against medical marijuana, the human toll continues to rise. Facing the prospects of a decade in federal prison, David Davidson left Cynthia Blake and is now a fugitive. She agreed to plead guilty to a single felony that carries a maximum sentence of 20 years in custody. Prosecutors offered leniency provided she testify against Davidson and reveal her erstwhile partner's whereabouts. In September she was sentenced to 18 months in federal custody.

## Dustin Costa Convicted, Faces 15 Years to Life



Dustin Costa and members of the Merced Patients Group.

On Nov. 22, 12 federal jurors from Fresno took about two hours to convict Dustin Costa of manufacture of marijuana, possession for distribution, and possession of a firearm ("in furtherance of drug-trafficking"). Given a prior marijuana conviction, the Modesto activist faces a mandatory minimum sentence of 15 years. Costa is planning an appeal to the Ninth Circuit Court.

Costa, who is diabetic, turned 59 and 60 while spending the past 16 months in the Fresno County jail awaiting trial.

Tom O'Connell, MD, who testified on his behalf, says the jurors knew that Costa was a medical cannabis user, but were instructed not to take that into account. Costa was originally charged by Merced County prosecutors and was planning to defend himself as growing for others under Prop 215. O'Connell says of the jury, "There were no hold-outs for basic fairness. That doesn't auger well for the pending federal prosecutions stacked up behind Costa's trial."

## Volcano Maker Opens Oakland Shop

With 60 percent of their customers in the U.S., Storz & Bickel, the German manufacturers of the popular Volcano vaporizer have opened a facility in Oakland to handle distribution and repairs.

Ever since the passage of Prop 215 in 1996, pro-cannabis doctors have emphasized to patients the health benefits of vaporization. Vaporizers take advantage of the fact that THC is released when the herb is heated to 185°—below the point of combustion, so that no tars and

example, separation would be possible.)

Bernd Huber, who directs Storz & Bickel's U.S. American operations, devotes 90% of his time to marketing—the Oakland shop is not deluged with repair jobs, thanks to the Volcano's sturdy, simple construction. The company gives a free three-year warranty. In all European Union countries consumers get two-year warranties, by law. Huber was surprised to realize that American consumers only get a 30-day warranty on



**Left: Bernd Huber points out the new Volcano air filter. Right: A UPS driver swings by Storz & Bickel's Oakland facility every day to pick up packages—repair jobs being returned to owners, new Volcanos going to retail outlets, accessories, and machines maintained under the company's lenient warranty.**



other toxins are released in the form of smoke. A lab analysis commissioned by California NORML confirmed that tars and other byproducts of smoked cannabis known to damage lung tissue are eliminated by vaporization. (The bronchial damage caused by smoked cannabis does not lead to increased incidence of lung cancer, but it may lead to coughs.)

Volcano buyers are almost without exception health-conscious cannabis users. Nevertheless, due to the constraints of Prohibition, vaporizing cannabis remains an "off label" use for the Volcano. Its manual lists the following plants as "suitable for vaporization:" eucalyptus, hops, chamomile, lavender, lemon balm, sage, and thyme.

William Courtney, MD, had hoped that the vaporization temperatures of CBD and THC would be different enough to allow them to be inhaled separately. But it turns out that they are quite close—CBD begins to vaporize at about 170°C, and THC at about 185°C. (If CBD started to vaporize at 130°C, for

most appliances and must pay for extended protection. "A lot of Japanese, Chinese and American companies don't want to defend their products," he says, "because they're not made to last more than a year."

Huber solicits orders from retail outlets and wholesalers, the biggest of which is the Oakland Cannabis Buyers Co-operative. An administrative assistant then sends the orders on to Storz & Bickel headquarters in Tutlingen, Germany. From there the units are shipped directly to the buyer. "We found that it's cheaper to ship from Germany than from here," says Huber.

### Slow Growth

Huber never speaks contemptuously of U.S. craftsmanship and business practices, but the subtext of his comments is quite critical. In explaining why there's only one basic model of the Volcano, he says, "We try to set up a good product and service system. It's a little bit different to the way things work over here. We try to slow everything down."

"People say to us, 'Guys, why aren't you bringing out this or that? Why aren't you growing faster?' We believe in slow growth. We try to first get the real product together. We get everything prepared for the market. We think about mistakes and we change them. It's about getting a better machine, not about getting five versions of the the same thing."



## In Name of Science from 21

**Add Modesto Misery:** As we were going to press a message arrived from a Modesto dispensary worker—"one of nine patient employees arrested by the DEA in raids conducted on California Healthcare Collective 9/27/06.

"I, too, will stand trial before Judge Ishii. My colleagues and I face a mandatory minimum of 20-to-life. We followed California law to the letter and even went beyond that, self-regulating ourselves to ensure we ran an effective legal cannabis dispensary. We paid taxes on time (\$93k in federal IRS quarterlies, 25k in state quarterlies, and approximately 50-60k per MONTH in sales tax) and followed all local ordinances. The city of Modesto led us to believe we were "ok" to operate and then called in the DEA to raid and arrest us. They claim we dispensed cannabis to undercover agents with false doctor recommendations. What happened is they had the verification phone number routed to po-

sition came back—you remember that one, 1972? Nixon appoints this commission. 'I want you to study it.' The commission comes back and says 'Legalize.' 'We can't do that!' So he totally disregarded the commission's voice.... The National Academy of Sciences, 1981-82 report, originally commissioned by Jimmy Carter..." The investigators nodded as if they'd just read it. "It was vague, it was ambiguous, but there was enough room to reschedule marijuana. Only by then Reagan was president and he threw the report in the garbage. Wouldn't even publish it for a while. Then there was the DEA study that they chose to ignore, Judge Francis Young, 1988... And now there'll be another study."

After a beat Dr. Benson smiled and said, "Help us," in an earnest, encouraging tone that implied, "the medical establishment is all ears." Dennis said he would show them around the club.

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