

Hemp News

Campaign for the Restoration & Regulation of Hemp

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Marijuana reprim passes Legislature

by Jon Zimmer and D. Paul Stanford
Hemp News Staff Writers

SALEM, Ore., June 14 — The Oregon Senate approved yesterday evening a bill that would re-criminalize the possession of small amounts of marijuana, just hours after the Joint Ways and Means Committee voted to recommend approval of the bill.

The Oregon Senate approved House Bill 3643 on a 20-to-9 vote. Eighteen Republicans and two Democrats voted in favor, eight Democrats and one Republican voted against the bill, and one senator was not voting.

**Up to 30 days in jail;
Drivers licenses suspended for six months**

House Bill 3643 would make possession of less than one ounce of marijuana a "Class C Misdemeanor" crime, punishable by 30 days in jail, a fine up to \$1,000, and a mandatory, automatic six-month suspension of the person's drivers license. The drivers license suspension is for all circumstances, even if the person convicted was riding a bicycle or walking or standing at the time of arrest.

A person may avoid the drivers license suspension for a first offense by admitting to marijuana possession and entering and completing a "diversion agreement" with a drug treatment program, but only before conviction. Unlike other diversion programs, persons choosing a trial who are convicted automatically lose their license for six months; the diversion program is not available after conviction.

Currently in Oregon possession of less than one ounce of marijuana is a "violation" and the penalty is a fine of \$500 to \$1,000.

Oregon was the first state to decriminalize possession of less than one ounce of marijuana in 1973 and make it violation. Originally the maximum fine was \$100, but the

1989 Oregon Legislature increased the fine to a minimum of \$500 to a maximum of \$1,000.

By making possession of small amounts of marijuana a misdemeanor crime, police would be able to search arrestees as well as obtain search warrants to raid arrestees' homes and possibly confiscate their property.

All but one Republican vote for bill

Voting in favor of House Bill 3643 on the Senate floor were Senate President Brady Adams (R-Grants Pass), Sen. Ken Baker (R-Clackamas), Sen. Neil Bryant (R-Bend), Sen. Gene Derfler (R-Salem), Sen. Joan Dukes (D-Astoria), Sen. Verne Duncan (R-Milwaukie), Sen. Ted Ferrioli (R-John Day), Sen. Bill Fisher (R-Roseburg), Sen. Gary George (R-Newberg), Sen. Jeanette Hamby (R-Hillsboro), Sen. Tom Hartung (R-Portland), Sen. Bob Kintigh (R-Springfield), Sen. Randy Miller (R-Lake Oswego), Sen. David Nelson (R-Pendleton), Sen. Eileen Qutub (R-Beaverton), Sen. Marilyn Shannon (R-Brooks), chief Senate sponsor Sen. Shirley Stull (R-Keizer), Sen. Veral Tarno (R-Coquille), Sen. Gene Timms (R-Burns), and Sen. Mae Yih (D-Albany).

Voting against House Bill 3643 were Rep. Kate Brown (D-Portland), Sen. Ginny Burdick (D-Portland), Sen. Susan Castillo (D-Eugene), Sen. Bill Dwyer (D-Springfield), Sen. Avel Gordly (D-Portland), Sen. Randy Leonard (D-Portland), Sen. John Lim (R-Gresham), Sen. Cliff Trow (D-Corvallis), and Sen. Thomas Wilde (D-Portland). Excused and not voting was Sen. Lenn Hannon (R-Ashland).

Several senators spoke in opposition to the bill, citing fiscal constraints and incorrect cost assumptions in the legislative fiscal impact statement. Senator Bill Dwyer of Springfield gave the most fiery speech in opposition to the bill to re-criminalize marijuana. He said, "The state of Oregon is

taking another step down the path toward a police state with this bill to re-criminalize marijuana."

Dwyer directed much of his speech to former House speaker Larry Campbell in the gallery. Mr. Campbell and his two sons were hired by the Oregon Association of Chiefs of Police, and they lobbied heavily to pass House Bill 3643, along with other law enforcement groups.

In the Joint Ways and means subcommittee on Tuesday, June 10th, Mr. Campbell testified House Bill 3643 the top priority of law enforcement. When Rep. Bryan Johnston questioned Campbell Sr. as to what was law enforcement's second priority, he refused to say.

House Bill 3643 originally passed the Oregon House on April 29 on a 43-17 vote.

The Joint Ways and Means Committee amended the bill on the morning of June 13, on the same day the full Senate passed the bill, by adding a \$600,000 appropriation to the Emergency Fund for the Oregon Judicial Department and the Oregon State Police.

House Bill 3643 now goes back to the Oregon House for a vote on the bill with the Senate amendment. A vote in the House is expected within the next few days.

The proponents of House Bill 3643 appear to have a solid two-thirds majority in the House (as well as the Senate), which means the usual legislative calendar can be suspended and the bill can be voted on immediately.

If the Oregon House quickly passes the amended version of House Bill 3643 as expected in these closing two weeks of the 1997 session, the Governor would have five working days to sign or veto the bill. It is unknown whether or not Gov. John Kitzhaber will veto the bill, but even if he were to veto the bill, the two-thirds margin in both houses,

(continued on page 3)



Elderly Eugene couple arrested for medical hemp

by Tonie Nathan

Perhaps it's time. Time to take a hard look at our criminal laws. The legal injustices are too prevalent. The punishments are too unfair.

Take the case of Pat and Norm Major, an elderly, middle class Eugene, Oregon couple, parents of three children and eight grandchildren, active members of their church and pillars of their community, who faced prison, confiscation of their home and fines because Norm grew and used medical marijuana.

Over a period of time, starting with a work place injury, Norm Major had more than 80 surgeries which built up increasing tolerance for legally prescribed drugs. At

**Poll shows Oregonians support decriminalization
Governor could veto House Bill 3643 without major repercussions**

San Diego Union-Tribune
June 4, 1997

Scientific study of Marijuana as medicine is overdue

Usually, scientists study the efficacy and safety of a drug before the public can use it. But when it came to "medicinal" marijuana, California did things backward.

Last fall, voters approved Proposition 215, which legalized marijuana for medical purposes. Today, the state Senate is expected to vote on a bill to fund a \$1 million study on whether marijuana is a useful medicine.

The bill, authored by Sen. John Vasconcellos, D-San Jose, and supported by the California Medical Association, would provide the grant to the University of California to establish a medicinal marijuana research project. Grants from other private and nonprofit sources are expected to follow.

The Senate should approve this bill. A definitive scientific study is overdue. Proposition 215 resulted in an unregulated, chaotic situation in which anybody can claim it's legal to smoke pot as long as some health practitioner says it's OK. Californians used the ballot box to decide whether a medicine is safe, which is absurd.

Such decisions must be made by science. Had Proposition 215 supporters been socially responsible, they would have put forward a ballot initiative to fund a major study on medicinal marijuana, as Vasconcellos and the CMA have done. In its

original form, the Vasconcellos bill read like it was written by marijuana advocates, and consequently we wouldn't have supported it. It would have compounded Proposition 215's mistakes, including establishing a statewide marijuana distribution task force to help provide the drug to patients. That's putting the cart before the horse.

We must find out whether marijuana really has proven medicinal value before even thinking about a system to distribute it.

The original wording assumed that marijuana is medicine, and claimed that the legislation should be passed to "address the immediate needs of Californians who have a legitimate medical use for marijuana."

Until the University of California study is done, nobody knows whether there is any medical use for marijuana. All such advocacy language and the distribution system proposal were stripped from the bill, leaving only the \$1 million grant "to develop and implement medical marijuana studies."

That's all this bill should do. If UC researchers find some medicinal benefit to marijuana, then they can devise methods to administer it to patients.

In supporting Vasconcellos' bill, the California Medical Association lamented that medicinal marijuana was legalized before it was proven to have medicinal value. The CMA believes this bill will help right that wrong. We agree. The University of California research should provide guid-

Connecticut will extend welfare benefits to marijuana felons

June 5, 1997, Hartford, CT: Legislative leaders proposed that individuals convicted of marijuana felonies should remain eligible for entitlements such as welfare and food-stamps, despite a federal law passed last year allowing states to deny assistance-based benefits.

"There's no reason to single out drug offenses from all others," state legislator Ellen Scalettar told the New York Times on May 29. "Punishment [for drug offenses] shouldn't go on forever." The newspaper reported that conservative governor John Rowland also supports the effort.

Senate Amendment 4935, introduced by Sen. Phil Gramm on July 23, 1996, allows states to deny federal cash aid and food stamps to anyone convicted of felony drug charges, including most individuals found guilty of marijuana cultivation or sale. The bill is not retroactive and only applies to future convictions. President Bill Clinton signed the bill into law on August 22, 1996.

NORML Executive Director R. Keith Stroup stated that Gramm's provision inappropriately targets marijuana smokers and applauded Connecticut's decision to ex-

tend federal benefits. "Under current federal law, a murderer, rapist, or robber could receive federal funds and benefits, but not most individuals convicted of cultivating marijuana — including those who do so for a legitimate medical need. It is commendable that the Connecticut legislature is injecting some common sense to an irrational federal policy."

Connecticut's decision to offer the benefits would set it apart from 24 other states that have proclaimed they will no longer offer entitlements to drug felons, a recent survey by the National Governor's Association found. Five states — Colorado, Hawaii, Minnesota, Oregon, and Rhode Island — plan to continue the benefits to drug offenders who qualify for family welfare, the survey reported.

The Connecticut General Assembly is expected to approve the language as part of a major welfare-reform bill in a special legislative session this summer. *

For more information, please contact either R. Keith Stroup or Paul Armentano of NORML @ (202) 483-5500

California Senate Approves Medical Marijuana Research Bill

June 5, 1997, Sacramento, CA: The California State Senate voted 27-8 to approve bi-partisan legislation that would establish a state medical marijuana research program at the University of California to study the safety and efficacy of medical marijuana.

The margin of approval was enough to qualify the bill as an "urgency measure," mandating that it will take effect immediately if passed into law. The measure now stands before the full Assembly.

"The sooner S.B. 535 becomes law, the sooner we will have the research needed to formulate intelligent rules and regulations for a legal pharmaceutical cannabis market," said California NORML coordinator Dale Gieringer, who supports the bill. Gieringer said that the Senate was likely persuaded by the California Medical Association's (CMA) recent endorsement of S.B. 535.

Under the bill, research would be conducted under controlled, scientific conditions on patients suffering from AIDS wasting syndrome, glaucoma, cancer, multiple sclerosis, seizure disorders, and from nausea associated with cancer chemotherapy.

Oakland City Council Protecting Medical Marijuana Users

June 5, 1997, Oakland, CA: The Oakland City Council unanimously passed a resolution urging law enforcement not to arrest and prosecute individuals involved with the "possession, purchase, distribution, cultivation, manufacture, or transportation of marijuana or cannabis products for medical use." The new resolution is the latest in a series of official policy pronouncements from the City of Oakland expressing a tolerant attitude toward medical marijuana activities.

"A sensible marijuana policy is good for patients and good for the City of Oakland, and our elected representatives recognize that fact," said Robert Raich, Esq. of Oakland, who lobbied for the legislation.

Resolution #73555 gives an official green light not only to the cultivation of marijuana for medical use, but also to the manufacture of products such as hashish, hash oil, tinctures, and all manner of baked goods and other edible preparations.

For more information, please contact attorney Robert Raich @ (510) 338-0700 or Dale Gieringer of California NORML @ (415) 563-5858. *

Federal medical marijuana bill introduced

from the Staff of NORML

Washington, D.C., June 5 — Rep. Barney Frank (D-Mass.) introduced legislation in Congress on June 3, 1997, to provide for the medical use of marijuana. The bill is cited as House Bill 1782, the "Medical Use of Marijuana Act." The bill is expected to be referred to the House Judiciary Committee, Subcommittee on Crime. That committee is chaired by Rep. Bill McCollum (R-Fla.), a two-time former co-sponsor of medical marijuana legislation.

House Bill 1782 reschedules marijuana from Schedule I to Schedule II under federal law, thereby making it legal to prescribe. Rescheduling marijuana allows states to legally implement different systems for growing and distributing medical marijuana on a state-by-state basis. It also removes the threat of federal prosecution physicians currently face in states that already allow doctors to prescribe or recommend marijuana under state law. Presently, 24 states including the District of Columbia have laws endorsing the use of medical marijuana.

Rep. Nancy Pelosi (Calif.) signed on to the legislation yesterday.

For more information, please contact either Keith Stroup or Paul Armentano of NORML @ (202) 483-5500. Rep. Barney Frank's office may be contacted @ (202) 225-5931. *

OCTA
Oregon Cannabis Tax Act

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Marijuana recrim passes Oregon Senate

(continued from front page)

however, would make an override of the veto very likely, unless a few legislators change their minds in the next few days.

Morning of June 13: Ways and Means Committee

The Joint Ways and Means Committee approved House Bill 3643 on a 13-to-1 vote, with 4 members absent at the time of voting.

Voting in favor of House Bill 3643 in the Joint Ways and Means Committee were Sen. Jeanette Hamby (R-Hillsboro), Sen. Lenn Hannon (R-Ashland), Sen. John Lim (R-Gresham), Sen. Eileen Qutub (R-Beaverton), Sen. Shirley Stull (R-Keizer), Co-Chair Sen. Gene Timms (R-Burns), Sen. Mae Yih (D-Albany), Rep. Denny Jones (R-Ontario), Rep. Carolyn Oakley (R-Albany), Rep. Barbara Ross (D-Corvallis), Rep. Larry Sowa (D-Oregon City), Rep. John Watt (R-Medford), Rep. Ben Westlund (R-Bend).

Voting against House Bill 3643 in the Joint Ways and Means Committee was Rep. Bryan Johnston (D-Salem).

Absent at the time of the vote were Sen. Randy Miller (R-Lake Oswego), Rep. Margaret Carter (D-Portland), Rep. Chuck Carpenter (R-Beaverton), and Co-Chair Rep. Bob Repine (R-Grants Pass), although they were expected to have voted in favor of the bill, since Sen. Miller is a co-sponsor of the bill and of similar bills in previous sessions, and Rep. Carter (also a co-sponsor), Rep. Carpenter, and Rep. Repine all voted for the bill on the House floor.

Rep. Bryan Johnston, the lone vote against House Bill 3643 in the Ways and Means Committee, said that "Marijuana use is up in every state in the union. There is no shred of evidence that this bill would make any difference." He went on to say that the \$600,000 funding allocation for the implementation of House Bill 3643 is below the low-end of fiscal impact estimates, which ranged from \$640,000 to \$1.7 million, although witnesses at earlier hearings had questioned the reliability of those estimates.

"First step down a road to hell"

Rep. Ben Westlund, who is one of the chief House sponsors of House Bill 3643 along with Rep. John Minnis (R-Troutdale), called it a "youth bill" and a "kid's bill" that "sends a message to kids that marijuana is a drug." Rep. Westlund said, "Marijuana is the first step down a road to hell."

The bill was near the bottom of the committee's agenda, but about 45 minutes into the committee meeting, Rep. Westlund requested that House Bill 3643 be heard out of agenda order, presumably to insure that the bill would make it out of committee and sent to the full Senate today.

Sponsor calls bill "a step in the right direction" to even higher penalties

Sen. Shirley Stull, a former Salem police officer and wife of the Keizer Police Chief, as well as chief Senate sponsor of House Bill 3643, called the bill "a step in the right direction," making possession of less than an ounce of marijuana "just a Class C Misdemeanor." Sen. Stull said she wanted it to be a Class A Misdemeanor, as it was "back in 1971," before Oregon became the first State in the United States to decriminalize possession of small amounts of marijuana in 1973. "Marijuana devastates short term memory.... Use by 8th-graders has tripled in Oregon since 1990," said Sen. Stull.

Sen. John Lim of Gresham said that he is voting for the bill in the Ways and Means Committee, but he reserves the right to change his vote on the floor of the Senate. He said he was concerned about the impact of this bill on Oregon's youth. He said that he has talked with many kids "who wonder why we are criminalizing them," he said, instead of using education and prevention. He also said that he didn't think the State had enough fiscal resources to enforce the proposed law.

Sending a message to "Grandma and Grandpa Oregonian"

Sen. Jeanette Hamby voted for the bill in both the full committee and in the Joint Ways and Means Public Safety/Regulation Subcommittee, which she chairs. She said she was "quite comfortable" with the \$600,000 set aside in the Emergency Fund to cover the fiscal impact of House Bill 3643 on State government. "We can anticipate varying degrees of enforcement," said Sen. Hamby, who is serving her fourth four-year term in the Oregon Senate. "Enforcement will vary dramatically from county to county," she said. "Some counties won't pursue it.... but other counties will pursue it." Rep. Hamby also said that this bill is not just about youth. She said, "This bill focuses on kids and all the way up to Grandma and Grandpa Oregonian."

Sen Eileen Qutub of Beaverton, a Senate co-sponsor of the bill, read a laundry list of marijuana's alleged dangers, including

"memory loss" and the "inability to distinguish the relevant from the irrelevant." She said, "Marijuana use leads to the use of other drugs." She also said that this bill is not aimed at just Oregon's youth, but also at "Grandma and Grandpa, who should know better."

June 10: Ways and Means Subcommittee

Joint Ways and Means Public Safety/Regulation Subcommittee sent House Bill 3643 to the full Joint Ways and Means Committee on a 5-to-3 vote on June 10.

Voting in favor of sending House Bill 3643 to the full committee were Sen. Shirley Stull (R-Salem), Sen. Jennette Hamby (R-Hillsboro), Rep. Jeff Kruse (R-Roseburg), Rep. Carolyn Oakley (R-Albany), and Rep. John Watt (R-Medford).

Voting against House 3643 in the subcommittee were Sen. Avel Gordly (D-Portland), Rep. Bryan Johnston (D-Salem), and Rep. Floyd Prozanski (D-Eugene).

House Bill 3643 passed the Oregon House on April 29 on a 43-17 vote. It also cleared the Senate Crime and Corrections Committee on May 9 before arriving at the Ways and Means subcommittee.

Larry Campbell, former speaker of the Oregon House, but now a lobbyist (along with two sons) for the Oregon Association of Police Chiefs, told the subcommittee that House Bill 3643 was a "priority bill" for law enforcement agencies. Rod Owens, Police Chief of Molalla, testified that marijuana smokers "commit other crimes to support their habit."

Sandy Burbank of Mothers Against Misuse and Abuse, and Kay Hill, a medicinal user of marijuana, spoke against House Bill 3643. Representatives of the Libertarian Party of Oregon and of the Cannabis Liberation Society of Eugene also spoke against the bill.

Ms. Hill questioned the accuracy of the fiscal impact estimates of \$600,000 to \$1.2 million per biennium for House Bill 3643, citing the larger fiscal impact estimates from similar bills from previous legislative sessions.

Ross Shepherd, an attorney with the Lane County Public Defenders office, testified that most defense attorneys would file motions to suppress evidence in a misdemeanor marijuana case. Mr. Shepherd said that a defense attorney "would be obligated," and that the 48% estimate of how many arrestees would take "diversion" is too high.

Dale Penn, Marion County District Attorney, said that first offenders would "probably" get a fine and community service under House Bill 3643, if it is enacted, and that a person's record could be "sealed" after three years if there are no other criminal convictions. But Mr. Penn also added



Florida Medical Association Endorses Medicinal Marijuana

from the Staff of NORML

June 4, 1997, Fort Lauderdale, FL: One of the nation's largest state medical associations favors the use of marijuana as a medicine and is urging the federal government to permit controlled clinical trials to further evaluate the drug's therapeutic potential.

The Florida Medical Association (FMA) passed resolution #97-61 on June 1, 1997, which pronounces the following:

* The FMA urges the state and federal governments and the U.S. Public Health Service to allow limited access to medical marijuana.

* The FMA urges Congress, the Food and Drug Administration (FDA), the National Institute on Drug Abuse (NIDA), and the Drug Enforcement Administration (DEA) to expedite unimpeded research into the therapeutic potential of smokable marijuana.

* The FMA shall present this resolution to the American Medical Association.

Dr. Mark LaPorta, Treasurer of the Dade County Medical Association, praised the FMA's decision to endorse the use of medical marijuana. "Thousands of patients and doctors have found that marijuana is therapeutically beneficial. It is unconscionable for our government to tell us we cannot even discuss marijuana in our offices," he explained.

Toni Leeman, President of the Florida-based Coalition Advocating Medical Marijuana (Camm), said that the FMA resolution could be a pivotal first step legalizing marijuana for medical use in Florida. "We trust that by 1998 the patients in Florida will no longer have to suffer needlessly or risk incarceration" for using an effective medicine, she said. "With the support of the FMA, we are that much closer to rational legalization in Florida."

Florida case law already exempts some seriously ill patients who use marijuana as a medicine.

For more information, please contact Toni Leeman of Camm @ (305) 576-2337 or Allen St. Pierre of The NORML Foundation @ (202) 483-8751. *

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A crusade for legal marijuana

The Ottawa Citizen-News
May 16, 1997

By: Mike Blanchfield

“One of the greatest mistakes made in criminal justice policy is the drug prohibition. Not only does it do an injustice to marijuana consumers, but it takes valuable resources away from protecting Canadians from predatory crime. No wonder Canadian women aren’t free to walk the streets at night.”

— Defence attorney Alan Young

It was the summer of '92 when Chris Clay had his first meaningful encounter with marijuana. Sure, he'd tried smoking up a few times in Grade 9, but as a teenager he was mostly a weekend drinker and partier. Everything changed that summer.

He was with a group of photography students on a secluded piece of Prince Edward Island shoreline.

“Someone there had Federal Express bring marijuana in once a week,” Mr. Clay recalls. “I felt very relaxed, very creative. I was in photography. It was very conducive to that.”

When he got back to Ryerson Polytechnic that fall, Mr. Clay was worried about his health. He'd smoked a lot of dope that summer. “Was I going to have babies with three heads?”

He headed to the library to help answer that question. He collected academic journals, all kinds of research studies, information that put his mind at ease, but made him question whether this popular — and illegal — recreational drug was really any more dangerous than all that beer he'd drunk in high school.

“By the time I finished my second year at Ryerson, I had a whole filing cabinet full of information that no one else seemed to have for some reason.”

Reefer madness, he believed, was a myth. And public policy, he decided, should not be based on myth.

“I was really angry, I felt duped. I felt like I'd been misled.”

Those files have proven invaluable during the last three weeks. Mr. Clay, the 26-year-old owner of the London store Hemp Nation, has been on trial for trafficking and cultivating a narcotic. He has rejected a plea bargain, which would have effectively let him off with a slap on wrist.

Instead, Mr. Clay is risking jail and a hefty fine in his attempt to strike down Canada's marijuana law. And his exhaustive files are the backbone to his defence.

He's enlisted the help of an Osgoode Hall law professor and a Toronto criminal lawyer. Some might ask what they've been smoking. Lawyers Alan Young and Paul Burstein are working for free.

Mr. Young, a law professor, says he's waited 10 years for the opportunity to argue against the criminalization of cannabis use.

“I've always felt one of the greatest mistakes made in criminal justice policy is the drug prohibition,” Mr. Young says. “Not only does it do an injustice to marijuana consumers — which some people may not care about — but it takes valuable resources away from protecting Canadians from predatory crime.”

Mr. Young says many police forces spend more money on drug-sniffing dogs and morality squads than investigating sexual assaults.

“No wonder Canadian women aren't free to walk the streets at night.”

The ammunition for Mr. Young's fiery argument comes from the personal data bank amassed by his client.

Mr. Clay makes an unlikely drug crusader. He looks and acts more like a character out of television's *The X-Files* — the

sort of character who believes the truth is out there if only someone will just listen.

He's soft-spoken but articulate, capable of rhyming off arcane references in Canada's drug history or drug prohibition — references that have found their way into Mr. Young's courtroom argument. He's thin, fair-skinned, barely five-foot-seven and wears round, gold-rimmed glasses. He looks uncomfortable in the blue off-the-rack pinstripe he wears to court.

Sitting in the prisoner's dock, he takes careful notes on a clipboard. Yesterday, his mother — who has already testified that she supports his efforts — slipped into the court as if she was carrying a freshly baked batch of warm cookies and handed him a bulky report that he promptly passed to his lawyers.

Mr. Clay posted most of his data on an Internet web site (www.hempnation.com). Though he spends each day in court with his co-accused, store employee Jordan Prentice, Mr. Clay updates his web page daily with the latest media reports, scientific data and factoids. Sometimes it takes him up to five hours a night.

Mr. Young said his client's efforts have made a huge contribution to the case. Mr. Clay has been responsible for scheduling an impressive roster of 10 expert witnesses from across North America. They have included a top researcher from the Addiction Research Foundation, a member of the 1972 LeDain Commission, which recommended the decriminalization of marijuana in Canada, and a Harvard University psychiatrist.

An independent film crew from Toronto is following the defence team around, shooting a documentary on the case.

The web site has played another important part in the case. Mr. Clay has used it to solicit \$25,000 in donations for his defence fund. Most of the money has been used to pay the costs of bringing in the expert witnesses.

His donors buy a signed, numbered document for \$25. Each document, or bond, can be redeemed for a quarter-ounce of marijuana — provided of course Mr. Clay wins his case and he can in fact legally sell the drug.

Katy Rea, 29, hadn't heard of Mr. Clay or his legal woes, even though his 1995 arrest made national headlines. Then she came across his home page surfing the Internet last fall.

“I would download the donation form and hand it out to everybody I knew, people I knew who worked in cool places,” said Ms. Rea, of Toronto. She recently finished her studies at George Brown College in Toronto and drove to

London with a friend to watch the trial yesterday.

In downtown Toronto alone, Ms. Rea figures she passed out several hundred donation forms.

The web site is loaded with information that keeps her reading for hours, she says. She is one of 170,000 Internet users to visit the site.

Mr. Clay opened his store, Hemp Nation, in downtown London a few years ago to raise money for the movement to decriminalize marijuana.

Then, in 1995, a London undercover police officer walked into his store. The officer has testified he was trying to win the confidence of a crack dealer hanging out on the corner near Hemp Nation. He went into the store to show the dealer he was the type of person who would buy drugs.

Much to his surprise, the officer said, the store had plants. The officer consulted his superiors, went back and made a purchase. Mr. Clay and an employee were charged.

Despite his legal battle, Mr. Clay has managed to keep his store open. He doesn't sell plants anymore, but the store is stocked with a variety of hemp products: shirts, skirts, mittens, sweaters, knapsacks, hempseed oil, shampoo and conditioner. He carries a selection of magazines including *Equinox*, *Organic Gardening* and *Vegetarian Journal*.

Mr. Clay estimates his business is \$50,000 in debt. Much of that is due to police seizures of his inventory, which he bought on credit.

His father, Robin, says he's proud of his son. Before all this happened, Robin Clay says he shared the same attitude as many parents when it came to marijuana — throw the bums in jail.

He's come full circle since then. His son, he realizes, is no bum. Now Robin Clay is livid, driven easily to anger over a law he too believes is hypocritical and unfair. He's lost faith in this generation of politicians.

“You would think these people brought up in the '60s and '70s would have a little more empathy.”

“You know what I think? I think they're scared somebody will ask them if they smoke pot.”

He believes in what his son is fighting for. But he just wishes it was somebody else's son.

“He's more or less a sacrificial lamb,” says his father. “He's put his future on the line.” *

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Recriminalization of Marijuana will cost Oregon dearly

Letter to the Editor of The Oregonian

To the [Oregonian] Editor:

The Oregonian's endorsement of HB 3643 to criminalize possession of small amounts of cannabis was no surprise in view of your publisher's unabashed Prohibitionist bias. The only “expert” directly quoted in your editorial was the director of the Regional Drug Initiative, a Prohibitionist group which Fred Stickel helped to found. You say the Oregon House “... took exactly the right step in exactly the right direction...” in voting to overload prisons with people whose only “crime” is possessing a natural herb. Do you also endorse Rep. Minnis's violation of the Americans with Disabilities Act during the House hearings when he gave preference to cops and Prohibitionists over disabled people who wanted to testify? Shabby tactics and shoddy logic may succeed in ramming this bill through the Legislature, but they won't make Oregon safer. Recriminalization will cost the state dearly and endanger us all. How many casual tokers will now demand public defenders and jury trials, instead of paying a fine? How many will be locked up at public expense, forcing their families onto public assistance? How many violent criminals will be released early to make room in prison? These are questions Prohibitionists don't want asked, much less answered. The Oregon Senate should reject this bill. If they don't, the Governor should veto it.

Bruce A. Knight
Portland *

Full Page Ad

Supreme Court throws out candidate drug-testing law

News Release from the Libertarian Party
April 15, 1997

WASHINGTON, DC — “A victory for the Bill of Rights and a defeat for the War on Drugs” — that’s how the Libertarian Party characterized today’s 8-to-1 Supreme Court decision that declared unconstitutional a Georgia state law mandating drug tests for political candidates.

“This decision is a small step towards sanity in a nation that is rapidly being stripped of its basic civil liberties,” said the party’s national director, Perry Willis. “The Supreme Court has finally put a limit on what the government can do in the name of winning the War on Drugs.”

The case was especially important to Libertarians because the plaintiff, Walker Chandler, challenged the Georgia law after he ran for lieutenant governor as a Libertarian Party candidate in 1994 — starting a three-year legal odyssey that led him all the way to the nation’s highest court.

Today, a jubilant Mr. Chandler said, “It’s a wonderful day when the Supreme Court puts limitations on the excesses of government.”

Speaking on behalf of the Libertarian Party, Mr. Willis agreed. “It’s a great day for Libertarians — and a great day for any American who cherishes civil liberties,” he said.

“Politicians love to use the War on Drugs as an excuse to repeal civil liberties. But today, the court ruled that there are limits to how blatantly politicians can violate the Fourth Amendment. That’s why this decision is a victory for the Bill of Rights and a defeat for the War on Drugs,” he said.

The case of *Chandler v. Miller* has its origins in 1990, when Georgia passed a one-of-a-kind law requiring all candidates for state office — governor, attorney general, state representatives, and so on — to submit a urine sample that tested negative for drugs before being allowed on the ballot.

Under protest, Mr. Chandler took and passed the drug test, won more than 47,000 votes as the Libertarian candidate for lieutenant governor in the 1994 election, and filed a lawsuit questioning the constitutionality of the law. He started off with two defeats, losing in district court and in the 11th U.S. Circuit Court of Appeals.

But he didn’t give up. After the Supreme Court agreed to hear his appeal, Mr. Chandler argued his own case before the high court on January 14, 1996, basing his arguments on the Fourth Amendment’s prohibition against “unreasonable” searches.

“Surely there are some limits to suspicionless drug testing,” said Mr. Chandler. “This case may be an opportunity for the Court to delineate just what those limits might be.”

It was. The court, in a lopsided 8-to-1 decision, ruled that the Georgia law was in violation of the Fourth Amendment because candidate drug testing “does not fit within the closely guarded category of constitutionally permissible suspicionless searches.”

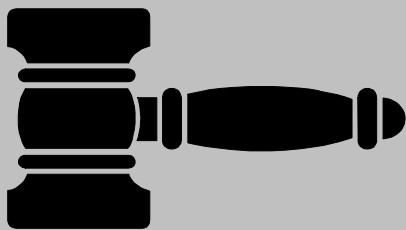
Specifically, the court ruled that Georgia failed to prove that there was any “special need” for drug testing that overrode an individual’s right to privacy, such as a demonstrated drug abuse problem among the state’s elected officials; failed to prove that the drug tests were a “credible means to deter illicit drug users from seeking election to state office;” and failed to show that state officials performed “high-risk, safety-sensitive tasks.”

The court also rejected Georgia’s claim that its drug-testing law served an important “symbolic” function by demonstrating its commitment to the struggle against drug abuse.

“However well-meant, the candidate drug test Georgia has devised diminishes personal privacy for a symbol’s sake. The Fourth Amendment shields society against that state action,” wrote Justice Ruth Bader Ginsburg in the majority decision, which was joined by seven other justices. Only Chief Justice William Rehnquist dissented.

But does this decision mean that voters have no way to stop drug addicts from running for public office?

Of course not, said Mr. Willis. “All this decision does is return power to the voters. If voters are genuinely concerned about drug-impaired candidates, they can simply threaten to withhold their votes from any candidate who doesn’t pass a drug test. Voters have far more power than any state law — they have the power of the ballot box,” he said. ★



Kaiser Permanente research finds no link between marijuana use and death

OAKLAND—(BUSINESS WIRE)—March 14, 1997—In an exhaustive study of ten years of mortality data for over 65,000 men and women, Kaiser Permanente research scientists found no statistically significant association between marijuana smoking and death.

The study, entitled “Marijuana Use and Mortality,” is being published in the April 1997 issue of the *American Journal of Public Health*. The April issue, however, was printed late and is being released this week.

The lead scientist in the research was Stephen Sidney, MD, senior epidemiologist with the Division of Research in Kaiser Permanente’s Northern California Region.

“About one-third of the American population over the age of 12 is estimated to have used marijuana, making it the most popular illegal drug in this country, but we still know little about its long-term health effects,” Dr. Sidney said. “This report is the first of several to come from a major epidemiological investigation into the health consequences of Cannabis.”

The study population comprised 65,171 patients between the ages of 15 and 49 who had multiphasic health check-ups at the Oakland and San Francisco Kaiser Permanente facilities between 1979 and 1985. Based on answers about drug use given in a confidential self-administered research questionnaire, the patients were divided into groups ranging from those who had never tried marijuana to those who used it currently and regularly. Mortality statistics for all patients were followed until 1991 and analyzed for any association between marijuana and death. The study’s statistical methodology controlled for the use of tobacco and alcohol so that deaths from marijuana smoking could be clearly identified.

In men, the study found, marijuana use was associated only with deaths from AIDS.

There was no significant increase in deaths from other causes.

“This doesn’t mean that marijuana causes AIDS,” Dr. Sidney pointed out. “Prior research has shown that during the 1980s homosexual and bisexual men had a higher rate of marijuana use than heterosexual men. We think this is the reason for the link between marijuana use and AIDS. It’s the sexual activity, not smoking marijuana, that causes the disease.”

The study also found that, among women, the risk of accidental death rose to an almost statistically significant level.

“We have submitted to medical journals two more reports on marijuana use and health, one focusing on cancer and the other on emergency room and medical office visits for injury,” Dr. Sidney said. “We expect to prepare later this year additional reports on respiratory illness and hospitalization for injuries.”

The research study into marijuana and mortality was supported principally by a grant from the National Institute on Drug Abuse. Additional funding came from the National Cancer Institute and The Alcoholic Beverage Medical Research Foundation.

In addition to Dr. Sidney, the study’s authors included Irene S. Tekawa, MA, Charles P. Quesenberry, Jr., PhD, and Gary Friedman, MD, all of Kaiser Permanente’s Division of Research; and Jerome E. Beck, DrPH, of the School of Public Health, University of California, Berkeley.

The California Division of Kaiser Permanente is a prepaid, health maintenance organization (HMO) serving more than 5 million members throughout the state. The Division has approximately 6,400 physicians and 55,000 employees. It is organized into 12 local market areas which are served by 26 major medical centers. ★

Ad 4.785 x 3 ”

OCTA Petition gathers more signatures

By D. Paul Stanford

The Oregon Cannabis Tax Act (OCTA) to regulate cannabis and allow industrial hemp is building momentum in its signature drive for the 1998 ballot. OCTA will allow doctors to prescribe cannabis through pharmacies and legalize hemp production for paper, textiles, food and energy. This will create thousands of jobs and fund important government programs, like education.

It will also save wasted government resources that are now used imprisoning nonviolent marijuana offenders, who account for about 30% of all arrests, thus stopping the unchecked buildup of police power. Please contact our offices or other associated groups to get petitions to gather signatures and help us put this important issue before the voters in Oregon. In early October 1996 the Secretary of State's office approved the petitions for circulation. We need to gather 73,261 registered Oregon voters' signatures by July 1998 to qualify for a vote in November 1998.

The name of our political group, which is spearheading the OCTA is the "Campaign for the Restoration and Regulation of Hemp (CRRH). The CRRH is receiving assistance in its effort to gather signatures from many interested people and groups throughout the state. This newspaper is a product of the CRRH and is produced solely to help the OCTA campaign. You can subscribe by gathering 100 signatures

on the OCTA petition or donating to our campaign.

OCTA is a proposed law (see page 15) to license farmers to grow psychoactive cannabis for sales to the state. The state would then sell cannabis to adults over 21 years of age through Oregon's state run liquor store system of 280 stores. OCTA would raise hundreds of millions of dollars in state revenue by taxing what is indisputably the largest cash crop in our state.

Ninety percent of the profits from these sales would go into Oregon's general fund and Oregon taxpayers would receive an annual check from the state of proceeds not used by the legislature, under the income tax kicker law passed in 1972.

Eight percent of the profits of cannabis sales would be dedicated to fund treatment programs for alcoholics and other substance abusers so they can get the help they need. Currently most people seeking drug treatment are turned away for lack of facilities. OCTA will change that. Though we know that cannabis users rarely need drug treatment programs, we decided to use these proceeds to address the created misperception that cannabis use causes use of other more dangerous substances.

One percent of the profits will be used to create and fund a state agriculture committee to promote Oregon hemp fiber, protein and oil crops and associated industries. This will put Oregon on the cutting edge of environmentally sustainable develop-

ment and create thousands of jobs. Hemp produces more fiber, for paper, textiles, cordage and building materials, than any other crop capable of growing in Oregon. Hemp seed oil will power any diesel engine. Hemp seed meal is the healthiest and most productive source of protein on earth. Many believe that the main reason the "marijuana myth" was created was to protect the economic interests of capital intensive industries when new technology made naturally decentralized hemp products much cheaper at the beginning of this century.

The final one percent of the profits from the sale of cannabis to adults will be used to fund a comprehensive and realistic drug education program for Oregon's school children. These programs will be taught by trained education professionals, not sending the police in to intimidate and confuse our children, like the D.A.R.E. program does today. Our drug education program will teach kids about the real dangers substance abuse and misuse pose for their development.

OCTA will take the market for cannabis out of hands of children and substance abusers and put it in the hands of the state, where the age limit of 21 is strictly enforced. Cannabis is not a gateway drug, but we hold that cannabis prohibition is the gateway to the blackmarket. When we regulate cannabis, the use of all psychoactive drugs, including cannabis, will decline. We have a model to prove that. In the Netherlands, where the sale of cannabis has been allowed to those over 16 since 1974. According to the December 1995 British Medical Journal, the use of cannabis by those under 21 in Holland is less than 20% of what it is here in the USA, and the use of other hard drugs in Holland is less than 10% of ours. Cannabis prohibition causes the problems that we were told it was instituted to stop. Prohibiting cannabis, which was among the first crops purposely sown by people well over 6,000 years ago and which has never led to a single recorded death in history, misleads kids into thinking that other prohibited substances might not be that bad either.

OCTA will allow doctors to prescribe cannabis to patients through pharmacies, and medicinal cannabis will be sold at cost, without any tax revenue. The federal Drug Enforcement Administration's own administrative law judge ruled in 1988 that "marijuana, in its natural form, is one of the safest therapeutically active substances known to man," and that cannabis "...is less harmful than many common foods we eat." Cannabis is a useful medicine for treatment of cancer patients undergoing chemotherapy, glaucoma, the

HIV/AIDS wasting syndrome and many other medical conditions.

It's time to end the hypocritical lies and regulate cannabis sales to adults. We all should be benefiting from the revenue and jobs this will create, not building the biggest police state in the history of man. The USA has more people in prison per capita, or on average, than any other country in the history of the world, and that rate of incarceration keeps increasing at an ever quickening pace. The war on peaceful marijuana users and growers is not about drugs at all, it is about the continued centralization of economic and political control.

OCTA will allow farmers to cultivate industrial hemp for over 50,000 different products. The first cloth, paper and twine were all made from hemp. Hemp is illegal today just to protect the economic and political power of small groups of people. Industrial hemp production will return control of our economic future to local hands; farmers and local industry will benefit enormously when the capital intensive and naturally centralized petrochemical and wood-based paper industries are displaced by naturally decentralized hemp. OCTA will put Oregon on the cutting edge of ecologically sustainable development, creating thousands of new jobs with industrial hemp.

OCTA will also allow adults to grow their own cannabis and allow businesses to serve cannabis in cafes and shops that bar admission to minors, just like alcohol is treated today. Sale of cannabis to adults would also be done through state liquor stores.

OCTA will create thousands of jobs for our displaced timber workers and fund vital government programs, while enriching our state and us individually. Help us make this historic breakthrough. Get an OCTA petition and gather signatures. Help OCTA make the ballot. We have more people in prison today than South Africa had under apartheid or the USSR had under communism, and they say they aren't done yet. The prison population in Oregon is projected to grow 158% in the next 10 years (The Oregonian, March 30, 1996.) Help us, help yourself; let's build a peaceful and just society, not a police state. Stop the war by helping OCTA. The next door smashed open by the drug warriors could be yours. *

How to petition for OCTA!

from the Campaign for Restoration & Regulation of Hemp

The Oregon Cannabis Tax Act petitions are government approved documents that have been designed in compliance with state election laws. The ballot title, caption, questions and summary are written by the attorney general's office, in consultation with us and reviewed by the Oregon Supreme Court. Laws concerning petitions sheet requirements have been changing every two years recently and one of the changes may confuse some: the requirement concerning notice of paid petitioners.

The state requires that we put a box in the upper left corner of EVERY petition sheet stating that "Circulators Are Being Paid."

OCTA is a volunteer petition campaign. We do not have the money to pay petitioners. Someday, if we get a large donation, we may begin paying petitioners. There are actually 2 kinds of petitions for state initiatives under these new laws. If someone is being paid, their petitions must also state "THIS Petitioner Is Being PAID" in large bold letter across the top, in addition to and right beside the other box saying "Circulators Are Being Paid." Paid petitioner petitions are not currently in circulation and may never be.

At this time, many of us hope we can qualify OCTA in a volunteer petition campaign, to demonstrate our "grass roots" support and avoid the issue of money or, worse yet, drug money. However, if a generous LEGAL benefactor comes to our aid, that may change. But don't count on it.

In July of this year we ended our first volunteer campaign with over 56,000 signatures, short of the 73,261 registered Oregon voters' signatures needed to qualify for a vote this November. Some worried that people were holding on to filled petitions in the vain hope that we would begin paying for signatures. If so, that hurt us, since those people couldn't sign again thereafter but thought their signature would be counted.

We urge you to realize that if you want to be paid for gathering petition signatures, do not petition for us unless:

1. We announce that we are paying petitioners and...
2. We have issued you the proper petitions and you have notified and been registered with our main office in Portland...

3. OR you are willing to be a volunteer NOW.

Again, at this time we DO NOT have plans to pay petitioners.

However, if you can donate or volunteer to help us and help yourself by helping OCTA, and our political committee, the CRRH, PLEASE DO! In our last signature drive we gathered more than 56,000 signatures at an average cost of a nickel a signature. That is amazing in this day and age of money powered politics. Your donation to OCTA goes farther with us than anywhere else.

Be a history changer! Help OCTA qualify for a vote!

Other petition rules.

1. Only registered Oregon voters can sign the OCTA petition or gather signatures.

2. Each signature sheet can only be signed by residents of one county. Jackson, Lane, Multnomah, Baker or any other Oregon county residents must each sign a separate sheet. 3. The signature gatherer must write the name of the county that the signers live in right in the upper right hand corner of each petition signature sheet.

4. Do not wait to send the petition signatures back to us. We want you to send them back as soon as possible to our address, which is printed here or right on the petitions. If you have finished gathering signatures and your sheet isn't full, or if you have a full sheet, send it back to us right away. We hope to turn in our signatures early. As soon as we have enough signatures, we will turn them in. In October 1985 the Oregon Marijuana Initiative qualified for a vote in November 1986, and that stands today as the record in Oregon for the earliest qualification of an initiative in state history. We hope to break our own record by turning in our signatures and qualifying for a vote earlier in this cycle.

5. Make sure that a person's printed name and address are legible. Though only one out of fifty signatures are checked in a statistical sampling method, if a state worker can't read the printed name and address, then they disqualify it and statistically it would throw away another 49 signatures. A signature gatherer can write a persons name, address or the date, but only the voter can sign his name. *

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Check your local liquor store for our petition.

Portland

Dragon's Herbarium
Beaverton-Hillsdale Hwy

Roots Revolution
34th & Belmont

OCTA Office
333 SW Park - 2nd Floor

Portland Saturday Market
Under west side of Burnside Bridge

Think Good Thoughts
SE 34th & Hawthorne (& at Saturday Market)

Eugene

Sow Much Hemp
Eugene Saturday Market
Real Goods

Bend
West Wind Trading Company



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President, Oregon Wildlife Federation

Study recommends decriminalizing drugs

Canada Press Assoc.
Thursday, May 22, 1997

OTTAWA — Drugs like heroin and cocaine should be decriminalized to fight the epidemic of HIV-AIDS among injection drug users, says a major study for the federal Health Department. The study says doctors should be able to prescribe narcotics, and personal possession of small amounts for personal use should not be a criminal offence.

The rate of HIV-AIDS among injection drug users has been rising dramatically and rates in Vancouver are now the highest in North America, says the study by the National Task Force on HIV-AIDS and Injection Drug Use.

“Basically we face a public health emergency,” Catherine Hankins, chairwoman of the task force, said at a news conference Thursday. The researchers say that 25 per cent of injection drug users in Vancouver have HIV. In Montreal, the figure is 20 per cent, and the problem is reported to be growing across Canada, even in smaller cities.

The problem represents a major economic burden to society, since medical care for a single HIV patient is estimated at \$100,000. The study notes that HIV-positive drug users may infect their sexual partners and their children.

“The problem does not exist in a small population that we can write off and marginalize,” said Pamela Fralick of the Canadian Centre on Substance Abuse, and a member of the task force.

“HIV and AIDS is spreading into every element of the population, it cannot be contained.”

The task force recommends a national plan in which addiction would be treated as a medical and social issue, not a criminal problem. This is the approach in other countries such as Switzerland, where drug addicts can legally get drugs at injection centres, said Hankins.

She said the Swiss program has brought a dramatic decline in crime and in the overdose rate. She suggested that Canadians would support a similar program if they understood the benefits. “The issue for people is that their homes are being

broken into, their cars are being broken into, because people need money to buy the drugs.”

The task force says Ottawa should decriminalize the possession of currently illegal drugs for personal use, while instituting heavy penalties for trafficking of any drug to minors.

“If we’re serious about stopping this epidemic we have to look at innovative solutions,” said Mike O’Shaughnessy, of the B.C. Centre for Excellence in HIV-AIDS, and a member of the task force.

The rising infection rate is partly due to a shift to cocaine from heroin among drug users. Cocaine is injected much more frequently than heroin, so the risks of infection are higher.

“Cocaine users often shoot up 15 to 20 times a day,” said Hankins. “They start with their own equipment but often lose track of it. Former heroin users are starting to use cocaine as well.” *

Hemp Fibre now Legal in Canada!

Press Release from Hempline Inc.
May 14, 1997

LONDON, Ontario — The Controlled Drugs and Substances Act, was proclaimed into force, making the fibre and stalks of the hemp plant legal.

An amendment to the definition of Cannabis in Bill C-8 excludes “mature stalks that do not include leaves, flowers, seeds or branches; and fiber derived from such stalks” from being defined as a controlled substance.

Hemp is a specific variety of the plant species Cannabis that produces little or no THC and is grown for the many commercial uses of the fibre and seed.

During a presentation to the Senate committee reviewing Bill C-8 in April of 1996, Geof Kime, President of Hempline Inc. requested that hemp fibre not be classified as a drug. Liberal Senator Lorna Milne (Brampton, Ontario) acted on this request and recommended the amendment to Bill C-8 to the full Senate. A little over one year later hemp fibre is legal in Canada.

However the cultivation of hemp in Canada is still a regulated activity that requires a research licence. Recently though, officials in Health Canada announced that regulations permitting the commercial cultivation of hemp would be in place by January of 1998; allowing Canadian farmers the opportunity to plant a commercial crop of hemp in the spring of 1998.

On the new legal status of hemp fibre Geof Kime commented, “Now that hemp fibre can be distributed on an unregulated basis the hemp industry in Canada will develop quickly. We will move forward with our plans to establish a state of the art hemp fibre separation facility.”

“By allowing companies such as ours to develop the potential of hemp the Federal Government will certainly see many new jobs created.”

In 1994 Hempline Inc. became the first company in modern times to harvest a legal crop of hemp after cultivating a 10-acre research plot near Tillsonburg, Ontario. *

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We don't need 10 more prisons

Letter to Eugene Register-Guard
May 12, 1997

Dear [Register-Guard] Editors,

State Politicians in Oregon are now considering re-criminalizing Marijuana and building 10 new prisons. In 1995-97 Oregon spent 467 Million dollars on prisons. In 1997-99 the Republicans propose 679 Million dollars and the Democratic Governor proposes 736 Million. That's a 45% to 57% increase in taxes for prisons! (source: RG pge 8A, 4/7/97)

We don't need 10 more prisons, we need to end drug prohibition. 30% of the States jail population and at least 50% of all police arrests are due to non-violent drug offenders. Also, many violent crimes are directly caused by drug prohibition, not drug use. You don't see liquor store owners shooting it out in the streets nor do you see children or illegal immigrants making a living selling alcohol because it is regulated. Violent crime dropped by 60% and the murder rate dropped by 50% at the end of alcohol prohibition.

Measure 49 would create an Interstate Prison Industry. That gives corporations who fund some political campaigns a profit motive to incarcerate more non-violent offenders and use them as cheap prison labor. Measure 20-84 in Lane County would also fund 50 more jail beds for a cost of nearly 1 Million tax dollars at a time when 76% of Lane County's budget already goes to the Prison/Police Industry.

America already has the worlds largest per-capita prison population. Do you really want 10 new prisons? What is the real future of your children under drug prohibition? I say, "Enough is Enough!" Vote to End Drug Prohibition and stop the prison industry for the same reasons America ended Alcohol Prohibition in 1933 and ended Slavery in 1865! The Government should not be initiating violence.

With Peace,

Bruce House, Secretary,
The Cannabis Liberation Society
& Registered Libertarian ★

from Reason Magazine
May 1997

"Behavioral scientists have begun to question, with increasing vigor, whether DARE is little more than a feel-good scheme of enormous proportions...For in the past five years, DARE has used tactics ranging from bullying journalists to manipulating the facts to mounting campaigns in order to intimidate government officials and stop news organizations, researchers and parents from criticizing the program."

— Stephen Glass, in the March 3 NEW REPUBLIC, explaining why DARE remains the nation's leading drug education program. (For an earlier look at DARE's shortcomings, see "Truth or DARE", March 1995, available on REASON ONLINE at www.reasonmag.com/9503/fe.dare.text.html)

The text of Glass's hardhitting piece is available on Electronic Newsstand at www.eneews.com/magazines/tnr/textonly/030397/txtglass030397.html ★

US Prison Population Grows

Reuters, June 23, 1997

The U.S. prison population increased by about 56,000 last year, reaching a record 1.182 million at the end of 1996. The Justice Department's latest report also says the number of state and federal prisoners more than doubled between 1985 and 1996. The report attributes the increase to a decline in annual release rates, meaning that prisoners served more time of their total sentences, and a sharp increase in the number of people imprisoned for drug offenses. ★

Government witness admits marijuana dangers exaggerated

Reefer Madness clip shown at trial

The Ottawa Citizen-News
May 16, 1997

By: Pearce Bannon

OTTAWA — The Crown's expert witness in the trial of a man accused of possession of narcotics said yesterday he doesn't consider marijuana users criminals.

Dr. Harold Kalant, Professor Emeritus of Pharmacology at the University of Toronto, made his comments during the trial of hemp store owner Chris Clay.

Dr. Kalant also acknowledged that law-enforcement officials exaggerate the dangers of marijuana.

The last day of testimony also featured the screening of the first few minutes of Reefer Madness, a 1936 film that depicts marijuana smokers as drug-crazed lunatics.

Dr. Kalant was asked by defence lawyer Paul Burstein whether he would consider his own children to be criminals if they smoked marijuana once or twice.

"No," he answered, then added, "I don't consider the great majority of cannabis users as criminals."

Asked what he thought about 600,000 Canadians having a criminal record for pos-

session of marijuana, he said he found it "regrettable."

Dr. Kalant, who spent his second day on the witness stand, was called by Crown attorney Kevin Wilson to give expert testimony on the many studies conducted worldwide on the alleged harmful effects of marijuana use.

Mr. Clay, 26, made national news two years ago when London police raided his store, Hemp Nation, seizing marijuana seeds and seedlings and charging him with possession of a narcotic for the purpose of trafficking and cultivation of cannabis.

Hemp Nation employee Jordan Prentice also was charged with narcotics offences.

Mr. Burstein and his defence partner, Osgoode Hall professor Alan Young, are arguing to Mr. Justice John McCart that pot is a relatively safe drug that should not be criminalized.

During his questioning of Dr. Kalant, Mr. Burstein noted that marijuana was legal in the United States until 1937, when the federal government there was pressured by anti-drug hysteria to prohibit its use.

Mr. Burstein then showed the introduction of Reefer Madness — a film Dr. Kalant deemed "really quite ridiculous" in its depiction of pot users gone mad.

"The motion picture you are about to witness may startle you," said Mr. Burstein,

reading from the film's forward for the benefit of the court.

The introduction went on to describe several effects from smoking pot, including "sudden, violent, uncontrollable laughter," and "incurable insanity." The forward concluded its warning by stating the public must "wipe out this ghastly menace."

After turning off the video, Mr. Burstein turned to Dr. Kalant and said, "The vast majority of those statements ..."

"Are nonsense," said Dr. Kalant.

Mr. Burstein asked Dr. Kalant about an RCMP booklet titled Racing Against Drugs distributed in co-operation with the two London-area school boards. Dr. Kalant was asked to consider the scientific accuracy of its list of marijuana's harmful effects, particularly the statement that THC, the active ingredient in cannabis, accumulates in the spaces between human brain cells.

"I'm afraid this looks like pure invention," said Dr. Kalant.

In response to Mr. Wilson's objection to questioning Dr. Kalant about the booklet, Mr. Burstein said, "this is put out by the RCMP, one of the organizations that are putting out data that the government is basing its (drug enforcement) policies."

Final arguments will be presented Tuesday, May 20. ★

Half Page

Full Page Ad

Canadian support for decriminalization building

The Globe and Mail
May 31, 1997

Pressure to decriminalize illicit drugs has been building for years. An impressive parade of police, lawyers, health workers, politicians and the media agree that when it comes to drug use, the cure is worse than the disease. Why won't the government listen up?

In 1995, nearly 43,000 Canadians were charged with almost 62,000 drug offences. Seventy-one per cent involved cannabis, 18 per cent were for cocaine and 2 per cent involved heroin. Roughly two-thirds of all drug charges each year are cannabis-related. Statistics on sentencing patterns are not available but we do know that over the past 20 years, nearly 700,000 Canadians have been arrested on cannabis charges and more than 500,000 of those were charged with possession. (Sharing a joint with a friend is considered "trafficking," while growing a plant in your backyard is "cultivation" and carries a more severe penalty than simple possession.)

Following a year-long inquiry into 331 heroin overdose deaths in British Columbia in 1993 (up from 39 deaths five years earlier), the province's Chief Coroner Vince Cain declared: "The so-called 'war on drugs' which is conducted by the justice system can only be regarded as an expensive failure." Noting that illicit drug use was the leading cause of death in B.C. residents aged 30 to 45, he called for the decriminalization of simple possession of both hard and soft drugs.

Dr. Cain may as well have been speaking in Klingon for all the good it did. Nevertheless, pressure to rethink the way Canada deals with illicit drugs continues to mount. Since the Liberals took office in 1993, an impressive list of mainstream organizations and individuals has been advocating a change of course. Some groups argue that prohibition is a fundamentally flawed concept - regardless of whether it is alcohol, marijuana or heroin. Others advocate the decriminalization of small amounts of cannabis only. The point is something must be done to wipe clean the criminal records of the hundreds of thousands of Canadians already convicted of minor drug offences. Here is what some of these groups and individuals are saying:

The lawyers

The 34,000-strong Canadian Bar Association is among the groups that say such drug policies are misguided. In March, 1996, spokesperson John Conroy told a Senate committee that while lawyers would lose business, his organization has been advocating the decriminalization of marijuana since 1978. "We submit that it is folly to continue in the present direction," he said. "People who have been working in the field are saying that this continued approach does not work; it is doing more harm than good." Despite many Canadians' tolerance of cannabis, Mr Conroy points out that thousands of people are still being sentenced to jail terms for such crimes.

The Criminal Lawyers Association of Ontario takes a similar stand. Spokesperson Irwin Koziembrocki told a Senate committee last year that while his group believes cocaine and heroin pose a threat to the community, the harmful nature of cannabis is questionable. Since a criminal conviction for cannabis hampers a person's employment prospects and can result "in tremendous restrictions on one's ability to travel" decades later, the damage inflicted by the legal system seems disproportionate to the offence. Drug laws are usually defended as being necessary to protect young people, but Mr Koziembrocki says there appears to be no relationship between the illegality of cannabis and its use by youth. "Walking through [Ottawa's] Rideau Centre yesterday," he informed the Senate committee, "I passed three young people who were openly discussing the merits of smoking a joint. Last week, I asked my son - who goes to a reputable school in Toronto - if he could obtain this type of substance. He told me that it was very easy to do."

The police

While there are differences of opinion among law-enforcement personnel, many police also favour a new approach.

In 1993, the Canadian Police Association, representing 40,000 officers, urged Parliament to remove cannabis possession from

the Criminal Code by making it a ticketable offence similar to a speeding violation.

In 1994, Ottawa Police Chief Brian Ford called for its decriminalization, declaring that the risk of things going wrong during marijuana busts is too high. (Three years earlier, his officers fatally wounded a man during a raid on a private home that turned up only a few grams of marijuana.)

With 35 years' experience as a law-enforcement officer in three U.S. cities, Joseph McNamara, Kansas City's former chief of police, also thinks decriminalization is the way to go. "It's the money, stupid," he says, "that is my message to the righteous politicians who obstinately proclaim that a war on drugs will lead to a drug-free America. About \$500 worth of heroin or cocaine in a source country will bring in as much as \$100,000 on the streets of an American city. All the cops, armies, prisons and executions in the world cannot impede a market with that kind of tax-free profit margin." Mr McNamara adds that the large amounts of money involved in the illicit drug trade also contribute to police corruption in the form of bribe-taking and thefts of both drugs and cash.

Beginning in late 1995, police in British Columbia were advised to stop laying marijuana charges because of court backlogs, a serious concern in many jurisdictions. At a rock concert I attended in Toronto two years ago, people were openly smoking dope on their way into the stadium. The dozens of police officers in attendance looked the other way.

The health workers and criminologists

Dr. Diane Riley began her 25-year career researching the effects drugs have on the brain. On the staff of the Canadian Centre on Substance Abuse until Ottawa slashed funding, she says: "We have to face up to the fact that drugs are with us," that some (but not most) people abuse them and that our prohibitionist approach is making it more difficult to save lives. "The World Health Organization has cautioned that if one does not keep the country's level of HIV infection in injection-drug users below 10 per cent, then one faces an explosive epidemic," says Dr. Riley. In Montreal, that level is currently around 20 per cent. In a test city in England - where drug abuse is being treated as a health matter rather than a criminal one and people aren't afraid to seek help - Dr. Riley says the HIV infection rate among intravenous drug users has been reduced to less than 1 per cent.

HIV is 10 times more prevalent in prisons than among the general population. Nearly 40 per cent of inmates in Kingston's Prison for Women who agreed to be tested are hepatitis C positive. Everyone admits drug use is rampant in such facilities. Although prison inmates are at particularly high risk of contracting HIV and other diseases from dirty needles, Dr. Riley points out that Corrections Canada spent \$1.2 million on drug-testing, and less than one-sixth of that amount on AIDS prevention. In fact, drug testing is aggravating the already high-risk situation since inmates - here as well as in other countries - are apparently switching to harder drugs because cannabis is detectable via urinalysis for 30 days or more, while cocaine and heroin dissipate within 72 hours. "The war on drugs is a crusade," says Dr. Riley. "And nobody wins in a crusade."

Line Beauchesne is a criminology professor at the University of Ottawa and the author of a book about youth drug-abuse prevention programs. "We must define our objectives," she says. "Is it to reach a point where people will no longer take any drugs, legal or illegal, or medication, or alcohol, or do we want them to consume drugs in a moderate way?"

Prof. Beauchesne says that if her daughter suddenly began eating large amounts of chocolate, her first reaction would be to wonder what was wrong, rather than to ban chocolate. "In order to be able to say that there is no more drug abuse, I would have to be able to say that there are no more unhappy people, that the world is perfect and that there is no reason left to want to numb one's feelings."

For her, decriminalization is a means to an end. If society's goal is to have as healthy a population as possible, providing drug treatment for addicts rather than consigning them to prison makes more sense. Such

programs that do exist in Canada have scandalously long waiting lists and are often chronically underfunded, even though addiction treatment costs much less than caring for an AIDS patient.

The media

Last month, The Ottawa Citizen ran four editorials in five days advocating the gradual decriminalization of all illicit drugs. The Toronto Star published editorials in 1993 and 1996 urging the decriminalization of marijuana. A 1995 Globe and Mail editorial, based on a 19-country World Health Organization study that found little evidence of lasting harm from the use of cocaine, argued that decriminalization would ease pressure on our overburdened courts and police forces.

A year ago, Montreal Gazette national-affairs columnist William Johnson admitted to using cannabis, urged decriminalization and declared that the "supposed cure, prohibiting some drugs, is infinitely worse than the disease." Toronto Star columnist Frank Jones has called for cannabis to be legalized and distributed by the provincial Liquor Control Board. Southam News columnist Andrew Coyne has written it "should be evident by now that much of the harm of the illegal drugs has more to do with their illegality than with the drugs themselves."

The politicians

Nor is political leadership entirely lacking on Parliament Hill. Last year, Canadian senators Sharon Carstairs, Richard Doyle, Duncan Jessiman, Rose-Marie Losier-Cool and Pierre Claude Nolin all publicly supported the decriminalization of cannabis. A handful of MPs were also leaning in that direction. Bloc Quebecois MP Pierre de Savoye acknowledged that "young people can indulge in escapades. We don't want to ruin their lives over such incidents." Bloc MP Pauline Picard declared that "illegal drug use is much more of a health problem than a crime problem." NDP MP Nelson Riis called for the decriminalization of cannabis, while BQ Pierrette Venne said she had "reservations about the way possession of cannabis" is currently being handled.

Technically, there is no "war on drugs" in Canada. That term isn't officially used by

Ottawa as it continues to pursue decades-old punitive measures, often against people who consume illicit drugs responsibly with no apparent ill effects.

In 1980, while serving as justice minister in Pierre Trudeau's cabinet, Jean Chretien told Canadians it was the government's "intention to bring about changes which will serve to lessen the severity of penalties for possession" of cannabis. Seventeen years later, we are still waiting. The Prime Minister advised students in Prince Edward Island last year that decriminalization wasn't one of his government's priorities.

What has to happen before it becomes one? How many people need to earn criminal records for marijuana offences? How high do HIV and hepatitis rates need to climb? How many heroin overdose deaths will it take? How many more people need to lose their lives in drug turf wars between Quebec biker gangs before we acknowledge that police powers that threaten civil liberties are not the answer?

As Senator John Bryden observed last year, "If we cannot control the access to drugs (hard drugs, soft drugs and otherwise) and if we cannot keep intravenous needles out of top-security prisons, I would think that is a commentary on how we might think we are able to control, by criminal law, the access of general citizens to these things."

Indeed, this is the crux of the matter. If we are prepared to live under a totalitarian regime in which not only prison inmates but virtually every citizen is subject to 24-hour monitoring to ensure we don't ingest, inhale or inject prohibited substances, the war on drugs can be won. The question is: Are we willing to pay that price?

If we are not, our policies need to change. Dozens of organizations and individuals who have made presentations to Parliament in recent years say there are less harmful, more constructive ways to deal with illicit drugs. When are our politicians going to listen up and do the right thing?

*Donna Laframboise is a Montreal writer with an interest in criminal-justice issues. Like Alexa McDonough, Jean Charest and Gilles Duceppe, she too has inhaled. **

Marijuana penalties vary greatly from state to state

Reason
May 1997

Grow marijuana for medical use in California, and you can get off. Do it in Oklahoma, and you can get 93 years.

By Adam J. Smith

Will Foster, a 38-year-old father of three who lives in Tulsa, Oklahoma, suffers from rheumatoid arthritis in his back and feet. Over the years, he has tried various drugs for his condition. They were not very effective, and most contained codeine, which left him groggy and irritable, making it impossible to work or enjoy time with his children. Marijuana, by contrast, relieved his pain without disrupting his life. To minimize the chance of arrest, Foster decided to grow his own supply, concealing a small garden in an old bomb shelter in his basement. The shelter was behind a steel door to which only Foster had the key. None of his children knew about the garden or saw the marijuana. It was important to him that his choice of treatment cause no confusion for his kids, that their childhoods be as normal as possible.

The police had different plans. Now Foster may face the equivalent of life in prison for growing and using a forbidden medicine. He does not seem like the sort of man who belongs behind bars. A five-year Army veteran who served as an M.P., Foster has operated his own software business for four years. He has never had so much as a fistfight; his most violent tendencies are bird hunting and, when he feels up to it, weekend war games with paint-ball guns. In short, he is a decent, productive citizen who threatens no one except drug warriors who cannot abide the notion that marijuana could be good for anybody. Will Foster is someone to keep in mind when drug czar Barry McCaffrey insists that patients and doctors who use marijuana as a medicine should be treated like criminals.

On December 28, 1995, the Tulsa Police Department's Special Investigative Division received a tip from a "confidential informant" that Foster was selling methamphetamine from his home. That information was enough to obtain a warrant, specifying methamphetamine as the object of the search, and late that afternoon there was a knock on the Fosters' door. Will's wife, Meg, disengaged the lock, only to have the door "explode inward" as the police knocked it in with a battering ram, knocking her to the floor, nearly on top of their 5-year-old daughter. "There were guns in my face," she recalls. "Men in street clothes demanding to know who I was. My daughter was terrified and screaming frantically the entire time: 'Don't hurt my mommy!' It was at least five minutes before I understood that these were police officers."

The police held Will, Meg, their daughter, and a visiting friend, a diabetic recovering from surgery, for four hours while they tore the house apart. During the search, Meg says, one officer threatened to "kick my ass to the north side of town if I did not tell him what he wanted to hear." The same officer, she says, later yanked Will's cuffed hands straight up behind his back and threatened to break them if Will did not tell him where the "meth" was. Meg says she eventually convinced the officers to un-cuff their convalescing friend "before they killed him." The Tulsa police declined to comment on the search or any other aspect of the case.

Despite a thorough search, which included tearing apart the 5-year-old's teddy bear, the police found no trace of methamphetamine in the Fosters' home. Nor did they find anything indicating that the drug had ever been sold there. (The total amount of cash in the home was \$28.) At one point, Meg says, one of the officers sat on the couch and told the others, "I'm not participating in this—we messed up," and refused to continue helping with the search. But the police did find Will Foster's medicine: about 70 plants, many of them seedlings. The Fosters were arrested and

held on bonds of \$35,000 each. "I spent the night in jail," says Meg, who calls it "the worst experience of my life."

Will Foster, indignant at being arrested for his choice of medical treatment and concerned for the welfare of his family should he be sent to prison, turned down an offer of a 12-year sentence from the Tulsa County District Attorney's Office and demanded a jury trial. In an apparent attempt to pressure the Fosters into cooperating, the district attorney's office put the names of the Fosters' three children, including the 5-year-old, on the prosecution witness list. The Fosters, hoping to ensure that one of them would remain free to raise the children, decided to accept the prosecutors' offer of misdemeanor charges for Meg in return for her testimony against Will.

On October 22, 1996, still awaiting trial, Will Foster was filling the gas tank of his wife's car at a convenience store when a police car pulled up, ostensibly to cite him for failure to signal a turn. The officers called him by name and made a call from their cellular phone. They searched Foster and the car, finding nothing.

During the search, members of the same Special Investigative Division that had been involved in the December search and arrest showed up. Foster says he heard them tell the uniformed police, "No, you pulled him over in the wrong car. We wanted the truck." Foster's truck was fully paid for and thus would have been subject to forfeiture. His wife's car, on the other hand, still had a bank lien on it. As a consolation prize, the police seized the \$200 that Foster was carrying at the time. Deciding that Foster "smelled of marijuana," the officers arrested him and brought him to the station, where he was held without processing for 11 hours before being released after paying a \$390 fine for the traffic violation.

While Foster was in custody, the police obtained another search warrant, based on the alleged marijuana smell. They entered the Fosters' new home, to which the family had moved in September, using Will's own keys, which they had confiscated from him as "proof of residency." This time the warrant listed marijuana as the object of the search, and the police claim to have found some. (Meg Foster says, "I know for a fact that there was no marijuana in my house. Lord knows that Will had been living with his pain since the arrest.") Foster now faces additional charges stemming from this search. The district attorney's office declined to comment on the second search, citing the ongoing nature of the case.

After Will was released from custody, the Fosters returned home to find that their possessions had once again been ransacked. "My youngest daughter...kept screaming, 'They're back! They're back!'" Meg recalls. "I wouldn't let her in past the kitchen." The girl had been plagued by memories of the first search. "It will hit her at the weirdest times," Meg says. "All of a sudden she'll start crying or screaming. She's still having terrible nightmares. She just turned 6 years old, and she doesn't understand why Will can't come home."

At the trial stemming from the initial search and arrest, Foster's attorney, Stuart Southerland, having had no experience with medical marijuana, decided not to attempt a medical necessity defense, which is not explicitly recognized by Oklahoma law. The point was raised, briefly, as a mitigating factor, in arguing that Foster's offense should be treated as simple possession. But no medical experts were called, and no testimony was heard about marijuana's effectiveness as an analgesic for conditions such as Will's. Tulsa County Assistant District Attorney Brian Crain, who prosecuted Foster, says, "It wouldn't have mattered anyway, because it's illegal to use marijuana medically in Oklahoma."

The prosecution offered testimony that the plants found in Foster's home were equivalent to 2,652 "dosage units" (joints) of marijuana. Marijuana cultivation expert

Ed Rosenthal, testifying for the defense, said a 25-square-foot indoor garden such as Foster's could reasonably be expected to produce about a dozen ounces of usable marijuana per crop, something like 600 joints. The state also offered zip-lock sandwich and freezer bags as evidence of drug distribution. Many of the bags found in the house had actually been filled with the paint balls that Foster shared with his buddies during their occasional weekend war games.

While simple possession of marijuana in Oklahoma can be treated as a misdemeanor, the state treats cultivation of "all species of plants from which a schedule I or II substance can be derived" as a felony. The sentence for cultivation, regardless of the number of plants, is a minimum of two years and a maximum of life imprisonment. Crain says he asked the jury to recommend "20, 200, 2,000, whatever number of years they wanted to give" to Foster. On January 16, following Judge Bill Beasley's instructions and the sentencing guidelines, the jury gave these verdicts and recommended sentences:

* Guilty of cultivation and possession of marijuana, a Schedule I substance. Recommended sentence: 70 years.

* Guilty of the aggravating factor of possession in the "presence of a minor, under age 11." Recommended sentence: 20 years (the maximum for that charge).

* Guilty of possession with intent to distribute. (Foster admitted during the trial that he had occasionally shared some of his marijuana, consumed in his home.) Recommended sentence: two years (the minimum for that charge).

* Guilty of failure to procure a state tax stamp for the (illegal) distribution. Recommended sentence: one year.

Total: 93 years.

Crain says the sentence was appropriate "because it falls within the statute, and I think that the statute is appropriate." He adds that, due to Oklahoma's severe shortage of prison space, jurors feel they must hand out extremely long sentences to ensure that significant time is served. He notes that for parole and pardon purposes each charge is considered to have a 45-year maximum, and it is "possible" that Foster could be paroled on the 70-year cultivation sentence after serving as little as eight years. But cultivation in the presence of a minor carries a 50 percent minimum, meaning that Foster would have to serve at least 10 years of that 20-year sentence. At a hearing on February 27, Judge Beasley said the two sentences will run consecutively.

Foster, who is now in prison, may have grounds for appeal. It appears that Beasley mistakenly excluded two defense witnesses, based on the prosecution's assertion that Southerland did not give adequate notice of their appearance. Southerland says he has evidence that proper notice was in fact given, in which case an appeals court might order a new trial.

"The hardest thing was coming home after the verdict and telling those beautiful kids," says Meg Foster. "They love him so....I don't think the jury ever thought about that. I wish for one day they could stand in my shoes. After all, we let out rapists, murderers, and child molesters in less time. Ninety-three years is a long time...for what is only a plant that God put on this planet." The Fosters have already used up their children's college funds for Will's defense and had to borrow money from relatives. Meg, who is trying to keep her husband's business afloat, cannot bill his clients because the police have seized their home computer, along with all of Will's business records.

"Once upon a time this was a man who believed in America and what she stood for," she says. "Right now, we are all just very disillusioned."

Adam J. Smith is assistant director of the Drug Reform Coordination Network in Washington.

Medical Marijuana clubs face varying enforcement

The Associated Press
June 7, 1997

By JOHN HENDREN
AP Business Writer

SAN FRANCISCO — The strains of sitar music mingle with the smoke at the Cannabis Cultivators Club, a '60s-style bistro where the menu lists eight grades of "top quality" marijuana.

A glass counter displays the best sellers: marijuana-filled brownies and peanut butter cookies; "merry pills"; and rum bottles and glossy red-and-green boxes bearing the club's Phoenix and Amigo brands.

"We call it the pharmaceutical nightclub," said Tracy Williams, 30, who is paralyzed and often travels nearly 60 miles from his Santa Cruz home for the drug he smokes to ease his muscle spasms. Since California legalized medical marijuana in November, the state's marijuana clubs have evolved from black market drug dens to bona fide cannabis retailers. They pay taxes, take bank cards and register patients.

But the state's ill-defined medical marijuana statute still makes outlaws of buyers clubs. And the patients — who come in wheelchairs or on canes and often bear the purplish lesions that mark AIDS sufferers — risk arrest daily in the effort to ease their pain. "I've known two people who have been busted in the last few weeks," said San Franciscan Jay Segal, 48, who smokes marijuana to relieve the side effects of AIDS drugs. "The funny thing is that the right-wingers all say marijuana leads to crime. Look around you — a lot of stoners laying on couches. This is crime?"

At least a dozen clubs have opened in California, including sites in Los Angeles, Sacramento, Santa Cruz, San Jose, Hayward, Marin and seven locations in San Francisco. But the law's silence on key legal questions has led to widely varying enforcement from city to city, arrests of patients, federal agents threatening doctors, black market deals between growers and buyers clubs and the federal raid of a San Francisco club.

The November citizen referendum, Proposition 215, legalized marijuana possession by anyone with a doctor's recommendation. But transporting it — even to the user's home — remains illegal.

Authorities are grappling with such unanswered questions as whether smoking in clubs violates state anti-smoking statutes, whether cultivating the drug off club grounds remains a felony and whether sales between grower and club are illegal.

Even clubs that adhere to a conservative interpretation of the law by growing their supplies on the spot break the law by buying black-market seeds, according to state and federal authorities.

"Prop 215 is a mess," said Karyn Sinunu, assistant district attorney in charge of the Santa Clara County narcotics unit. "I don't know if the voters thought this stuff would fall from heaven or what, but that just wasn't addressed before this thing was passed."

Helen, 79, who asked that her last name not be used, risks a prison term each time

she carries a bag of low-grade marijuana on the two-hour drive from the San Francisco club to her home in Sacramento. The marijuana cookies she bakes allow her 79-year-old husband, Norman, to sleep through the pain of a condition that leaves nerves exposed.

"At least he sleeps," she said, standing out in her neatly pressed suit near a customer in a Grateful Dead T-shirt and a shirtless man with necklace of cannabis leaves. "I don't care what the federal government says, it has helped this man." Downstairs, club manager Dennis Peron talked to an intermediary about taking on a new supplier for the 40 pounds of marijuana the club's nearly 4,000 members go through each week. Asked if such deals are legal, he shrugged. "The law's only been in effect for five months," said Peron, who led the state campaign to legalize medical marijuana. "The plant takes six months to grow. We're currently buying on the underground market." Prosecutors in each region are making up the law as they go along. In San Francisco, nearly everything goes. In San Jose, one of the city's

Hemp Showing Up In New Forms

Associated Press
May 18, 1997

MAYSVILLE, Ky. — Industrial hemp can help lift you up in the morning, give your dog the warm fuzzies, help you get a good night's sleep and even give your baby some TLC - without the THC.

The fashion and food industries have plenty of uses for hemp, but the fibrous plant gets a bad rap because of its hallucinogenic cousin, marijuana. Both are members of the same species, cannabis sativa; the difference is that industrial hemp contains only minute amounts of the psychoactive tetrahydrocannabinol.

Companies big and small, well-known and obscure are using hemp in everything from gourmet coffees to mattresses and baby jumpers.

Daimler-Benz is using hemp in its dashboards and interior door panels. Armani is making hemp jeans. Even family-friendly Disney has sold hats made of the stuff.

The plant is being touted for everything from salad oil to fuel oil, paper to plastic.

"Anything that can be made from a hydrocarbon can be made from a carbohydrate," said Joe Hickey, executive director of the Kentucky Hemp Growers Cooperative Association.

"I can't believe we're not already growing it," said Belinda Bothman, general manager of Edgemont Yarn Service Inc. in Maysville, which is exploring weaving hemp into its yarns. "I was looking for something new and exciting to do from here."

Hemp is expensive to come by because, like pot, it's illegal to grow in this country. Police say it looks so much like marijuana that it would be used to hide the pot crops.

For now, U.S. companies are importing hemp fiber, oils and seeds - boiled to sterility under the watchful eye of the Drug Enforcement Administration - from China and Europe. But the supply may be moving a little closer to the demand.

The Navajo Nation is considering using its sovereign status to legalize hemp production as a source of income, and several state legislatures are discussing similar measures.

Some estimate the hemp retail market at \$100 million a year worldwide.

"I think the demand has been a combination of a certain vogue perception of hemp. But at the same time, people can feel really good about this vogue because it's eco-materials we're talking about here," said David R. Gould, president of Hemp Textiles International Corp. in Bellingham, Wash.

Gould's company has supplied hemp yarn and fabric to the likes of Adidas, Pierre Cardin and Ralph Lauren. And he said other clothiers are looking to follow.

Gould said, "1997 has really been a watershed year in terms of mainstream companies getting involved and getting geared up to introduce hemp lines."

Oregon Marijuana arrests 1996

"Report of Criminal Offenses
and Arrests 1996"
from the Oregon State Police

Population in 1996: 3,181,000 Behavioral crimes in 1996: 150,416 Rate per 10,000 population: 472.9

Total Oregon Drug Law offenses: 17,333
Total Oregon Drug Law arrests: 16,131

Total Oregon marijuana offenses: 7,498
Total Oregon marijuana arrests: 6,675

Oregon marijuana possession for use of under an ounce offenses: 4,421 Oregon marijuana possession for use of under an ounce arrests: 5,013

Oregon marijuana possession for use of over an ounce offenses: 859 Oregon marijuana possession for use of over and ounce arrests: 322

Oregon marijuana transportation/manufacturing/cultivation offenses: 643 Oregon marijuana transportation/manufacturing/cultivation arrests: 250

Crown City Mattress of San Gabriel, Calif., is putting hemp into about 3 percent of this year's production of mattresses and futons. Vice president Steve Carwile said the product is durable, mold-resistant and just appeals to his eco-conscious clientele.

He said the family-owned business isn't just looking to cash in on the marijuana mystique.

"About 15 years ago, we used to have a slogan that said 'The happy mattress manufacturer,'" he said. "But we don't want to do that on this one."

Interface Inc. of Atlanta, a big carpet tile manufacturer, is testing hemp as part of company owner Ray Anderson's quest to make all of Interface's products recyclable by 2000, said Ray Berard, vice president of technology.

"He wants the company to be sustainable, that is, not dependent on oil or other materials," Berard said.

Others are using the controversy to their advantage.

There's a line of hats from New Jersey called Headcase with labels warning buyers to "not smoke this cap." Sharon's Finest of Santa Rosa, Calif., markets Hemp Rella cheeses and a Hempeh Burger that it calls "deliciously legal."

George Co. of San Francisco has doggie sweaters and beds made of hemp.

And Hempfields Natural Goods of Surprise Valley, Calif., recently introduced three varieties of organic coffee mixed with roasted hemp seeds. Bruce Klassen, a co-owner, said the seeds give the coffee a nutty flavor, while the hemp oil reduces acidity.

"You don't have the effects of acid stomach or heartburn ... that you would get from a normal coffee," he said.

Hemp even turned up recently in a Maryland-brewed boutique beer. Don Wirtshafter's Ohio Hempery in Guysville supplies all the seeds for Hempen Ale, as well as for Hempfields' coffees.

Wirtshafter said he shipped 44,000 pounds of hemp seeds - or one container - to Hempfields in one month. That's about what the annual U.S. seed consumption was a couple of years ago, he said.

"Our strategy is we're setting up the infrastructure of an industry, so that when our local farmers are able to grow hemp, there'll be a place for them to sell it," said Wirtshafter, whose mail order company markets the hemp baby jumper and blankets. *

Oregon marijuana possession for sale of under an ounce offenses: 656 Oregon marijuana possession for sale of under an ounce arrests: 393

Oregon marijuana possession for sale of over an ounce offenses: 712 Oregon marijuana possession for sale of over and ounce arrests: 549

Total Oregon hashish offenses: 27 Total Oregon hashish arrests: 17

Total Oregon marijuana furnishing offenses: 78 Total Oregon marijuana furnishing arrests: 40

Total Oregon marijuana obtaining unlawfully offense: 4 Total Oregon marijuana obtaining unlawfully arrests: 9

Total Oregon marijuana unclassified/other offenses: 82 Total Oregon marijuana unclassified/other arrests: 82 *

Trinity County Pot Farmer 'Comes Out of Closet' to Test New Law

Los Angeles Times

Drugs: Voter-passed initiative permitting marijuana use for medicinal purposes emboldens grower to take public stand. He tells Board of Supervisors about his crop.

By MARTHA IRVINE, Associated Press DENNY, Calif.—Just about everyone for miles around this Northern California town has known for years that B.E. Smith was raising marijuana in the backwoods.

And if they didn't, they do now. Smith brazenly announced that fact—and his intention to plant more than an acre of marijuana for medical purposes by midsummer—to the somewhat bewildered Trinity County supervisors in April.

"You could say I'm coming out of the closet," said a chuckling Smith, a self-proclaimed freedom fighter and avid pot smoker who has twice run for county sheriff.

In November, California voters legalized the cultivation and possession of marijuana for medical use. And now, the 50-year-old pot farmer envisions the day when marijuana will be grown in wide-open fields, "like hay" or any other legal cash crop.

"We could do for marijuana what Napa Valley has done for wine," Smith said, standing on the small plot where he plans to grow his crop.

Few growers are willing to speak as openly as Smith. But he's not the only one who thinks medicinal marijuana will reshape the "Emerald Triangle," the Northern California pot-growing region of Humboldt, Mendocino and Trinity counties.

For years, the region's dense forests and steep hillsides have provided the perfect cover for clandestine marijuana patches.

Pot is so common that locals say bags are traded for groceries or even a country doctor's advice. It is widely considered the Emerald Triangle's top cash crop and ranks with tourism as one of the region's major industries.

Proposition 215, as the marijuana referendum was known, gives dope growers "a place to stand and walk from," a 26-year-old Eureka pot grower says.

This particular grower has contracts to sell most of his harvest to a new club in nearby Arcata that distributes plants and marijuana to patients. But his wish to remain anonymous illustrates the confusion over just who may grow the otherwise illegal drug under the new law.

"It's a wide-open situation," said Ray Raphael, a Humboldt County writer and the author of "Cash Crop," a sociological analysis of Northern California's pot industry. "Nobody knows what will happen."

Prosecutors in the Emerald Triangle say they're not interested in going after legitimately ill people growing their own pot. But they don't believe Proposition 215 allows just anyone to produce medicinal marijuana.

Did Proposition 215 "in fact mean that Californians wanted a general relaxing of marijuana laws?" asked Terry Farmer, Humboldt County's district attorney. "If that's going to be true . . . they need to say so. Right now, we have to take them at their word."

Jim Woods, a deputy district attorney in Trinity County, said the law allows growing marijuana by patients or a caregiver, someone designated to look after the patient's "housing, health or safety."

Regardless, cannabis club organizers statewide are operating under the assumption that they are caregivers—and San Francisco's Cannabis Cultivator's Club has gotten a lower court judge in Oakland to back them up.

With the recent federal raid on San Francisco's Flower Therapy pot club, authorities show few signs of giving in. But even some state agencies admit that the issue of growing medicinal marijuana is tricky. That includes the California Department of Justice, which helps oversee the Campaign Against Marijuana Planting, or CAMP.

Each summer, teams of law enforcement officials descend upon the Emerald Triangle in helicopters, ripping up marijuana plants. Last year, they destroyed 94,000 plants statewide.

But would the state Department of Justice consider leaving B.E. Smith's pot alone? Agency spokesman Michael Van Winkle hesitated.

"What does that mean on a case-to-case basis? I'm not sure we've had enough cases to know," Van Winkle said.

More than anything, law enforcement officials say they don't want to see a return to the violence that once plagued the Emerald Triangle, which led one law enforcement official to describe Denny, where Smith lives, as "the most lawless town in America."

Some wonder, for example, whether a call to lower the price of marijuana for patients might cause problems. Right now, marijuana sells for about \$5,000 a pound, a price that has long boosted a Northern California economy hurt by the dwindling timber and fishing industries.

Smith and other growers who have contracts with cannabis clubs statewide say they will sell it to them for as little as \$500 a pound.

"We don't get greedy up here," said Smith, who plans to grow 1,000 pounds of pot. "We just make a living."

Raphael doesn't see the price-slashing as causing any problems. "Marijuana growing is so decentralized, it lends itself to zero mob activity," he said. ". . . So if there is any pressure, it'd be very idiosyncratic and done by a few raving individuals."

In fact, he said, most marijuana growers voted for Proposition 215. In Honeydew and northern Humboldt County—areas rife with pot farms—nearly 80% of voters favored the measure.

For his part, Smith said, he decided to grow medicinal marijuana to ease his conscience and to appease his wife, Mary, who says growing pot for recreational uses "is not something a Christian would be involved in."

"I'm sick of it," Mary Smith said as she sat in the couple's two-story cabin. "I've seen good people go to jail that were just trying to make a living and live in the mountains."

Smith smiled and took a hit off a loosely rolled joint, part of a daily ritual that he says converts him from "a John Wayne to a Timothy Leary."

Despite his habit, this skinny mountain man still intends to be sheriff one day. But for now, he wants to offer pain relief—instead of an end to all pain, promised by a well-known Michigan doctor.

"Call me instead of Dr. K," Smith said, tipping his black cowboy hat. *



one time, he required 600-milligram doses of morphine every three to four hours.

"I couldn't get out of bed because I was so drugged," Major says. "I took tons of stuff just to go to sleep."

The effect of the legal drugs was so detrimental to Major's health that doctors advised Major to try marijuana and eliminate morphine. He did. Subsequently, he and his wife were discovered, prosecuted and sentenced under a plea bargain agreement.

The punishment? The Majors are on probation and must pay \$23,500 to avoid forfeiture of their home of 32 years. Contrast this with probation, community service and \$6000 levied recently against a nearby city councilman who sodomized a 14-year old girl! The sentences are completely unproportional.

The Majors have harmed no one. They represent no threat to society at large. They simply grew marijuana plants in their basement for Norm's personal use in alleviating pain.

The councilman, however, is a child molester who admits to two counts of sodomy with a minor. The history of child molesters is that they do not stop—even after imprisonment. Treatment is almost always ineffectual. Yet this local monster, who represents a genuine threat to children, has been released back into the community with a slap on the hand.

This is a travesty of justice.

I believe prosecutors are motivated by the need to keep the drug war alive. They see selective enforcement of drug laws as a means of developing forfeiture funds to enlarge their departments. But they are going too far.

If one looks at the Major case, which is typical of most drug cases, there is no rational excuse for prosecuting such peaceful, harmless persons. There are no victims involved! Prosecute those who drive under the influence of drugs; they endanger the safety of others.

Prosecute those who sell drugs to minors; they endanger the safety of children. Prosecute those who steal to support their drug habit; theft and burglary violate property rights. And prosecute those guilty of drug-induced disorderly conduct or violence against others. But don't prosecute those who, for whatever reason, are using drugs in a non-threatening manner and who do NOT endanger public safety.

While drug use may be unhealthy and a vice or sin, as some would like to insist, it is not a matter for legal concern. Drug use is better treated by a doctor than a policeman. It is better dealt with by education, social ostracism, persuasion, treatment, and debate—not jail.

Civil forfeiture cases are vindictive and unwarranted. They allow the government to seize property which has been used in the commission of certain selective illegal acts. Many police departments routinely seize the automobiles of those who pick up prostitutes or transport drugs because of the forfeiture money involved. Many courts reap handsome monetary rewards by confiscating the property of landlords who unknowingly rent to tenants that manufacture drugs. Forfeiture laws punish persons where no violence or victimization occurs.

Of course, as a libertarian, I am not as concerned with the Majors' case as I am with the principle of individual rights involved—the rights of all adult individuals

to live their lives in whatever manner they choose so long as they do not violate the equal rights of others.

In a free country, the law should not be able to dictate what one does with one's own body in the privacy of one's own home. Feminists who support the right to choose abortion should understand that. Religious groups who support the right to fast or deny themselves medication should understand that. Vegetarians who renounce meat should understand that. And cigarette smokers, who ignore the Surgeon-General's warnings, should understand that. Would we have a safer, healthier, better country if abortions, fasting, Christian Science, vegetarianism and smoking were all prohibited as criminal acts punishable by jail? I think not.

Further, taxpayer money is misspent housing harmless drug users in prisons (where you can get all the drugs you want).

More prisons would not be necessary if we could legalize drug use. Drug users and sellers are generally not violent criminals, but they represent almost 50% of prison populations. This is wasted tax money.

The Majors' case stands as a challenge to every citizen in the country. We are not a just nation if we continue to ruin the lives of harmless persons because they have committed questionable errors of judgment. Errors of judgment are correctable with education.

Citizens concerned with legal justice and the increasing costs of prisons should start on the road back to rational justice by



Jospin Would Decriminalize Hashish

Reuters
April 28, 1997

PARIS—The French opposition Socialist leader, Lionel Jospin, saying he had twice smoked hashish, told a television interviewer Sunday that he wanted to decriminalize the use of the drug if his party won the parliamentary election scheduled for May 25 and June 1.

"I did it once in the United States, with a young woman, and I think once in France," Mr. Jospin said in the interview with Canal Plus television about a 1995 admission that he had smoked hashish.

He said his party would decriminalize the drug if it emerged victorious from the voting. "Legalizing sounds like justifying," he said. "Penalizing is absurd. I think we have to find a line somewhere between the two."

France forbids the recreational use of drugs and has frequently clashed with the Netherlands, where the possession of small amounts of soft drugs is tolerated. ★



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The Oregon Cannabis Tax Act

Whereas the people of the State of Oregon find that Cannabis hemp is an environmentally beneficial crop that:

(a) Yields several times more fiber, for paper and textiles, and healthier protein and oil than any other plant;

(b) Yields cloth and paper of superior strength and durability without the application of pesticides during cultivation and without producing cancer-causing pollutants during processing;

(c) Yields more biomass than any other plant outside the tropics, though it grows well in the tropics too, and grows faster than any other plant on earth in the temperate and cooler climates;

(d) Yields a substance that relieves the suffering of many ill people without life-threatening side effects; and,

Whereas the people find that federal and corporate misinformation campaigns that economically benefit small groups of people have suppressed the information above and the fact that:

(a) George Washington grew cannabis for more than 30 years and, while he was President, said, "the artificial preparation of hemp is really a curiosity" and told his Secretary of the Treasury, Alexander Hamilton, that he was, "suggesting the policy of encouraging the growth of Hemp";

(b) Thomas Jefferson invented a device to process cannabis, and cannabis fiber was used for most clothing and paper production until the invention of the cotton gin;

(c) Gouverneur Morris of Pennsylvania, who spoke at the U.S. Constitutional Convention in 1787 more than any other delegate and of whom James Madison said, "the style and finish of the Constitution properly belongs to the pen of Gouverneur Morris," wrote a paper he sent to Thomas Jefferson called, "Notes Respecting Tobacco" that compared cannabis and tobacco and concluded that cannabis "is to be preferred"; and,

Whereas the people find that cannabis is Oregon's largest cash crop, indicating that cannabis prohibition has failed; and

Whereas the people find that, despite misinformation concocted to justify cannabis prohibition, the courts of Alaska, Hawaii and Michigan have noted presidential commission findings, scientific studies, and learned treatises which:

(a) Characterize cannabis as a relatively nonaddictive and comparatively harmless euphoriant used and cultivated for more than 10,000 years without a single lethal overdose;

(b) Demonstrate that moderate cannabis intoxication causes very little impairment of psychomotor functions; reveal no significant physical, biochemical, or mental abnormalities attributable solely to cannabis use; and that long-term, heavy cannabis users do not deviate significantly from their social peers in terms of mental function;

(c) Disprove the "stepping stone" or "gateway drug" argument that cannabis use leads to other drugs; rather, that lies taught about cannabis, once discovered, destroy the credibility of valid educational messages about moderate and responsible use and valid warnings against other truly dangerous drugs;

(d) Indicate that cannabis users are less likely to commit violent acts than alcohol users, refute the argument that cannabis causes criminal behavior, and suggest that most users avoid aggressive behavior, even in the face of provocation; and

(e) Declare that cannabis use does not constitute a public health problem of any significant dimension; finds no rational basis for treating cannabis as more dangerous than alcohol; and

Whereas the people of the State of Oregon find that cannabis does not cause the social ills that its prohibition was intended to guard against; rather, that most of the social ills attributed to cannabis result from its unreasonable prohibition which:

(a) Provides incentives to traffic in marijuana instead of limiting its prevalence, since almost all cannabis users evade the prohibition, even though drastically expanding public safety budgets have reduced funding for other vital services such as education;

(b) Fosters a black market that exploits children, provides an economic subsidy for gangs, and sells cannabis of questionable purity and uncertain potency;

(c) Generates enormous, untaxed, illicit profits that debase our economy and corrupt our justice system; and,

(d) Wastes police resources, clogs our courts, and drains the public budget to no good effect; and,

Whereas, the people recall that alcohol prohibition had caused many of the same social ills before being replaced by regulatory laws which, ever since, have granted alcohol users the privilege of buying alcohol from state licensees, imposed strict penalties protecting children, delivered alcohol of sure potency, and generated substantial public revenues; and,

Whereas the people hold that cannabis prohibition is a sumptuary law of a nature repugnant to our constitution's framers and which is so unreasonable and liberticidal as to:

(a) Arbitrarily violate the rights of cannabis users to be secure against unreasonable search and seizure as guaranteed to them by Article 1, Section 9 of the Oregon Constitution;

(b) Unreasonably impose felony burdens on the cannabis users while the state grants special privileges to alcohol users, which violates Article 1, Section 20 of the Oregon Constitution;

(c) Unnecessarily proscribe consumption of an "herb bearing seed" given to humanity in Genesis 1:29, thereby violating their unqualified religious rights under Article 1, Section 3 and their Natural Rights under Article 1, Section 33 of the Oregon Constitution;

(d) Violates the individual's right to privacy and numerous other Natural and Constitutional Rights reserved to the people under Article 1, Section 33 of the Oregon Constitution;

(e) Violates the state's right to regulate and tax an intoxicant market as reserved to states under the

BALLOT TITLE

PERMITS SALE OF MARIJUANA TO ADULTS THROUGH STATE LIQUOR STORES

RESULTS OF "YES" VOTE: "Yes" vote permits state-licensed cultivation, sale of marijuana for medical purposes and to adults.

RESULTS OF "NO" VOTE: "No" vote retains present prohibition on cultivation and sale of marijuana.

SUMMARY: Replaces state, local laws on marijuana except DUI laws. Directs OLCC to license marijuana cultivation by qualified persons and to purchase entire crop. Commission sells marijuana at cost to pharmacies and medical research facilities for medical purposes and to qualified adults for profit through state liquor stores. Ninety percent of net proceeds go to state general fund; smaller percentages for drug abuse education, treatment, promotion of certain hemp products. Bans sales to, possession by minors. Bans public consumption except where signs permit and minors barred. Provides penalties.

10th Amendment of the U.S. Constitution, thereby abdicating control to illicit markets; and,

(f) Irrationally subvert the ends to which, in its Preamble, the Oregon Constitution was ordained and the purposes, in Article 1, Section 1, for which our government was instituted; now,

Therefore, the people find that the constitutional ends of justice, order, and the perpetuation of liberty; the governmental purposes of preserving the peace, safety, and happiness of the people; and the vitality of the other constitutional provisions cited above, demand the replacement of a costly, self-defeating prohibition with regulatory laws controlling cannabis cultivation, potency, sale, and use; defining and prohibiting cannabis abuse; protecting children with a comprehensive drug education program and strict penalties for the sale or provision of cannabis to minors; funding a state drug abuse treatment program; and raising substantial revenue for public use.

Wherefore, be it enacted by the people of the state of Oregon, the laws relating to cannabis are revised as follows:

Section 1. This Act shall operate uniformly throughout Oregon and fully replace and supersede all statutes, municipal charter enactments, and local ordinances relating to cannabis, except those relating to operating a motor vehicle while intoxicated. The name of the Oregon Liquor Control Commission is hereby changed to the Oregon Intoxicant Control Commission effective January 1, 1999. This Act is a scientific experiment by the people of the state of Oregon to lower the misuse of, illicit traffic in and harm associated with cannabis and will set up voluntary studies of cannabis users under ORS 474.045 (b) and other studies.

Section 2. Section 3 of this Act creates an ORS chapter 474 titled the "Oregon Cannabis Tax Act." Legislative Counsel shall move and renumber existing provisions of chapter 474. ORS chapter 474 shall become effective January 1, 1999.

Section 3. 474.005 Definitions. As used in this chapter:

(1) "Abuse" means repetitive or excessive drug use such that the individual fails to fulfill a statutory or common law duty, including but not limited to the duties owed by parents to children, by motorists to pedestrians and other motorists, and by employees to employers, fellow employees, and the public.

(2) "Cannabis" means the flowering tops and all parts, derivatives, or preparations of the cannabis plant, also known as "marijuana," containing cannabinoids in concentrations established by the commission to be psychoactive, but does not include "hemp" as defined by ORS 474.005(5).

(3) "Commission" means the Oregon Intoxicant Control Commission, or OICC, formerly the Oregon Liquor Control Commission.

(4) "Cultivation" means growing the cannabis plant.

(5) "Hemp" means the seeds, stems, and stalks of the cannabis plant, and all other parts, products, and byproducts of the cannabis plant not containing cannabinoids in concentrations established by the commission to be psychoactive. Seeds and stalks of all cannabis strains shall be considered hemp.

(6) "Person" means a natural individual or corporate entity of any kind whatsoever.

474.015 Short Title. This chapter may be cited as the "Oregon Cannabis Tax Act."

474.025 Purpose of the Oregon Cannabis Tax Act. This chapter shall be liberally construed so as to minimize the misuse and abuse of cannabis; to prevent the illicit sale or provision of cannabis to minors; and to protect the peace, safety, and happiness of Oregonians while preserving the largest measure of liberty consistent with the above purposes.

474.035 Powers and duties of the commission, licenses for cultivation and processing. Hemp fiber, protein and oil not regulated. (1) The commission shall have the powers necessary to carry out the provisions of this chapter. It shall make such rules and regulations as will discourage and minimize the diversion of cannabis to illicit sale or use within the state, the illicit importation and sale of cannabis cultivated or processed outside the state, and the illicit export or removal of cannabis from the state. The commission's jurisdiction shall extend to any person licensed under this chapter to cultivate or process cannabis, but shall not extend to any person who manufactures products from hemp. Hemp production for fiber, protein and oil shall be allowed

without regulation, license or fee. No federal license shall be required to cultivate hemp in Oregon.

(2) The commission shall issue to any qualified applicant a license to cultivate cannabis for sale to the commission. The license shall specify the areas, plots, and extent of lands to be cultivated. The commission shall equitably apportion the purchase of cannabis among all licensees. The commission shall purchase and sell cannabis products of the quality and grade set by market demand.

(3) The commission shall issue licenses to process cannabis to qualified applicants who submit successful bids. Licensed processors shall, as specified by the commission, contract, cure, extract, refine, mix, and package the entire cannabis crop and deliver it to the commission's physical possession as soon as possible, but not later than four months after harvest.

474.045 Commission to sell cannabis at cost for medical purposes. The Commission shall sell cannabis at cost, including OICC expenses: (a) To Oregon and other states' pharmacies for use under a physician's order for glaucoma, nausea related to chemotherapy, AIDS, or any other condition for which a physician finds cannabis to be an effective treatment; and,

(b) To recognized Oregon medical research facilities for use in research directed toward expanding medical and sociological knowledge of the composition, effects, uses, and abuse of cannabis, to include studies of cannabis purchasers voluntarily participating through OICC stores under ORS 474.055.

474.055 Commission to set price and sell through OICC stores.

The commission shall sell cannabis through OICC stores and shall set the retail price of cannabis to generate profits for revenue to be applied to the purposes noted in ORS chapter 474 and to minimize incentives to purchase cannabis elsewhere, to purchase cannabis for resale or for removal to other states.

474.065 Qualifications of purchasers and licensees, effect of conviction. To be qualified to purchase, cultivate, or process cannabis, a person must be over 21 years of age and not have been convicted of sale of cannabis to minors or convicted under this chapter of unlicensed cultivation or sale of cannabis.

(2) Conviction for cultivation or sale of cannabis to other than minors, when committed prior to the effective date of this chapter, shall not be grounds for denial of an application for a license under this chapter.

474.075 Disposition of license fees and profits from sale of cannabis by state. (1) The commission shall collect license fees which shall be calculated and continually appropriated to defray the commission's administrative costs of issuing licenses under this chapter and the Attorney General's costs of litigation in defense of the validity of this chapter's provisions and in defense of persons subjected to criminal or civil liability for actions licensed or required under this chapter.

(2) All money from the sale of cannabis shall be remitted to the State Treasurer for credit to a cannabis account, from which sufficient money shall be continually appropriated:

(a) To reimburse the commission for the costs of purchasing, processing, testing, grading, shipping, and selling cannabis; of regulating, inspecting, and auditing licensees; and of research studies required by this chapter; and,

(b) To reimburse the Attorney General's office for costs of enforcing this chapter's criminal provisions.

(3) All money remaining in the cannabis account after reimbursement of the related commission and Attorney General costs shall be profits which the State Treasurer shall distribute quarterly as follows:

(a) Ninety percent shall be credited to the state's general fund to finance state programs.

(b) Eight percent shall be credited to the Department of Human Resources and shall be continually appropriated to fund various drug abuse treatment programs on demand.

(c) One percent shall be credited to create and fund an agricultural state committee for the promotion of Oregon hemp fiber, protein and oil crops and associated industries.

(d) One percent shall be distributed to the state's school districts, appropriated by enrollment, and

shall be continually appropriated to fund a drug education program which shall:

(I) Emphasize a citizen's rights and duties under our social compact and to explain to students how drug abusers might injure the rights of others by failing to fulfill such duties;

(II) Persuade students to decline to consume intoxicants by providing them with accurate information about the threat intoxicants pose to their mental and physical development; and,

(III) Persuade students that if, as adults, they choose to consume intoxicants, they must nevertheless responsibly fulfill all duties they owe others.

474.085 Commission to establish psychoactive concentrations of cannabinoids. The commission, based on findings made in consultation with the Board of Pharmacy and cannabis and hemp farmers to cannabinoid and cannabidiol concentrations which produce intoxication, the economics of residual cannabis extraction, and strains of hemp that produce better quality and quantity of fiber, protein and oil, shall establish reasonable concentrations of cannabinoids deemed psychoactive under this chapter.

474.095 Commission to set standards, test purity, grade potency of cannabis, label contents.

(1) The commission, in consultation with the State Board of Pharmacy, shall set standards which the commission shall apply:

(a) To test and reject cannabis containing adulterants in concentrations known to harm people; and, (b) To grade cannabis potency by measuring the concentrations of psychoactive cannabinoids it contains.

(2) The commission shall affix to cannabis packages a label which shall bear the state seal, a certification of purity, a grade of potency, the date of harvest, a warning as to the potential for abuse, and notice of laws prohibiting resale, removal from the state, public consumption, and provision and sale to minors.

474.105 Commission may limit purchases. The commission may limit the quantity of cannabis purchased by a person at one time or over any length of time and may refuse to sell cannabis to any person who violates this chapter's provisions or abuses cannabis within the meaning of ORS 474.005(1). The commission will require persons convicted of violating this act, any criminal statute while under the influence of cannabis, or neglecting any statutory or common-law duty by reason of cannabis intoxication or abuse, to complete a program prior to reinstating their privilege to purchase cannabis.

474.115 Unlicensed cultivation for sale, removal from the state, penalties. Cultivation for sale, removal from the state for sale, and sale of cannabis, without commission authority, shall be Class C felonies, and removal from the state of cannabis for other than sale shall be a Class A misdemeanor.

474.125 Sale or provision to minors, penalties, exception. The sale of cannabis to minors shall be a Class B felony, and gratuitous provision of cannabis to minors shall be a Class A misdemeanor, except when to a minor over 18 years of age under the same conditions provided by ORS 471.030(1) for alcohol.

474.135 Fine as additional penalty. In addition to other penalties and in lieu of any civil remedy, conviction of sale or unlicensed cultivation for sale under ORS 474.115 or 474.125 shall be punishable by a fine which the court shall determine will deprive an offender of any profits from the criminal activity.

474.145 Acquisition by minors, penalty. Except as provided by ORS 474.125, the purchase, attempt to purchase, possession, or acquisition of cannabis by a person under 21 years of age shall be a violation punishable by a fine of not more than \$250.

474.155 Public consumption prohibited, penalty, exception.

Except where prominent signs permit and minors are neither admitted nor employed, public consumption of cannabis shall be a violation punishable by a fine of not more than \$250.

474.205 Commission to study methods of use, potential for abuse, establish cannabis levels for presumption of intoxication. The commission, in consultation with the Board of Pharmacy and by grants to accredited research facilities, shall:

(a) Study methods of use and the potential for, and ill effects of, abuse of cannabis, the possible damage of throat and lungs from inhaling cannabis smoke, less harmful methods of administration, including but not limited to filtration of smoke and non-combustive vaporization of the psychoactive agents in cannabis, and shall report its findings in pamphlets distributed at OICC stores; and,

(b) Study cannabis intoxication and, if practicable, shall establish by rule levels of impairment above which a person shall be presumed intoxicated.

474.215 Presumption of negligence. In civil cases, a rebuttable presumption of negligence shall arise upon clear and convincing evidence that a person is found to be intoxicated at the time of an accident and if the person's actions materially contributed to the cause of injury.

474.305 Disclosure of names and addresses prohibited.

Information on applicants, licensees, and purchasers under this chapter shall not be disclosed except upon the person's request.

474.315 Effect, Attorney General's duties. If federal law is held to impede this chapter's full effect, unimpeded provisions shall remain in effect and the impeded provisions shall regain effect upon the impediments removal. As funded by ORS 474.075(1), the Attorney General shall vigorously defend any person prosecuted for acts licensed under this chapter, propose a federal act to remove impediments to this chapter, deliver the proposed federal act to each member of Congress, and urge adoption of the proposed federal act through all legal and appropriate means.

Hemp Contacts

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Geri 541-482-6914.

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510-486-8083.

Cannabis Canada
405-21 Water St. Vancouver, BC V6B 1A1
604-669-9069

Cannabis Liberation Society/University of Oregon
P.O. Box 10957, Eugene, OR 97440
541-744-5744

Corvallis Hemp Club
Greta at 541-752-0387.

Humbolt Cannabis Action Network
707-445-8981 or 707-269-5838
PO Box 514 Eureka, CA 95502

Libertarian Party of Oregon
PO Box 40471, Portland, OR 97240
503-775-3299 or 800-829-1992
<http://www.teleport.com/~lpo/>

OCTA / CRRH
Monthly meetings
second Wednesday each month at 7 pm
333 SW Park Ave., Portland
503-235-4606.

Olympia Rainbow Hemp Education
Gideon at 360-459-9107

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The Oregon Cannabis Tax Act

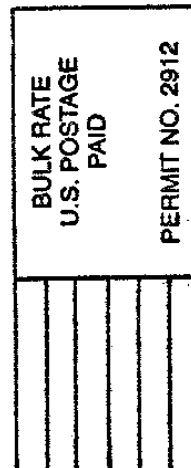
A petition to allow adults to buy marijuana in our state liquor stores, let doctors prescribe marijuana to sick people through pharmacies, allow farmers to grow marijuana with a license for sales to the state, allow adults to grow their own without a license, and let farmers grow HEMP without a license for fiber, oil and protein. We will create thousands of ecologically sound jobs based on hemp legalization. We will raise hundreds of million of dollars through sales of marijuana in liquor stores so we can save your tax dollars for you.

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