

# THE CLARION

"CALLING FOR AN END TO CANNABIS PROHIBITION"

## Once More into the Breach



### Global Cannabis Liberation at the Salem Freedom Rally

On May 3<sup>rd</sup>, 2003 people in over 150 cities will rise up and march to raise awareness about cannabis. The Mercy Center plans to have a Salem entry and needs your help. This is our chance to show the people just what kind of "terrorists" we really are. The plan is to make it a general human rights and freedom day and invite all related organizations to join. Be a part, help make it so! Contact the Mercy Center at 503.363-4588 or visit <http://www.pdxnorml.org/orgs/mcrc>. Tell your friends. Tell your enemies! They are few and we are many. Show up, be there, be counted.

### Activists Counter Media Attacks, Plan Actions, Announce Initiatives

Despite apparent set backs in November elections and the arrogance evidenced in the latest government commercials, cannabis law reform activists have hopes. Demonstrations are being planned, actions proposed and teams are being built. Current legislation is being revived as new measures are introduced. At the federal level there is HR 2592, the States Rights to Medical Marijuana bill. In Oregon, we have a couple of potential initiatives, including OMMA/2, an upgrade to the Oregon Medical Marijuana Act, passed in 1998.

Voter empowerment and engagement the key; youth involvement a necessity. Stay tuned to this and all other cannabis law reform media. You won't see this stuff in the main stream, folks.

Regrouping after state initiatives to relax marijuana laws were defeated last month, some by crushing margins, advocates across the nation plan to build on public support for medical marijuana programs and have mounted an aggressive campaign to discredit federal officials who have made opposition to any tolerance of marijuana — even for medical purposes — a cornerstone of national drug policy.

Supporters managed to get initiatives that would loosen prohibitions or penalties on personal use of marijuana on the ballot in Arizona, Nevada, Ohio, South Dakota and the District of Columbia. Among these statewide measures, only an initiative to legalize medical marijuana in the nation's capital was approved, and it cannot go into effect without the approval of Congress, which rejected an earlier voter-approved measure. None of the losing measures was able to draw more than 43 percent support.

"I think we've learned that we have a substantial educational job to do, still," said Bruce Mirken, a spokesman for the Marijuana Policy Project (MPP), which sponsored the Nevada initiative.

<continued on page 3 >

**The CLARION,  
your basic Cannabis  
Law Reform  
Information and  
Outreach Newsletter,  
is a an all-volunteer,  
not-for-profit venture  
committed to ending  
cannabis prohibition. It  
is intended to inform  
and educate the reader  
on the medical truth  
about cannabis and the  
benefits of hemp.**

For compliments about the  
CLARION, call or stop on by and  
thank our volunteer staff.  
Complaints, etc is the department of  
Perry Stripling - **editor.**

## Contact Us Today!

*Snail Mail:*

**The CLARION**

**1675 Fairgrounds Rd.,  
Salem, Oregon, 97303  
503-363-4588**

*E-mail:*

**clarion\_editor@hotmail.com**

*our WWW page:*

**pdxnorml.org/orgs/clarion**

*Check it out!*

the CLARION would not be  
possible without the fine  
people at the



Many thanks for their  
support.

## MCRC - the Mercy Center ...

**What's up.** Regular meetings continue. The Medical Cannabis Resource Center is reaching out to the community with regular, public meetings the first Thursday of the Month. This is being changed from Wednesdays. Sorry! They still start at 7pm, and are being held at 1695 Fairgrounds Road in Salem. They still draw a good crowd of people, so come on by and check it out. The challenge continues for the MCRC to turn this into organized action. See you next meeting!

Some of the ongoing projects discussed are helping patients find access to excess medicine, educating people about cannabis's therapeutic benefits, helping to fill out OMMP forms, answer questions and generally communicating with walk-in contacts through the office. It is a daily effort to provide information to the public so they can decide, or help loved ones decide, if cannabis is right for them and the steps they should take from there. Many thanks to the volunteers at the MCRC who make this possible.

MCRC remains a strong patient advocate, which has manifested itself in a variety of ways. One of these has been maintaining lines of communication with other patient advocates and the OMMP director and workers. At the same time they continue Doctor education and support, and Patient and Caregiver projects like learning to grow and different methods for consumption. These are especially important for the first time medical cannabis user as well as those unable to smoke their medication.

Here in Oregon we have seen the number of State certified patients grow to over 4,000 and even law enforcement is admitting that the criminal problems they expected have not occurred. More and more health care professionals are being educated through personal experience with legal patients. They see patients who forgo harsh prescription drugs, the cost often paid by insurance, to use cannabis, which they find more effective. They see patients with improved health and mental attitudes. Family, friends and acquaintances of patients are also having their own educational experience as they too see the benefits of medicinal cannabis. As more patients become certified this process will only expand.

While this is all good, I think most of us agree that OMMA is not perfect and that having access to quality medicine is difficult for many patients. Informed sources say that one of our goals would finally be met, that of reducing the fee for an OMMA permit. It is not clear yet how that reduction will be applied, but by May 1st, 2003, the cost will come down.

We also learned that the Oregon Medical Marijuana Program (OMMP) is starting to track the secondary conditions for which patients use cannabis. For example, while insomnia is not an allowed qualifying condition, many people use cannabis to help them sleep. Because there is a process to add conditions to the Act, the fact that the Program is keeping a record of these secondary conditions may make it easier to add them in the future as qualifying conditions. Consequently, we encourage all patients, when talking to their doctor, to be sure to mention all the ways that cannabis is used medicinally.

**What else you can do.** Write and otherwise contact your doctor, the media, your representatives, organizations and businesses about the issues - cannabis is medicine, states have rights, and the need for hemp, to name a few. Let them know we intend to vote with our dollars also and will boycott those who support their war. At the same time educate them about the issues and inform them of places where they can get more info and support should they decide to not back the war or any of its related tentacles. We must empower and support as well as engage if we expect anyone, especially politicians, to stand up or help us in any way.

**EVENTs and ANNOUNCEMENTS:**

**Help Fix Oregon's Medical Marijuana Law**

The Life with Dignity Committee plans to file an initiative petition on **February 14** to amend the Oregon Medical Marijuana Act. This initiative (called OMMA2) will be voted on at the November 2004 General Election. Voter Power is holding a meeting **Feb. 1<sup>st</sup>** to get your input into proposed changes to OMMA before the initiative is filed and to present our plans for the campaign. February 8<sup>th</sup> you can be one of the special first to sign the preliminary petitions to begin the campaign.

When: Saturday **February 8, 2003** at 4pm

Who: Registered Oregon Voters

Where: Voter Power Office, 333 SW Park Avenue, Portland

What: Petition Signing Party. Phone - 503-224-3051

Free Admission - Contributions accepted but not required. Be a sponsor of OMMA2. Read the draft of the initiative at

**[www.voterpower.org](http://www.voterpower.org)**

**TUESDAY, FEBRUARY 18th**

**EVICT THE DEA** for criminal violations of patients' and voters' rights. It's a nation-wide day of action to stop DEA attempts to re-criminalize medical cannabis! In addition to the almost 40 patients and providers facing federal charges in California, all legitimate medical marijuana patients are wrongly harassed and intimidated by the continual threat of DEA attacks. Activists in cities across the nation will use creative, non-violent tactics to disrupt DEA offices and post their own "eviction" orders at DEA outposts. In June, activist in 54 cities served the DEA "Cease & Desist" orders to stop harassing patients. Since then, ASA has led action to serve them 3 times with "Citations", after each time they have raided a medical marijuana dispensary. This eviction action is a necessary escalation of our nonviolent resistance to these injustices.

**WHO ARE THEY?** Americans for Safe Access (ASA) is an aggressive grassroots campaign designed to push the Bush Administration to grant states the right to choose their own medical marijuana laws. They serve as a catalyst for committed grassroots activists to work effectively with drug policy reform groups and supportive local officials and to unify medical marijuana advocates patients, and caregivers around a focused national strategy. They aim to draw national media attention to our struggle and build a nationwide network of local activists committed to pushing back destructive DEA policies through action. If you are unable to participate in the actions, visit **<http://www.safeaccessnow.org/>** to sign a petition and lobby your government representatives.

**NORML Conference**

NORML has decided to return to San Francisco for the 2003 Conference. The federal government has elected to make

California the front lines of the war on marijuana smokers - particular the war against those seriously ill patients who use medical marijuana and their caregivers. By meeting again in San Francisco they plan to showcase the truth, and hear from those who are most affected.

Please mark your calendar now and plan to join them in San Francisco on **April 17-19, 2003** for the 2003 NORML Conference. The conference will be held at the Hyatt Regency Hotel at 5 Embarcadero Center. A block of rooms is being held for NORML Conference attendees at the greatly reduced rate of \$109 per room, single or double occupancy.

They will provide a conference agenda with the names of speakers and panelists over the coming weeks, and an opportunity to register for the conference on their web site:

**[www.norml.org](http://www.norml.org)**

Contact: NORML Foundation at: [foundation@norml.org](mailto:foundation@norml.org)

Or: 1600 K Street, N.W. Suite 501 Washington, DC 20006  
202-483-8751 (p) or 202-483-0057 (f)

---

<continued from ONCE MORE, page 1>

**GOING FOR THE WHOLE POT**

Independent experts and advocates on both sides agreed that the initiatives failed because they were poorly worded and ran up against unusually effective opposition.

Bruce Kleiman, a professor of policy studies at UCLA who researches drug policy, crime and health care, said advocates bit off more than they could chew, offering measures that went well beyond politically popular medical marijuana laws, which have drawn as much as 80 percent support in some polls.

In Nevada, for example, Question 9 would have fully legalized possession of as much as 3 ounces of marijuana. The Arizona initiative would have decriminalized possession into nothing more serious than a traffic violation, while the South Dakota initiative would have legalized hemp farms. The Ohio measure would have amended the state constitution to all but eliminate jail time for offenders.

"In Nevada, in particular, the thing was really very badly drafted," said Kleiman, who is widely considered an honest broker in a debate otherwise dominated by fierce partisans. "In particular, their 3-ounce rule made it pretty easy to make fun of."

**DRUG CZAR WADES IN**

Kleiman also credited initiative opponents with being better organized this year.

"The discouraging point of view for the advocates of marijuana is [that] now the opponents have their act together, and when they've got their act together, they win every time," he said.

Opposition was rallied by a series of hard-hitting ads the Office of National Drug Control Policy ran across the country in the weeks leading up to Election Day, bluntly equating the buying of illicit drugs with support for terrorists. <continued next page>

<continued from previous page> Although the ads did not touch on any specific ballot proposals, initiative proponents said voters interpreted them as direct campaigning by the federal government to vote no. John Walters, director of the drug policy office, also barnstormed the country in the final weeks giving speeches in states where statewide or local ballot measures were in play.

### **ONDCP: Office of National Drug Control Policy**

The Marijuana Policy Project filed a formal complaint with the Office of Special Counsel this week seeking Walters' removal for allegedly violating federal regulations limiting government officials' involvement in political campaigns. Critics also accused him of diverting federal money earmarked for drug treatment and addiction-prevention programs to the political effort.

"He broke the law by using the authority of his office to conduct a political campaign, and it was absolutely a campaign of lies and distortions designed to frighten people," Mirken said. Kevin Zeese, president of Common Sense for Drug Policy, which promotes decriminalization and sentencing reform, complained that Walters and other drug policy officials "are political campaign managers. This is not appropriate behavior."

Thomas Riley, a spokesman for Walters, dismissed the complaints as "laughable" and "wacky" and cheerfully acknowledged that Walters urged Americans to oppose any attempt to relax restrictions on marijuana. "Part of the description of the job from Congress ... is to oppose efforts to legalize drugs," Riley said. "... It's the Office of National Drug Control Policy."

Riley said the initiatives failed last month because they were bad ideas. Voters did not want to encourage policies that would lead to "more addiction, more traffic fatalities ... more drugs available for young people," he said.

### **BACK TO BASICS**

Beginning with a conference in Anaheim, Calif., the weekend after Election Day, legal-marijuana organizations, which in the past have been fractious and difficult to unite, are working out how best to fight back. Two of the avenues they will pursue are clear: focusing on what the public has said it will accept, and demonizing the drug czar. Mirken said the initiatives that failed last month were "considerably bolder than those initiatives which had passed [in the past], which were essentially straight medical marijuana initiatives."

"The one in Arizona would have set up a state distribution system of free medical marijuana to patients. That was perhaps a bit much for people," Mirken said. "And in Nevada, we were dealing with doing away with marijuana prohibition entirely and creating a state-regulated market."

Experts said the larger legal-marijuana movement should build on its success selling the idea of medical marijuana to the public. Evidence suggests that marijuana may lessen the suffering of AIDS and cancer patients and people with arthritis, glaucoma and degenerative nerve disease, and Kleiman of UCLA said the government's opposition was "a complete loser."

Zeese said that on medical marijuana, "we have anywhere from 70 to 80 percent support nationwide, except maybe in the Deep, Deep South. Generally speaking, we have vast support on medical marijuana." Significant support could be won by highlighting the federal government's aggressive assault on providers of medical marijuana in California. Even though the state has legalized such cultivation, the Justice Department has pre-empted state laws and prosecuted the practice under federal law, winning mandatory 10-year minimum prison terms for some defendants.

"Clearly, for both humane reasons and because practical progress is possible, we need to work on medical marijuana very seriously in the next year or two," said Mirken, who said he and his allies could do a better job of raising the specter of federal agents "with automatic rifles rousting disabled women out of bed to take their medicine."

"The Bush administration and the federal government is just absolutely out of step with the American public" on medical marijuana, he said.

### **TARGET: JOHN WALTERS**

Legalization advocates are also mounting a campaign to discredit Walters as a Republican partisan using his position to advance a hard-right agenda.

Walters, who was deputy to drug czar William Bennett during the administrations of Ronald Reagan and the first President Bush, has assumed a zero-tolerance stance against marijuana, saying it is harmful on its own and leads to use of harder drugs. Brandishing several years' worth of scientific reports, activists strongly contest both contentions. During the years he was out of government, Walters, a prominent conservative policy activist, made several pronouncements that have given his critics ammunition.

In 1996, Walters co-wrote a book with Bennett and John DiIulio, who until recently directed President Bush's office to promote "faith-based" social programs. Titled "Body Count: Moral Poverty and How to Win America's War Against Crime and Drugs," the book argued that, among other factors, America's drug epidemic could be traced to single-parent families, liberal school curriculums and weakening of religious faith. Walters has also dismissed medical marijuana as "pseudo-science" and drug-treatment programs as "the latest manifestation of the liberals' commitment to a therapeutic state in which the government serves as the agent of personal rehabilitation."

### **'DECLARING WAR' ON DRUG CZAR**

In a statement of its intentions, the Marijuana Policy Project publicized its filing against Walters with the Office Special Counsel by saying it was "declaring war on the drug czar for his illegal and dishonest activities."

"I think attacking the drug czar's office is an old strategy, not a new one," Kleiman said, an observation that Gen. Barry McCaffrey, President Bill Clinton's drug czar, would certainly echo. In an editorial this month, Reason magazine ridiculed

<continued next page>



Walters as living in a "sad little propaganda dreamworld." In an interview with Time magazine, John Sperling, the billionaire founder of the University of Phoenix, who has donated millions of dollars to legalization campaigns, called Walters "a pathetic drug-war soul who is defending a whole category of horrors he's indifferent to." Mirken, the Marijuana Policy Project's spokesman, denounced Walters as a "serial lawbreaker" and an "ideologue" with "no interest in facts or data."

"He's a John Bircher of the drug war," Zeese said. "He's an extremist."

Kleiman, the UCLA researcher, cautioned that a visceral personal campaign against Walters "seems unlikely to be a winner. ... It seems to me if you asked the average voter whether the drug czar was against legalization, they'd probably say yes and wouldn't think that was a horrible thing."

*For more information reference: "Post-Election Marijuana Fight Heats Up. Activists rethink strategy, target drug czar." Dec. 7, 2002 By Alex Johnson MSNBC  
<http://www.msnbc.com/news/842736.asp?cp1=1>*

*Or contact:*

*Doug McVay - Editor, Drug War Facts (dmcvay@cspd.org)  
Research Director/Projects Coordinator  
Common Sense for Drug Policy  
1327 Harvard Street NW (lower level), Washington, DC 20009  
202-332-9101 -- fax 202-518-4028  
<http://www.cspd.org/> -- <http://www.drugwarfacts.org/>*

## **"Your Government Is Lying To You (Again) About Marijuana!" NORML Charges In New Report Rebutting Drug Czar**

"Exaggerating marijuana's potential harm only undermines the government's credibility and ability to effectively warn of the harms of truly dangerous drugs," Says NORML Head

Washington, DC: NORML unveiled a new Internet and media campaign today in response to a recent wave of federal anti-marijuana propaganda from the White House Office of National Drug Control Policy. NORML's new "Marijuana Truth" campaign seeks to counter this rhetoric with fact-based information and scientific reports to stimulate an honest public discussion about the minimal risks presented by marijuana, and the disproportionate harms associated with criminal pot prohibition.

The first salvo in this campaign is the release of NORML's most comprehensive report to date, entitled, "Your Government Is Lying To You (Again) About Marijuana: A Refutation of the Drug Czar's 'Open Letter to America's Prosecutors.'" This report responds to a recent letter from the Drug Czar's office urging law enforcement officials to "aggressively prosecute" marijuana violators. The letter further advocates prosecutors "tell the truth" about marijuana, and then lists more than a dozen unsubstantiated, misleading, and fallacious statements regarding cannabis - including the allegation that "no drug matches the threat posed by marijuana," and the claim that marijuana is more addictive than

"alcohol, cocaine, heroin, methamphetamine, ecstasy, and all other illegal drugs combined."

NORML's report offers a scientific, point-by-point rebuttal to the Drug Czar's claims. "We invite all who are interested in learning the truth about marijuana to read the Drug Czar's letter, and then read NORML's rebuttal, and decide for yourself who is lying about marijuana and why," NORML Executive Director Keith Stroup said.

He added: "NORML believes there is nothing to be gained by exaggerating marijuana's harmfulness. On the contrary, by overstating marijuana's potential harm, our policy-makers and law enforcement community undermine their credibility, and their ability to effectively educate the public of the legitimate harms associated with more dangerous drugs. We cannot any longer remain silent and permit this taxpayer-funded propaganda to occur without a challenge."

Stroup concluded: "It is time for us as a nation to allow the science, as opposed to the rhetoric, dictate our public policy regarding marijuana. Exaggerating the dangers associated with the responsible use of marijuana results in the needless arrest of hundreds for thousands of good, productive citizens in this country, and does nothing to promote public safety."

## **Sick of the government's lying about marijuana?**

NORML's report (along with a copy of the Drug Czar's letter) available online in both HTML and PDF formats. Link to the Truth! NORML's new rebuttal to the ONDCP's recent "open letter" to Prosecutors can be found at: [http://www.norml.org/index.cfm?Group\\_ID=5513](http://www.norml.org/index.cfm?Group_ID=5513). There are links to the feds' letter as well. Use and disseminate this information far and wide! This is perhaps NORML's most comprehensive report to date. Hard copies are available upon request.

For more information, please contact NORML Executive Director Keith Stroup or NORML Communications Director Nicholas Thimmesch at (202) 483-5500. Mr. Thimmesch may also be contacted via e-mail at: [normlmedia@earthlink.net](mailto:normlmedia@earthlink.net) You can also try Chris Mulligan of NORML at: [chrism@norml.org](mailto:chrism@norml.org)

## **NORML To Launch New Marijuana "Truth" Campaign. Report Will Offer Point-By-Point Rebuttal To Drug Czar's Office "Open Letter" To U.S. Prosecutors Claiming, "No Drug Matches The Threat Posed By Marijuana"**

Washington, DC: A point-by-point refutation to a recent "open letter" from the Drug Czar's office to America's prosecutors claiming, "No drug matches the threat posed by marijuana" will serve as the centerpiece of a new marijuana "truth" campaign to be launched by NORML next week.

"To definitively counter the increasingly extreme anti-marijuana rhetoric spouted by the White House Office of National Drug Control Policy, NORML will be issuing a comprehensive report next week separating marijuana fact <continued next page>

<continued from previous page> from fiction," NORML Executive Director Keith Stroup said.

"We encourage anyone who is interested in drug policy to read the ONDCP's letter, and then read NORML's rebuttal, and decide for themselves who is lying about marijuana and why." The ONDCP's letter and NORML's response are online at NORML's website: <http://www.norml.org>

In a so-called "open letter" to America's prosecutors, ONDCP Deputy Director for State and Local Affairs Scott Burns urges prosecutors to "aggressively prosecute" marijuana violators, and "work with your legislators to update local laws [that] impede marijuana prosecutions" (such as state laws legalizing the use of medicinal marijuana). The letter further urges prosecutors to "tell Americans the truth" about marijuana, and then lists more than a dozen unsubstantiated, misleading and fallacious statements regarding cannabis - including the allegation that pot is more addictive than "alcohol, cocaine, heroin, methamphetamine, ecstasy, and all other illegal drugs combined."

"Has this administration forgotten about the very real risks of truly dangerous drugs such as heroin and methamphetamine?" Stroup responded, adding that, "NORML has decided it is time to blow the whistle on this shameful exercise in government propaganda. Ultimately, this type of rhetoric only serves to undermine our nation's anti-drug efforts because it adversely impacts the current administration's credibility, and with it, their ability to effectively educate teens on the harms of legitimately dangerous drugs like heroin and cocaine." Stroup further questioned whether it's appropriate for prosecutors to be engaged in the sort of direct lobbying requested by the ONDCP. "For years, law enforcement have alleged that they don't make the laws; they merely enforce them. However, this letter asks America's prosecutors to publicly spread misinformation about marijuana in order to justify a failed federal policy, and further requests them to lobby against any legislative reforms that seek to liberalize that policy. Are either of these activities an appropriate use of taxpayer funds?"

For more information on this campaign, please contact either Keith Stroup or NORML Communications Director Nicholas Thimmesch at (202) 483-5500.

## Canadian Justice Minister Reaffirms Plans To Remove Criminal Penalties For Pot

Ottawa, Ontario: Justice Minister Martin Cauchon reaffirmed plans this week to act swiftly to remove criminal penalties on small amounts of marijuana.

"I will move ahead as quickly as I can" to implement the law change, Cauchon told the Canadian National Post. Cauchon's statements came just days after a MacClean's Magazine poll revealed that 50 percent of Canadians support decriminalizing marijuana.

Support for decriminalization was fairly consistent among respondents of all ages, and was strongest among those earning more than \$100,000. Last month, Cauchon pledged to introduce legislation within the first four months of this year decriminalizing

the possession and cultivation of up to 30 grams of marijuana. His announcement came in response to the release of a Canadian House of Commons report concluding, "The consequences of conviction for possession of a small amount of cannabis for personal use are disproportionate to the potential harm associated with the behavior," and recommending decriminalization.

Recently however, Canadian Prime Minister Jean Chretien has indicated that Parliament must further debate decriminalization before acting on the House's recommendation. US officials responded that trade sanctions and increased security could be imposed along the US/Canadian border if Canada moves forward with decriminalization. For more information, please contact Allen St. Pierre, NORML Foundation Executive Director, at (202) 483-5500.

## Student Group Forces Marijuana Vote; Local Missouri Decriminalization Initiative To Go Before City Council, Possibly Voters

COLUMBIA, MO: Proposed municipal language to decriminalize the possession of up to 35 grams of marijuana for personal use, and limit the criminal prosecution of medicinal marijuana patients will go before the Columbia City Council for a vote later this month. The Columbia Alliance for Patients and Education, in conjunction with the University of Missouri chapter of NORML, drafted the petition and collected the necessary signatures to place it before the City Council.

The City Council was to vote on whether to simply pass the proposed ordinance or put the matter before voters on the ballot. If the Council rejects the initiative, it will automatically be placed before the city's voters on the April 8 ballot.

Proponents of the initiative argue that its passage would benefit students, who under federal law risk losing their student aid if they have a pot conviction, and encourage local police and prosecutors to apply marijuana laws more consistently. Under the proposal, all minor marijuana infractions would be directed to municipal - not state - court. First time possession of 35 grams or less of marijuana is currently a misdemeanor in Missouri, punishable by up to one year in jail. Law student Anthony Johnson, who wrote the proposed ordinance, said he believes it also would reduce penalties for those caught with small amounts of the drug.

City Councilman John John said passing the ordinance would send a message of tolerance for drugs and create problems in the community.

"One, it encourages the use of marijuana and two, you've got to get it to use it," John said.

Officials also questioned the implications of approving something that is illegal under state and federal law.

Several municipalities in other states - most notably Mendocino County, California and Ann Arbor, Michigan - have previously enacted marijuana decriminalization ordinances. For more information, please contact either Sarah Duff of The Columbia Alliance for Patients and Education at (573) 442-9719 or Dan Viets, Esq. Of Missouri NORML at (573) 443-6866.

**RAND STUDY CASTS DOUBT ON CLAIMS THAT MARIJUANA ACTS AS "GATEWAY" TO THE USE OF COCAINE AND HEROIN**

A new study by the RAND Drug Policy Research Center casts doubt on claims that marijuana acts as a "gateway" to the use of cocaine and heroin, challenging an assumption that has guided U.S. drug policies since the 1950s.

The theory that the use of marijuana by young people causes some to graduate to harder drugs, often called the "gateway effect," has been used most recently to counter efforts to relax marijuana laws in several states. Earlier it was used to justify the imposition of tough penalties against the possession of even small amounts of marijuana. Evidence supporting claims of marijuana's gateway effects has been found in many epidemiological studies of adolescent drug use. For instance, these studies found that marijuana users are up to 85 times more likely to use hard drugs than those who do not use marijuana, and few hard drug users do not use marijuana first.

"We've shown that the marijuana gateway effect is not the best explanation for the link between marijuana use and the use of harder drugs," said Andrew Morral, associate director of RAND's Public Safety and Justice unit and lead author of the study. "An alternative, simpler and more compelling explanation accounts for the pattern of drug use you see in this country, without resort to any gateway effects. While the gateway theory has enjoyed popular acceptance, scientists have always had their doubts. Our study shows that these doubts are justified."

The study demonstrates that associations between marijuana and hard drug use could be expected even if marijuana use has no gateway effect. Instead, the associations can result from known differences in the ages at which youths have opportunities to use marijuana and hard drugs, and known variations in individuals' willingness to try any drugs, researchers found.

The RAND study and a series of commentaries about the report are published in the December edition of the British journal *Addiction*, a peer-reviewed scientific publication.

"The people who are predisposed to use drugs and have the opportunity to use drugs are more likely than others to use both marijuana and harder drugs," Morral said. "Marijuana typically comes first because it is more available. Once we incorporated these facts into our mathematical model of adolescent drug use, we could explain all of the drug use associations that have been cited as evidence of marijuana's gateway effect."

"This is a very important study with broad implications for marijuana control policy," said Charles R. Schuster, a

former director of the National Institute on Drug Abuse and now director of the Addiction Research Institute at Wayne State University. "I can only hope that it will be read with objectivity and evaluated on its scientific merits, not reflexively rejected because it violates most policy makers' beliefs."

RAND researchers say it is unlikely that any study will be conducted that definitively settles the marijuana gateway debate. But the authors say their study should raise questions about the legitimacy of basing national drug policy decisions on the assumption that one of the harmful effects of marijuana use is the increased risk of using more dangerous drugs.

"If our model is right, it has significant policy implications," Morral said. "For example, it suggests that policies aimed at reducing or eliminating marijuana availability are unlikely to make any dent in the hard drug problem. When enforcement resources that could have been used against heroin and cocaine are instead used against marijuana, this could have the unintended effect of worsening heroin and cocaine use."

Other authors of the report are Daniel McCaffery and Susan Paddock of RAND's Drug Policy Research Center, a joint program of RAND's Public Safety and Justice Program and RAND Health.

RAND researchers tested the marijuana gateway theory by creating a mathematical model simulating adolescent drug use. Rates of marijuana and hard drug use in the model matched those observed in survey data collected from representative samples of youths from across the United States.

Without assuming any gateway effect, the model produced patterns of drug use and abuse remarkably similar to what is experienced across the nation, showing that a marijuana gateway effect is not needed to explain the observed behavior.

The black market in marijuana in the United States is estimated at \$10 billion per year, and more than 700,000 people are arrested on marijuana charges each year. Some states have passed laws easing penalties for marijuana use. Voters in several states rejected ballot propositions in November that would have approved similar changes.

A series of commentaries by other addiction researchers that accompany the RAND study discuss some of the implications of the research and whether there is any way to create a study to unequivocally answer the marijuana gateway question.

RAND is a nonprofit institution that helps improve policy and decision-making through research and analysis. For more information contact: RAND NEWS ([www.rand.org](http://www.rand.org)) Office of External Communications, 703-413-1100 x5117 and 310-451-6913 or [oec@rand.org](mailto:oec@rand.org)

# THE CLARION

"CALLING FOR AN END TO CANNABIS PROHIBITION"

## Federal court considers pot arguments. Judge preparing to decide whether U.S. should be blocked from prosecuting California patients

Wednesday, December 18, 2002 - SAN FRANCISCO -- Lawyers argued Tuesday over whether a federal judge can and should bar U.S. Attorney General John Ashcroft and Drug Enforcement Administration chief Asa Hutchinson from treating medical marijuana patients as criminals. U.S. District Judge Martin Jenkins didn't rule Tuesday, but indicated he'll do so no later than mid-January.

Judge Jenkins displayed a keen interest in the civil suit by Angel Raich, Diane Monson, et al. for an injunction to protect their right to use medical marijuana, declaring that the case raised "significant issues" concerning the government's constitutional authority to prohibit medical use of marijuana.

Patients sued the government officials in October, claiming their civil rights are being violated by federal crackdowns on medical marijuana. The federal government still deems all marijuana growth, possession or use illegal, even though California voters OK'd medical marijuana in 1996. Alaska, Arizona, Colorado, Hawaii, Maine, Oregon and Washington have similar laws.

Defense attorneys were impressed by Jenkins' evident grasp of their arguments, his willingness to grapple with the fundamental issues, and his thorough familiarity with all of the legal precedents in the case. "This was the most thorough hearing of medical marijuana given by any court," said defense attorney David Michael, a veteran of numerous medical marijuana cases.

Jenkins peppered the patients' attorneys -- Robert Raich of Oakland, David Michael of San Francisco and Boston University Law Professor Randy Barnett -- and Justice Department trial lawyer Mark T. Quinlivan with questions Tuesday. Jenkins began with a twenty minute exposition of what he saw as the key legal issues in the case, to wit:

- Whether the court was bound by previous Ninth Circuit precedents to regard all marijuana cultivation and possession as interstate commerce, as ruled by Judge Fogel in his WAMM decision, or whether, as defense attorneys argued, these precedents did not cover medical marijuana use, in which case the court would be free to rule on the matter as a case of first impression.

- The applicability of the Supreme Court's Lopez and Morrison decisions restricting the government's authority under the interstate commerce clause. Defense attorney Prof. Randy Barnett argued that the Morrison decision, which postdated Lopez, had raised the bar for establishing jurisdiction under interstate commerce, so that preceding appellate rulings were suspect.

- Whether the right to use medical marijuana for relief of pain and suffering was protected as a fundamental liberty interest by the Ninth amendment and substantive due process. Barnett, a leading

Ninth Amendment scholar, argued that what was at issue was the right of control one's own body, and that no right could be more fundamental.

- Whether and how Judge Kozinski's concurring opinion in the Conant case, which suggested that the federal government was operating at the outer fringes of its power, might be relevant. Jenkins noted that Kozinski's opinion was not controlling precedent, and that it had applied to conduct (namely making a physician's recommendation) that was not clearly illegal under federal law.

- How to weigh the equity issues raised by the "mighty conflict" between state law and the Controlled Substances Act. Jenkins suggested that the key issue was federalism, even more than interstate commerce.

Attorney Robert Raich argued for the 9th Amendment right of plaintiff Angel McClary Raich, his wife, to be free from pain and prolong her life by using marijuana.

"Angel would die were it not for cannabis," he said. "It cannot be the law of the United States that a person must face death because of a law Congress passed for other purposes entirely."

Govt atty Quinlivan argued Congress passed the Controlled Substances Act knowing it would apply to everyone, and marijuana remains on the act's most restricted list, signifying it has no recognized medicinal value. Case law says people have a constitutional right to treatment in general, but not to specific, unproven medicines and methods, he said.

Some of this case's constitutional arguments mirror those made to the 9th U.S. Circuit Court of Appeals in the Oakland Cannabis Buyers Cooperative's pending case. The OCBC raised those issues after the U.S. Supreme Court in 2001 struck down its medical necessity argument for resuming distribution to patients.

But in his concurrence with that opinion, Justice John Paul Stevens wrote individual patients -- rather than clubs like the OCBC -- might have better legal standing to seek such an exception. The patients' lawsuit was a response to that ruling. Contacts and info:

Dale Gieringer  
California NORML (415) 563-5858 // [canorml@igc.org](mailto:canorml@igc.org)  
2215-R Market St. #278, San Francisco CA 94114

Angel McClary Raich - Executive Director,  
Angel Wings Patient OutReach, Inc.  
Operations Patient Rescue  
P.O. Box 18767, Oakland, California 94619-8767  
[oprteam@sbcglobal.net](mailto:oprteam@sbcglobal.net) / 510-336-0375

Medical Marijuana (Cannabis) in California:  
Raich v. Ashcroft  
<http://news.findlaw.com/legalnews/documents/index.html#drugs>