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The Iowa NORML News Letter

Legalize Freedom!

Summer 1999 • Number 23

Iowa Legislature Continues to Attack Marijuana

Despite recent findings by the Institute of Medicine (IOM) that the use of marijuana does not lead to the use of other drugs, the Iowa Legislature continues its assault on marijuana, claiming as justification that the use of marijuana leads to the use of methamphetamine. As in 1998, when lawmakers claimed that urine samples containing metabolites of THC were evidence of impairment, the Iowa Legislature once again ignored the science and followed its craving for "Reefer Madness".

Meanwhile, legislators refused to pass a bill that would have lowered the blood alcohol level for drunken driving, an idea for which scientific evidence actually does exist.

Legislators began by removing the personal use exception from the definition of manufacturing a controlled substance. Although not specifically aimed at marijuana, Iowa NORML knows this is exactly where this new law will have its greatest impact. Legislators wanted to target methamphetamine labs, but more people grow marijuana for their own personal use than meth. Anyone going to the trouble of setting up a meth lab is probably intending to profit from the illicit drug trade.

The measure, HF165, passed by 92-0 in the House and 45-3 in the Senate. Governor Vilsack signed the bill into law on April 29, 1999. The three senators who voted against it were: Joe

Bolkcom, D-Iowa City, Robert Dvorsky, D-Coralville, and Johnie Hammond, D-Ames.

Next, specifically targeting marijuana, the legislators made it a felony for an adult to share more than half an ounce of marijuana with another adult (the previous misdemeanor limit was one ounce), and made sale of any amount a felony (the previous misdemeanor limit was one ounce). HF705 passed by 90-5 in the House and 35-11 in the Senate. The Governor signed it into law on April 26, 1999. Voting against the increased penalty in the House were: Cecelia Burnett, R-Ames, Minnette Doderer, D-Iowa City, Ed Fallon, D-Des Moines, Mary Mascher, D-Iowa City, and Dick Myers, D-Iowa City. (For Senate votes, see page 3.)

Finally, misdemeanor fines were increased. SF189 passed by 92-6 in the House and 50-0 in the Senate. Voting against the measure in the House were: Kay Chapman, D-Cedar Rapids, Wayne Ford, D-Des Moines, Sandra Greiner, R-Keota, Michael Jager, R-La Porte City, Dennis Parmenter, D-Cambridge, and Jerry Welter, R-Monticello.

You can find these bills, and more, at the Iowa Legislature's web site: <http://www.legis.state.ia.us/>. Check out their "bill tracking" feature for close monitoring of legislation affecting marijuana during the next session (year 2000).

Marijuana use wins backing from institute

■ **The report** is seen as a victory for those who advocate its use as medicine.

By USHA LEE MCFARLING
KNIGHT RIDDER NEWSPAPERS

Washington, D.C. – The nation's Institute of Medicine recommended Wednesday that marijuana cigarettes be made available for short periods to help cancer and AIDS patients who can find no other relief for severe pain and nausea.

Officials with the Department of Health and Human Services almost immediately responded by saying they would not dispense marijuana to individual patients until more clinical research showed it was safe.

Still, the report was seen as a victory by many who advocate the use of marijuana as medicine.

The response from drug-fighting groups was subdued.

An explosion of recent scientific work, as well as patient anecdotes, show that compounds in marijuana have potential to ease some of medicine's most intractable problems, the Institute of Medicine report said.

But its authors warned that smoking marijuana carries its own health hazards – including lung damage and low-birth-weight babies – and should be used only as a last resort after standard therapies have failed. Addiction was seen as a relatively minor problem likely to affect only a few users.

To avoid the smoke, they called for new delivery systems, like inhalers, and for the development of pharmaceutical drugs made from or modeled after the active ingredients in marijuana, chemicals known as cannabinoids.

"Marijuana's future as a medicine does not involve smoking," said Dr. Stanley

Watson, a neuroscientist and substance abuse expert from the University of Michigan.

The endorsement pleased groups that have been working to make marijuana available to patients. Many were expecting a blander call for further research. "It's a discreet but clear call to make marijuana available," said Ethan Nadelman, who directs the Lindesmith Center, a New York drug policy think tank

Other advocates, including the National Organization for the Reform of Marijuana Laws and Harvard Medical School professor Lester Grinspoon, were more critical, calling the report "tepid" and "political." They said it ignored the fact that many patients have successfully used marijuana as medicine for years with few harmful effects.

Battles over medical marijuana have raged across the nation since 1996, when California passed a ballot initiative that removed any state penalties from people who used marijuana for medicinal purposes. Since then, Arizona, Alaska, Oregon, Nevada and Washington state have passed laws permitting the use of medical marijuana.

Many mainstream medical organizations, and the relatively conservative New England Journal of Medicine, have endorsed the use of medical marijuana.

But last fall Congress overwhelmingly passed a resolution condemning the medical use of marijuana, and because federal law still outlaws marijuana use, many physicians are reluctant to prescribe it, even in states that have passed initiatives.

Only eight patients in the United States have federal government permission to smoke marijuana. They receive government-grown cigarettes under a "compassionate use" program no longer in existence.

Des Moines Register, 3/18/99, 6A
<http://books.nap.edu/html/marimed/>

THE REGISTER'S READER'S SAY

Nothing soft about it

A round of applause is due to legislators, as they move toward stricter penalties for the illegal distribution of marijuana. Those who worry that tougher laws will make criminals out of our young citizens should temper their concern with reality.

Police officers do not want to fill the jails with young offenders. Indeed, one of our primary goals is to keep people from starting down the path of incarceration. Drug education efforts and substance abuse programs are great assets in our crime-prevention toolbox. We go so far as to staff elementary and secondary D.A.R.E. classes with police instructors.

Unfortunately, we observe many role models treating drug abuse as a joke. Marijuana, in particular, is scoffed at as "soft" drug that causes little harm and should be hailed for its medicinal qualities. Our children are ill-served by movie and television stars, talk-show hosts and even parents who downplay the dangers of illicit drug use.

Remember that the rule of law was primarily established as a guide toward acceptable conduct. In most cases, when people are educated about the law, it is respected and no discipline is required. The penalty phase only comes into play when the intent of the law is ignored or intentionally violated.

-- **John L. Gray, chief of Police,**
700 First Ave. S., Altoona.
Des Moines Register, May 1, 1999



The Iowa NORML News Letter

Carl E. Olsen, Editor

Iowa NORML Board of Directors

Carl Olsen, William Oviatt, Dennis Patterson

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The First National Conference on Cannabis Therapeutics

Patients Out of Time takes great pleasure in announcing a new beginning in medical education.

This national non-profit which represents the rights of patients and their caregivers in the struggle for medical marijuana has joined with the College of Nursing and the College of Medicine at the University of Iowa in hosting **The First National Conference on Cannabis Therapeutics**. This pioneering educational forum will be held at the University of Iowa on April 7 & 8, 2000. It will feature experts in the clinical use of Cannabis as well as six of the eight patients (two wish to remain anonymous) in the United States who receive their medical Cannabis from the federal government.

Six states at present have, by popular vote, allowed physicians to prescribe Cannabis to their patients when appropriate. Tens of thousands of the sick may be helped. By the same vote these states have overcome the federal government's unwarranted prohibition of this medicine and the federal refusal to provide this medicine to the sick and dying, by authorizing either patients or licensed providers to grow their own. The District of Columbia also voted for the same measure, judged by exit polls to be in the 70% approval range. In the capital of our nation, in the country that holds the vote a sacrament, our Senators and Congressmen refused to allow the votes to be tallied. The one dollar and sixty-two cent cost was more important than democracy or people dying in pain to elected federal officials.

The report of the Institute of Medicine about the therapeutic efficacy of Cannabis released March 17, 1999, is stronger but holds the same conclusion as their 1982 study of marijuana. Cannabis is an extremely safe medicine and the study determined there is "no conclusive evidence that the drug effects of marijuana are causally linked to subsequent abuse of other illicit drugs."

The issue of patient care to the sponsors of this conference is contrary to the callousness of Foggy Bottom. The millions of citizens of these six states and the thousands of patients who may be helped by therapeutic Cannabis expect their health care professionals to provide this medicine based on the latest knowledge about the therapeutic values of Cannabis. To that end this accredited conference will present a program that will include discussion of the proper dosage and administration; case presentations concerning pain control, glaucoma, multiple sclerosis, spinal cord injury spasticity; the wasting syndrome and AIDS; its efficacy as an anti-emetic; psychological and physiological effects; use during pregnancy; historical medical use and open discussion sessions.

The removal of Cannabis from the National Formulary in 1941 also effectively removed the knowledge base of this medicine as well. This conference is the beginning of the reeducation effort that must now take place to insure health care professionals and the patients they treat receive the best possible care. While this conference is of immediate need to those physicians and nurses in six states, there are 30 other states that have laws allowing for the prescription of therapeutic Cannabis. It is imperative that the health care communities of these states are brought to the state-of-the-art in these applications as well, in preparation for the day when their legislatures will follow compassion and allow local production. Mary Lynn Mathre RN, MSN, CARN, editor of the acclaimed and recently published *Cannabis in Medical Practice*, said today that "This conference will provide clinicians with the essential information regarding the medical use of cannabis to enable them to prescribe it appropriately and with confidence."

Patients Out Of Time may be contacted at Patients@MedicalCannabis.com or (804) 263-4484

THE REGISTER'S READER'S SAY *Repeal marijuana laws*

In his letter of May 1, Altoona Police Chief John L. Gray gloats over the new paternal powers to jail marijuana users bestowed upon him by the 1999 session of the Iowa Legislature.

Gray boasts of the efforts of the police to take the place of parents through the DARE program. Never mind that U.S. Justice Department studies have found DARE to be ineffective, and that an Urbandale DARE officer used illegal drugs and a Norwalk drug-education officer has been charged with possessing illegal drugs. One thing Gray needs to understand. Many adults, like myself, have used a lot of marijuana, and we know it is not as dangerous as Gray makes it out to be. The most dangerous thing about marijuana is being arrested.

The police-state mentality that says the law is always right never ceases to amaze me. History is full of examples of extremely bad laws that had to be repealed, and marijuana laws are one of the best examples.

-- Carl E. Olsen,

1116 E. Seneca Ave., Des Moines.
Des Moines Register, May 12, 1999

Millennium Marijuana March

Get ready for May Day 2000. The Millennium Marijuana March will be held in cities all over the world.

The event this year, the Million Marijuana March, drew thousands of people in New York - estimates ranged from 10,000 to 25,000 people.

More than 25 cities participated this year, and twice as many are expected to participate next year.

Next year will be the first year that Des Moines has participated in the event. Speakers and players on instruments are welcome.

Because May 1 is a Monday, the event will take place in most cities, including Des Moines, on May 6.

If you would like to speak or entertain, please contact Iowa NORML at (515) 262-6957, or send an email to carl@commonlink.com.

More information is available at <http://www.cures-not-wars.org/mmm/>. See our next newsletter for more details.

Senate hardens pot-sale penalty

By JONATHAN ROOS
REGISTER STAFF WRITER

Had he been able to vote from the Senate gallery Thursday, Iowa State University senior Brian Dirks said, he would have supported tougher marijuana penalties.

Dirks, a forestry major from Le Mars, and six ISU companions watched the Senate debate, then approve a bill that would make it a felony to sell even the smallest quantity of marijuana.

Opponents argued that the stricter law could damage the future of a young adult who makes a mistake. But Dirks said offenders should pay the consequences. "I'd be real scared if someone was going to law school or medical school using drugs," he said.

The bill also would increase criminal penalties to a maximum five years in prison for someone who gives one-half to 1 ounce of marijuana to another person. There would continue to be lighter punishment for giving lesser amounts.

Sen. Jeff Lamberti, R-Ankeny, who guided debate of the bill, said it treats marijuana more like other illicit drugs. Critics said more punishment was the wrong approach. They called for more drug treatment and education.

"I don't think we want to fill up our prisons with more and more young people who make that mistake," said Sen. Johnie Hammond, D-Ames.

"The real problem is the meth problem," said Sen. Matt McCoy, D-Des Moines.

Supporters of the bill rejected those arguments. "I know meth is getting all the headlines, but there is a drug problem and marijuana is part of it," said Sen. David Miller, R-Libertyville.

Said Sen. Mike Sexton, R-Rockwell City, "We need to be a little bit tough on some of these kids because maybe they don't have the structure at home that our kids do."

The bill, passed on a 34-11 vote, already had sailed through the House. It still needs Gov. Tom Vilsack's signature to take effect.

Des Moines Register, 4/16/99, 1A

PAG LIN

1 1 Section 1. Section 124.410, Code 1999, is amended to read
1 2 as follows:
1 3 124.410 ACCOMMODATION OFFENSE.
1 4 In a prosecution for unlawful delivery or possession with
1 5 intent to deliver marijuana, if the prosecution proves that
1 6 the defendant violated the provisions of section 124.401,
1 7 subsection 1, by proving that the defendant delivered or
1 8 possessed with intent to deliver one one-half ounce or less of
1 9 marijuana which was not offered for sale, the defendant is
1 10 guilty of an accommodation offense and rather than being
1 11 sentenced as if convicted for a violation of section 124.401,
1 12 subsection 1, paragraph "d", shall be sentenced as if
1 13 convicted of a violation of section 124.401, subsection 5. An
1 14 accommodation offense may be proved as an included offense
1 15 under a charge of delivering or possessing with the intent to
1 16 deliver marijuana in violation of section 124.401, subsection
1 17 1. This section does not apply to hashish, hashish oil, or
1 18 other derivatives of marijuana as defined in section 124.101,
1 19 subsection 17.

EXPLANATION

1 20
1 21 This bill amends Code section 124.410 pertaining to the
1 22 delivery or possession with the intent to deliver marijuana.
1 23 The bill establishes that a person who delivers or
1 24 possesses with the intent to deliver one-half ounce or less of
1 25 marijuana but does not offer the marijuana for sale, is guilty
1 26 of a serious misdemeanor for the first and second offenses. A
1 27 conviction for a first offense is punishable by confinement
1 28 for no more than six months in jail and a fine of not more
1 29 than \$1,000. A conviction for a second offense is punishable
1 30 by confinement for no more than one year and a fine of at
1 31 least \$250 but not more than \$1,500. A third or subsequent
1 32 offense is classified as an aggravated misdemeanor, punishable
1 33 by confinement for no more than two years and a fine of at
1 34 least \$500 but not more than \$5,000.
1 35 Existing law provides that a person who delivers or
2 1 possesses with the intent to deliver an ounce or less of
2 2 marijuana, whether or not offered for sale, is guilty of a
2 3 serious or aggravated misdemeanor depending on the number of
2 4 prior offenses the person has committed.
2 5 LSB 2483HV 78
2 6 jm/cf/24

Bill toughens marijuana laws

With no discussion and little dissent, the Iowa House on Thursday approved a significant change in the state's marijuana laws.

Under current law, giving another person an ounce or less of marijuana is a misdemeanor. The proposed law would make anything more than a half-ounce a felony.

Rep. Steve Sukup, R-Dougherty, said many drug problems begin with marijuana. The use of marijuana should be taken more seriously, he said.

The bill was controversial when it was discussed earlier this year in the House Judiciary committee, with Democrats strongly opposing the plan, saying it would add even more people to the state's overcrowded jails.

On Thursday, however, Democrats were silent as the bill was quickly approved 86-5.

Des Moines Register, 3/26/99, 8M

Senate votes on HF705

Voting against HF705 in the Iowa Senate were: Dennis Black, D-Grinnell; Joe Bolkom, D-Iowa City; Dick Dearden, D-Des Moines; Robert Dvorsky, D-Corallville; William Fink, D-Carlisle; Eugene Fraise, D-Fort Madison; Johnie Hammond, D-Ames; Patricia Harper, D-Waterloo; John Kibbie, D-Emmetsburg; Matt McCoy, D-Des Moines; and Elaine Szymoniak, D-Des Moines.

It's not difficult to see which political party is closer to NORML's ideology on marijuana. Of course, the Democratic Party is guilty of drug war hysteria just like the Republican Party. Democrats just don't push it as far as Republicans. The Libertarian Party (and more recently the Reform Party) has always been opposed to marijuana prohibition, but that party is not even a player Iowa. If you want to participate in a major political party that will at least listen, the Democratic Party is the only show in town.

Norwalk drug-ed officer charged

By **AMANDA PIERRE**
REGISTER STAFF WRITER

Norwalk, Ia. – Thomas Nolan, a Norwalk police sergeant and drug-education officer, was charged with possession of marijuana and drug paraphernalia after the Marion-Warren County drug task force searched his home Sunday, Warren County sheriff's officials reported.

Nolan, 44, of 9129 Oakwood Drive, was released from the Warren County Jail after posting bond of \$2,925. He could not be reached for comment.

Mayor Jerry Starkweather said Nolan had been suspended from his job without pay. Starkweather would not comment on whether Nolan would return to the force.

City Attorney Jim Dougherty said some Norwalk police officers brought suspicions about activities involving drugs and the Norwalk police to the attention of city officials two weeks ago. The city asked Warren County officials to investigate the matter.

Sgt. Dave Murillo of the Des Moines Police Department, who lives in Norwalk, said he learned from one Norwalk officer that narcotics evidence had been disappearing from the Norwalk department.

Warren County sheriff's officials would give no other details about the case, referring all questions to Dougherty.

Nolan, a member of the Norwalk Police Department for 12 years, served as the Drug

PAG LIN

1 1 Section 1. Section 124.101, subsection 16, unnumbered
 1 2 paragraph 1, Code 1999, is amended to read as follows:
 1 3 "Manufacture" means the production, preparation,
 1 4 propagation, compounding, conversion, or processing of a
 1 5 controlled substance, either directly or by extraction from
 1 6 substances of natural origin, or independently by means of
 1 7 chemical synthesis, or by a combination of extraction and
 1 8 chemical synthesis, and includes any packaging or repackaging
 1 9 of the substance or labeling or relabeling of its container,
 1 10 except that this term does not include the preparation or
 1 11 compounding of a controlled substance by an individual for the
 1 12 individual's own use, or the preparation, compounding,
 1 13 packaging, or labeling of a controlled substance:
 1 14 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 1 15 immediate importance, takes effect upon enactment.
 1 16 EXPLANATION
 1 17 This bill amends the definition of manufacturing a
 1 18 controlled substance. Existing law exempts from the
 1 19 definition, persons who manufacture a controlled substance by
 1 20 preparing or compounding the substance for the person's own
 1 21 use. The bill strikes the exemption and therefore provides
 1 22 that a person who prepares or compounds a controlled substance
 1 23 for the person's own use meets the definition of
 1 24 manufacturing.
 1 25 This bill takes effect upon enactment.
 1 26 LSB 1630HV 78
 1 27 jm/gg/8

Abuse Resistance Education (DARE) officer at Lakewood Elementary School for more than five years, according to Tom Fish, school district superintendent. Nolan conducted classes on the risks of drug abuse.

Fish said he was surprised to hear of the allegations against Nolan and suspected that Nolan's students would find it hard to see the situation unfold. "I guess they can also see that there are consequences," Fish said.

Warren County Deputy Randy Spuff will be Lakewood's DARE officer for the remaining weeks of the program.

The Des Moines Register
Tuesday, April 20, 1999, Page 1A

AUGUST 03, 05:20 EDT

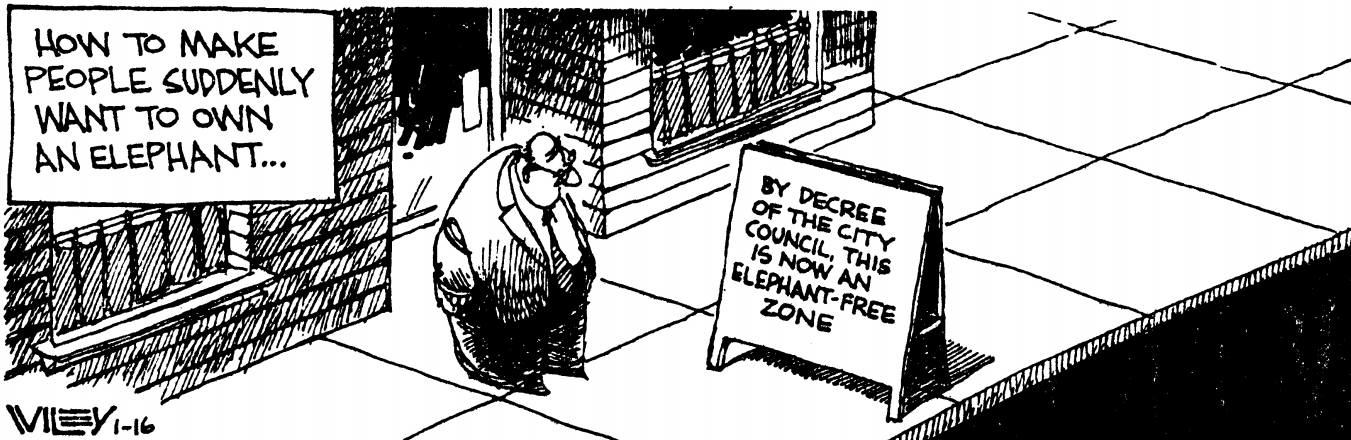
New Study on Drug Education Program

By **JAMES RITCHIE**
Associated Press Writer

LOUISVILLE, Ky. (AP) — The drug education program D.A.R.E., widely used at schools across the country, has little effect on whether children use drugs, alcohol or cigarettes, a new study suggests.

Donald R. Lynam and other researchers at the University of Kentucky tracked more than 1,000 students in Fayette County who

(story continued on page 19)



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Meth bill signed into law

House File 573 was passed by the Iowa Senate on March 25 by a vote of 42-5. Opposing the bill in the Iowa Senate were: Joe Bolkom, D-Iowa City; Dick Dearden, D-Des Moines; Johnie Hammond, D-Ames; Patricia Harper, D-Waterloo; and Elaine Szymoniak, D-Des Moines.

The bill was passed by the Iowa House on March 29, by a vote of 91-6. Opposing the bill in the Iowa House were: Cecilia Burnett, D-Ames; Minette Doderer, D-Iowa City; Ed Fallon, D-Des Moines; Mary Mascher, D-Iowa City; Dennis Permenter, D-Cambridge; and Don Shoultz, D-Waterloo.

Governor Vilsack signed the bill into law on April 6, 1999.

PAG LIN

1 1

1 2

HOUSE FILE 573

2 17 Sec. 3. Section 124.401, subsection 5, Code 1999, is
2 18 amended by adding the following new unnumbered paragraphs
2 19 after unnumbered paragraph 3:

2 20 NEW UNNUMBERED PARAGRAPH. If a person commits a violation
2 21 of this subsection, the court shall order the person to serve
2 22 a term of imprisonment of not less than forty-eight hours.
2 23 Any sentence imposed may be suspended, and the court shall
2 24 place the person on probation upon such terms and conditions
2 25 as the court may impose. If the person is not sentenced to
2 26 confinement under the custody of the director of the
2 27 department of corrections, the terms and conditions of
2 28 probation shall require submission to random drug testing. If
2 29 the person fails a drug test, the court may transfer the
2 30 person's placement to any appropriate placement permissible
2 31 under the court order.

8 9 Sec. 11. Section 811.2, subsection 1, Code 1999, is
8 10 amended by adding the following new unnumbered paragraph:

8 11 NEW UNNUMBERED PARAGRAPH. Any bailable defendant who is
8 12 charged with unlawful possession, manufacture, delivery, or
8 13 distribution of a controlled substance or other drug under
8 14 chapter 124 and is ordered released shall be required, as a
8 15 condition of that release, to submit to a substance abuse
8 16 evaluation and follow any recommendations proposed in the
8 17 evaluation for appropriate substance abuse treatment.

Sentences proposed for all convictions

People convicted of possessing small amounts of any type of illegal drug would be placed on probation or sent to jail for two days under a proposal approved Thursday by the House Judiciary Committee.

The drug possession proposal is part of Iowa's efforts to strengthen punishment for those who make, sell or use methamphetamine. The measures already have been approved by Gov. Tom Vilsack and leaders of the Republican-controlled Legislature, but they still must move through the legislative process. The anti-meth package includes 99-year sentences for meth dealers who sell to children and don't cooperate with police.

Rep. Dan Boddicker, R-Tipton, voted for the meth proposals, but he said lawmakers eventually must consider another growing problem in Iowa: crowded county jails.

"The rural jail situation is just critical," Boddicker said.

Des Moines Register, 3/5/99, 6M

Chicago Tribune

10 Section 1

Monday, March 29, 1999

Another perspective

ALCOHOL'S FINE, SO
ARE CIGARETTES. BUT
MEDICAL MARIJUANA
WILL DESTROY THIS COUNTRY.



Law's arm gets longer in Iowa next week

By PERRY BEEMAN

REGISTER STAFF WRITER

06/26/1999

Iowa's crackdown on crime continues next week when new laws take effect.

Beginning Thursday, methamphetamine-makers will face tougher penalties. So will people who try to take a law officer's gun or drive away when ordered to stop. New penalties will kick in for drivers and passengers who have open containers of beer or other alcoholic drinks in their vehicles.

In a legislative session last winter seen as light on major initiatives, lawmakers passed some new tools for police. Many of the laws approved by the 1999 Legislature take effect Thursday, when the state's new budget year begins.

Some of the major laws involve meth, a powerful, highly addictive stimulant whose use is rampant in Iowa. The laws include a minimum two-day jail sentence for misdemeanor drug possession and bans on many materials used to make methamphetamine. For example, the state will have new penalties for tampering with anhydrous ammonia equipment. The fertilizer is used to make meth.

The penalties also include a 99-year sentence for delivering meth to a minor. Crooks caught a second time face life in prison. Lawmakers also restricted people's ability to post bond when appealing most meth-related charges.

People who make drugs, even for their own use, now risk a charge of manufacturing drugs.

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The Des Moines Register

Marijuana easier to get for research Federal government loosens restrictions on supplies

By Paul Recer

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WASHINGTON, May 21 — Responding to pressure from scientists and voters, the Clinton administration loosened restraints Friday on medical marijuana research. The move is expected to prompt more studies to see if the drug helps people with AIDS, cancer or eye disease.

SCIENTISTS WITH private grants will now be able to get legal marijuana from the government's supply — grown on a small plot of land in Mississippi to make sure it's all the same strength.

Previously, only scientists who had won federal grants had access to that marijuana. And only a few such federal studies have been approved.

"We all thought the time was right" for the new guidelines, said Steven W. Gust, a special assistant to the director of the National Institute on Drug Abuse, part of the National Institutes of Health.

The new guidelines were created after Cabinet-level discussions among agencies involved in America's war on drugs, including the Department of Health and Human Services, NIH's parent agency, plus the Justice Department, the Drug Enforcement Administration and the White House Office of National Drug Control Policy, Gust said.

The drug control office, headed by Barry McCaffrey, favors marijuana studies "as long as they pass a peer review process to make sure the research is good science," said Charles Blanchard, the office's chief counsel.

McCaffrey has opposed actions by states to permit medical uses of marijuana, claiming that would prejudice serious scientific research. Two recent expert reports recommended more research on marijuana, citing evidence of its possible benefits to some patients.

UNCLE SAM'S POT

The University of Mississippi grows the government-approved marijuana on 1.8 acres at a closely guarded site. A crop is harvested on alternate years. So far that has been more than enough to supply the few approved researchers, Gust said.

If the new guidelines do prompt more research, the agency is prepared to grow more marijuana, opening up additional fields if necessary and planting every year instead of alternate years, Gust said.

Under the new guidelines, privately funded researchers conducting "scientifically valid investigations" reviewed and approved by the National Institutes of Health will be allowed to purchase the government marijuana. The price for Uncle Sam's pot has not been set, and the drug is not expected to be ready for researchers until December.

Many cancer, AIDS and glaucoma patients already use marijuana, often bought illegally on the street. At least six states have passed measures to permit the drug's medicinal use if prescribed by a physician.

Federal law, however, bans the drug. And many doctors are reluctant to approve it for their patients because of the controversy over its benefits.

CALLS FOR EASIER PATIENT ACCESS

The tough federal stance on medical marijuana prompted some doctors in California to get a court injunction to block what they feared would be federal reprisals for prescribing marijuana to patients under that state's compassionate-use laws.

Experts found in two recent reports that marijuana for some patients is effective in relieving pain, nausea and vomiting caused by cancer and AIDS. Some glaucoma patients also smoke the drug to help relieve pressure inside the eye.

A 1997 report by a National Institutes of Health panel concluded that there is enough evidence about marijuana's benefits to merit further research.

Earlier this year, the Institute of Medicine, an arm of the National Academy of Sciences, also urged scientific research. The institute also favored compassionate permits for use of the drug by patients who were not helped by other medications.

Four federally financed research projects are ongoing, NIDA officials said. Three other proposals failed to get federal money last year.

Chuck Thomas of the Marijuana Policy Project said his group is pleased the guidelines will encourage more research, but he said the action will not help patients in pain who need the drug now.

"We're very disappointed that they failed to approve single-patient, compassionate use, as the Institute of Medicine had recommended," Thomas said.

NATURAL FORM OF MARIJUANA IN HUMANS A MEDICAL MYSTERY

By Usha Lee McFarling

Chicago Tribune, December 18, 1998

WASHINGTON -- Amid this year's clamorous battles to legalize medical marijuana stands this little-known fact: Our brains and bodies are flooded with a natural form of the drug.

Called cannabinoids, after the euphoria-inducing plant *Cannabis sativa*, this family of compounds blocks pain, erases memories and triggers hunger. Newer studies show they also may regulate the immune system, enhance reproduction and even protect the brain from stroke and trauma damage.

Discovered in humans just a few years ago and, until recently, virtually unstudied, the compounds have become one of the looming mysteries of the nervous system, and a field of exploding scientific interest.

Scientists are testing cannabinoids with hopes of harnessing the medical power of marijuana to treat pain without its high, smoke or political baggage. A key challenge is separating the curing power of the compounds from their mind-altering side effects.

"That's the holy grail of this field," said Steven Childers, a pharmacologist at the Wake Forest University School of Medicine in Winston-Salem, N.C.

Because cannabinoids are so numerous in the brain, they also could help explain the workings of some of our body's most complex, and least understood, systems.

"It's obviously important because there's so much of it. And we never knew it existed before," said J. Michael Walker, a Brown University psychologist who has conducted some of the first studies of how cannabinoids block pain.

"It could help us understand movement, it could help us understand memory, it could help us understand pain. We don't really know how any of these things work."

There has always been evidence, from the intoxicating effects cannabis evokes in smokers, that it contains powerful compounds.

The sticky, flowering buds of the plant have been harvested as medicine for centuries. Five thousand years ago, Chinese physicians used the plant to treat malaria,

absent-mindedness and "female disorders."

African tribes used it to treat snakebite and the pain of childbirth. Indian physicians prescribed it for headaches.

Sifting through the plant's chemical stew in the early 1960s, Israeli pharmacologist Raphael Mechoulam discovered more than 60 cannabinoids in marijuana, including the famous and psychoactive compound THC.

In 1992, a team led by Mechoulam and William Devane trumped that discovery by showing that humans produced their own cannabinoids. They called the substance anandamide (Sanskrit for "eternal bliss").

Our brains contain receptors that interact with the anandamide we produce. In an accident of nature and chemistry, compounds in pot are shaped similarly and therefore trigger similar but more potent effects. The same is true of the plant drugs nicotine and cocaine.

Now, scientists are beginning to understand just what natural cannabinoids might be doing in the human body.

"We're opening doors now we couldn't even have predicted existed," said Childers, president of the International Cannabinoid Research Society.

For example:

- This week Herbert Schuel and Lani J. Burkman of the University of Buffalo reported that cannabinoids help control the exquisite synchrony of timing during reproduction by slowing anxious sperm if they try to approach an egg before it's ready for fertilization. This may also explain why heavy pot users, both men and women, are sometimes infertile.

- Cannabinoids have been found to both suppress and enhance the body's defenses against diseases and tumors, a duality that has researchers puzzled. "It's a science clearly in flux," said Thomas Klein, an immunologist at the University of South Florida. "The more we learn, the more confused we are."

- While pot warnings--"This is your brain on drugs"--have long spotlighted the drug's damaging effects on the brain, research last summer from the National Institute of Mental Health shows cannabinoids protect brain cells from stroke or

trauma damage.

- Last year, scientists at the Neurosciences Institute in San Diego showed that cannabinoids block the formation of new memories in slices of animal brain tissues. This power to forget might keep the brain from filling up or getting overwhelmed with unimportant memories.

Cannabinoid research in animals already has scientists considering drugs that might be quite powerful in exploiting an untapped chemical system within the brain to solve an array of medical problems.

"While no one wants a drug that disrupts memory, maybe you could boost memory by blocking cannabinoids," said Billy Martin, a professor of pharmacology at the Medical College of Virginia and one of a handful of people who have studied cannabinoids since the 1970s.

Researchers' largest hopes are focused on using a synthetic form of cannabinoids to block pain, including chronic nerve pain that can't be adequately blocked with existing drugs.

Animal studies show cannabinoids can block other kinds of pain almost before they begin, stopping the pain signals before they reach the spinal cord or brain, working as well as morphine. That power suggests they could be substituted for morphine, which is addictive and must be used in increasing doses over time.

Cannabinoids enhance morphine's power; combining the drugs could vastly reduce the dosages needed to kill pain, offsetting problems of addiction and drug tolerance. Cannabinoids also counteract nausea, another plus for patients with cancer and AIDS.

"It might be possible to manipulate levels of the body's own cannabinoids. You could create drugs like Prozac that block the body's reuptake of cannabinoids or inhibit their breakdown so they stay active longer," said Andrea Hohmann, who previously worked with Walker and now researches pain at the National Institute of Dental and Craniofacial Research.

article forwarded by Todd McCormick

<http://www.chicagotribune.com/news/nationworld/article/0,1051,SAV-9812180036,00.html>

Marijuana Rescheduling Facts

Introduction: The release of the Institute of Medicine report on Marijuana and Medicine on March 17th will certainly increase interest in the rescheduling of marijuana. Here is some background information on the rescheduling petition currently under review by the US Department of Health and Human Services.

The present petition was filed by Jon Gettman and High Times on July 10, 1995. NORML has posted the petition at their website, for which I am grateful, however NORML did not file this petition, as is sometimes reported.

The Drug Enforcement Administration accepted the petition in December, 1997 and forwarded the petition to the Department of Health and Human Services for a medical and scientific review. Prior correspondence with DEA confirms that this act implies that DEA has found substantial grounds for the approval of the petition.

The petition requests that marijuana and all cannabinoids be removed from schedules 1 and 2 of the Controlled Substances Act because they lack the high potential for abuse required for schedule I or 2 status. Schedule 2 is not a viable option for the scheduling of marijuana under this petition.

This petition will supercede any new effort to reschedule marijuana. As soon as HHS finishes their review DEA will have to prepare and publish a proposed rule on marijuana's scheduling, and this rule will be subject to public comment and likely to public hearings.

Any recommendations made by the IOM as to public policy on marijuana as medicine are temporary and short-term by nature pending reconsideration of marijuana's scheduling status.

The petition addresses the status of all cannabinoid drugs in order to expedite the long term development of cannabinoid pharmaceutical drugs.

This petition is a both a timely and appropriate vehicle to address scheduling issues related to medical use of marijuana.

The primary argument of the petition, though, is that the federal government lacks authority to subject marijuana to prohibition because it has never had the high level of abuse required for schedule 1 status.

Hearings have been requested in the proposed rescheduling of Marinol in objection to its rescheduling while marijuana remains in schedule 1.

The petition is a 70,000 word scientific literature review. I expect the IOM report to confirm most of the scientific observations reported in the petition, and to confirm that marijuana had a lower abuse potential than alcohol or nicotine. If the IOM report concludes that marijuana has an abuse potential less than cocaine and heroin, then the IOM report will have verified the scientific argument made by my rescheduling petition.

Background materials on the petition are available on the web.

The letter verifying the petition referral to HHS is at:

<http://www.hightimes.com/ht/new/petition/deatoken.gif>

An article on the legal standards is at:

<http://www.norml.org/legal/petition.html>

A summary of the petition is at:

<http://www.norml.org/legal/petition.summary.html>

Press releases and background material is at:

<http://www.hightimes.com/ht/new/petition/petition.html>

The full text of the petition is at:

<http://www.norml.org/legal/petition.fulltext.html>

Jon Gettman

GOVERNMENT EASES RESTRICTIONS ON MARINOL

Saturday, July 3, 1999, Associated Press

WASHINGTON - A government decision to ease restrictions on Marinol, a by-product of marijuana used to counter symptoms of AIDS and side effects of chemotherapy, has unlikely allies: the nation's drug czar and proponents of medical marijuana.

Barry McCaffrey, director of the White House Office of National Drug Control Policy, said the capsule form of Marinol is the "safe and proper way" to make components of marijuana available to the public.

"This action will make Marinol, which is scientifically proven to be safe and effective for medical use, more widely available," McCaffrey said Friday.

McCaffrey's stance was hailed by one marijuana advocate - albeit for different reasons.

Geoff Sugerman, a medical marijuana advocate in Oregon, said "Here is more proof that the properties in marijuana really do work as medicine."

Oregon recently approved the use of marijuana with a doctor's consent, an action McCaffrey has opposed.

The Drug Enforcement Administration reclassified Marinol from a "Schedule 2" drug to the less restrictive "Schedule 3" category. This essentially means that instead of being classified with drugs like morphine, Marinol is now classified with more widely used drugs like Codeine.

Marijuana is classified as a "Schedule 1" drug, and thus cannot be prescribed by doctors. Activists like Sugerman have sought to change that classification.

"I don't see it (the reclassification) as negating the need to reschedule marijuana so doctors can prescribe it to their patients," Sugerman said.

Supporters of medical marijuana say patients who use it are able to get the benefits of dozens of other agents in marijuana that are not in Marinol.

McCaffrey, who has remained staunchly opposed to those efforts, said Friday's change by the DEA was the result of "pure science. There's no politics involved."

Marinol is the only agent, or cannabinoid, in marijuana that has undergone research and been developed into a prescription drug. First brought onto the market in 1985, Marinol has been used to treat anorexia and weight loss associated with AIDS and nausea and vomiting associated with cancer chemotherapy.

With the change in classification, Marinol can now be prescribed by doctors with the possibility of five prescription refills in six months. The change also lessens recordkeeping requirements and eases distribution restrictions on the drug.

JUDGE WILL ALLOW MARIJUANA LAWSUIT

By Joseph A. Slobodzian
INQUIRER STAFF WRITER

Plaintiffs seeking to legalize the drug for medicinal use will get their day in federal court.

A federal judge yesterday refused to dismiss a lawsuit that seeks to legalize the medical use of marijuana, ruling that the plaintiffs deserved the chance to prove the government had no reason to deny the drug to seriously ill people.

"The answer must come from facts, not the abstractions and dogma presently in the record," wrote U.S. District Judge Marvin Katz in a 25-page opinion and order.

Katz's ruling keeps alive a class-action lawsuit that many legal experts assumed had no chance of success when it was filed in July.

Justice Department spokesman Brian Steel said lawyers had not had the chance to review Katz's ruling and could not comment. "Our basic position is that marijuana remains an illegal drug," Steel said.

Lawrence Elliott Hirsch, the Center City lawyer who filed the suit on behalf of 165 people nationwide, praised the opinion as a "tremendous job of analysis. . . . Whatever the ultimate outcome, the judge has done an excellent job of framing the issues." Some medical researchers have said marijuana seems to help in treating glaucoma and combating the nausea caused by drugs used in treating cancer and AIDS. Although a synthetic form of a key compound of marijuana has been marketed as the prescription drug Marinol, the lawsuit contends it is not as effective as smoking the herb itself.

In some ways, Katz handed victories to both sides. He denied Hirsch's motion for a judgment in favor of the plaintiffs, and granted the government's motion to dismiss Hirsch's most novel claim — that, unlike the 18th Amendment's ill-fated ban on alcohol except for medicinal use, Congress prohibited marijuana improperly in the Controlled Substances Act of 1970.

Katz wrote that numerous federal courts have upheld the 1970 law.

(continued on page 11)

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIYOSHI KUROMIYA, et al.,

Plaintiffs

v.

CIVIL ACTION NO. 98-3439

THE UNITED STATES OF AMERICA,

Defendant

MEMORANDUM & ORDER

Katz, SJ: March 10, 1999

The law does not permit the use of marijuana to treat a variety of ailments ranging from glaucoma to AIDS from which the plaintiffs claim they suffer and for which marijuana relieves symptoms. Yet, according to the complaint and the representations of the government's attorney at a hearing, see Tr. of Hr'g on Mot. to Dismiss at 7-8, the government itself provides marijuana to another group of persons suffering illnesses, through their physicians. Plaintiffs now mount a constitutional challenge to the laws that prohibit therapeutic marijuana. This court concludes that the laws are constitutional. However, the court cannot reach the same conclusion as to the equal protection issues arising from the distinction between those who may and may not legally use medicinal marijuana, as to which the test is whether the government's distinction is rational. The answer must come from facts, not the abstractions and dogma presently in the record.

The plaintiffs next discuss two "exceptions" to the prohibition on marijuana. First, plaintiffs state that in 1978 the federal government settled a lawsuit by which it provided Robert Randall, the plaintiff in that case, with FDA-approved and medically supervised access to government-grown marijuana to control his glaucoma. (1) The plaintiffs allege that the government eventually expanded this compassionate use program (2) to cover a small number of other individuals who were also supplied with marijuana for medical needs after they complied with various application procedures not related to the settlement. The program stopped taking new participants in 1992, see Compl. ¶¶ 188-93, and, according to plaintiffs, only eight individuals still receive marijuana. See id. ¶ 195.(3) The complaint states that three of the plaintiffs, Ladd Huffman, Jackie Rickert, and Ron Shaw, had their applications to the program approved but subsequently were denied marijuana supplies because of the government's decision to stop admitting new participants. See id. ¶ 194.(4) The second exception to the general prohibition alleged by the plaintiffs is the government's approval of the drug Marinol, which contains a synthetic version of THC, the active ingredient in marijuana. See id. ¶¶ 198-205. Plaintiffs suggest that these "exceptions" violate the equal protection clause by creating arbitrary distinctions between different types of drugs and between different people. See id. ¶¶ 196-97 (discussing compassionate use exception); ¶ 202 (stating that permitting synthetic THC but banning natural THC is arbitrary).

The court has no difficulty in determining that the plaintiffs cannot succeed on their claims pertaining to the commerce clause, the Ninth Amendment, the Tenth Amendment, the right to privacy, or, in general, the equal protection clause. Numerous cases have held that under the rational review applied to such legislative actions, the CSA easily passes constitutional muster, and this court agrees with the reasoning in those decisions. However, it is premature to dismiss the plaintiffs' equal protection claims regarding access to the compassionate use program by which marijuana is distributed to select individuals, and the motion to dismiss will be denied as to that allegation.

THE REGISTER'S EDITORIALS

Your Congress at work

The wonder of democracy, a long-ago observer noted, is not that it works so poorly, but that it works at all. Congress has just contributed mightily to that wonderment.

Last November, the District of Columbia voted on making marijuana available for medicinal purposes. But just before the vote, Congressman Bob Barr of Georgia, an anti-pot zealot, got an amendment stuck into the budget bill barring use of federal funds to finance the election. Too late; it was already on the ballot.

But nobody knows the outcome. Because of the Barr amendment, the election was held, but the votes were never

counted.

Several states have adopted medicinal-use provisions. It has been endorsed by the American Public Health Association and nursing groups in eight states. Doctors are less than unanimous on its efficacy.

Barr's bar was to expire this Oct. 1. Late in July, Congress gave it new life, specifying that no money be spent "to enact or carry out any law" providing marijuana to needy patients. So, the votes will be counted. But if the issue passed, it won't be enacted. Is that anything like smoking marijuana but not inhaling?

Congress works in mysterious ways, if this can be considered working.

(continued from page 10)

But the judge said it was premature to dismiss the plaintiffs' claim that they were being denied equal protection of the law.

Despite the long-standing prohibition of marijuana, the lawsuit contends, the government in 1978 settled a federal lawsuit by implementing a limited "compassionate use" program in which as many as 300 government-grown marijuana cigarettes a month were provided to people found to have serious medical conditions that benefited from marijuana use.

About half of the 14 people admitted into the program — it was closed to new participants in 1992 — still receive the drug. "The court cannot say," Katz wrote, "that the government's decision to give marijuana to several people who are ill and the government's refusal to give it to the plaintiffs who are also ill is rational as a matter of law when plaintiffs have not had the opportunity to try to prove otherwise."

Philadelphia Inquirer, 03/11/1999

TV personality faces drug charges

By LYNN OKAMOTO

REGISTER STAFF WRITER

Grimes, Ia. -- A former independent candidate for governor who advocated the legalization of marijuana was apparently growing the illegal plants in his own home, police said Friday.

Acting on a tip, Urbandale police and the Polk County Sheriff's Department went to the Grimes home of Mark Kennis about 2:30 p.m. Friday. There, police allegedly found Kennis and four other adults in the living room, smoking marijuana in the presence of a 15-year-old.

Urbandale police Sgt. Jim Button said all five adults were arrested. Authorities then searched the home and found apparent marijuana-growing equipment, plus about a quarter-pound of processed marijuana.

Kennis, 51, also is host and producer of "Big People News," a show on public access Channel 15 that focuses on perceived discrimination against large people. When he ran for governor last year, he received 1,760 votes to come in fifth place. In his campaign, he advocated letting farmers grow marijuana as a cash crop.

Kennis and his son, David M. Kennis, 24, both face several charges, including manufacturing marijuana and distributing it to a minor. Dan L. Patterson, 24, of Grimes, and Chris E. Varnado, 29, and Tracey M. Varnado, 26, both of 618 E. Euclid Ave., Des Moines, were charged with conspiracy with intent to distribute marijuana to a minor.

The Des Moines Register, 03/20/1999, 1M

Lynn Okamoto, 515-284-8088, okamotol@news.dnreg.com

Candidate has two kinds of aspirations

By JASON CLAYWORTH

REGISTER STAFF WRITER

Mark Kennis is vying for the Democratic nomination for president of the United States, and unlike the man he hopes to replace, he admits to inhaling.

The 51-year-old Grimes man was charged last week with manufacturing marijuana and conspiring to distribute it to a minor. He wouldn't comment on the charges against him, but he said that he started smoking marijuana at age 19, and that he has used the drug to relieve pain suffered from diabetes and heart problems.

The former independent candidate for governor said Monday that he will seek the Democratic nomination for president, and that during the campaign he will advocate legalization of marijuana.

"It would give Iowa farmers something to grow and it would be a benefit to people," Kennis said.

Kennis is also known as host of "Big People News," a public-access television show that focuses on discrimination against large people. Monday night, he said marijuana use has helped him control his weight.

He and four other people, including his son David Kennis, 24, of Grimes, were arrested on drug charges Friday. Police said officers, acting on a tip, went to the family's home and found the five in the living room, smoking marijuana in the presence of a 15-year-old, who Kennis said Monday was his son Matthew. They also said they found evidence that mari-

(continued on page 13)

Former candidate, editor gives herself up in marijuana case

- The editor of Iowa Lady Magazine ran for lieutenant governor.

By LYNN OKAMOTO

REGISTER STAFF WRITER

Lois Kennis, a 1998 independent candidate for lieutenant governor, turned herself in to Urbandale authorities Tuesday on drug charges.

Kennis, 47, of Grimes, is editor and publisher of Iowa Lady Magazine, and the wife of Mark Kennis, host of local cable television show "Big People News" and an advocate for the legalization of marijuana.

Last Friday, Mark Kennis was among five adults, including his son David M. Kennis, 24, who were arrested at his 701 N. Fourth St. home in Grimes after police said they found them smoking marijuana in front of Kennis' son, Matthew, 15.

Police also searched Kennis' home and said they found marijuana-growing equipment and a quarter-pound of home-grown marijuana.

According to a search warrant filed Tuesday in Polk County District Court, a sign found near the growing operation said: "This is Mark Kennis' marijuana. If you want some, grow your own."

Urbandale Sgt. Jim Button said Lois Kennis returned home later with her young daughter. "I didn't feel it was necessary to arrest her in front of her little girl," Button said.

But police contend there is evidence connecting Lois Kennis to the marijuana operation. Officers returned to Grimes Tuesday with an arrest warrant, but Lois Kennis wasn't home. They said family members promised to contact her and have her turn herself in.

A short time later, police said, Mark Kennis brought his wife to the Urbandale police station, where she was charged with conspiracy with intent to deliver and manufacture marijuana, and manufacturing marijuana. She was taken to the Polk County Jail, where she was being held on \$48,750 bond.

Button said he expected this to be the final arrest in this case.

Des Moines Register, 03/24/1999, 8M

Kennis campaign still heading in right direction

- Minor setback means little to this Grimes straight-shooter.

By Jon Gaskell

NEWS EDITOR

The Mark Kennis Campaign for President took a bit of a blow last week, actually, you might say, it inhaled.

"I'm not hiding," Kennis told me, though, offering up no smoke screen whatsoever. "If you need anything, anything at all, call me." He sat on his living room sofa, his nose scrunched up. He smiled. He shrugged.

Every day I look at a picture that is crudely taped above my desk of former Presidential candidate Gary Hart. His arms are crossed, a scowl over his face. He had been caught red-handed, you see, a victim of something that is becoming more and more popular in politics today: frequent horniness. But he made one big mistake, even bigger than the monkey business between he and Donna Rice. He, unlike Mark Kennis, tried to hide it, tried to cover it up and deny it.

Kennis and Hart, both huge fans of breasts, legs and thighs -- although Kennis, like most other married men, prefers his on a plate with the feathers plucked out -- had early setbacks in their campaigns for the Democratic bid for President of the United States. However, one of them, Kennis, kept his chin up and said, "This is me. This is what I'm all about." The other one did not, and it cost him dearly.

"I'm not sorry," Kennis told me, a pained expression settling across his face. "I need to smoke pot, and I need it bad. But I can't because of the pre-trial release." He shook his head, a hand across his stomach. It was easy to see that Kennis, the guy who lives on Fourth Street, has long, silent moments and takes 13 pills every day just to take the edge off his pain, was feeling ill.

It's been said that it takes a big man to admit when he's wrong, and Mark Kennis is not a big man. Actually, that's not true at all. He's really quite big. He even has a television show for big people. And, when one gets to know him, he or she will find that he is big on commitment and big on frankness as well. He pulls no punches, speaking in direct sound bites, his point crystal clear every time. And, at the moment, he is insisting that he has done absolutely nothing wrong. He's sick. He's overweight. And he's in constant pain. Marijuana, he remarked, helps all three.

"It really, really does," he said to me.

An advocate is someone who speaks out, often louder than anyone else, for something that he or she feels is right and just. For Mark Kennis, that something is the legalization of marijuana. He talks to groups of people about it. He writes articles about it. He floods media offices around the state with his opinion about it. And, of course, he uses it with some frequency. But he has never tried to hide it. No sir. And that's just Mark Kennis. What you see is exactly what you get.

This is not about sitting around and getting stoned to the be-Jesus-belt. It's not about a fellow out looking for a good time and discovering it through illegal drugs. This has and always will be, according to Kennis, about a sick man doing whatever he can to take the pain away and feel good. Therefore, it's difficult to think that Kennis, who when first arrested faced a \$178,000 bond -- a sum which is more than a lot of alleged first-degree murderers might pay for bail -- is some sort of threat to society or is really doing something wrong. In fact, I don't think we should either fear him or feel sorry for him.

Mark Kennis and his campaign are going somewhere. It's not quite clear where that might be exactly; but as long as he's up front with what he's doing, it helps him and his health conditions out and doesn't really bother anybody else in any way, shape or form, is this little ripple really worth you casting your vote for someone else when the time comes? Didn't think so.

Grimes Today, Volume 1, Issue 31, Thursday, March 25, 1999, page 23

P.O. Box 190, Adel, Iowa 50003, 515-993-4233 Phone, 515-993-4235 Fax

Kennis is undecided on plea

- T.V. personality, Presidential candidate will be arraigned on May 3.

By Jon Gaskell

NEWS EDITOR

Local television personality and U.S. Presidential candidate Mark Kennis will be arraigned this coming Tuesday in Polk County court on charges of marijuana possession, intent to deliver the narcotic and distribution of marijuana to a minor. Kennis, whose wife, Lois, will appear two days later on similar charges, is not certain how he will plead.

"I know that's the day when I have to decide," Kennis said of May 3. "But at this point I've only had one conversation with my attorney, and I'm not sure what all of my options are. We really haven't done that much. So I'm not really sure what's going to happen."

Kennis, who sold his family's motor home in order to hire an attorney for his son, David, who was also charged, said that he and his wife are being represented by court-appointed attorneys.

"We can't really afford to be hiring three different attorneys right now," Kennis said.

When asked if he thought his ongoing fight to legalize marijuana had been worth it he said, "You have to understand something. Before I got to this day, I had to get through earlier days. If you're just asking how I feel about everything right at this moment, I'd say it's been difficult, all of it."

However, Kennis remarked that the physical pain he has had in the past, and that which he still suffers from, has been eased by smoking marijuana.

"If you have pain, you want to get rid of that pain," he said. "I'm not ever going to second guess everything I've done. My situation when I started smoking pot was desperate, and it still is. I really didn't have a choice."

Kennis offered that if people want to see him in prison for his pain, so be it.

"That's society's choice," he said.

Kennis remarked that he has been the subject of ridicule throughout his life, due to his health problems leading to weight problems.

"It's like those kids killing people in Colorado," he said. "I know what they were going through. I know how they felt. The only difference is that I found a peaceful solution which works. I don't hurt anybody."

Kennis said he is taking his "legal ordeal" one day at a time.

"Actually, it's more like one moment at a time," he said. "And right now, my biggest concern is for my family."

Grimes Today, Vol. 1, Issue 36, Thurs., April 29, 1999, page 3

(continued from page 11)

juana had been grown in the home. Kennis and most of the others have been released from jail after posting bond.

When Kennis ran for governor last year, he came in fifth place with 1,760 votes, far behind the nearly, 500,000 garnered by Democrat Tom Vilsack. But he predicted he would win the Iowa presidential caucuses next February.

"If I win in Iowa, I think it will bring attention nationwide on marijuana use."

Des Moines Register, 03/23/1999, 6M

Letter to the Editor:

When the Iowa House of Representatives voted to increase the penalty for possession of marijuana on the grounds that they believed that its use led to the use of strong addictive drugs such as methamphetamines, our state representatives made a serious mistake. But it is one that can be corrected.

What the Iowa House obviously fails to understand is how marijuana smokers are led into the use of these strong addictive drugs, or it would not have done what it did.

What happens many times when people go to purchase the marijuana to ease their suffering, they are told, in effect, "Well, we're out of marijuana but if you're in pain we've got this other stuff." What results many times is that the marijuana smokers are "'baited and switched" to something stronger and more expensive.

The voters of six states have legalized the use of medical marijuana, and that's exactly what Iowa and the rest of our nation needs to do, also. Marijuana relieves pain, eases eating disorders and causes people to be laid back and passive. Methamphetamines, however, cause aggressive, violent behavior and serious health problems.

A Gallup Poll has reported that seventy-three percent of Americans support amending federal law to allow for the legal use of marijuana as a medicine.

With the way things are today, marijuana is being smuggled into this country and billions of dollars are being smuggled out. Legalization would end that enormous financial drain on our economy, provide something which is actually profitable for farmers to grow at a time when such a crop is desperately needed, provide tax dollars without raising income or property taxes and greatly reduce the cost of pain relief for medical marijuana smokers in terms of both money and the enormous amount of time spent searching.

The New England Journal of Medicine, the American Public Health Association and the United States Institute of Medicine have all endorsed the medicinal use of marijuana.

In addition to the people who legally smoke marijuana in six states, there are eight others in the United States who have been legally cleared to smoke marijuana under a federal program. However, no more applications to this program are being accepted, and this is a prime example of our constitution failing to protect us.

The legalization of marijuana will benefit non-smokers as well. Because when marijuana is accessible in pharmacies at a reasonable price, the use of violence-causing methamphetamines will be drastically reduced, providing us with much more peaceful communities in which to live.

Today we live in a world of conflict so we cannot afford to have a nation divided; therefore it is time to make the peace within our borders over the marijuana issue like we did with the civil war, the civil rights movement and alcohol prohibition.

Sincerely,
Mark Kennis
701 North 4th Street
Grimes, Iowa 50111
(515) 986-4017

Is it time to decriminalize pot?

Other states are moving that way, and science appears to be on their side

BY WILLIAM DEAN HINTON

First the bad news, pot smokers. If you smoke daily, you have a 19 percent greater chance of visiting a doctor for respiratory problems than nonsmokers.

You probably shouldn't drive while high, and it's a bad idea to smoke if you're pregnant or mentally ill.

But long-term use won't kill you. That's the conclusion of the most-detailed study of pot smokers and mortality ever done.

Completed in June 1996, the study of 65,171 patients by insurer Kaiser Permanente found that pot-smoking women and men had a lower mortality rate than cigarette smokers or people who drank at least three beers a day. (Men with AIDS who smoked pot had a higher mortality rate, but research concluded there was insufficient evidence to establish a causal link.)

"Marijuana isn't the killer drug that some people make it out to be," says Kaiser Permanente's Stephen Sidney, the study's lead researcher. "Nor do I think it is entirely harmless. You have to look at a balance of evidence if you want to make claims."

Balance isn't something Iowa is noted for when the issue of drugs is raised. It is considered one of the most punitive states for pot possession, mostly because of the backward logic of the drug tax stamp, which asks someone to pay tax on something they shouldn't own. (Twenty-eight other states have a tax stamp.)

Thankfully, some states have moved pot to a more rational legal category. Thirteen states now allow marijuana for medicinal use, a trend that began only in the last five years.

States like New Hampshire and Arkansas have begun efforts to join the likes of California, Mississippi, Nebraska and Minnesota in decriminalizing marijuana. Being punished for owning pot in these states is similar to getting a traffic ticket. Ohio has the least punitive laws: You can possess up to three ounces and receive no more than a \$25 ticket.

State Rep. Tim Robertson has introduced two marijuana bills into New Hampshire's General Assembly, one that legalizes pot for medical purposes and one that decriminalizes it. He says

stigmatizing pot smoking with misdemeanor convictions is unnecessary, counterproductive and even reckless.

"We're doing this to our kids and our friends' kids. Marijuana is not a deadly drug. It's not in the ballpark of cocaine or heroin, but we're punishing it like it is. And I certainly wouldn't put it in the same category as alcohol. It doesn't make you violent like alcohol does."

Law enforcement officials and county attorneys, however, are still in the catch-and-punish mode. In 1997, the largest number of people in history, 604,650, were arrested for possession of pot, according to FBI figures.

In Iowa that year, 5,260 people were convicted of possessing or using marijuana. An estimated 933 received jail time. In 1988, only 1,083 pot smokers were arrested, 275 of whom received jail time, according to figures supplied by Lettie Prell, a state policy analyst.

John Wellman, Polk County's chief public defender, estimates his caseload for possession has doubled from 10 cases per week a decade ago to 20 today.

Wellman says most people don't realize that the police will arrest you even if you're carrying only non-smokable seeds and stems or if you have residue in a pipe.

"The law makes no distinction between a molecule of marijuana and an ounce," says Wellman, adding that most of his possession cases do not involve other drugs or crimes.

The first time you're busted with under an ounce of pot in Iowa, you won't likely see jail time. But you probably will have to pay a \$100 fine, \$300 in court costs, \$60 for drug treatment and, perhaps - worst of all, have your driver's license suspended for six months.

This will probably happen to you, that is, unless you're a prominent member of our community.

In February 1997, John Gillotti, a member of the county's planning and zoning commission, was arrested for possessing more than three ounces of pot cut into 17 baggies.

Gillotti received a \$6,000 fine, 10 days in jail and two years probation. He could have been sent to prison for a mandatory five-year sentence. But county attorney

Jaimie Bowers felt Gillotti's stash was for personal use. Meanwhile, some of Wellman's clients receive prison time the second time they're caught with weed.

Since Iowa has no referendum form of government, which has helped states like Oregon to decriminalize pot, state lawmakers must introduce a pro-marijuana bill through the Judiciary Committee. In the current anti-drug environment, chances are unlikely any decriminalization efforts will bud here.

"I think that it would be sending the wrong message to our kids and grandkids," says Keith A. Kreiman, D-Bloomfield, an attorney and ranking member of the Judiciary Committee. "It's like a lot of substances. It can be used or it can be abused. I think there's a lot of abuse going on."

Kreiman's concern for kids is laudable - but apparently unfounded. A 1981 study by the University of Michigan examined the attitudes, beliefs and behavior of high school students in states that have decriminalized marijuana, then compared them with students in states where possessing pot is a felony or misdemeanor.

"The preponderance of evidence ... points to the conclusion that decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people."

New Hampshire's Robertson believes a younger generation will eventually have the wisdom today's lawmakers don't. "When the children of the '60s and '70s come into power, we'll legalize it," says Robertson, a retired businessman.

"I don't have any doubt about it. If you see what's going on in other countries, marijuana is not considered a problem. They have better things to do than send policemen chasing people who smoke wacky tobacky."

Maybe Iowa lawmakers will learn that one day. Till then, Ohio might not be a bad place to live.

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March 3, 1999, Page 6*

Reefer ain't real life

People who advocate the legalization of marijuana, such as William Dean Hinton ("[Is it time to decriminalize pot?](#)" March 3 issue), always seem to miss a major difference between marijuana and alcohol, with which they often compare it. Physically, alcohol only directly affects those who choose to use it. Marijuana is a mind-altering substance to which others are exposed involuntarily by breathing the smoke.

Do we want children growing up in homes where their minds are altered by second-hand marijuana smoke? Who is the designated driver among those who attend a reefer party?

Not to say that alcohol consumption should be encouraged. Try getting a real life. There is a lot to live for and be enjoyed with sobriety.

Richard Nordin
Des Moines

Cityview, March 10, 1999, Page 3

Smoking vs. drinking, part II

Richard Nordin's [letter](#) (March 10) about the dangers of secondhand marijuana smoke is a classic example of "reefer madness." While claiming that people who abuse alcohol harm only themselves, Nordin makes the claim that marijuana smokers involuntarily expose others by forcing them to breathe smoke.

Unfortunately, Nordin's confusion is not unique. The Legislature doesn't hesitate to jack up the penalties for marijuana, but they don't want to lower the blood-alcohol level for drunken driving. Driving a car after drinking alcohol is just fine with them.

Personally, I'd prefer to get hit by second hand smoke than by a drunken driver. Nordin should check with Broadlawns Hospital to see how many cases of involuntary inhalation they've had in their emergency room lately.

Carl E. Olsen
Des Moines

Cityview, March 24, 1999, Page 2

Word-of-mouth system here just seems to be going to pot

Jay Leno's doing his monologue Thursday night and he mentions the University of Iowa. He says they're doing research to figure out how long-term marijuana use affects the brain. And he says they're paying folks \$480 a day to take part.

A school around here is paying people that kind of money to smoke dope and I've got to hear about it on national TV?

Couldn't be. Not in this state. Those guys up at the Capitol would have stopped punching each other long enough to close down the University, probably claiming the school doesn't live up to the high standards set by the Legislature.

But I made a few calls, and it turns out Leno was right – kind of. They are doing the research on dope smoking and they are paying people \$480. But that money isn't for one day. It's for a 65-hour period that includes two nights in the hospital.

And there's no actual pot-smoking involved. At least the school isn't providing it.

They're looking for folks who've been smoking pot for years so they can study what chronic use does to the brain. The idea is to find out if the effects are permanent.

The guy running the study is Dr. Robert Bloch, an associate professor at the medical school. Friday morning he wasn't

pleased with the national publicity. He described it as "an unintended development. It's kind of upsetting."

Picture it: Bloch goes to his boss and says he's managed to get the school some national attention – but there's a downside. We're giving piles of money to potheads.

Meanwhile, Bloch said any response he gets from outside the state is useless – he can only use Iowans in the study.

"We need people who grew up here. Iowa uses the Iowa Test of Basic Skills and we want to go back before they started using marijuana and get their fourth-grade test scores as an indicator."

Bloch's been at the school since 1984 and he's done a number of studies on marijuana use. I asked him why he was so interested in marijuana, and in a perfect world he would have said he couldn't remember.

But Bloch said his interest goes back to college. He studied cognitive psychology at Rutgers and did his Ph.D. thesis on the effect marijuana has on memory "because it seemed more interesting than whatever else was available." That's sort of how I felt in college – if I remember correctly.

Rob Borsellino can be reached at borsellinor@news.dmreg.com or (515) 284-8102

Des Moines Register, 4/10/1999, 1M

Medical journal fires top editor

BOSTON GLOBE

Boston, Mass. – The owners of the highly esteemed New England Journal of Medicine announced Sunday night that they have fired the magazine's top editor after he balked at using the journal's prestige to sell unrelated publications and products.

The Massachusetts Medical Society, which owns the New England Journal, said in a terse statement that it will sever its relationship with Dr. Jerome P. Kassirer, who won high praise during his eight years as editor-in-chief.

"Control of the journal is slipping to the bean counters," said Dr. John T. Harrington, dean of Tufts Medical School, who two weeks ago resigned from the Medical Society's Publications Committee to protest the handling of the Kassirer case.

"This is a spectacular example of money beating medicine."

Des Moines Register, 7/26/1999, 3A

Dr. Jerome P. Kassirer will be the keynote speaker at the First National Conference on Medical Marijuana, April of 2000 at the University of Iowa Medical School.

NORML

Pair sues city to pass fliers at Bix festival

By **MARIANNE KERBER**

REGISTER STAFF WRITER

A Davenport couple is suing the city for the right to pass out literature detailing a history of marijuana use among jazz artists honored at this month's Bix Street Festival.

A lawsuit filed by James and Melissa Getman alleges that Davenport police officers threatened the couple with arrest after they passed out informational fliers on a busy street corner during last year's event.

But city officials said Friday that the lawsuit might be misdirected. The annual festival is sponsored by the non-profit Downtown Davenport Association, which gets permits from the city to use a three-square-block area.

The annual festival is a memorial to Davenport native and jazz legend Leon B. "Bix" Beiderbecke, a cornet player during the 1920s, who died in 1931 at age 28 of pneumonia caused by alcoholism.

James Getman said several officers approached him last July, grabbed the fliers out of his hands and told him that the Downtown Davenport Association had requested that he stop.

"They told me I would be arrested if I continued to pass them out," he said.

The director of the downtown association, Heather Kearns, said the group's policy requires board members to approve any literature being handed out at the festival.

The association also hires private security guards and off-duty Davenport officers to patrol the area, which usually has more than 60,000 visitors in two days.

"I certainly think the downtown association is in a different position than the city is," said the city's attorney, John Martin. "The underlying complaint really goes to the Downtown Davenport Association and not to the city, because it is their rules they are complaining about."

Getman has asked for a temporary restraining order against city police, so that he can pass out information.

"Without the restraining order I'll still be down there doing it until they tell me not to," he said.

The 1999 festival will be July 30-31.

Reporter Marianne Kerber can be reached at (515) 6997043 or kerberm@news.dmreg.com

Des Moines Register, 7/16/1999, 6M

ICLU Wins Suit Against City of Davenport

DDA must allow "Bix Smokes" fliers at street fest

by **Mike Gorman & Todd McGreevy**

Federal District Court Judge Charles R. Woole ruled on Tuesday that James and Melissa Getman have the right to distribute literature at the Bix Streetfest this Friday and Saturday in downtown Davenport. The ruling limits the persons authorized to distribute the fliers to the Getmans only and limits the number of fliers to 1000.

The ruling stemmed from the lawsuit the Iowa Civil Liberties Union brought against the City of Davenport on behalf of Davenport resident James Getman. Getman, an activist and one of the founders of the Quad City Hemp Coalition, attempted to distribute handbills at last year's Bix Street Festival, but was stopped by Davenport Police when attendees reportedly complained. The fliers entitled "Bix Smokes" depict a caricature of Beiderbecke the jazz legend holding a cornet and a marijuana joint with smoke and musical notes rising in the air. The verbiage of the flier quotes Ralph Burton's 1974 book entitled Remembering Bix, which details alleged accounts of Bix smoking "muggles," "gags," "grass," or "joints" with fellow musicians in the 1920's.

Getman claims that Davenport police officers forcibly took the fliers from he and his wife's hands at last year's festival and that they were threatened with criminal trespassing if they continued to distribute the literature. While the suit by the ICLU was officially brought against the City of Davenport, the group responsible for organizing and presenting the street festival is the Downtown Davenport Association. Subsequently, the city encouraged the DDA to step in as intervening defendants, which they did at a hearing on Monday, July 26.

What appeared on the surface to be a clear-cut freedom of speech case posed a few major questions. The first issue is who is in charge of, and therefore held responsible for, distribution of literature at festivals open to the public and held on public property, but organized and paid for by private parties. The other major issue is what measures can be taken to ensure freedom from harassment by police and event sponsors without risking public safety.

The judge's ruling stated as reasons for this preliminary injunctive relief that Getman distributed these same fliers in 1996 and 1997 without restriction or complaint and that the Davenport police have failed to explain to the court why he was threatened with arrest or the nature of any complaints.

A Vicious Circle

The ensuing debate is nothing short of a vicious circle. The city granted the DDA licenses, permits, and the space to hold the festival for their own use, putting the responsibility (and in theory, the control) in the DDA's lap. By the same token, however, all of the aforementioned, in addition to police presence, were authorized by the city of Davenport, so shouldn't they be held responsible? Ben Stone, Executive Director of the Iowa Civil Liberties Union, the organization representing Mr. Getman, stated, "The city is responsible for the conduct of its officers." Meanwhile, DDA officials are concerned about the potential for abuse and disruption at an event where they have gone to great lengths and cost to create large attendances. Getman's response is that the festival site in downtown Davenport is public property and that his tax dollars have helped pay for it, therefore no private party can create a public event during which an individual's civil liberties can be withheld.

Ironies Abound

The irony of it all is that while the controversial fliers Getman wants to hand out portray Bix Beiderbecke as someone who smoked pot, Getman is suing for the right to distribute fliers at an event that in reality has nothing to do with Bix, the jazz musician. While the festival is named "Bix Streetfest," there is only one jazz performance out of ten at this year's event. The true event being held in Bix's honor is further down the road in LeClaire Park, the Bix Memorial Jazz Festival. Even so, media outlets from the Des Moines Register to KUNI to KWQC have misreported this nuance of the Bix weekend celebrations. The judge himself missed this nuance in his ruling stating, "the plaintiff's plan to distribute 1,000 leaflets is in keeping with the open public exchange of ideas about Bix Biederbecke (sic), a great jazz musician, that the festival promotes."

Getman, who has been a delegate to the Republican State Convention and is also known for successfully appealing the state's confiscation of his personal property under the Iowa Drug Stamp Act, considers the Bix Street Fest the appropriate venue for the flier. "I want to educate the public about the history of cannabis. The festival's namesake used it. Everyone there is drinking massive quantities of another recreational drug beer. I think its relevant." Additionally, Getman maintains that he is not impeding the DDA in its operation of the festival nor is he causing them to lose money.

River Cities Reader, July 28, 1999, Page 7, <http://www.rcreader.com/>

The Mail Bag



NORML NEWS

Carl E. Olsen, Ed., Director
P.O. Box 4091
Des Moines, Iowa 50333
July 7, 1999
Dear Carl,

Thanks for the letter and the Carmen Yarrusso/DRC internet debate. I found Carmen's comments to be very cogent and compelling. You may recall that I raised some of those same issues in my correspondence to you (although not as eloquently). I wrote to you at one time that I have heard so-called drug law reformers say that the government persecution agents should go after powder drugs and leave herb smokers alone. That mentality concedes that depriving adults of their right to possess their own bodies and to think for themselves is appropriate and correct in some cases and it recklessly extends credibility to a public policy that is truly an insidious hoax on the American public. It pretends that government bureaucrats and politicians whose campaigns rely on financing by the tobacco, alcohol and pharmaceutical companies are sincerely concerned about the public welfare and are better qualified to do our thinking for us. It also tends to suggest that those who prefer or condone the use of psychoactive substances that come in powder form as irresponsible delinquents who deserve to be attacked by marauding drug warrior storm troopers. The enemy of my enemy is my friend and conversely, the friend of my enemy is my enemy.

I found Cliff's paragraph by paragraph response to Carmen's essay to be rather juvenile. Much of his response sounds like the antics of a preppy debate team hero attempting to make Carmen's honest inquiry appear absurd. Egoism rather than intellectual respect sounds like the motivating factor in Cliff's tone who sounds as though he is not comfortable with being challenged by his peers. He reminds me of some of the old self-proclaimed Coptic elders whose egos were nourished by humiliating others. One example of Cliff's puerile behavior is the response to Carmen's state-

ment, "Obviously Cliff and Dave et al do not see (or utterly discount) marijuana prohibition as a serious violation of a basic human right. (Cliff likens it to stopping you from getting sloppy drunk.)" And Cliff responded, "Well, If you wade into the debate with a sloppy argument...." Cliff appears blinded by his egotism, otherwise he could see the contradiction in his argument when he says, "No, you miss the point again. I see it as a basic human right. I also see that lots of other people simply don't understand that argument, so it doesn't work very well. Get the difference? It doesn't convince others." His statement substantiates Carmen's assertion that Cliff is pandering away principle. Cliff apparently believes that due to the fact that too many people in America are completely oblivious to basic human rights, that that is sufficient reason to ignore for now the broader basic human rights violation of oppressing any human being because the psychoactive substance they choose for health maintenance, spiritual exploration, or simple relaxation and stress relief doesn't conform to the status quo. And Cliff in fact buttresses the drug warrior's position with his attitude that would generate comments like: "... until you can convince the nation that you have a right to get loaded for fun." And "... sick people have a higher priority than those who just want to get stoned." It is unfortunate that some people acquire illnesses, but there is no evidence that those people who use cannabis for medical necessity are not also enjoying the experience and communion that accompanies cannabis the same as people who do not have a medical condition that has been diagnosed by a doctor. I found Cliff's comments to be inflammatory and disparaging.

At the beginning of Cliff's response, in his summary Cliff makes several mistakes interpreting Carmen's comments. At "BTW, Carmen ...," Cliff's attitude seems to drip with contempt and disrespect not only for Carmen but for all herb (cannabis) lovers who simply choose to self-medicate without relinquishing their respect and trust for their own senses and ability to think for themselves. I do not read in Carmen's comments that he is calling for an end to activism or progress; he is simply taking issue with that attitude which discredits those of us who do expect to see the total withdrawal of drug warrior troops and an end to the aggression toward and oppression of those of us millions of peaceful citizens who enjoy psychoactive substances. And just as a side note, I want to point out that it is generally those of us who are referred to as wanting "to get loaded for fun," and "who just want to entertain [our]selves," the so-called evil drug peddling enemies of society, are the ones who make available for our sick brothers and sisters the far superior medicine that they prefer over the government garbage.

Another mistake Cliff makes is at 2(b) of his summary. He is forgetting or simply does not realize that the government and its agents are the parasitic oppressors of all free people. Sim-

ply because they have the power to convince or deceive people into believing that they are the majority doesn't make them right and us wrong. Remember, this is a human rights violation discussion. And we do have a right in a free market system to make and/or sell whatever we choose. Perhaps Cliff would argue on behalf of those who pander away principle that we have no right to sell poison to people for consumption, but in reality we do and people -- the free market -- will determine whether that is something they want or not (obviously millions of people confirm that they want drugs, they just don't want to be attacked). Besides, if we were selling poison to our patrons and friends, very soon they would all be dead and we would be out of business because poison always kills. Anyway ... that is an argument designed to stir the emotions and fears of a misinformed and ignorant public. Personally I trust my own senses and do not doubt them and I am secure in my own powers of discernment, and I trust and respect every human being's ability to think for themselves. Many of us do not need or want to relinquish our own sensibilities to those people who would force us to be their subjects and property. "Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support, are undoubtedly its most conscientious supporters and, so frequently the most serious obstacles to reform." Henry David Thoreau

I read a quote once in an anthology of essays titled *On Civil Disobedience: Two Statements* by William F. Buckley, Jr., and Noam Chomsky. Chomsky ended his statement with a quote by A.J. Muste, paraphrasing Gandhi: "Unjust laws and practices survive because men obey them and conform to them. This they do out of fear. There are things they dread more than the continuance of the evil." Actually this statement was originally made by Henry David Thoreau in his *Civil Disobedience*: "Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse."

I'm going to include an excerpt from Abraham S. Blumberg's *Criminal Justice* which was written back in the 70s but is even more compelling today:

The ultimate in hubris is the fact that though we are unable to resolve our bitterly persistent class, racial, economic, regional, and intergenerational conflicts, we are not deterred from attempting to export our most hallowed pretension -- "the American way of life." Ironically, our frustration and disillusionment are reinforced by the costly misadventures of an

American imperium which in imposing its will everywhere else may have seriously diminished our own prospects of achieving the good life that the "American way" so strongly implies. Americans reluctantly accept responsibility for the cracks in their national picture window. Instead, there is a perverse need for enemies and scapegoats, which is rooted in a collective neurosis that produces rage and hatred of those who are different or disagree with us. Many Americans seldom perceive any sort of connection between the shortcomings of their own lives and their improvident failure to invest in the social institutions that serve people. Instead, they attribute their helplessness, the deteriorating quality of their lives, and their disappointments and frustrations in regard to their life chances to a "breakdown of law and order" and "crime in the streets." At another level of angry hysteria, they direct their hostility toward the hippie-bohemian-commie-queer-pervert-fag-Indian-nigger-spic continuum, or whichever group they think is currently threatening them.... So acute has the hysterical fear of crime and disorder become that many Americans would welcome some version of a garrison state, and the scrapping of the Bill of Rights, if that would free them from the problems of living in the city. A sense of alienation and mistrust of government has led to the stockpiling of handguns and rifles, and an ominously growing vigilantism. Irresponsible politicians exploit this pervasive sense of insecurity. Like ruthless hawkers of some worthless nostrum, they have effectively sold the notion that the social ills and political conflicts that beset us can be cured through the destruction of constitutional liberty.

In summary I want to quote Blumberg as he recognized what I have said to you before: "It has been suggested that political and other dissidents could effectively paralyze our judicial institutions by engaging in widespread disorders for which large numbers would then invoke rights to a jury trial." (pg. 185)

Prison is a scary thought because it grossly interrupts our personal lives, but the carnage would be over in a matter of days if all the millions of psychoactive substance users were mobilized and focused. Cliff agrees that "every freedom our predecessors fought and died for is viciously demeaned by any drug prohibition" but I don't understand how he envisions the elimination of that atrocity by isolating medical necessity users from those who wish to actually exercise their right to choose what they "can put into their own bodies." I mean ... doesn't the prohibition of my freedom to choose demonstrate the same tyranny as the prohibition of someone with a medical condition? It is the "prohibition" of anybody's right to choose that makes a mockery of "[t]he very spirit of freedom this country is supposed to stand for..." And as for Cliff's comment to Carmen to "Watch out for the black people who will tell you that your troubles are not nearly as bad as the people who actually were slaves," I don't

see the difference in the troubles I am experiencing as much of a contrast to the earlier enslavement of human beings in this country. The 13th Amendment made criminalizing a person's behavior and convicting them a legal loophole for the perpetuation of slavery and the effect is virtually the same.

Well ... enough of that for now. I hope I have not bored you. I am curious about whether you may have any more information about the Rastafarians? The brothers here want me to begin guiding our weekly gathering and they were hopeful that I might obtain some educational materials to share with everyone. On July 25th there will be a celebration of Haile Selassie's birthday and the brother from one of the islands (I forget the name) will return and I hope he remembers the info regarding the slave ship named Jesus (Geezus).

All right Carl, take care and I will look forward to your next letter. I did receive a newsletter from someone in Arkansas regarding Tom Brown's return home. How is Jim doing? Will you please say hello to him for me. Thanks for everything.

Sincerely, Greg

Greg Peck
07698-029
P.O. Box 1000
Oxford, WI 53952

July 12, 1999

Greg Peck
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Hi Greg,

Thanks for the letter, and for typing it so I can easily share it with others. I knew that Carmen's letter would interest you, and, yes, I do remember you making a similar argument. That's why I sent you the exchange. However, I can't remember if I sent you the entire series of correspondence. It probably doesn't matter, because I can paraphrase most of it. Personally, I can remember thinking, or saying, that they can go ahead and put people in jail for using white powders, as long as they stop putting people in jail for marijuana. I can't remember how long I thought that way, but I did stop thinking that way. I now agree with you and Carmen, to a point. The difference I have with Carmen is not related to putting people in jail for white powders, or limiting the legalization of drugs solely to marijuana.

Carmen's argument applies to any drug, not just white powders or marijuana. Carmen suggests that supporting limited medical exemptions for marijuana is a sell-out (I think this is the same argument that Thomas Szasz makes, but, again, I shouldn't be so quick to attribute an argument to someone until I've made a careful examination of their argument – and I have not examined Szasz's arguments

that carefully). Just as you or Carmen, or Szasz, or I, would argue that limiting legalization solely to marijuana would be a sell out, the argument goes that limiting use of marijuana strictly to medical purposes would be a sell-out. I have to differ, or clarify my position, on both counts.

Anyone who knows me knows that I think all drugs should be legal and that I think prohibition is worse than the problem it is designed to cure. That is where I think Yarrusso and Szasz miss the boat. Anyone who doesn't agree with them is automatically characterized as someone who believes that drugs should be prohibited, or that some users should be persecuted. I don't see it that way. A perfect example would be the work I've been doing here in Iowa. I've supported a lot of limitations that would earn me the disgust of people like Yarrusso and Szasz. And yet, I've never said that the limitations I support are my ideas of a perfect solution to the problem. In fact, when NORML, the Drug Policy Foundation (DPF), the Alliance for Cannabis Therapeutics (ACT), and the Cannabis Corporation of America (CCA) stipulated in 1987 that marijuana had a high potential for abuse, I was the only participant to the proceedings who filed an objection.

Here in Iowa, I simply asked the Iowa Legislature to enact a medical marijuana law. In my mind all use of marijuana is medical. I don't have to believe in prescription marijuana to believe that marijuana is medicine. Aspirin is a medicine. You need FDA approval to market aspirin, but you don't need a prescription to buy it. I consider herbal teas to be medicinal, but you don't need FDA approval to market herbal teas and you don't need a prescription to buy them. So, let's get over the idea, right now, that calling marijuana a medicine is somehow making an endorsement of the so-called medical establishment, or therapeutic state (isn't that how Szasz puts it?). As I said, I simply asked the Iowa Legislature to enact a medical marijuana law. I didn't tell them what it should say.

The first thing the Iowa legislators wanted to know was what kind of legislation was out there. At the time, 1993, there was a bill in Maine that allowed patients to grow their own and it had passed both houses of the Maine Legislature (it was later vetoed by the governor of Maine). The legislators decided to go with a similar bill here in Iowa. However, on the floor of the Iowa Senate, it was decided that allowing patients to grow their own was too radical, so they decided that Iowa law enforcement should provide the pot from confiscated supplies. This bill then passed the Iowa Senate by a vote of 50-0. I supported this bill, even though it was not what I wanted or what I had asked for. I was simply grateful that the issue was even being discussed. I think it was an educational experience for the Iowa Legislature and the people of Iowa.

Now, it comes to the year 2000 and it

appears that we have lost ground here in Iowa. We have increased the penalties for possession of marijuana, which might seem as if Yarrusso and Szasz were right. The medical marijuana initiatives that passed in six states undoubtedly caused the forces of evil to take notice and to retaliate. Since no one can make a really good argument against marijuana, the argument here in Iowa was that marijuana leads to the use of harder drugs (particularly methamphetamine). Personally, I think this is actually a sign of victory because it proves we got their attention. We did have one victory here in Iowa, when Judge Fister in Waterloo ruled that Alan Helmers could not be tested for marijuana because he had a bona fide medical necessity. The Black Hawk County Attorney did not appeal Judge Fister's decision, out of fear the Iowa Supreme Court would agree with Judge Fister and set a binding precedent here in Iowa. I thought that was victory.

Now, we are preparing for our National Conference on Medical Marijuana at the University of Iowa Medical School in April of 2000. You may have heard of Melanie Dreher, Dean of Nursing at the University of Iowa, who is putting this conference together. Melanie has written several books on marijuana, including one that concluded that the babies born to mothers who used marijuana were healthier than the babies born to mothers who had used no marijuana (it would be difficult for Yarrusso or Szasz to challenge those kinds of credentials as being a sell-out to the war on drugs). We have Jerome Kasirer, Editor of the New England Journal of Medicine, as our keynote speaker. Kasirer has editorialized in the New England Journal of Medicine that marijuana is not dangerous enough to justify the jailing of medical patients who turn to it out of desperation.

You have to understand the argument that Kasirer makes is not a plea for the recognition of marijuana as a medicine, but rather a plea based on compassion for those who think they find relief from using it. The same argument

could be made for those who use it recreationally, but, then again, I think that those who use it recreationally are really self-medicating. It's all just a matter of opinion. What is not a matter of opinion is whether the smoking of marijuana is a crime. What crime? Where is the victim? If I'm the victim and the perpetrator, then I should be arrested for staying up too late, or eating too much fat, or any number of other things that are not good for me. Certainly, smoking cigarettes or drinking alcohol would be crimes under such a way of thinking.

So, here we are, coming upon the year 2000, and we have a study recently released by the Institute of Medicine saying that some people should smoke marijuana for medical purposes. Of course, those people are a limited number of people, and the recommendation is that they be given marijuana to smoke for a short period of time (just long enough for them to endure chemotherapy, or whatever other treatment may be required that the patient might not be able to endure without the aid of marijuana). We wanted more, but we didn't get it. We wanted them to say that everyone should smoke marijuana, just to get in touch with themselves. But, we didn't get it. All we got was this small token, which was more than we had before.

So, here we are, coming upon the next legislative session of the Iowa Legislature in 2000, and we have a medical marijuana conference in April of 2000 and a March 1999 report from the Institute of Medicine. What do we do? Do we tell the Iowa Legislature that we want marijuana legalized? Do we tell them that the Institute of Medicine fell short of our expectations, and we expect the Iowa Legislature to do the right thing and show them what they really should have done? I hardly think so. I think the best we can hope for is some legislation here in Iowa that tracks the Institute of Medicine report, which is going to be very limited.

In doing so, what do we gain? By having a piece of medical marijuana legislation pending

in January of 2000, we can draw more attention to our medical marijuana conference coming up in April of 2000. The Iowa Legislature usually wraps up its business sometime around the end of April or the beginning of May. If we can keep our bill alive at least to the end of the session, we can hope to draw more attention to this issue. Even before January, we can send out information on the Institute of Medicine's report, show that Iowa has had a medical marijuana law on the books since 1979 but hasn't made marijuana available to anyone, show them the results of Alan Helmer's case, and ask for their support in allowing at least those who need it most to have their medicine.

Personally, I agree with Yarrusso and Szasz. We should not settle for less. We should demand total victory. However, when the opportunity arises to help those who are suffering most, should we refuse to help those wretched souls? I think not. I think we have to take what we can get, and then ask for more. I don't see any compromise at all. I think Yarrusso and Szasz are fooling themselves, because they are not fooling me. They would hold us back from making any incremental change, demanding complete change or none at all. These folks would be dangerous, if anybody was listening to them. Fortunately, they are in the tiny, and mostly voiceless, minority. Szasz has some great arguments, and, as I've said, I agree with most of them. Attacking medical marijuana proponents is not one of the arguments I agree with.

Sincerely,
Carl E. Olsen



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House: Increase misdemeanor fines

Be prepared to pay more money if you're convicted of a misdemeanor in Iowa.

The Iowa House voted, 92-4, Wednesday to increase the maximum fines for simple misdemeanors from \$100 to \$500. The crimes include theft, drunken driving and driving under sus-

pension.

The punishment for drunken driving remains a serious misdemeanor, but a \$1,000 fine would become mandatory and jail time would become possible.

Rep. Scott Raecker, R-Urbandale, guided the bill through debate. He said a state commission decided that a \$100

fine for a simple misdemeanor was outdated.

In the last election, voters agreed to remove a section in the state's constitution setting the top fine for a simple misdemeanor at \$100. Critics said that was written into the constitution in 1847.

While the bill would raise fines, it shifts more offenses to simple misdemeanors. Supporters say such a move would minimize the state public defender's workload.

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participated in the Drug Abuse Resistance Education program in the sixth grade.

The students were re-evaluated at age 20, 10 years after their involvement with the program.

D.A.R.E. resulted in some initial improvements in the students' attitudes about drug use, the researchers said. But those changes failed to last, and they did not influence the decisions the students made.

Calls to Inglewood, Calif.-based DARE America for comment Monday were not returned.

Lynam said the results of the study, published in the August issue of the American Psychological Association's Journal of Consulting and Clinical Psychology, replicate the findings of several other recent studies.

"I think it's surprising how widespread D.A.R.E. is given the lack of hard data suggesting it is effective," said Lynam, who noted that the study was conducted on the

earliest version of D.A.R.E. and modifications have been made to the curriculum.

D.A.R.E. was started in 1983 in Los Angeles. An officer teaches 17 lessons in the classroom, usually for an hour a week.

About 80 percent of U.S. school districts have the programs. But in the last few years, cities across the country, including Seattle, Houston, Omaha, Neb., and Rochester, N.Y., have dropped D.A.R.E. in the wake of critical studies.

One reason D.A.R.E. might not be effective, Lynam said, is that it emphasizes the role of peer pressure in drug use. He said many youths might be motivated by other factors, such as curiosity or thrill-seeking.

And D.A.R.E. may teach children drug resistance skills years before they need them, he said. While the program was administered in the sixth grade, most drug use begins in high school.

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Senate File 189, the bill which increased the fines for misdemeanors, passed in the Iowa Senate by a vote of 48-0 on February 24. An amended version passed in the House by a vote of 92-4 on April 14. Voting against the measure in the Iowa House were: Kathleen Chapman, D-Cedar Rapids; Wayne Ford, D-Des Moines; Dennis Parmenter, D-Cambridge; and Don Shultz, D-Waterloo.

Another amended version passed in the Senate by a vote of 50-0 on April 28. The final amended version passed in the House by a vote of 92-6 on April 28. Voting against the measure in the House were: Kathleen Chapman, D-Cedar Rapids; Wayne Ford, D-Des Moines; Sandra Greiner, R-Keota; Micael Jager, R-La Porte City; Dennis Parmenter, D-Cambridge; and Jerry Welter, R-Monticello.

The final version of SF189 was signed into law by Governor Vilsack on May 20.

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