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ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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April 29, 2008

Acting Administrator Michele Leonhart
Drug Enforcement Administration
Mailstop: AXS
2401 Jefferson Davis Highway
Alexandria, VA 22301

Dear Administrator Leonhart:

I am writing to you because I have received a number of letters from Californians, including mayors and city councils, expressing concerns about DEA enforcement tactics, and urging me to hold oversight hearings in the Judiciary Committee. However, before I consider holding hearings, I want to give you the opportunity to respond to these complaints.

According to the letters, the DEA has dramatically intensified the frequency of paramilitary-style enforcement raids against individuals qualified to use medical cannabis under state law, their caregivers, and the dispensing collectives established to provide a safe place to access medical cannabis. It has also come to my attention that DEA has sent hundreds of letters to property owners, who lease property to medical cannabis dispensaries, threatening them with arrest and forfeiture of their property. I am including with this letter resolutions condemning the DEA's tactics from the California legislature, the cities of San Francisco and Los Angeles, and from Mayors Gavin Newsom and Ron Dellums.

To help me understand the situation better, I would appreciate it if you could answer the following questions:

1. Is the use of civil asset forfeiture, which has typically been reserved for the worst drug traffickers and kingpins, an appropriate tactic to employ against individuals who suffer from severe or chronic illness and are authorized to use medical marijuana under California law? Has the DEA conducted any analysis of the potential economic consequences of using civil asset forfeiture in an area that is experiencing some of the nation's sharpest declines in property values? Lastly, has the DEA considered the consequences of shutting down legally-operated

public dispensaries, and whether that might drive the cannabis sales activity underground?

2. Given the increased level of trafficking and violence associated with international drug cartels across Mexico, South America and elsewhere, do you think the DEA's limited resources are best utilized conducting enforcement raids on individuals and their caregivers who are conducting themselves legally under California law?

3. Have you considered that DEA activities against qualified individuals is negatively impacting the ability of state and local officials across California to collect tax revenue, which they are entitled to under California law?

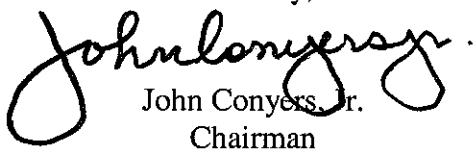
4. Every month new science supporting the therapeutic value of cannabis is published. As a result, medical and scientific organizations, like the American College of Physicians and the American Psychiatric Association, are urging reform of the laws that place in legal jeopardy physicians or their individual patients who may benefit from the use of cannabis. As the Administrator, you have the discretion to decide whether to continue heightened enforcement activities in California and in other states that have authorized the use of medical cannabis by qualified individuals. Please explain what role, if any, emerging scientific data plays in your decision-making process to conduct enforcement raids on individuals authorized to use or provide medical cannabis under state law.

5. Would you support the creation of an intergovernmental commission comprised of law enforcement, law makers and people affected by the laws, to review policy and provide recommendations that aim to bring harmony to federal and state laws?

Finally, attached with this letter is a list of approximately 60 raids that the DEA conducted between June 2005 and November 2007. Please provide an accounting of the costs, in dollars and resources, used to conduct law enforcement raids on the attached list of individuals. Please include information about: whether any arrests were made in the course of these raids, and, if so, how many people were arrested; under what circumstances was a warrant issued and for what content; whether any criminal or other charges have been brought by the DOJ; what, if any, content was seized or destroyed; and finally, the current status of each of these cases.

I am hopeful that we can have a productive relationship Thank you very much for your attention. Please respond by July 1, 2008. I look forward to your reply.

Sincerely,



John Conyers, Jr.
Chairman

cc: The Honorable Lamar Smith
The Honorable Brian A. Benczkowski

Enclosure

Federal Medical Marijuana Raid Activity
June 2005 – March 2008

Joe Fortt/American Kenpo School of Public Health; on or about June 7, 2005, in Bakersfield, CA.

3 San Francisco Dispensaries,multiple residences; on or about June 22, 2005, in San Francisco, CA.

Herbal Relief Center, Medicinal Herbal Remedy, Sunset Medicinal Resource Center

Louis Fowler/Alternative Specialties; on or about July 7, 2005, in Sacramento County, CA

Richard Marino/Capitol Compassionate Center; on or about September 3, 2005, in Newcastle, CA.

James Holland; on or about September 8, 2005, in Bakersfield, CA.

Susan Bury; on or about October 17, 2005, in Madera, CA

Michael Payne/Local Patients Cooperative; on or about December 8, 2005 in Alameda, CA

13 San Diego Collectives; on or about December 12, 2005, San Diego, CA.

Steve and Kathy Smith/Hope Net Dispensary; on or about December 20, 2005, San Francisco, CA.

Garry Silva; on or about March 14th, 2006, in Sky Valley, CA.

Kenneth Affolter/Oakland Edible Producers; on or about March 16, 2006, in Oakland and Emeryville, CA.

Mike Ragin & Scott Wright; on or about May 31, 2006, in San Diego, CA.

Michael and Shannon O'Leary/The Healthy Choice; on or about June 16, 2006, in Stanislaus, CA

David Harde & Toby Landis; on or about June 30, 2006, El Dorado County, CA

12 San Diego Collectives (all 2nd raids); on or about July 6, 2006, in San Diego, CA

Tom Cole; on or about August 16, 2006, in Yuba, CA

Trichome Healing Caregivers; on or about August 30, 2006, Van Nuys, CA.

Ricardo Monntes and Luke Scarmazzo/California Healthcare Collective; on or about September 27, 2006, Modesto, CA

North Valley Discount Caregivers; on or about September 28, 2006, Granada Hills, CA

Sparky Rose/New Remedies Cooperative; on or about October 4, 2006, San Francisco and Oakland, CA.

Potent Employment Solutions; on or about October 4, 2006, San Francisco, CA

Palm Canyon, Palm Springs Caregivers; on or about October 4, 2006, in Palm Springs, CA

Green Cross; on or about October 19, 2006, in Torrance, CA

Shon Squier and Valerie Herschel/Local Patients Co-op- on or about December 12, 2006, in Hayward, CA.

The Health Center- on or about December 14, 2006, in Los Angeles (Studio City), CA.

CannaCare; on or about January 12, 2007, in Seattle, WA.

11 Los Angeles & Hollywood Collectives; on or about January 17, 2007, in Hollywood and Los Angeles, CA.

HIP Sherman Oaks, HIP Woodland Hills, Fairfax Venice, Fairfax Hollywood,
Fairfax Sherman Oaks, West Hollywood Center for Compassionate Healing,
Zen Healing Center, West Hollywood Caregivers, Alternative Herbal Health Services, and The Farmacy

Daniel Sevino and Oscar Clark; on or a bout January 18, 2007, in San Diego, CA

Woodland Hills Caregivers; on or about January 26, 2007, Woodland Hills, CA.

Herbal Independent Pharmacy; on or about March 1st, 2007, Los Angeles, CA

Herbal Independent Pharmacy Woodland Hills; on or about March 1, 2007, Los Angeles, CA.

Herbal Independent Pharmacy Sherman Oaks; on or about March 1, 2007, in Los Angeles. CA

John Moreaux/ Ist Hollywood Caregivers, March 6th, 2007, in Ist Hollywood, CA (2nd Raid)

Trichome Healing Caregivers; on or about March 8, 2007, Los Angeles, CA. (2nd Raid)

Hezekiah, Inc; on or about March 21, 2007, in Hollywood, CA

Central Coast Compassionate Caregivers; on or about March 29, 2007, in San Luis Obispo, CA

Nature's Medicinal Cooperative; on or about April 2, 2007, Bakersfield, CA

West Valley Coop; on or about April 11, 2007, in Woodland Hills, CA

Bill Connelly/Seven Seas Collective; on or about April 29, 2007, in Bakersfield, CA (2nd raid on 6/6/07)

Don DuPay; on or about June 14, 2007, in Portland, OR

Farm Assist Caregivers; on or about June 16, 2007, in Pomona, CA

David Chavez/Nature's Medicinal Collective; on or about July 16, 2007, Oildale, CA (2nd raid)

Ronnie Naulls/Healing Nations Collective; on or about July 17, 2007, Corona, CA

Ronnie Naulls/Tree of Life Collective; on or about July 19, 2007, in Riverside, CA (was already in custody)

Central Coast Compassionate Caregivers; on or about July 17, 2007, Morro Bay, CA

7 collectives ; on or about July 25, 2007, in Los Angeles, CA.
Blue Water Industries, California Patients' Group, City of Angels Illness Center
Earth Collective, Kush Mart, Sunset Collective, Hollywood Care Collective

Multiple San Mateo Raids; on or about August 29, 2007, San Mateo, CA.
M.H.T., Patients Choice Resource Cooperative, Peninsula Patients Local Option

Dustan Bagilere; on or about September 5, 2007, in San Diego, CA.

Michael Lombardo, Jared Painter, Erik Cederholm, on or about September 13, 2007, Big Oak Valley, CA

Bill Pearce/River City Patient Center, on or about September 26, 2007, Sacramento, CA

Mickey Martin, Jessica Sanders, and Michael Anderson/ Tainted, Inc., on or about September 26, 2007, in Oakland and San Leandro, CA

Arts District Healing Center, on or about October 11, 2007, Los Angeles, CA

Winslow and Abrahm Norton/Compassionate Patient Cooperative of California, on or about October 30, 2007, Hayward CA

Jimmy McShane; on or about October 30, 2007, in San Diego, CA

Steele Smith/C-3 Collective, on or about November 1, 2007, in Garden Grove, CA

105/405, on or about November 2, 2007, Los Angeles, CA

Long Beach Compassionate Cooperative, on or about November 20, 2007, Long Beach, CA

Herbal Nutrition Center; on or about December 19, 2007, in Los Angeles, CA.

Nature's Wellness Collective; on or about March 4, 2008, in Orange, CA

Marcel Garcia and others/Pacific Greens; on or about March 13, 2008, in Santa Maria, CA

Virgil Grant; on or about March 20, 2008, in Compton, CA
The Holistic Caregivers, Western Caregivers Group; Crenshaw Holistic Caregivers Group,
THC Gardena, Southern California Caregivers Group, Med Ex

City of Los Angeles Resolution in Support of SJR 20

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in 1996, California voters approved Proposition 215, the Compassionate Use Act, which exempts patients and caregivers from certain criminal penalties when they possess or cultivate marijuana for medical use as recommended by a physician; and

WHEREAS, historic practice and scientific research have demonstrated medical marijuana is an effective treatment for many serious medical conditions including AIDS, glaucoma, seizures, chronic muscular pain and cancer; and

WHEREAS, the State of California has recognized medical marijuana dispensaries as retailers that are required to collect, report, and remit tax on the sales of medical marijuana and the revenues derived from those sales to the State Board of Equalization, the Franchise Tax Board, and the Federal Internal Revenue Services; and

WHEREAS, the Drug Enforcement Agency of the United States Department of Justice has conducted raids and shut down dozens of medical marijuana dispensaries in California since 2005, with 28 of these raids occurring since June of 2007 in the City of Los Angeles and in 11 different counties; and

WHEREAS, seizures of the assets of these medical marijuana dispensaries and collectives effectively have blocked payments of taxes to the State of California and the Federal Government; and

WHEREAS, the escalated activities of the Drug Enforcement Agency in removing medical marijuana dispensaries will cause undue suffering to thousands of California patients, rob the State of millions of dollars in tax revenue, and destroy thousands of medical marijuana industry jobs; and

WHEREAS, currently pending in the State Senate is Senate Joint Resolution 20 (Migden), which calls on the President and Congress to enact legislation to require the DEA and all Federal agencies and departments to respect the laws of states, as well as return all assets seized from medical marijuana dispensaries to the states from which they were confiscated; and

WHEREAS, Senate Joint Resolution 20 additionally requests Federal law enforcement to enforce Federal medical marijuana laws in a manner consistent with the laws of the State of California; and

WHEREAS, Senate Joint Resolution 20 sends a strong message to President George W. Bush and members of Congress that California will not stand by and allow such abusive attacks by the Federal Government against the people of California;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby included in the 2007-2008 State Legislative Program SUPPORT for SJR 20 (Migden), which requests Congress and the President end the DEA' attacks on our State medical marijuana law.

PRESENTED BY: Dennis P. Zine, Councilman, 3rd District
SECONDED BY: Janice Hahn, Bill Rosendahl

Passed by Los Angeles City Council 9:1 on April 2, 2008

CITY OF
OAKLAND
Offff f ff ffff f ff f f f ff

STATEMENT FROM MAYOR RON DELLUMS

Re: DEA's Raids of Medical Cannabis Dispensaries

"As the mayor of a city that believes in compassionate care, we support Medical Cannabis Dispensaries. We are discouraged to learn of the DEA's actions that appear to be in opposition to the will of the residents of this city. Rep. Conyers, Chair of the U.S. House Judiciary Committee, expressed deep concern over the DEA landlord threats and other efforts to undermine California law, and committed to sharply questioning these tactics as part of the committee's oversight efforts. I am grateful for and supportive of Rep. Conyers' concerns."

[Condemning Drug Enforcement Agency Actions Against Property Owners Leasing Space to Medical Cannabis Dispensaries]

Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

WHEREAS, House Judiciary Chairman John Conyers, Jr. has issued a pointed statement regarding the DEA's ratcheting up its draconian tactic of threatening City and County of San Francisco property owners with asset forfeiture and imprisonment for leasing to lawfully operating MCDs that provide medical cannabis to patients qualified under laws of the State of California; and,

WHEREAS, the City and County of San Francisco has incorporated many safeguards against profiteering and patient exploitation into its medical cannabis regulations and policies and on November 6, 2007 passed a resolution endorsing compassionate care for non- and low-income patients; and,

WHEREAS, in 1997 the Board of Supervisors authorized the City and County of San Francisco to pay for defending physicians in federal criminal and administrative proceedings after recommending the use medical cannabis to qualified patients; and,

1 WHEREAS, the DEA has repeatedly subverted and undermined California's, and
2 many other states', laws governing medical cannabis by increasingly acting on its
3 irrational policy and hysteria regarding medical cannabis specifically, and the so-called
4 War on Drugs in general; and,
5 WHEREAS, this DEA heightened activity and policy directly violates the will of
6 the vast majority of the State of California on a matter directly related to health and
7 safety, an issue whose discretion is left to the State under the Constitution of the United
8 States; and,
9 WHEREAS, the State of California's Board of Equalization collects sales tax
10 from permitted MCDs; now, therefore be it
11 RESOLVED, That Board of Supervisors condemns the DEA's misguided and
12 sensationally threatening harassment of property owners by issuing letters to property
13 owners threatening asset forfeiture and imprisonment for leasing to lawfully operating
14 MCDs; and, be it
15 FURTHER RESOLVED, That Board of Supervisors should employ every
16 reasonable measure to secure and reaffirm the City and County of San Francisco's status
17 as a medical cannabis sanctuary status by supporting lawfully operating MCDs, and
18 property owners who lease to them, if and when the DEA acts on their threats; and, be it
19 FURTHER RESOLVED, That Board of Supervisors signs onto Chairman John
20 Conyers, Jr.'s statement condemning the DEA's threatening letters to property owners
21 and we fully support his convening of hearings into the DEA's alarming tactics to
22 undermine California state law; and, be it
23 FURTHER RESOLVED, That property owners who lease to lawfully operating
24 MCDs, and the MCDs themselves, should be supported by the City Attorney in any
25 criminal prosecution or property forfeiture action not unlike in 1997 when the City

authorized assistance in defending physicians recommending medical cannabis to qualified patients from possible zealous DEA prosecution; and be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors call on Congress to investigate the DEA's conduct and to amend federal law to respect the power of state to legalize medical cannabis, and, be it

FUTHER RESOLVED, That the Board of Supervisors requests that Mayor Gavin Newsom, San Francisco's State legislators, Attorney General Jerry Brown, and Governor Arnold Schwarzenneggar join with Oakland Mayor and former Congressman Ron Dellums in denouncing the DEA tactics surrounding property right of landlords who rent to MCDs.

Office of the Mayor
City & County of San Francisco

Gavin Newsom

April 8, 2008

The Honorable John Conyers
Chairman, House Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Conyers:

As you know, many property owners who lease to medical cannabis dispensaries across the State of California and San Francisco have received notices from the Drug Enforcement Administration (DEA) threatening them with imprisonment and property forfeiture. I am writing to request your support in providing immediate oversight of the DEA's on-going interference with implementation of the law.

It has been many years since Proposition 215 was supported by the voters of California and added Section 11362.5 to the California Health and Safety Code, which exempts patients and defined caregivers who possess or cultivate marijuana for medical treatment recommended by a physician from criminal laws. Proposition 215 also provides that physicians who recommend use of marijuana for medical treatment shall not be punished or denied any right or privilege. San Francisco has systems for identifying patients.

As Mayor of a city with several medical cannabis dispensaries, I remain supportive of physician recommended medical marijuana to combat pain and nausea caused by such illnesses as HIV/AIDS, cancer and multiple sclerosis. Medical cannabis dispensaries provide patients with a safe, clean and compassionate environment for medical treatment and related services.

San Francisco recently passed a Resolution reaffirming that this city is a sanctuary for medical cannabis. Property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries that provide needed services to qualified medical cannabis patients and their caregivers are protected.

Like many major cities San Francisco needs the assistance of the DEA in combating serious drug trafficking. However San Francisco strongly opposes Drug Enforcement Agency (DEA) interference in medical cannabis dispensing and the recent issuing sensational threatening letters to these property owners threatening asset forfeiture and imprisonment.

I strongly urge the House Judiciary Committee to investigate the Drug Enforcement Agency's tactics against vital medical cannabis laws and to set a date for the opening of Congressional hearings on this matter.

Sincerely,

Gavin Newsom
Mayor, City & County of San Francisco

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

Senate Joint Resolution No. 20

Introduced by Senator Migden

January 10, 2008

Senate Joint Resolution No. 20—Relative to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

SJR 20, as introduced, Migden. Medical marijuana.

This measure would urge the President and Congress of the United States to take specified actions relating to the use of marijuana for medical purposes.

Fiscal committee: no.

1 WHEREAS, In 1996, California voters approved Proposition
2 215, the Compassionate Use Act, to exempt patients and caregivers
3 from certain criminal penalties when they possess or cultivate
4 marijuana for medical use as recommended by a physician; and
5 WHEREAS, The California State Legislature subsequently
6 established the Medical Marijuana Program to further the
7 provisions of Proposition 215 by facilitating the registration of
8 qualified patients and their caregivers through a statewide
9 identification system whereby a patient with an identification card
10 and the patient's designated primary caregiver are exempt from
11 arrest for possession, transportation, delivery, or cultivation of
12 marijuana for medical use; and
13 WHEREAS, In enacting the Medical Marijuana Program, the
14 California State Legislature expressly stated its intent to enhance
15 the access of patients and caregivers to medical marijuana through
16 collective, cooperative cultivation projects, and to address
17 additional issues that were not included in the Compassionate Use

Act and that are needed to be addressed to promote the fair and orderly implementation of that act; and

WHEREAS, Local governments throughout California have worked with dispensaries to ensure that medical marijuana may be provided to seriously and terminally ill patients in a nondisruptive manner; and

WHEREAS, Eleven other states–Alaska, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington–have enacted laws, similar to California's Compassionate Use Act, that effectively remove state-level criminal penalties for growing or possessing medical marijuana; and

WHEREAS, As affirmed by the California Court of Appeal, Third Appellate District, in the matter of People v. Urziceanu (2005) 132 Cal.App.4th 747, the State of California recognizes that the Compassionate Use Act contemplates the formation and operation of medical marijuana cooperatives that would receive reimbursement for marijuana and the services provided in conjunction with the provision of that medical marijuana; and

WHEREAS, The State of California has recognized medical marijuana dispensaries and collectives as retailers that are required to collect, report, and remit tax on the sales of medical marijuana and the revenues derived from those sales to the State Board of Equalization and the Franchise Tax Board; and

WHEREAS, The Drug Enforcement Agency of the United States Department of Justice has conducted raids and shut down dozens of medical marijuana dispensaries and collectives in California since 2005, with 28 of these raids occurring since June 2007, in 11 different counties; and

WHEREAS, The medical marijuana dispensaries and collectives in California shut down by the Drug Enforcement Agency had been licensed by local governments and were reporting and paying sales taxes to the State Board of Equalization and reporting and paying income taxes to the Franchise Tax Board and the federal Internal Revenue Service; and

WHEREAS, Seizures of the assets of these medical marijuana dispensaries and collectives effectively have blocked payments of taxes to the State of California; and

WHEREAS, The recent, escalated activities of the Drug Enforcement Agency to shut down medical marijuana dispensaries

and collectives by targeting their landlords and seizing their landlords' properties will have serious consequences, including, but not limited to, thousands of California patients no longer being able to access medical marijuana, as recommended by their physicians, because these businesses will be forced to close or move underground; the state and municipalities losing millions of dollars in tax revenue; and thousands of individuals employed in medical marijuana dispensaries or collectives losing well-paying jobs with benefits; and

WHEREAS, The federal government continues to classify all forms of cannabis as Schedule I drugs under the federal Controlled Substances Act and therefore does not recognize medical marijuana; and

WHEREAS, Historic practice and scientific research have demonstrated medical marijuana alone or in combination with other drugs is an effective treatment for many medical conditions, including, but not limited to, nausea reduction for patients with cancer and acquired immune deficiency syndrome (AIDS); increasing the appetite of patients with nausea or other conditions causing dangerous weight loss; reducing intraocular pressure in patients with glaucoma; and controlling muscle spasms, seizures, and chronic muscular pain; and

WHEREAS, In the matter of Gonzales v. Raich (2005) 545 U.S. 1, the United States Supreme Court upheld the authority of the Drug Enforcement Agency to conduct these raids, but left state medical marijuana laws intact; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President of the United States and the Congress to enact legislation to require the Drug Enforcement Agency and all other federal agencies and departments to respect the compassionate use laws of states, including returning any assets seized from medical marijuana dispensaries and collectives to the states in which they are located; and be it further

Resolved, That the Legislature respectfully memorializes all federal law enforcement agencies to enforce federal drug laws relating to medical marijuana dispensaries and collectives in a manner consistent with the laws of the State of California and its municipalities within the confines of the provisions of the

1 Compassionate Use Act and the Medical Marijuana Program; and
2 be it further
3 *Resolved,* That the Secretary of the Senate transmit copies of
4 this resolution to the President and Vice President of the United
5 States, to the Speaker of the House of Representatives, and to each
6 Senator and Representative from California in the Congress of the
7 United States.

O