

## INTRODUCTION

This action seeks injunctive and declaratory relief pursuant to the laws of the State of Washington, for actions by the Defendants, acting individually and in concert to undermine the Washington State medical marijuana law, by creating illegal medical marijuana plant limits, and signing federal contracts to enforce a federal drug control policy.

The Plaintiff, John Worthington, and other similarly situated Washington State medical marijuana patients, were lawfully engaged in growing medical marijuana under the terms of RCW 69.51A, were entrapped by state, and local law enforcement, unaware that the State of Washington had assisted the counties in creating, medical marijuana plant limits *ultra vires*, and had agreed to enforce a federal drug control strategy.

The federal government realized it could not prohibit the state medical marijuana initiatives by federal law, and chose to condition federal grants, to get the states enforce a federal drug control policy. Without the state's resources, the federal government could not enforce a federal drug control policy. The federal government was also concerned about public backlash for interfering with state medical marijuana laws, so They wanted the states to enforce a federal drug control policy so it would not seem like outside interference. Representatives from the United States Government, federal, and State law enforcement agencies conspired to seize marijuana and bypass the affirmative defense to a state charge of growing medical marijuana, with the help of state and local law enforcement, under the terms

of federal JAG, and HIDTA grants.

The Defendants signed federal contracts to work for the Department of Justice, seize medical marijuana for the DEA, refer state medical marijuana cases to the federal courts, and bypass the Plaintiffs' affirmative defense entitled under 69.51A.040. The Defendants also plotted to develop and enforce secret medical marijuana plant limits, *ultra vires*, without the legal authority to create a Washington State law.

### **JURISDICTION AND VENUE**

The Court has original jurisdiction over the subject matter of this action pursuant to RCW 2.08.010 (Superior Court general jurisdiction provision) Venue is proper in this Court under RCW 4.12.020(1) & (2) (venue is proper in county where cause arose), RCW 4.12.025 (venue is proper in county where defendant resides)

### **PARTIES**

The Plaintiff's are John Worthington a Washington State resident residing at 4500 SE 2<sup>ND</sup> PL Renton Washington, and similarly situated Washington State medical marijuana patients located, or formerly located in the State of Washington from 1999 to present.

The Defendants are Gary Locke the former Governor of the State of Washington ("Governor") Office of the Governor, P.O. Box 40002 Olympia,

WA 98504-0002 and is sued in his official capacity for actions taken under color of state law. Defendant Governor Locke was the chief law enforcement officer of the State of Washington, and is therefore responsible for seeing that the laws of the State of Washington are followed and enforced. Christine Gregoire is the Governor of the State of Washington (“Governor”) Governor Chris Gregoire Office of the Governor, P.O. Box 40002 Olympia, WA 98504-0002 and is sued in her official capacity for actions taken under color of state law. Defendant Governor Gregoire is the chief law enforcement officer of the State of Washington, and is therefore responsible for seeing that the laws of the State of Washington are followed and enforced, and in her capacity as Washington State Attorney General, when the medical marijuana Plant limit laws were first created *ultra vires, and when federal grants were first conditioned on Washington State enforcing a federal drug control policy,* located at 1125 Washington St SE, Olympia Washington, 98504. Defendant Shirley Battan is an agent for the Washington State Attorney General, located at 1125 Washington St SE, Olympia Washington, 98504. She is sued for orchestrating meetings for the defendants to develop secret medical marijuana plant limits. She is sued in both her official and individual capacities. Defendant Ann Ryan is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. She is sued for

taking part in meetings for the Defendants to develop secret medical marijuana plant limits, she is being sued for conspiring with the Washington State Department of Health, Washington Prosecuting Attorney Association (hereinafter WAPA), Washington Association of Sheriffs and Police Chiefs (Hereinafter WASPC), Washington State Judges Association, University of Washington, and ACLU to create a medical marijuana plant limit Ultra Vires. She is sued in both her official and individual capacities. Defendant Hal Dygert is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. He is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits. He is sued in both his official and individual capacities. Defendant Kathy Mix is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. She is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits. She is sued in both her official and individual capacities. Defendant James Pharris is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. He is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits. He is sued in both his official and individual capacities. Defendant Narda Pierce is an agent for the Washington State Attorney General located at 1125 Washington St SE,

Olympia Washington, 98504. She is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits. She is sued in both her official and individual capacities. Defendant Linda Moran is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. She is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits. She is sued in both her official and individual capacities. Defendant Elaine Rose is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. She is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits. She is sued in both her official and individual capacities. Defendant Lisa Vincler is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. She is sued for taking part meetings for the Defendants to develop secret medical marijuana plant limits. She is being sued for conspiring with the Washington State Department of Health, Washington Prosecuting Attorney Association (hereinafter WAPA), Washington Association of Sheriffs and Police Chiefs (Hereinafter WASPC), Washington State Judges Association, University of Washington, and the ACLU to create a medical marijuana plant limit Ultra Vires. She is sued in both her official and individual capacities. Defendant Rob McKenna the current

Attorney General located at 1125 Washington St SE, Olympia Washington, 98504, he is being sued for allowing the illegal plant limits to continue to be enforced, and federal grants to continue to be signed after illegal plant limits, and a conflict of interest between medical marijuana law, and federal grants were reported by the Plaintiff. Defendant Fred Caruso is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504, is sued for taking part in meetings for the Defendants to develop secret medical marijuana plant limits, and promote such plant limits statewide, is sued in both his official and individual capacities.

Defendant Scott Blonien is an agent for the Washington State Attorney General located at 1125 Washington St SE, Olympia Washington, 98504. He is sued for taking part meetings for the Defendants to develop secret medical marijuana plant limits. He is sued in both his official and individual capacities for not stopping the illegal plant limits from being enforced, after being informed by the Plaintiff. Washington State Attorney General ET AL, unidentified civil Conspirators located at 1125 Washington St SE Olympia, Washington, 98504, and other statewide locations, are being sued for meetings with WAPA, WASPC, DOH, WSP, UW, ACLU, and Judges Association, to create medical marijuana plant limits ultra vires.

Defendants Washington State Patrol Et AL. Located at 210 11<sup>th</sup> AVE

General Administration Building Olympia, Washington 98504. All agents that took part in creating illegal medical marijuana plant limits, and enforcing a federal drug control policy as cross designated DEA agents or as Drug Task Force members under Department of Justice Contract. Defendant Annette Sandberg Located at 210 11<sup>th</sup> AVE General Administration Building Olympia, Washington 98504, is being sued for allowing agents to take part in creating illegal medical marijuana plant limits, and signing a federal grant contract to enforce a federal drug control policy, as cross designated DEA agents or as Drug Task Force members under the terms of a Department of Justice Contract. She is sued in both her official and individual capacities. Defendant Ronal Serpas, Located at 210 11<sup>th</sup> AVE General Administration Building Olympia, Washington 98504, is being sued for allowing agents to take part in creating illegal medical marijuana plant limits, and signing a federal grant contract to enforce a federal drug control policy, as cross designated DEA agents or as Drug Task Force members under the terms of a Department of Justice Contract. He is sued in both his official and individual capacities. Defendant Lowell Porter Located at 210 11<sup>th</sup> AVE General Administration Building Olympia, Washington 98504, is being sued for allowing agents to take part in creating illegal medical marijuana plant limits, and signing a federal grant contract to enforce a federal drug control policy, as cross designated DEA agents or as Drug

Task Force members under the terms of a Department of Justice Contract. He is sued in both his official and individual capacities. Defendant John Batiste Located at 210 11<sup>th</sup> AVE General Administration Building Olympia, Washington 98504, is being sued for allowing agents to take part in enforcing illegal medical marijuana plant limits, and signing a federal grant contract to enforce a federal drug control policy, as cross designated DEA agents or as Drug Task Force members under the terms of a Department of Justice Contract. He is sued in both his official and individual capacities. Defendant Fred Bjornberg is an agent for the Washington State Patrol located at 723 Market Street, 4<sup>th</sup> floor Tacoma Washington 98402, He is being sued for seizing Plaintiffs' medical marijuana plants, and by- passing the Affirmative defense in RCW 69.51A.040 for the DEA, to satisfy the terms of a civil conspiracy to bypass the medical marijuana affirmative defense, and seize medical marijuana, as outlined in the Conant v. McCaffrey Discovery documents. He is being sued in both his official and individual capacity. Unidentified Defendants CTED, ET AL, Located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525, 906 Columbia Street SW PO Box 42525 Olympia, WA 98504-2525, or other CTED locations, are being sued as agents for CTED for civil conspiracy to create, promote and enforce medical marijuana plant limits. They are being sued in their official and individual capacity. Defendant Nancy Ousley head of CTED



located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525. She is being sued for signing federal grants that agreed to allow Washington State employee's in multi jurisdictional drug task forces to work for the department of Justice, and enforce a federal drug control policy, which does not include medical marijuana. She is being sued in her official and individual capacity. Defendant Julie Wilkerson current Head of CTED, located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525. She is being sued for failing to give 30 day written notice to terminate federal grant agreements after being told of conflicts with medical marijuana law, civil conspiracy to undermine the Washington State medical marijuana law, and illegal medical marijuana plant limits being created by CTED and enforced by Washington State multi jurisdictional Drug Task Forces . She is being sued in her official and individual capacity. Defendant Tedd Kelleher agent for CTED located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525, is being sued for conspiring with the Washington State Attorney General to develop secret medical marijuana plant Limits. He is being sued in his official and individual capacity. Defendant Paul Perz agent of CTED located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525, is being sued for conspiring with WAPA, HIDTA, and other unidentified participants in meetings at CTED to develop an illegal 9 plant medical marijuana plant limit, for the Washington State Multi

Jurisdictional Drug Task Forces to enforce. He is being sued in his official and individual capacity. Defendant Dan Davis agent for CTED located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525, is being sued for conspiring with WAPA, HIDTA, and other unidentified participants in meetings at CTED to develop an illegal 9 plant medical marijuana plant limit, for the Washington State Multi Jurisdictional Drug Task Forces to enforce. He is being sued in his official and individual capacity. Defendant Bill Johnston agent for CTED located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525, is being sued for conspiring with WAPA, HIDTA, and other unidentified participants in meetings at CTED to develop an illegal 9 plant medical marijuana plant limit, for the Washington State Multi Jurisdictional Drug Task Forces to enforce. He is being sued in his official and individual capacity. Defendant Harvey Queen agent for CTED, located at 128-10th Avenue SW PO Box 42525 Olympia, WA 98504-2525, is being sued for conspiring with WAPA, HIDTA, and other unidentified participants in meetings at CTED to develop an illegal 9 plant medical marijuana plant limit, for the Washington State Multi Jurisdictional Drug Task Forces to enforce. He is being sued in his official and individual capacity. Defendant LT Governor Brad Owen located at 220 Legislative Building (a.k.a. Capitol building) 416 Sid Snyder Ave. S.W. Olympia, Washington 98504-0400, He is being sued for signing federal HIDTA contracts to work for the Department

Of Justice, to be the lead man to enforce a federal drug control strategy in Washington State. The Washington State constitution does not require the LT. Governor to serve in a Drug Czar capacity, he is being sued for undermining the Washington State medical marijuana law, in his official and individual capacity. Defendant Pat Brown located at 101 Israel Road SE Tumwater, Washington 98501, is being sued for taking part in meetings to create medical marijuana plant limits with ACLU, WA.AG. UW, MPP, Et.Al. He is being sued in his official and individual capacity. Defendant Sue Shoblom, located at 101 Israel Road SE Tumwater, Washington 98501, is being sued for taking part in meetings to create medical marijuana plant limits with ACLU, WA.AG. UW, MPP, Et.Al. She is being sued in her official and individual capacity

### **CLASS ACTION ALLEGATIONS**

The Plaintiff John Worthington brings this action as a Medical marijuana patient and on behalf of all other similarly situated Washington State medical marijuana patients. The exact sizes of the effected amount of Patients are unknown to the Plaintiff, but Plaintiff believes the amount of the Patients are so numerous that joinder of all members is impracticable; joinder is also impracticable because, due to the stigmatizing nature of the necessary medications, members are not likely to be willing to broadcast to the world that they require the use of medical marijuana

to treat a chronic condition, or that they have agreed to a state felony charge of growing too many plants, or taken a federal plea bargain to avoid minimum federal sentence guidelines.

## **NATURE OF THE ACTION**

This action arises from official actions on the part of the senior-most Washington State Government, and law enforcement Officials that has gravely harmed countless numbers of Washington state citizens. These officials engaged in overreaching when, while acting under color of their authority as state officials, they knowingly crafted an *ultra vires* medical marijuana policy, which they allowed to be enforced as a form of “apparent” law in the form of ad hoc medical marijuana plant limits, that were promoted from Washington State agency to agency, and county to county. These senior-most state government, and law enforcement officials completely ignored the Washington State medical marijuana law, and used their authority as senior state government and law enforcement officials to help create an *ultra vires* medical marijuana policy that would effectively overrule current state medical marijuana law with which they disagreed, and or could not change for a period of two years. These senior-most state government, and law enforcement officials also conspired with the federal government to seize medical marijuana, and by pass the state affirmative defense law 69.51A.040. These senior-most state government and law

enforcement officials attended federal meetings with the Drug Czar's and the U.S Attorney general to learn "aggressive" prosecution tactics, and signed federal grants conditioned to enforce a federal drug control strategy, specifically statements of assurances to enforce all federal laws, federal statutes, and Executive orders governing the federal counter drug programs. Washington State medical marijuana Patients left with the impression that they were free to grow whatever amounts of Medical marijuana they needed, and make an affirmative defense in a Washington State court if arrested, only to be arrested for violating secret, ultra vires plant limits, and turned over to the federal courts if they did not agree to plead guilty of violating these secret ultra vires plant limits. Washington State medical marijuana patients expected the federal government to arrest them and take them to federal court, but the federal government did not have the resources to enforce a federal drug control policy, so they decided to use federal grants to bribe states into enforcing a federal drug control policy. Washington State agreed to the terms of these federal grants which were meant to undermine the state medical marijuana law, and complied with the federal grant conditions. Since the year 2000 Washington State medical marijuana patients have suffered from entrapment, conspiracy, and malfeasance, due to ultra vires medical marijuana plant limits and federal grant compliance. This action is meant to bring a day of reckoning for These senior-most state government, and law enforcement officials,

that conspired, entrapped, and violated Washington State medical marijuana patients statewide.

## **BACKGROUND-FEDERAL DRUG CONTROL POLICY**

On November 14, 1996, and again on December 6 1996, the Office of National Drug Control Policy met in Washington DC to discuss the impact of the California, Arizona and other state medical marijuana initiatives. (Attached as Exhibit A) In this meeting the Federal Drug Enforcement Agency representatives, Non profit anti drug agencies, and Representatives for Senators Hatch, and Biden discussed the situation. The group determined that the federal government should not directly interfere with the state medical marijuana initiatives: to avoid a public backlash, avoid the appearance of outside interference. This group also determined that there were not enough federal resources to enforce a federal drug control policy, in fact stating “taking all state medical marijuana cases to federal court as a way around the initiatives would grind the federal court system to a halt”. This group hired a law firm to advise on the issue of amending 903 of the federal controlled substances act to give the federal government authority over state medical marijuana laws. The group also discussed: conditioning federal grants on the states with medical marijuana laws enforcing a federal drug control policy, cross

designating local law enforcement to make seizures. The Drug Czar Barry McCaffrey announced the Courses of action for the federal drug control agencies He announced that DEA would” adopt a seizures of schedule 1 controlled substances made by state and local law enforcement officials following an arrest, where state and local prosecutors must decline prosecutions because of the propositions” “Once in DEA’s Possession the drugs can be summarily forfeited and destroyed by DEA”. “State and local law enforcement will be encouraged to enforce the state laws to the fullest extent, by having officers continue to make arrests and seizures under state laws, leaving the defendants to raise the medical use provisions of the medical marijuana laws, only as a defense to state prosecutions”. The group suggested federal prosecutors charge despite prosecution thresholds. The lawyers of Rutan & Tucker LLP, Paul Marx, and Doug Dennington, advised the federal government that “of course they could amend 903 of the federal CSA to give the federal government the authority over the state medical marijuana laws”, but “doing so would not be in their best interests”. The lawyers stated that “amending 903 would strip the states of police power, and force the federal government to regulate matters previously regulated by the states, which would cost the federal government astronomical amounts of resources”. It was clear that this group was advised against amending 903 of the CSA, as a course of action. The other suggestions were adopted for the final strategy.

The final course of action for the Drug Czar was to condition federal funding on States' enforcing a federal drug control policy, and encouraged the President Bill Clinton to sign that final strategy. The Washington State Attorney General at the time Chris Gregoire was briefed on the medical marijuana issues by Barry McCaffrey on March 25, 1999(Attached as Exhibit B).Ann Ryan attended the medical marijuana meeting to discuss medical marijuana in Sacramento on February 19 1999. (Attached as Exhibit C) Public disclosure documents reveal that the state of Washington learned of Aggressive prosecution tactics from these meetings.( Attached as Exhibit D)The Washington State Lt. Governor Brad Owen was chosen as a lead person for the ONDCP's effort to fight the Washington State medical marijuana initiative. The Lt. Governor was fined 7,000 dollars for using public money to fight the Initiative. After the initiative passed, the ONDCP awarded an annual 45,000 dollar grant to the Lt. Governor Brad Owen to be the Washington State lead in enforcing a federal drug control policy. (Attached as Exhibit E)

## **BACKGROUND-FEDERAL GRANTS**

CTED applies for federal grants; these grants are sent to the office of financial management, who then applies the state matching portion and sends them out to the grantee's. When applying for these particular



grants the federal government requires the state contact agency to sign a statement of assurances ( Attached as Exhibit F) to assure compliance with the terms of the federal grant. HIDTA grants are unique in that a Department of Justice Agency provides a federal grant straight to the State, County, or City. There are 20 Multi jurisdictional drug task forces that receive JAG Grants. The WSP also receives grants to supervise the Task forces. There are 14 HIDTA counties, some of whom do not get funding. The Washington State patrol also receives federal funding for a Marijuana Eradication Program (MEP). This grant requires That a statement of assurances agreeing to enforce all applicable federal laws, Statutes, and Executive orders governing the Department Of Justice Program is signed by the Grantee. (Attached as Exhibit G) The Agencies themselves are under the impression that the employee's assigned to these Federal contracts are indeed federal employees subject to FOIA, and not the Washington State Public Records Act.(Attached as Exhibit H)

### **BACKGROUND-MEDICAL MARIJUANA PLANT LIMITS**

These senior-most state government and law enforcement officials would set up meetings with influential non profit groups to discuss medical marijuana plant Limits, Starting in March of 1999 at the offices of the ACLU, with the ACLU,

The Washington State Attorney General, DOH, the Judges Association and the UW. (Attached as Exhibit I) They met again in April, 1999, with WAPA, and WASPC. (Attached as Exhibit J) Documents from those Meetings indicate a starting point of 300 joints, then 600 joints for a 60 day Supply. Eventually the ACLU and the City of Seattle publicly announced that a 9 plant medical marijuana plant limit would be enforced.(Attached as Exhibit K)Emails also show CTED recommending that the state “take no formal action, and allow Local jurisdictions and the courts sort out the implementation issues”(Attached as Exhibit L).The Washington State Attorney General’s office and others assists WAPA in determining prosecution guidelines, and does not uphold the state medical marijuana law as it was written. On many occasions the Attorney generals office becomes aware of Counties enforcing plant limits, and reasons that counties are asserting local control.(Attached as Exhibit M) despite the fact that county laws are subordinate to state general laws(Attached as Exhibit N) ,and the fact that the Washington State medical marijuana law does not specify that counties can determine their own enforcement levels. Attorney generals office does nothing to stop the counties. The Evidence will show the defendants helped the counties violate the medical marijuana law, and helped WAPA determine prosecution levels. In 2005 the counties were sent an email to see what medical marijuana plant limits they were enforcing. The reply was shocking. The counties were

enforcing 1, 3, a couple three, 6-8, a statewide standard of 9, 10, and 27. Some counties refused to acknowledge or allow the Washington State medical marijuana law. (Attached as Exhibit O). Public disclosure requests reveal that Drug Task force Executive Boards develop their own enforcement levels. (Attached as Exhibit P) The current Attorney General's office used West Net Detective Roy Alloway to create a 27 plant medical marijuana plant limit which Fred Caruso promoted to law enforcement across the state. (Attached as Exhibit Q) In fact the Washington State Attorney General used Detective Alloway as an expert witness. (Attached as Exhibit R)

## **CONCLUSION**

The Defendants conspired to help WAPA, conspire with the Counties to create, and enforce ultra vires medical marijuana plant limits. At no point did the Defendants assert state general laws over such inferior county laws that were developed in violation of county charters, and in violation of the Washington State medical marijuana law. The Defendants assisted the counties in declaring a special separate sovereignty than that of Washington State, with the help of drug task force Executive Boards and County sheriffs. The Defendants attended meetings with federal drug control agencies and learned of "aggressive" prosecution tactics to bypass the affirmative defense 69.51A.040, and refer cases to federal court. The defendants also learned that the federal government could not prohibit

The State medical marijuana laws (Attached as Exhibit S), but chose to pretend that federal law trumped state law anyway. The Defendants agreed to sign federal grants to uphold a federal drug control policy, allowed state employees to declare a federal sovereignty, and agreed to pay for most of the cost for enforcing a federal drug control policy.(Attached as Exhibit T) The Defendants did not like the open 60 day supply in the Washington State medical marijuana, and decided to help create ultra vires medical marijuana plant limits, and allowed them to be enforced on Washington State medical marijuana patients, whom where unaware of such plant limits, and entrapped into growing a presumptive 60 day supply.

# EXHIBIT A

11/14/96 Meeting of Federal, State & Local Government representatives  
Confirmed Attendee List - (as of 12:30pm 11/14/96)

Federal

Barry McCaffrey	ONDCP
Ricia McMahon	ONDCP(Office of CoS)
Patricia Seitz	ONDCP(OLC)
Bob Sloane	ONDCP(Public Affairs)
Thomas Constantine	DEA
David Lutweiler	DEA
Catherine Shaw	DEA
John Emerson	WH IGA, Deputy Director
Christa Robinson	WH DPC
Jon Schwartz	DOJ
Nicholas Gess	DOJ
Janice Innis-Thompson	DOJ
Peggy Grove	DOJ
Joe Graupensperger	DOJ
Bill Corr	HHS
Renee Landers	HHS(GC)
Dr. Franklin Sullivan	HHS/SAMHSA
Dr. Don Goldstone	HHS/SAMHSA
Bill Modjeleski	Education
Ken Edgell	Transportation
Susan Ginsburg	Treasury
Dr. Karen Hein	NAS/IOM, Exec. Officer
Dr. Constance Pechura	NAS/IOM, Director, Neuroscience & Behavior Health
Carolyn Fulco	NAS/IOM, Neuroscience & Behavior Health
Catharyn Liverman	NAS/IOM, Neuroscience & Behavior Health

Congressional

Pat Murphy	Sen. Hatch's Office
Chris Putala	Sen. Biden's Office
Tom Alexander	Sen. Kyl's Office
Neil Quinter	Sen. Feinstein's Office

State - Arizona

Richard Romley	Maricopa County DA (AZ delegation lead)
Barnett Lotstein	Special Assistant, Maricopa County Attorney Office
Gary Butler	Navaho County Sheriff
Alex Romero	Arizona Drug Watch
Barbara Zugor	TSAC - Executive Director
Ralph Ogden	Yuma County Sheriff, President, AZ Sheriff Assoc.

11/14/96 Meeting of Federal, State & Local Government representatives Confirmed  
Attendee List - Page 2

State - California

Bob Ellsberg	California Peace Officers Assoc.
Tom Gade	Special Assistant to the AG
Brad Gates	Orange County Sheriff
John Gordiner	Attorney General's Office(CA delegation lead)
Tom Gorman	California Narcotics Officers Assoc.
George Kennedy	California District Attorneys Assoc. (Santa Clara DA)
Bill Stern	California Chiefs of Police Assoc. (Seal Beach PD)
Jim Thomas	California Sheriffs Assoc. (Sheriff, Santa Barbara County)
Less Weidman	California Sheriffs Assoc. (Sheriff, Stanislaus County)

Public Interest Groups

Richard Bonnette	President, Partnership for a Drug Free America
Mike Townsend	Exec.VP, DPFA
Alvah Chapman	Founding President, CADCA(Former publisher Miami Herald)
Marni Vliet	CADCA, President
Jim Copple	CADCA, Executive Director
Margaret Garikes	American Medical Association
Kimberly Jennings	CASA
Kevin McAnaney	CASA Pro Bono Attorney (Dewey, Ballentine)

**ONDCP Meeting on Impact of Propositions 200/215 and Expanding Legalization Effort**  
**2:30 pm to 5:30 pm, November 14, 1996**  
**Location: ONDCP, 5th Floor, 750 17th Street NW, Washington, D.C.**

- 2:30 - 3:00 Welcome and introduction of General (Ret.) Barry McCaffrey, Director, Office of National Drug Control Policy by Patricia A. Seitz, Director, Office of Legal Counsel, ONDCP.  
Remarks by Director McCaffrey -- A National Strategy in Face of the Expanding Legalization Effort.  
Pat Seitz introduces Tom Constantine, Director, DEA.
- 3:00 - 3:15 Brief overview of California Proposition 215, including California-based political, legal and enforcement options. Presentation Lead: Tom Gede, California Attorney General's office, Mike Bradbury, Ventura County DA and Brad Gates, Orange County Sheriff.
- 3:15 - 3:20 Q & A
- 3:20 - 3:35 Brief overview of Arizona Proposition 200, including Arizona-based political, legal and enforcement options. Presentation Lead: Richard Romley, Maricopa County DA and Ralph Ogden, Yuma County Sheriff.
- 3:35 - 3:40 Q & A
- 3:40 - 4:00 Break
- 4:00 - 4:35 Community's Response to Propositions' Impact and National Legalization Trend. Discussion of options by CADCA, CASA and Partnership for a Drug Free America representatives. Lead: Marni Vliet, President, CADCA
- 4:35 - 4:40 Q & A
- 4:40 - 5:30 Roundtable discussion, summarize consensus on next steps and timetable moderated by Pat Seitz.
- 5:30 Meeting adjourned.



6 (111)

To: California Peace Officers Association  
California Chief's of Police Association

From: Robert S. Elsberg  
Associations Representative

Subject: Meeting with ONDCP on Impact of Proposition 215 in Washington D.C.

On November 14, 1996, the California Contingency met with the Arizona Contingency in Washington D. C. to review each State's situation as a result of the passage of Propositions 200 and 215. We then agreed as to our strategy and format of presentations that would be made to the federal agencies in the afternoon.

The California Contingency consisted of:

- Brad Gates, Sheriff, Orange County
- Jim Thomas, Sheriff, Santa Barbara County [representing the Sheriff's Assn.]
- Les Weldman, Sheriff, Stanislaus County [representing the Sheriff's Assn.]
- Michael Bradbury, District Attorney, Ventura County [representing the DA's Assn.]
- Tom Gade, Special Assistant to Attorney General Dan Lungren
- John Gordnier, Sr. Assistant Attorney General, [California Delegation Lead]
- Robert Elsberg [representing CPOA/Cal Chiefs]
- Thomas Gorman [representing CNOA]

The major topics consisted of:

1. California and federal law enforcement policy as a result of Proposition 215.
2. Potential legal and legislative challenges to Proposition 215.
3. How to fight the new political war against drug legalization in America.

The California delegation was attempting to have the federal government sue the State of California since we felt federal law preempts State's authority to make something a medicine. We requested to have the federal government give California law enforcement a written document authorizing us to seize marijuana under federal authority and for DEA to take a greater role in marijuana enforcement in California. We also asked for federal thresholds on marijuana for federal prosecution.

The contingencies met the federal government representatives at the ONDCP building at 2:30 p.m. The federal government had representatives from ONDCP, DEA, DOJ, HHS, Transportation, Education, Treasury, and other departments, in addition to representatives from

Senators Hatch, Biden, Kyl and Feinstein's office. See attachment 1 for the agenda of this meeting as prepared by ONDCP. See attachment 2 for the working document which the federal agencies had prepared prior to the meeting suggesting action and time frames.

The following is a summary of presentations made by some speakers at the ONDCP meeting:

#### General McCaffery

Opened up the meeting by stating that he wanted to watch and see what happens as a result of the passage of Arizona and California's Propositions. He inferred that by waiting approximately one year we could sort through and think through the issues. The federal government will support federal law to protect the process by which drugs are made medicine in the Nation. President Clinton will be presented with options by Donna Shalala and General McCaffery. General McCaffery stated that it was a national issue. General McCaffery did not think that the passage of these Propositions would result in seeing kids start massively using of drugs, nor did he believe that doctors would start recommending pot for illnesses.

#### DEA Administrator Tom Constantine

Constantine felt that Congressional Hearings are valuable and that we may want to have Hearings in California to air the issues. DEA will use the federal Grand Jury and prosecute the major suppliers of marijuana and remove doctor's licenses where appropriate. The removal of a doctor's license may be a deterrent. DEA will look at how it spends its funds when State's do foolish things.

#### Brad Gates [spoke for the California Law Enforcement Component]

Sheriff Gates stated that a National organization, non-profit, needed to be form to educate the public. We supported the legitimate research for marijuana as a medicine and that perhaps the federal government could fund and undertake the project. California needed to know the United States Attorneys thresholds for what they will prosecute as far as marijuana violations. Sheriff Gates asked if the federal government will continue to fund the HIDA's and Marijuana Eradication in California and requested a partnership between federal, state and local government.

#### Tom Gade [Special Assistant to Dan Lungren]

Gade indicated reasons why the federal government has standing to intervene and file a law suit in federal court to invalidate parts of the California law that conflict with federal law. He indicated that there was a sense of urgency because we need guidelines for law enforcement, the public and doctors. He requested a memo from the federal government [DEA] to allow us to seize marijuana for them and perhaps cross designate attorneys and some peace officers. Lastly that CADFY should educate the public on the law.

Jim Cople [CADCA, Executive Director]

They have 4,000 members and are privately funded. He stated that we should first get people to understand the new problems before government takes any action to prevent a backlash. General McCaffery agreed.

Richard Bonnette [President, Partnership for a Drug Free America]

He stated that we lost the battle and now we did to reorganize. We should learn from our mistakes and move forward through education. The drug czar wants to put more money into drug education.

Representative for Donna Shalala

The representative stated that they needed to sort through a wide variety of options available and do it quickly. The Proposition undercuts the message we need to get to our kids. A suit in federal court by the federal government is novel. If we decide to we need to determine where we will file. We will also look at FDA action, cross deputization and thresholds for prosecuting in federal court.

Summations:

David Lutweiller [Deputy Administrator DEA], DEA Administrator was absent at this point.

Usually when DEA goes after a doctor's license, the State proceeded first and made the case, and then DEA came in afterwards. They need to look at this area further. DEA can not respond to all of the State's marijuana cases due to lack of resources. DEA will not change their strategy and therefore won't change resource allocation. Also, the US Attorneys have their limits as to how many cases they can prosecute. He's not sure what will happen to the federal government's contributions to such areas as HIDA's and Marijuana Eradication. He stated that there was a lot to think about, but it would be done quickly.

General McCaffery:

The Propositions in Arizona and California created a great dilemma through misinformation to the public. He doesn't want federal government to lead on the State and federal issues. Federal laws have not changed, only local ones. General McCaffery wants the State to proceed and not wait for a coordinated action. General McCaffery will be the central point of contact representing the federal government and the date of December 5, 1996, will be used as the next milestone as to what the federal government has been able to do.

**ONDCP Meeting on Impact of Propositions 200/215 and Expanding Legalization Effort**

**2:30 pm to 5:30 pm, November 14, 1996**

**Location: ONDCP, 5th Floor, 750 17th Street NW, Washington, D.C.**

- 2:30 - 3:00 Welcome and introduction of General (Ret.) Barry McCaffrey, Director, Office of National Drug Control Policy by Patricia A. Seitz, Director, Office of Legal Counsel, ONDCP.  
Remarks by Director McCaffrey -- A National Strategy in Face of the Expanding Legalization Effort.  
Pat Seitz introduces Tom Constantine, Director, DEA.
- 3:00 - 3:15 Brief overview of California Proposition 215, including California-based political, legal and enforcement options. Presentation Lead: Tom Gede, California Attorney General's office, Mike Bradbury, Ventura County DA and Brad Gates, Orange County Sheriff.
- 3:15 - 3:20 Q & A
- 3:20 - 3:35 Brief overview of Arizona Proposition 200, including Arizona-based political, legal and enforcement options. Presentation Lead: Richard Romley, Maricopa County DA and Ralph Ogden, Yuma County Sheriff.
- 3:35 - 3:40 Q & A
- 3:40 - 4:00 Break
- 4:00 - 4:35 Community's Response to Propositions' Impact and National Legalization Trend. Discussion of options by CADCA, CASA and Partnership for a Drug Free America representatives. Lead: Marni Vliet, President, CADCA
- 4:35 - 4:40 Q & A
- 4:40 - 5:30 Roundtable discussion, summarize consensus on next steps and timetable moderated by Pat Seitz.
- 5:30 Meeting adjourned.

Working Document for Discussion Only

Timeline for Consideration

**PURPOSE.** To suggest a possible timeline that portrays actions that might be taken to respond to the challenges to the nation's drug control policy by propositions 200 & 215.

<u>Suggested Action</u>	<u>Possible Lead</u>	<u>Timeframe</u>
Federal-State Conference	ONDCP	November 14
Develop state guidelines for doctors (consequences)	AZ & CA	Dec '96
Form inter-agency team to review legal issues (USAs/State AGs)	DOJ	Dec '96
Form federal-state team to develop educational/ preventive responses	HHS/Ed & states	Dec '96
Complete legislative analysis of both propositions	AZ & CA	Dec '96
- consider state-sponsored challenges/litigation		
Conduct review of all state marijuana laws	DOJ	Dec '96
Establish base-line of marijuana usage (nationwide & in both states)	HHS & both states	Jan '97
Review medical efficacy of marijuana	HHS	Jan '97
- consider additional research		
Review public health implications of both propositions	HHS & states	Jan '97
Update <i>Therapeutic Marijuana Policy</i>	HHS	Feb '97
<del>Conduct poll of America's attitudes towards marijuana</del>	<del>HHS</del>	<del>Feb '97</del>
Develop appropriate anti-marijuana PSAs & campaign	PDFA/CACDA	Feb '97
Federal-State Conference in California	CA	Feb '97
Federal-State Conference in Arizona	AZ	Feb '97
National Marijuana Conference	ONDCP	Apr '97
Update Federal Marijuana strategy	ONDCP	May '97
- consider actions against states that fail to enforce federal laws		
Issue state anti-drug strategy	AZ & CA	Jun '97

**NOTE.** This suggested timeline is not directive. It is intended as a starting point document to foster discussion about a strategic and coordinated response to these and other drug legalization challenges. *This timeline should be finalized by December 6th.*

Working Document for Discussion Only

- Create a permanent funding base from foundations, corporations and individual donors.
- Educate the corporate community and motivate business leaders to become actively involved in the fight against drug legalization.
- Build a broad based, dues paying membership.
- Monitor legislation and initiatives in all 50 states and on the federal level.
- Oppose legislation or initiatives to legalize or medicalize illegal drugs.
- Promote and support legislation and initiatives to fight illegal drugs and to provide increased government resources for this purpose.
- Fight drug legalization laws in the courts.
- Expose the true agenda of the drug legalization lobby and the people behind it.

### Organization Structure

- The National Campaign Against Legalizing Drugs should be formed consisting of two organizations: A lobbying organization and a "supporting foundation."
- The foundation can receive funding from other foundations. It will be primarily responsible for funding "non-political activities" including: administration, litigation, public opinion and issues research, community organization, fundraising and recruitment of a nationwide, broad based, dues-paying membership.
- The lobbying organization can receive funds from corporations, individuals and fundraising mailings to the small donors of the foundation. This organization will engage in legislative lobbying at the state and federal level and will become directly involved in initiative campaigns.

### Action Steps

- Prepare a start-up budget and organization plan.
- Identify initial funding sources.
- Recruit a board of directors, national chairman and president.

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Notes by writing RABBLE  
meeting ~~for~~ 10/10/10 ✓

Gates - This is a national issue now. CA & AZ have a murky situation, believe federal law is very clear. Need leadership from federal government for the officer on the street ASAP.

Anecdotal info that challenges are already underway against enforcement officials. Will lend support to federal officials who respond.

In CA, we had effective grass roots campaign, but no money. Our experts say that if we had \$2M, we would have won.

Legalizers are going national. We need to get orgs Americans for Compassionate Use.

FROM  
CONANT  
DISCOVERY.

Concur with calls for legitimate scientific research  
If there is a legitimate medical use for MJ, let it |  
conditions w/close MD supervision.

1.

Asks DEA to set uniform trigger level for federal enforcement. Right now, each US Atty sets own level for what qualifies for federal prosecution.

What do we do with mandatory testing of public safety employees? Does Dr recommendation to use pot override?

What about international treaty effects of 215?

What about prescriptions from out of state and out of the country? Dr's need guidance ASAP.

We are here to be helpful and to work with you as a partner.

(Pat then discussed the handouts we provided to all)

(Video of pro-215 advertisements)

Tom Gede AG Lungren must enforce the law. Problem is that this law did nothing but w/hold the penalty for "medical use."

Our analysis says Fed law 21 USC 841 that holds possession/use of Sched I drug illegal is still in force.

Looking to DOJ on an urgent basis to resolve the preemption issue. We see a positive conflict between Fed law and new state law.

Vent DA We invite Fed govt to sue, since AG can't ask. the CA association of DA's will.

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Gede Initiative does permit enforcement of non-medical use of MJ. and for medical use if driving for example.

Romley (couldn't hear - discussion )

Gates Stressed no age limit of proposition.

Gede Agency problem created by trying to distinguish who and who can't distribute

Pat asked what happens if a suit is brought against the state.(and second Q I didn't hear)

Gede No constitutional impediment to Fed govt. suing state. No idea as to answer to second question.

Pat asked question about a lawsuit from CA

Vent DA Research indicates lack of standing (didn't hear all of the response.)

Gede More beneficial for a direct Federal resolution than a lawsuit attacking it collaterally thru a prosecution by state for a vio of the new state law.

Substantial Federal interest is at issue. Interstate commerce issues, national commitments thru treaty obligations are also compromised.

(Discussion w/several participants regarding history of decriminalization, unclear)

Gede Question as to what is appropriate medical care. What are Drs.'s supposed to do? In our view, no difference between recommendation and prescription when the end result is the same. Isn't recommendation the practice of medicine, and aren't the Dr.'s who recommend dispensing a Sched I drug?

Corr Seems that recommendation is the same as to prescribe.

Vent DA Enforcement officials concerned about civil liability for enforcing law. Need Federal-state partnership to avoid civil lit. Wants DEA to reassure state that CA should still enforce Federal law. Biggest problem is no one knows at what point medical MJ becomes illegal for distribution MJ. Can't wait 6 months for an answer.

Romley Director was right to say these props were an act of stealth legalization.

(Watched AZ pro-200 spots)

Romley Must send a strong message. Need to send medical community strong signal that if they prescribe in vio of law, they will be prosecuted. AZ will be proactive,

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but we need Fed govt support.

We need guidance from Fed govt. On liability issue. We want a memo from DEA protecting us when we seize contraband on their behalf.

Anticipates cottage industry for forged prescriptions on/over Mex border. Hope we aren't going to "live" with this new law.

Ogden New situation very confusing, but AZ will remain aggressive enforcement Posture. Need clarification from Fed govt. HIDTA may be compromised. Do we have to provide medical marijuana to prisoners? Lawsuits will certainly arise from our enforcement. Will officers be protected?

No way to gauge intox level with MJ. Whole situation unfair to our citizens, as we can't tell them just what they can or can't do.

Romley Even though CA & AZ are different props, the strategy of proponents is the same. It will expand throughout the nation if we all don't react.

Gates Message of national strategy is compromised. Wants congressional hearings.

Pat asks about action on state legislative side.

Romley Our law allows for a change, because less than 50% of eligible voters voted. We are aggressively promoting a special session to change the measure.

Pat - how can we help?

Romley Get high level officials out to AZ to support the call for a special session. It will take political will.

Romero New law further complicated by older AZ licensing law.

Gede Our legislature can't pass a law to change. Can only happen by another initiative.

Romley Education is the key here. Maybe CADCA could fund a new initiative.

(Sloane - unintelligible comment)

Gede In addition to fear of tort liability from seizing medical MJ, our officers fear suit if they don't seize MJ that later is proximate cause of actionable harm.

(someone asked if AZ gov can sue)

Romley He thinks he can; others in legislature do not agree.

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(Someone asks how can Dr's get MJ to prescribe?)

DEA They can't. DEA registers Sched II-V only. Also, you have all asked good Q's that I just don't have the answer to.

Wants to get a US Atty meeting together ASAP to resolve issues on enforcement policy.

DEA normally doesn't act against Doc's until the state board disciplines

Romley But state med board normally won't act until DEA acts. We have catch 22.

Need resolution of Federal law regarding seizure of contraband.

DEA Taking all state cases into Fed system as way around 215/200 would grind Fed system to a halt. Not enough resources.

Break

General Glad to be back. Had opportunity to talk to AG, she is with us.

Romley What about FDA's role. Are they going to participate in this process?

AZ will lose drug courts. Having MJ alluded to as medicine solidifies positive conflict.

General FDA must go slow on this. MJ remains a Sched I drug, period. States can't supersede CSA.

Marni These initiatives have brought issue back up on the radar. CADCA remains very much opposed.

Copple Must protect other 48 states, and rollback in CA & AZ. Have launched re-education campaign in 27 states which are potential next targets. "Say it Straight" is the title of the first effort. using video downlink from Nat Guard.

Did not expect onslaught of money & effort by pro-215/200 forces in CA/AZ. No funds available in time to separate compassion from legislation.

CASA, CADCA and RWJ Foundation have \$\$ & expertise to respond now, and will. We are taking it very seriously.

McAnamey RWJ Foundation has funded CASA study showing voters didn't know what they were really voting for.

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- Biden rep Can't defeat use of terminally ill by pro-MJ forces. it's a winning political issue.
- Copple We need to retool how we address this issue. Must separate compassion for terminally ill from larger policy issue.
- General Jim is right, medicine is the easy answer. Problem is for NIDA/AMA to decide. If MJ is medicine, no problem. If its not, then no further discussion of medical issue.
- Biden rep. What if med evidence shows no medical use for terminally ill, but people believe it works?
- Romley Must educate and show the lies put forth by the proponents.
- Jellineck Other side would be salivating if they could hear prospect of Feds going against the will of the people. It is a political problem. You need a Federal response but can't be viewed as outside interference.
- General Agrees with above, but Feds have simple task. We will enforce Fed law.
- Gede Reminds us of legislative history in CA. Must resolve terminally ill problem before we proceed.
- Gorman Day after election, media turned to us and asked, how could you have allowed this to happen. They have woken up.
- Romley Legislative solution can't succeed w/o political solution.
- Bonnette We lost first round of communications battle. No coordinated plan.
- Must agree on overall coordinated strategy, considering medical/law enf/treatment issues. We learned a lesson in CA.

The Federal agencies represented at the meeting were given the opportunity to summarize their positions.

HHS - Interested in increased consultation with the State and local governments and the public interest groups. Because the initiatives undercut the drug strategy, recommended acting quickly.

DEA - Very interested in the tort issue and sympathetic to the concerns of the officers in the field. Commented on the role DEA plays in the licensing of M.D.s. Indicated DEA doesn't intend to change its enforcement strategy.

DOJ - Referred to the difficulties of bringing a §903 action. Concerned that CA and AR

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would have to defend it. Also referred to prosecution guidelines that would have to be changed to permit greater Federal enforcement.

DOE - Recommended increased coordination with school leaders nation wide.

Alvah Chapman - Stressed the fact that each state must develop its own strategy to keep these initiatives off the ballot.

Concluding comments by the Director. He made six points:

ONDCP will be the Federal POC.

ONDCP will monitor the issues and work to move resolution of them forward.

ONDCP will coordinate the establishment of milestones and issue them by December 6.

ONDCP will try to coordinate the other Federal agencies.

ONDCP will support community initiatives of the anti-drug public interest groups.

ONDCP will press the issue.

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY  
Washington, D. C. 20503

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FAX TRANSMITTAL

**FROM:** Pat Seitz, Director, Office of Legal Counsel, ONDCP  
(202) 395-6621, fax 395-5543

<b>TO:</b>	<b>Agency</b>	<b>Name</b>	<b>Tel. #</b>	<b>Fax#</b>
	DOJ	Jon Schwartz	(202) 514-4375	616-1239
	Education	Bill Modzeleski	(202) 260-3954	260-7767
	HHS	Bill Corr	(202) 690-7694	690-6960
	Treasury	Susan Ginsburg	(202) 622-1496	622-7301
	DOT	Mary Bernstein	(202) 366-3784	366-3897
	WH	Dennis Burke	(202) 456-5568	456-5581
	DEA	Dave Lutweiler	(202) 307-8003	307-7335
	DEA	Donnie Marshall	(202) 307-7340	307-7334
	FBI	Steven Martinez	(202) 324-2821	324-2959
	FBI	Tom Kneir	(202) 324-4262	324-3012
	DOD	Jim McAtamney	(703) 693-1920	697-8176
	NRC	Loren Bush	(301) 415-2944	415-2279
	Orange Co.	Brad Gates	(714) 647-1800	550-9223
	CA Atty Gen	John Gordnier	(914) 324-5169	324-2960
	CA Atty Gen	Tom Gede	(916) 323-7355	322-0206
	MCDAtty AZ	Rick Romley	(602) 506-7650	506-8102

**DATE:** December 5, 1996

**PAGES:** 6 (including cover)

**SUBJ:** Prop 200/215 Interagency Meeting, December 6, 1996

Have attached the Agenda and an Information Update for tomorrow's IWG meeting.

AGENDA  
200/215 Interagency Working Group  
December 6, 1996

10:00 - 10:05 Introduction

10:05 - 10:50 Information Exchange: matters under consideration; actions taken; pros and cons.  
(5-10 minutes each)

- ONDCP
- DOTrans
- DOJ/DEA
- DOTreas
- HHS
- DOE
- NRC
- Arizona
- California

10:50 - 11:10 Discussion

11:10 - 11:15 Closing Remarks/Adjourn

## POST- ADOPTION OF AZ 200/CA 215: INFORMATION UPDATE

### I. Proponents' Goal and Strategy:

- legitimize illicit drug use through "medicalization" approach
- take AZ and CA successes nationwide using
  - coalition of legalizers, libertarians, compassionate and recreational users
  - the MAP (Internet) communications network
  - "compassionate use" message
  - substantial financial resources from a small group
  - initiatives where legislative approach is unsuccessful

### II. Propositions' Impact:

- gives children wrong message -- "drugs are good"
- balkanizes the nation's "national" drug strategy
- subverts FDA's science-based designation of medicinal substances
- increases taxpayers' burden to litigate medical proof issues, potential for conflicting results and additional litigation costs
- creates law enforcement conflicts -- limited federal prosecution and enforcement resources, impact on prosecution thresholds, case targeting procedures, investigative authority, deputization and immunity issues, contraband seizure authority/immunity
- pits federal government against the states -- 10th Amendment issues
- contradicts U.S. international treaty obligations -- 1961 and 1972 treaties
- causes confusion for drug-free workplace entities and medical profession
- raises federal resource allocation issues -- should federal block grant funds for law enforcement and treatment be tied to supporting the national drug strategy to discourage inconsistent or conflicting individual state policies which undermine that strategy?

### III. Proposition Opponents' Goals and Needs

#### Goals

- prevent passage of "medicinal marijuana" or similar provisions in other states;
- blunt the negative consequences, including obtaining the repeal, of Propositions 200 and 215 and other "medicinal marijuana" or similar provisions already passed in other states.

#### Needs

- reframe issue: threat of drugs to developing children; to by-standees (fellow-workers, responsible drivers, school environments, on economically struggling families, and in domestic violence situations, etc.); follow example of secondary smoke issue which

energized non-smokers to focus on their rights to a pollution-free environment; public hides, often enables and often does not understand addiction and its impact physically, emotionally, environmentally; put human face on the issue such as MADD did

- ensure existence of a national drug strategy given interstate mobility and international treaty obligations
- provide guidance and assistance to law enforcement in California and Arizona
- protect the FDA protocol for the scientific based designation of "medicines"
- develop and implement national communications strategy (based on the re-framed issue) with a rapid response element similar to the proponents' MAP Internet approach.
- involve the medical community (which defeated the mid-80's attempt to use heroin medically); at present appears a sizable faction supports marijuana for the terminally ill, why? Tension between individual treatment issues and developing a common good public policy need to be resolved).
- broaden the community involvement, particularly the business community given the negative impact of drugs on business profitability and funding needs.
- identify lead national group to mobilize and coordinate interested state and local groups -- legislatures, chambers of commerce, CADCA, PDFA, Lions, Parents groups etc., to be the first line of defense against formal or stealth efforts to legalize illicit drugs.

**IV. Considerations to Date:**

**Federal Agencies --**

- ONDCP -- (1) Drug Cabinet Council meeting 12/12, issue on the agenda; (2) funding for medical research literature review; (3) lead government's message development; (4) Model State Drug Law Alliance monitoring and development of laws with national strategy; (5) assist in developing medical information clearing house; (6) determine what impact the initiatives have on federal funding to states which do not cooperate in a national drug strategy.
- DOJ/DEA -- (1) Determine whether the state ballot initiatives may be preempted, in whole or in part, through a federal lawsuit or through new federal legislation; (2) outline DEA enforcement strategy and review prosecution guidelines for U.S. Attorneys' offices; (3) Provide guidance and support to state and local law enforcement agencies regarding their officers' ability to seize federal contraband and make arrests for violation of federal



law; (4) Develop strategy for taking administrative action against medical practitioners who do not comply with applicable federal law; (5) Consider whether to send a letter to DEA physician registrants and/or medical associations regarding physicians' continuing obligations under federal law; (6) Analyze whether states other than California and Arizona have similar medical use provisions.

- HHS (1) Effectively communicate data in the five Institutes of the NIH fact sheets reflecting their scientific assessment of smoked marijuana; (2) Analyze all available data on drug use, especially marijuana, and expand ongoing drug use surveys to determine current levels of drug use in California and Arizona and to track changes in these states in drug use; (3) participate in efforts by all affected parties to develop a more effective "message" for each relevant constituency (preteens, teens, parents physicians, public health officials, etc.,) about the use of marijuana; (4) participate in appropriate efforts in California and Arizona to educate all relevant constituents about the use of marijuana; (4) participate in discussions in all other states (where needed) to educate key public and private health leaders about the problems with the two initiatives; and (5) strengthen our drug abuse prevention efforts directed at preteens and teens (specifically for marijuana) through a new, coordinated Federal/State/community initiative.
- DOEd Develop new, multi-dimensional educational (for parents, teachers, and students) program regarding the physical danger of marijuana and other illicit drugs.
- DOTrans (1) Re-assert and enforce the standards applicable to a alcohol and drug-free transportation industry. (2) Giving guidance to transportation employers and employees that precludes medical use of marijuana except marinol (when prescribed by a physician) and the ingestion of hemp based products by safety sensitive workers.
- NRC Re-assert and enforce the standards applicable to a drug and alcohol free nuclear industry.
- Treasury U.S. Customs will (1) conduct an analysis on what the impact will be on border enforcement in the affected areas; (2) assist DOJ in developing enforcement guidelines as they relate to the border; (3) continue to enforce the Controlled Substances Act to the fullest extent authorized by law and Federal policy; (4) continue to seize any controlled substance and consult with the U.S. Attorney's office concerning prosecution of the violator; and (5) as appropriate, issue penalties and fines for attempted importation of a controlled substance.

States –

- California –
- Sheriff Brad Gates/California Narcotics Officers Association –

(1) met with George Dunn, Governor Pete Wilson's office in forming the state-wide comprehensive plan, including special election to repeal Prop 215;

(2) retained the law firm of Rutan and Tucker to examine prop 215 (and Prop 200, should Arizona care to join) to determine what, if any, type of litigation could be initiated to challenge the effectiveness of Prop 215;

(3) beginning the process for repeal proposition in 1998, including collection of signatures;

(4) working with democratically controlled legislature to look at other legislation which would minimize the negative effects of prop 215 (has limited potential given legislature's prior history with "medical" marijuana);

(5) Governor Wilson to propose a meeting with Governor Symington of Arizona, and legislative leadership of the two states to work on mutual issues arising from the impact of these two propositions and their shared border;

(6) met with California Medical Association (Steve Thompson) to reaffirm their commitment that the designation of a "medicine" must be within the FDA protocols and that the appropriate research should be conducted on the question of marijuana's "medicinal value;"

(7) met with California chamber of Commerce (Kirk West in L.A.) which has assigned two staff attorneys (Martin and Simberg) to work on the issue;

(8) Stu Mollich is submitting to Jim Copple (CADCA) and Rick Bonnette (PDFA) a proposed strategy for the next 60 days for establishing a national organization to ensure the legalization effort goes no further.

- California Attorney General's Office -- John Gordinar

(1) examining pre-emption issue

(2) California law enforcement Roundtable meeting in January

(3) results of All-Zone meeting

- Arizona --

- Rick Romely, Maricopa County Attorney --

(1) There is a question as to whether the Governor has the ability to veto Prop. 200. It hasn't been signed as of 12/5/96.

(2) There have been a number of meetings with legislators, law enforcement leaders and others to discuss legislative remedies. Options include: (a) repeal of the initiative; (b) dramatic changes including restoring jail as a sentencing option, limiting the inmates eligible for release from prison and repealing/limiting drug medicalization provisions.

(3) Arizona County Attorneys and Sheriffs Association met. There is consensus to work for legislative changes. The Association has taken the position to aggressively oppose release from prison.

(4) Arizona Prosecuting Attorneys Advisory Council will meet and address these issues this week.

(5) A Roundtable has been researching the legal implementation issues regarding Prop 200.

### Nongovernmental Organizations

#### CADCA – Jim Copple

(1) Discussions with Stu Mollrich of Citizens for a Drug-free California re options and timetable

#### Partnership for a Drug Free America – Rick Bonnette

#### Drug Watch International -- David Evans

#### American Medical Association – Margaret Garikes

#### CASA -- Kevin McAnaney

(1) Hosted a meeting November 22 in New York of interested private sector parties on structuring national and state strategies which will be as effective in organizing and communicating as the proponents. Roger Posani preparing a summary of meeting.

(2) Califano Op-ed piece December 4 (Washington Post)

#### Robert Wood Johnson Foundation – Paul Jellinek

#### Institute for a Drug-Free Workplace – Mark DeBernardo (202) 842-7400

(1) Examining litigation options

#### Alliance Model State Drug Law Conferences -- Atty Gen of MS. Mike Moore/ Sherrie Green, ex director

(1) Discussion with Mike Moore

#### • **Other Options For Consideration**

Working Document for Discussion Only

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Timeline for Consideration

**PURPOSE.** To suggest a possible timeline that portrays actions that might be taken to respond to the challenges to the nation's drug control policy by propositions 200 & 215.

<u>Suggested Action</u>	<u>Possible Lead</u>	<u>Timeframe</u>
Federal-State Conference	ONDCP	November 14
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Conduct poll of America's attitudes towards marijuana	HHS	Feb '97
Develop appropriate anti-marijuana PSAs & campaign	PDFA/CACDA	Feb '97
Federal-State Conference in California	CA	Feb '97
Federal-State Conference in Arizona	AZ	Feb '97
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Update Federal Marijuana strategy - consider actions against states that fail to enforce federal laws	ONDCP	May '97
Issue state anti-drug strategy	AZ & CA	Jun '97

**NOTE.** This suggested timeline is not directive. It is intended as a starting point document to foster discussion about a strategic and coordinated response to these and other drug legalization challenges. *This timeline should be finalized by December 6th.*

(28)

**CONFIDENTIALITY NOTE**

This document is protected by the attorney-client  
and attorney work-product privileges

**MEMORANDUM**

**PREPARED FOR:** Community Anti-Drug Coalition of America  
**PREPARED BY:** Rutan & Tucker, LLP  
Paul Marx, Esq.  
Doug Dennington, Esq.

**DATE:** January 21, 1997

**RE:** Congressional Power to Preempt Proposition 200 and Proposition 215

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**QUESTION:**

Does Congress have the power to expressly preempt the provisions of California's Proposition 215 and Arizona's Proposition 200?

**Conclusion**

Congress cannot compel states to enact or administer federal programs, nor does Congress have the power to force states to legislate. Congress may, however, expressly preempt any state law which regulates an area occupied by federal law, provided that the federal law was enacted pursuant to Congress' powers under the Constitution. Alternatively, Congress may offer states the choice of regulating the activity according to federal standards or having state law preempted by federal law.

**Background**

On November 5, 1996, the voters of California and Arizona adopted Proposition 215 and Proposition 200, respectively, which purport to decriminalize the possession of Schedule I

substances for certain "medical" purposes. The federal Controlled Substances Act embodied in 21 U.S.C. § 801 *et seq.* provides that there is no currently accepted medical use for Schedule I substances and makes it a federal crime to possess or prescribe such substances. The federal Controlled Substances Act acknowledges the validity of consistent state regulation of controlled substances, and preempts only those state laws presenting a positive conflict with federal law. (21 U.S.C. § 903.) The following analysis addresses the ability of Congress to expressly preempt the provisions of the Propositions.

Analysis

Congress cannot compel states to "enact or enforce" federal programs. (New York v. United States (1992) 120 L.Ed.2d 120, 144.)

[E]ven where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts. (Id. at 144.)

Where, however, Congress has enacted legislation within its constitutional limits, it has the power to expressly preempt any state law regulating within that same field, regardless of whether the state law is consistent with the federal law. (Rice v. Santa Fe Elevator Corp. (1947) 331 U.S. 218, 237.) In lieu of expressly preempting all state law in the given field, Congress may "simply condition state involvement in a pre-emptible area on consideration of federal proposals." (FERC v. Mississippi (1982) 456 U.S. 742, 765.)

[W]here Congress has the authority to regulate private activity under the Commerce Clause, we have recognized Congress' power to offer States the choice of regulating that activity according to federal standards or having state law preempted by federal regulation. (New York, supra, 120 L.Ed.2d at 144-145.)

Congress enacted the federal Controlled Substances Act embodied in 21 U.S.C. §801 *et seq.* pursuant to its power to regulate interstate commerce under the Commerce Clause of the United States Constitution. (See 21 U.S.C., §801(3)-(5); see also, U.S. v. Lopez (5th Cir.

1972) 459 F.2d 949, cert. denied 409 U.S. 878.) Accordingly, Congress could have expressly preempted any state laws regulating in the field of controlled substances. (See Hillsborough County v. Automated Med. Labs. (1985) 471 U.S. 707, 713.)

To encourage the states to work with the federal government in preventing the illicit diversion of controlled substances and drug abuse, Congress expressly provided that the federal laws would not preempt state laws regulating controlled substances except to the extent that the state laws presented a "positive conflict" with federal laws. (21 U.S.C., §903.) Whether the provisions of Proposition 200 and Proposition 215 present a positive conflict sufficient to invoke the preemption doctrine rooted in the Supremacy Clause is a question of first impression and any court challenges to the Propositions may be met with significant hurdles. Congress, of course, has the power to amend 21 U.S.C. Section 903 to expressly preempt all state laws regulating in the field of controlled substances.<sup>1</sup>

Alternatively, Congress could amend section 903 to provide that the federal Controlled Substances Act establishes minimum standards for the regulation of controlled substances. (See New York v. United States, supra, 120 L.Ed.2d at 144 [stating that Congress has authority to offer the states the choice of regulating in accordance with federal standards or having state laws preempted by federal laws].) Congress has previously enacted similar legislation in the Clean Air Act. (42 U.S.C. § 7543(a); see also, The Motor Vehicle Manufacturers Ass'n of the United States v. New York (2d Cir. 1996) 79 F.3d 1298, 1302 [acknowledging that the federal Clean Air Act preempts any state regulation of automobile tailpipe emissions other than California

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<sup>1</sup> Such an amendment would probably not serve federal interests. The federal policies embodied in the Controlled Substances Act are to share with the state the responsibility of controlling drug abuse. To expressly preempt all state laws regulating controlled substances would strip the states of any power to police substance abuse. This would require the federal government to expend astronomical resources to enforce its laws in those areas previously regulated by the states.

regulations (which were more stringent than the federal regulations) and those state regulations adopted by other states which are identical to California's].)

Congress thus has the power to preempt any state laws regulating in the same area as that which is regulated under the federal Controlled Substances Act. Congress may alternatively condition continued state regulation in the area of controlled substances by providing that all state laws regulating in the same field be at least as restrictive, or more restrictive, than the federal Act.





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY

Washington, D.C. 20503  
December 20, 1996

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File

cc - NLS  
NLS  
DHH

HIGHLIGHTED PASSAGES DROPPED FROM FINAL DRAFT 406

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY

SUBJECT: Administration Strategy to Address Recent Drug Legalization Efforts

1. Purpose: The purpose of this memorandum is to recommend approval of the Federal strategy to blunt the negative consequences of the recent "medicinal marijuana" Propositions in California and Arizona. These Propositions purport to allow doctors to prescribe or recommend marijuana and other Schedule I drugs notwithstanding that, under the Federal Controlled Substances Act, Schedule I drugs have no accepted medical use. As you stated to the Drug Policy Council, there is a need for swift and focused Federal action to preserve the National Drug Control Strategy.

2. General: Under your leadership, the Administration has strongly opposed the California and Arizona drug legalization measures. These measures contradict Federal law and complicate the national drug strategy. They violate the medical-scientific process by which our nation evaluates and approves safe and effective medicines for use in the United States. They send the wrong message to our children. They undermine the concerted efforts of parents, educators, businesses, elected leaders, community groups and countless others to achieve a healthy, drug-free society.

3. Objectives: The interagency working group consisting of ONDCP, the Departments of Treasury, Defense, Justice, Labor, Health and Human Services, Housing and Urban Development, Transportation, and Education, the Postal Service, and the Nuclear Regulatory Commission met five times in November and December. We have developed the following strategic objectives for our coordinated Federal response:

A. Maintain effective enforcement efforts within the framework created by the Federal Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act.

B. Ensure the integrity of the medical-scientific process by which substances are approved as safe and effective medicines in order to protect public health.

C. Preserve Federal drug-free workplace and safety programs.

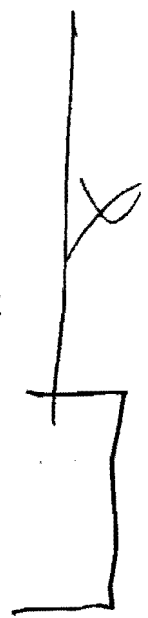
D. Protect children from increased marijuana availability and use.


4. **Courses of Action:** In developing our strategy, we gave due consideration to two key principles: federal authority vis-a-vis that of the states, and the need to ensure that American citizens have access to safe and effective medicine. To attain the four objectives, ONDCP and Federal drug control agencies have formed a partnership to undertake the following coordinated courses of action:

**A. Objective 1 - Maintain effective enforcement efforts within the framework created by the Federal Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act**

- Department of Justice will publicly take the position that a practitioner's action of recommending or prescribing Schedule I controlled substances is not consistent with the "public interest" (as that phrase is used in the Controlled Substances Act) and will lead to administrative action by the Drug Enforcement Administration to revoke the practitioner's registration to handle controlled substances.
- DOJ and Department of Health and Human Services will send a letter to national, state, and local practitioner associations and licensing boards stating unequivocally that DEA will seek to revoke the DEA registrations of physicians who recommend or prescribe Schedule I controlled substances. This letter will also outline the authority of the Inspector General of HHS to exclude individuals or entities convicted of criminal offenses relating to controlled substances from participation in the Medicare and Medicaid programs. For felony convictions, the law provides for a mandatory exclusion of a minimum of five years, and for misdemeanor convictions, there is a permissive exclusion of three years with the period of exclusion being reduced or increased depending upon mitigating or aggravating circumstances.
- **DOJ** will expand current enforcement programs to pursue appropriate investigations and prosecutions for their deterrent impact against physicians and others in cases involving: (a) the absence of a bona fide doctor-patient relationship; (b) a high volume of prescriptions or recommendations of Schedule I controlled substances; (c) the accumulation of significant profits or assets from the prescription or recommendation of Schedule I controlled substances; (d) Schedule I controlled substances being provided to minors; and/or (e) special circumstances, such as when death or serious bodily injury results from drugged driving. The five U.S. Attorneys in California and Arizona will review cases for prosecution using these criteria even if the amount of the drugs involved is below the general threshold drug weight amounts that are contained within their respective prosecution guidelines.

DEA will adopt seizures of Schedule I controlled substances made by state and local law enforcement officials following an arrest where state and local prosecutors must decline prosecution because of the Propositions. Once in DEA's possession the drugs can be





summarily forfeited and destroyed by DEA. State and local law enforcement officials will be encouraged to continue to execute state law to the fullest extent by having officers continue to make arrests and seizures under state law, leaving defendants to raise the medical use provisions of the Propositions only as a defense to state prosecution.

- Department of the Treasury and the Customs Service will continue to protect the nation's borders and take strong and appropriate enforcement action against imported or exported marijuana and other illegal drugs. The Customs Service will: (a) seize unlawfully imported or exported marijuana and other illegal drugs; (b) assess civil penalties against persons violating federal drug laws; (c) seize conveyances facilitating the illegal import or export of marijuana and other illegal drugs; and (d) arrest persons committing Federal drug offenses and refer cases for prosecution to the appropriate Federal or state prosecutor.
- Treasury and the Internal Revenue Service will continue the enforcement of existing Federal tax laws which discourage illegal drug activities.
- IRS will continue to enforce existing Federal tax law as it relates to the requirement to report gross income from whatever source derived, including income from activities prohibited under Federal or state law.
- Treasury will recommend that the IRS issue a revenue ruling, to the extent permissible under existing law, that would deny a medical expense deduction for amounts expended for illegal operations or treatments and for drugs, including Schedule I controlled substances, that are illegally procured under Federal or state law.
- IRS will continue to enforce existing Federal tax law as it relates to the disallowance of expenditures in connection with the illegal sale of drugs. To the extent that state laws result in efforts to conduct sales of controlled substances prohibited by Federal law, the IRS will disallow expenditures in connection with such sales to the fullest extent permissible under existing Federal tax law.
- U.S. Postal Service will continue to pursue aggressively the detection and seizure of Schedule I controlled substances mailed through the U.S. mails, particularly in California and Arizona, and to arrest those using the mail to distribute Schedule I drugs.
- DEA together with other Federal, state, and local law enforcement agencies will work with private mail, parcel, and freight services to ensure continuing compliance with internal company policies dictating that these companies refuse to accept for shipment Schedule I controlled substances, and that they notify law enforcement officials of such activities. Federal investigations and prosecutions will be instituted consistent with appropriate criteria.

**B. Objective 2 - Ensure the integrity of the medical-scientific process by which substances are approved as safe and effective medicines in order to protect public health**

- The Controlled Substances Act embodies the conclusion of the Congress, affirmed by DEA and HHS, that marijuana, as a Schedule I drug, has "high potential for abuse" and "no currently accepted medical use in treatment in the United States." To protect the public health, all evaluations of the medical usefulness of any controlled substance should be conducted through the Congressionally established research and approval process managed by the National Institutes of Health and the Food and Drug Administration. Currently there are a few patients who receive marijuana through FDA approved investigations.
- HHS, to ensure the continued protection of the public health, will: (a) examine all medical and scientific evidence relevant to the perceived medical usefulness of marijuana; (b) identify gaps in knowledge and research regarding the health effects of marijuana; (c) determine whether further research or scientific evaluation could answer these questions; and (d) determine how that research could be designed and conducted to yield scientifically useful results.
- HHS will undertake discussions with medical organizations throughout the nation: (a) to address the "compassionate use" message; and (b) to educate medical and public health professionals by underscoring the dangers of smoked marijuana and explaining the views of NIH that a variety of approved medications are clinically proven to be safe and effective in treating the illnesses for which marijuana is purported to provide relief, such as pain, nausea, wasting syndrome, multiple sclerosis, and glaucoma.
- HHS and DOJ will identify scientific experts who could be available as needed to help inform the judicial and legislative processes on the findings and status of research on marijuana and to inform the public debate on policy issues related to marijuana.

**C. Objective 3 - Preserve Federal drug-free workplace and safety programs**

- **Transportation Workers:** Department of Transportation has issued a formal advisory to the transportation industry that safety-sensitive transportation workers who test positive under the Federally-required drug testing program may not under any circumstance use state law as a legitimate medical explanation for the presence of prohibited drugs. DOT is encouraging private employers to follow its example.
- **Federal Contractors and Grantees:** Under the Drug-Free Workplace Act, the recipients of Federal grants or contracts must have policies that prohibit the use of illegal drugs. Each Federal agency will be directed to issue a notice to its grantees and contractors to remind them: (a) of their responsibilities; (b) that the "medical" use of

marijuana or other Schedule I controlled substances remains a prohibited activity; and (c) that the failure to comply with this prohibition will make the grantee or contractor subject to the loss of eligibility to receive Federal grants and contracts. Further, Federal agencies will be instructed to increase their efforts to monitor compliance with the provisions of the Act, and to institute suspension or debarment actions against violators -- with special priority given to states enacting drug medicalization measures.

- **Federal Civilian Employees:** HHS will issue policy guidance to 130 Federal Agency Drug-Free Workplace program coordinators, the 72 laboratories certified by HHS to conduct drug tests, and trade publications that reach medical review officers. This policy guidance will state that the Propositions do not change the requirements of the Federal Drug-Free Workplace Program, which will continue to be fully enforced for federal civilian employees nationwide. Medical Review Officers will not accept physician recommendations for Schedule I substances as a legitimate explanation for a positive drug test.
- **DoD and the Military Services:** The Department of Defense will instruct civilian employees and military personnel in the active, reserve and National Guard components, that DoD is a drug-free organization, a fact that is not changed by the Propositions. The requirement that all DoD contractors maintain drug-free workplaces will be enforced.
- **Nuclear Industry Workers:** The Nuclear Regulatory Commission will continue to demand drug-free employees in the nuclear power industry, and is developing a formal advisory to emphasize that its drug free workplace regulations continue to apply.
- **Public Housing:** The Propositions will not affect the Department of Housing and Urban Development's continued aggressive execution of the "One Strike and You're Out" policy to improve the safety and security of our nation's public housing developments. HUD's principal tool for implementing "One Strike" will be the systematic evaluation of public housing agencies screening and evictions efforts through the Public Housing Management Assessment Program. This program will give HUD a standard measurement of the progress of all public housing authorities in developing effective law enforcement, screening, and occupancy policies to reduce the level of drug use, crime, and drug distribution and sales in their communities.
- **Safe Work Places:** Department of Labor will continue to implement its Working Partners Initiative, providing information to small businesses about workplace substance abuse prevention programs, focusing specific attention on trade and business organizations located in California and Arizona. DOL will accelerate its efforts to post its updated Substance Abuse Information Database (SAID) on the Internet. SAID will provide information to businesses about workplace substance abuse and how to establish workplace substance abuse prevention programs. DOL will give priority to its efforts in California and Arizona.

- **DOL's Occupational Safety and Health Administration** will send letters to the California and Arizona Occupational Safety and Health Administrations reiterating the dangers of drugs in the workplace and providing information on programs to help employers address these problems.
- **DOL's Mine Safety and Health Administration** will strictly enforce the prohibition on the use of alcohol and illegal drugs notwithstanding these Propositions.

**D. Objective 4 - Protect children from increased marijuana availability and use**

- **HHS and the Department of Education** will continue to educate the public in both Arizona and California about the real and proven dangers of smoking marijuana, using a message that will be tailored for proteens, teens, parents, educators, and medical professionals. Research demonstrates that, marijuana: (a) harms the brain, heart, lungs, and immune system; and (b) limits learning, memory, perception, judgment, and the ability to drive a motor vehicle. In addition, research shows that marijuana smoke typically contains over 400 carcinogenic compounds and may be addictive. The message will remind the public there is no medical use for smoked marijuana and will educate the public about strategies to prevent marijuana use. The message will also remind the public that the production, sale, and distribution of marijuana for medical uses not approved by DEA violates the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act.
- **HHS** will analyze all available data on marijuana use, expand ongoing surveys to determine current levels of marijuana use in California and Arizona, and track changes in marijuana use in those states.
- **HHS** will develop the survey capacity to assess trends in drug use in all states on a state-by-state basis.
- **ED** will use provisions of the Safe and Drug Free Schools Act to reinforce the message to all local education agencies receiving Federal Safe and Drug Free School funds that drug possession or use will not be tolerated in schools. This affects approximately 95% of school districts. Notwithstanding the passage of the two Propositions, local education agencies must continue to: (a) develop programs which prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students; (b) develop programs which prevent the illegal use, possession, and distribution of such substances by school employees; and (c) ensure that programs supported by and with Federal Safe and Drug Free Schools funds convey the message that the illegal use of alcohol and other drugs, including marijuana, is wrong and harmful.

- ED will review with educators in Arizona and California the effect Propositions 200 and 215 will have on drug use by students. They will also communicate nationally with school superintendents, administrators, principals, boards of education, and PTAs about the Arizona and California Propositions and the implications for their states.
- ED will develop a model policy to confront "medical marijuana" use in schools and outline actions educators can take to prevent illicit drugs from coming into schools.
- ED will develop model drug prevention programs to discourage marijuana use. These models will be disseminated to the states at a Spring 1997 conference.
- ONDCP and DOT will provide recommendations pursuant to your October 19, 1996 directive to deter teen drug use and drugged driving through pre-license drug testing, strengthened law enforcement and other means. The recommendations will underscore the point that the use of marijuana for any reason endangers the health and safety of the public.

5. Legislative Enactments: HHS and DOJ will work with Congress to consider changes to the Federal Food, Drug, and Cosmetic Act and the Controlled Substances Act, as appropriate, to limit the states' ability to rely on these and similar medical use provisions. The Administration believes that working with Congress is the course of action that will affirm the national policy to control substances that have a high potential for abuse and no accepted medical use. The objective is to provide a uniform policy which preserves the integrity of the medical-scientific process by which substances are approved as safe and effective medicines. We will also continue to consider additional steps, including conditioning Federal funds on compliance with the Controlled Substances Act and the National Drug Control Strategy.



6. Recommendation: That the President approve the actions and recommendations provided in this strategy to send a clear message to the legalization movement that we will continue to enforce Federal law and work to prevent similar Propositions from passing in other states.

1/1/97

Barry R. McCaffrey  
Director

POTUS Approval: \_\_\_\_\_



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY  
Washington, D.C. 20503

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December 30, 1996

HIGHLIGHTED PASSAGES - ADDED - TO FINAL DRAFT.

STATEMENT RELEASED BY BARRY R. McCAFFREY  
DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

THE ADMINISTRATION'S RESPONSE TO THE PASSAGE OF CALIFORNIA  
PROPOSITION 215 AND ARIZONA PROPOSITION 200.

**General:** The recent passage of propositions which make dangerous drugs more available in California and Arizona poses a threat to the National Drug Control Strategy goal of reducing drug abuse in the United States. At the direction of the President, the Office of National Drug Control Policy developed a coordinated administration strategy with the other agencies of the Federal Government to minimize the tragedy of drug abuse in America.

**Objectives:** An interagency working group chaired by ONDCP included the Departments of Justice, Treasury, Defense, Health and Human Services, Transportation, and Education, the Postal Service, and the Nuclear Regulatory Commission. This group met four times in November and December. It developed the following strategic objectives for our coordinated Federal response:

- a. Maintain effective enforcement efforts within the framework created by the Federal Controlled Substances Act and the Food, Drug, and Cosmetic Act.
- b. Ensure the integrity of the medical-scientific process by which substances are approved as safe and effective medicines.
- c. Preserve Federal drug-free workplace and safety programs.
- d. Protect children from increased marijuana availability and use.

**Courses of Action:** In developing this strategy, the inter-agency group gave due consideration to two key principles: federal authority *vis a vis* that of the states, and the requirement to ensure American citizens are provided safe and effective medicine. ONDCP and Federal drug control agencies have formed a partnership to undertake the following coordinated courses of action.





December 30, 1996

**A. OBJECTIVE 1 - MAINTAIN EFFECTIVE ENFORCEMENT EFFORTS WITHIN THE FRAMEWORK CREATED BY THE FEDERAL CONTROLLED SUBSTANCES ACT AND THE FOOD, DRUG, AND COSMETIC ACT**

- Department of Justice's position is that a practitioner's action of recommending or prescribing Schedule I controlled substances is not consistent with the "public interest" (as that phrase is used in the federal Controlled Substances Act) and will lead to administrative action by the Drug Enforcement Administration to revoke the practitioner's registration.
- DoJ and Department of Health and Human Services will send a letter to national, state, and local practitioner associations and licensing boards which states unequivocally that DEA will seek to revoke the DEA registrations of physicians who recommend or prescribe Schedule I controlled substances. This letter will outline the authority of the Inspector General for HHS to exclude specified individuals or entities from participation in the Medicare and Medicaid programs.
- DoJ will continue existing enforcement programs using the following criteria: (a) the absence of a bona fide doctor-patient relationship; (b) a high volume of prescriptions or recommendations of Schedule I controlled substances; (c) the accumulation of significant profits or assets from the prescription or recommendation of Schedule I controlled substances; (d) Schedule I controlled substances being provided to minors; and/or (e) special circumstances, such as when death or serious bodily injury results from drugged driving. The five U.S. Attorneys in California and Arizona will continue to review cases for prosecution using these criteria.

DEA will adopt seizures of Schedule I controlled substances made by state and local law enforcement officials following an arrest where state and local prosecutors must decline prosecution because of the Propositions. Once in DEA's possession the drugs can be summarily forfeited and destroyed by DEA. ~~State and local law enforcement officials will be encouraged to continue to execute state law to the fullest extent by having officers continue to make arrests and seizures under state law, leaving defendants to raise the medical use provisions of the Propositions only as a defense to state prosecu~~

Department of the Treasury and the Customs Service will continue to protect the nation's borders and take strong and appropriate enforcement action against imported or exported marijuana and other illegal drugs. The Customs Service will continue to: (a) seize unlawfully imported or exported marijuana and other illegal drugs; (b) assess civil penalties against persons violating federal drug laws; (c) seize conveyances facilitating

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AFFIRMATIVE  
DEFENSE -

December 30, 1996

the illegal import or export of marijuana and other illegal drugs; and (d) arrest persons committing Federal drug offenses and refer cases for prosecution to the appropriate Federal or state prosecutor.

- **Treasury and the Internal Revenue Service** will continue the enforcement of existing Federal tax laws which discourage illegal drug activities.
- **IRS** will enforce existing Federal tax law as it relates to the requirement to report gross income from whatever source derived, including income from activities prohibited under Federal or state law.
- **Treasury** will direct the **IRS** to issue a revenue ruling, to the extent permissible under existing law, that would deny a medical expense deduction for amounts expended for illegal operations or treatments and for drugs, including Schedule I controlled substances, that are illegally procured under Federal or state law.
- **IRS** will enforce existing Federal tax law as it relates to the disallowance of expenditures in connection with the illegal sale of drugs. To the extent that state laws result in efforts to conduct sales of controlled substances prohibited by Federal law, the **IRS** will disallow expenditures in connection with such sales to the fullest extent permissible under existing Federal tax law.
- **U.S. Postal Service** will continue to pursue aggressively the detection and seizure of Schedule I controlled substances mailed through the US mails, particularly in California and Arizona, and the arrest of those using the mail to distribute Schedule I controlled substances.
- **DEA** together with other Federal, state and local law enforcement agencies will work with private mail, parcel and freight services to ensure continuing compliance with internal company policies dictating that these companies refuse to accept for shipment Schedule I controlled substances and that they notify law enforcement officials of such activities. Federal investigations and prosecutions will be instituted consistent with appropriate criteria.

December 30, 1996

**B. OBJECTIVE 2 - ENSURE THE INTEGRITY OF THE MEDICAL-SCIENTIFIC PROCESS BY WHICH SUBSTANCES ARE APPROVED AS SAFE AND EFFECTIVE MEDICINES IN ORDER TO PROTECT PUBLIC HEALTH**

The Controlled Substances Act embodies the conclusion of the Congress, affirmed by DEA and HHS, that marijuana, as a Schedule I drug, has "high potential for abuse" and "no currently accepted medical use in treatment in the United States." To protect the public health, all evaluations of the medical usefulness of any controlled substance should be conducted through the Congressionally established research and approval process managed by the **National Institutes of Health and the Food and Drug Administration.**

~~Currently there are a few patients who receive marijuana through FDA approved investigations.~~

EXCEPTION  
TILL EXISTS

HHS to ensure the continued protection of the public health will: (a) examine all medical and scientific evidence relevant to the perceived medical usefulness of marijuana; (b) identify gaps in knowledge and research regarding the health effects of marijuana; (c) determine whether further research or scientific evaluation could answer these questions; and (d) determine how that research could be designed and conducted to yield scientifically useful results.

HHS will undertake discussions with medical organizations throughout the nation: (a) to address the "compassionate use" message; and (b) to educate medical and public health professionals by underscoring the dangers of smoked marijuana and explaining the views of NIH that a variety of approved medications are clinically proven to be safe and effective in treating the illnesses for which marijuana is purported to provide relief, such as pain, nausea, wasting syndrome, multiple sclerosis, and glaucoma.

**C. OBJECTIVE 3 - PRESERVE FEDERAL DRUG-FREE WORKPLACE AND SAFETY PROGRAMS**

**Transportation Workers:** Department of Transportation has issued a formal advisory to the transportation industry that safety-sensitive transportation workers who test positive under the Federally-required drug testing program may not under any circumstance use state law as a legitimate medical explanation for the presence of prohibited drugs. DOT is encouraging private employers to follow its example.

**Federal Contractors and Grantees:** Under the Drug-Free Workplace Act, the recipients of Federal grants or contracts must have policies that prohibit the use of illegal drugs. Each Federal agency will issue a notice to its grantees and contractors to remind them: (a) of their responsibilities; (b) that any use of marijuana or other Schedule I

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controlled substances remains a prohibited activity; and (c) that the failure to comply with this prohibition will make the grantee or contractor subject to the loss of eligibility to Federal grants and contracts. Further, Federal agencies will increase their efforts to monitor compliance with the provisions of the Act, and to institute suspension or debarment actions against violators -- with special priority given to states enacting drug medicalization measures.

**Federal Civilian Employees:** HHS will issue policy guidance to all 130 Federal Agency Drug-Free Workplace program coordinators, the 72 laboratories certified by HHS to conduct drug tests, and trade publications that reach medical review officers. This policy guidance states that the Propositions do not change the requirements of the Federal Drug-Free Workplace Program, which will continue to be fully enforced for federal civilian employees nationwide. Medical Review Officers will not accept physician recommendations for Schedule I substances as a legitimate explanation for a positive drug test.

**DoD and the Military Services:** The Department of Defense will instruct civilian employees and military personnel in the active, reserve and National Guard components, that DoD is a drug-free organization, a fact that is not changed by the Propositions. The requirement that all DoD contractors maintain drug-free workplaces will continue to be enforced.

**Nuclear Industry Workers:** The Nuclear Regulatory Commission will continue to demand drug-free employees in the nuclear power industry, and will develop a formal advisory to emphasize that its drug free workplace regulations continue to apply.

**Public Housing:** The Propositions will not affect the Department of Housing and Urban Development's continued aggressive execution of the "One Strike and You're Out" policy to improve the safety and security of our nation's public housing developments. HUD's principal tool for implementing "One Strike" will be the systematic evaluation of public housing agencies screening and evictions efforts through the Public Housing Management Assessment Program. This program will give HUD a standard measurement of the progress of all public housing authorities in developing effective law enforcement, screening, and occupancy policies to reduce the level of drug use, crime, and drug distribution and sales in their communities.

**Safe Work Places:** Department of Labor will continue to implement its Working Partners Initiative, providing information to small businesses about workplace substance abuse prevention programs, focusing specific attention on trade and business organizations located in California and Arizona. DOL will accelerate its effort to post its updated Substance Abuse Information Database (SAID) on the Internet. SAID will provide information to businesses about workplace substance abuse and how to establish

December 30, 1996

workplace substance abuse prevention programs. DOL will give priority to its efforts in California and Arizona.

DOL's Occupational Safety and Health Administration will send letters to the California and Arizona Occupational Safety and Health Administrations reiterating the dangers of drugs in the workplace and providing information on programs to help employers address these problems.

DOL's Mine Safety and Health Administration will continue to strictly enforce the prohibition on the use of alcohol and illegal drugs notwithstanding these Propositions.

**D. OBJECTIVE 4 - ~~PROTECT CHILDREN FROM INCREASED MARIJUANA AVAILABILITY AND USE~~**

HHS and the Department of Education will educate the public in both Arizona and California about the real and proven dangers of smoking marijuana. A message will be tailored for preteens, teens, parents, educators, and medical professionals. Research demonstrates that, marijuana: (a) harms the brain, heart, lungs, and immune system; and (b) limits learning, memory, perception, judgment, and the ability to drive a motor vehicle. In addition, research shows that marijuana smoke typically contains over 400 carcinogenic compounds and may be addictive. The message will remind the public there is no medical use for smoked marijuana and will educate the public about strategies to prevent marijuana use. The message will also remind the public that the production, sale, and distribution of marijuana for medical uses not approved by DEA violates the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act.

HHS will analyze all available data on marijuana use, expand ongoing surveys to determine current levels of marijuana use in California and Arizona, and track changes in marijuana use in those states.

HHS will develop the survey capacity to assess trends in drug use in all states on a state-by-state basis.

The Department of Education (ED) will use provisions of the Safe and Drug Free Schools Act to reinforce the message to all local education agencies receiving Federal Safe and Drug Free School funds that any drug possession or use will not be tolerated in schools. This affects approximately 95% of school districts. Notwithstanding the passage of the two Propositions, local education agencies must continue to: (a) develop programs which prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students; (b) develop programs which prevent the illegal use, possession,

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December 30, 1996

and distribution of such substances by school employees; and (c) ensure that programs supported by and with Federal Safe and Drug Free Schools funds convey the message that the illegal use of alcohol and other drugs, including marijuana, is wrong and harmful. ED will review with educators in Arizona and California the effect Propositions 200 and 215 will have on drug use by students. They will also communicate nationally with school superintendents, administrators, principals, boards of education, and PTAs about the Arizona and California Propositions and the implications for their states.

- ED will develop a model policy to confront "medical marijuana" use in schools and outline actions educators can take to prevent illicit drugs from coming into schools.
- ED will develop model drug prevention programs to discourage marijuana use. These models will be disseminated to the states at a Spring 1997 conference.
- ONDCP and DOT will provide recommendations pursuant to the October 19, 1996 Presidential directive to deter teen drug use and drugged driving through pre-license drug testing, strengthened law enforcement and other means. The recommendations will underscore the point that the use of marijuana for any reason endangers the health and safety of the public.

5 **Legislative Enactments:** ONDCP, HHS and DOJ will work with Congress to consider changes to the Federal Food, Drug, and Cosmetic Act and the Controlled Substances Act, as appropriate, to limit the states' ability to rely on these and similar medical use provisions. The Administration believes that working with Congress is the course of action that will affirm the national policy to control substances that have a high potential for abuse and no accepted medical use. The objective is to provide a uniform policy which preserves the integrity of the medical-scientific process by which substances are approved as safe and effective medicines. We will also consider additional steps, including conditioning Federal funds on compliance with the Controlled Substances Act and the National Drug Control Strategy.



# EXHIBIT B



*Ag/Health*

cc BALLAN  
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STATE OF CALIFORNIA  
OFFICE OF THE ATTORNEY GENERAL

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

BILL LOCKYER  
ATTORNEY GENERAL

January 27, 1999

*Shirley: who  
is our point person  
on this? KM*

The Honorable Christine O. Gregoire  
Attorney General  
Office of the Attorney General  
P.O. Box 40100  
Olympia, WA 98504-0100.

*HAC  
of Ann  
Ryan*

Dear Attorney General *Christine* Gregoire:

The states of Alaska, Arizona, California, Nevada, Oregon, and Washington share a policy issue of unusual complexity – the voters in each of our states have enacted a measure authorizing the use of marijuana to reduce pain and suffering in cases where it is medically useful. This letter is to invite you or a representative to join in a mutual discussion of the implementation of the initiatives.

My view is that the voters were primarily speaking to their concerns about the relief of suffering, rather than intending a vote to legalize or endorse the general use of marijuana. Nevertheless, harmonizing the initiatives with other state laws involves some delicate balancing. To further complicate the situation, the federal government has so far been unable to assist the states in implementing the views of their citizens.

There should be benefits in sharing the experience we have acquired to date, in discussing the similarities and differences in our initiative measures, in evaluating possible common approaches to putting these measures into effect in a practical and reasonable manner and – finally – in devising a way of talking to the federal drug authorities to see what kind of common sense solution can be devised to smooth the interaction of state and federal drug laws. I cannot help but believe that a mutual approach from our region – five significant Western states – would benefit us more than sporadic individual efforts.



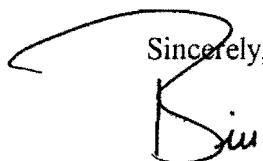
I propose that we meet in Sacramento on February 19, 1999, to talk about our medical marijuana initiatives and would be pleased to act as host for the meeting. I plan to attend myself for at least a substantial portion of the meeting. You would be welcome to come in person or to have one or two of your staff attend for you. I suggest we meet at 1 p.m. in my office at 1300 I Street and go until approximately 4 p.m., unless we agree to keep working beyond that time.





Special Assistant Attorney General Dave De Alba (916/324-5362) is my point person on this issue and will work with you or your designee to firm up an agenda. Nelson Kempsey (916/323-1939) and Karen White (916/323-1992), both of CWAG, will make the meeting arrangements for us. Whether or not you decide to attend this meeting, I urge you to appoint a contact person on this issue so that we may keep in touch with each other as problems and solutions develop. Your contact person will also be asked to provide Karen White with a copy of your state's initiative text so that we can put together a package to share.

Thank you for your consideration of this interesting and difficult topic. I look forward to talking with you or your representative about how best to deal with it.

Sincerely,  


BILL LOCKYER  
Attorney General

## Battan, Shirley (ATG)

---

**From:** Hankins, David (ATG)  
**Sent:** Wednesday, May 12, 1999 2:27 PM  
**To:** Battan, Shirley (ATG)  
**Subject:** RE: Medical marijuana

Hi, Shirley, I am sorry I have not gotten back to you sooner, based upon your previous e-mail. I did have an opportunity to review the materials that the Board of Pharmacy had, but they were not helpful as to the 60 day supply issue. I would be happy to revisit this issue in more detail, if you would like. In talking with Don Williams, he indicated that the materials he has does not answer the issue of 60 day supply. Please advise.

*David M. Hankins*  
*Assistant Attorney General*  
*(360) 753-2719*  
*(360) 664-0174 Fax*

-----Original Message-----

**From:** Battan, Shirley (ATG)  
**Sent:** Wednesday, May 12, 1999 9:02 AM  
**To:** Blonien, Scott (ATG); Dygert, Hal (ATG); Ryan, Ann (ATG); Hankins, David (ATG); Smith-Merkulov, Carol (ATG); Carey, Cheryl (ATG)  
**Subject:** Medical marijuana  
**Importance:** High

This is a follow up to the memo I sent on April 20th as follow up to our medical marijuana meeting April 7th.

BC  
172  
I had asked at that meeting that I be kept in the loop on any advice or assistance that any of you are providing to your clients on this issue. I have received nothing from any of you so am assuming that no advice or assistance is currently underway. If that is not the case, please let me know right away what you are working on and/or please send copies of anything written.

★  
We had also discussed, and then I confirmed in the memo, that some of you (David and Lisa?) would be looking into obtaining copies of certain data/studies that we would then forward to WAPA in case they could be used by WAPA in developing guidelines for prosecutors, particularly in the area of "60 day supply". The only material I have received is from Pat Brown at Health through Hal. I also obtained a yield/growth study from the California AG's office. None of these materials appear to be particularly useful but I am going to send them to WAPA anyway. However, I want to be able to either send all materials at once, or let them know we were unsuccessful in locating others so that we close the loop with them.

We are still awaiting the expected opinion request from Senator Kohl-Welles. In the meantime Chris has said to get going on it, so Jim Pharris and I may need to be in touch with some of you on this.

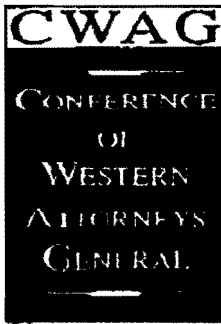
★  
I spoke to Dave DeAlba, Special AAG, at the California AG's office recently. He indicated that AG Lockyear was so discouraged by the meeting in D.C. during the NAAG spring meeting with Barry McAffrey (that Chris attended) that they have changed tacts on this issue and decided to write proposed legislation that would be in place at such time as the federal government decided to reschedule it from I to II. There is currently a petition to do so that has gone through DEA and is now with HHS. California was asked to sign on as a sort of amicus to the petition, but when I talked to Dave a couple of weeks ago they hadn't decided that they were going to do that. I think their approach isn't much of an approach, frankly, nor does Chris.

Finally, Lisa, you were going to work with your client on some potential revisions to the WSMA authorization form and circulate that for comment among this group. I hadn't seen that come through yet, but if you could do that as soon as it is in a form that's "circulatable" (is that a word?), I'd appreciate it.

Thanks.

- *Shirley Battan (shirleyb@atg.wa.gov)*

# EXHIBIT C



Nelson Kempsey  
Executive Director  
1300 I Street, Suite 1340  
Sacramento, California 95814

Phone: (916) 323-1939  
Fax: (916) 323-0241  
nkempsey@counsel.com

**TO:** Attorney General Bruce Botelho  
Attorney General Chris Gregoire  
Attorney General Hardy Myers  
Attorney General Bill Lockyer  
Attorney General Janet Napolitano  
Attorney General Margery Bronster

**FROM:** Nelson Kempsey  
Executive Director

**DATE:** March 15, 1999

**SUBJECT:** NAAG/CWAG Spring Meeting In Washington D.C.  
Opportunity for Meeting With National Drug Control Policy Office  
Director Barry McCaffrey on the topic of Medical Marijuana



Director Barry McCaffrey of the National Drug Control Policy Office will be speaking to NAAG attendees at the White House on Thursday, March 25. He has offered to meet with interested Western Attorneys General from 4:00 p.m. - 4:30 p.m. on the topic of medical marijuana.



The Thursday, March 25 NAAG schedule at the White House begins at 1:30 p.m. with addresses by Vice President Al Gore, Secretary of Education of Richard Riley and Director McCaffrey. There is a press opportunity scheduled on the White House Lawn from 3:45 p.m. - 4:30 p.m. A meeting with Director McCaffrey would cut the press opportunity short for those participating. Please indicate your preference below as to whether we should proceed with this meeting.

Yes, I want the meeting with Director McCaffrey

No, pass on the McCaffrey meeting

Please fax this form back to CWAG  
Fax (916) 323-0241

JW-00435  
PRR-2007-00244/264

Conference of Western Attorneys  
General (CWAG)  
1300 I Street  
Sacramento, CA 95814  
Tel: (916) 323-1939  
FAX: (916) 323-0241  
E-mail: <Tom.gede@doj.ca.gov>  
Permanent: <tomgede@stanfordalumni.org>  
Website: <www.CWAGweb.org>

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

DOCUMENTS WITHHELD

> > at health through Hal. I also obtained a yield/growth study from the  
> > California AG's office. None of these materials appear to be particularly  
> > useful but I am going to send them to WAPA anyway. However, I want to be  
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> > do that as soon as it is in a form that's "circulatable" (is that a  
> > word?), I'd appreciate it.

A-C  
P12

> > Thanks.  
> > \* Shirley Battan (shirleyb@atg.wa.gov)

> >  
>

## Battan, Shirley (ATG)

---

**From:** Gregoire, Chris (ATG)  
**Sent:** Wednesday, May 05, 1999 2:02 PM  
**To:** Battan, Shirley (ATG)  
**Cc:** Olson, Fred (ATG)  
**Subject:** FW: press contact - medical marijuana

★ Shirley, I think a call from you outlining the number of steps we have taken would be good including the meeting in California and the meetings I had with the Attorney General and the Drug Czar and with my colleagues, plus the meetings you have had. It shows the level of work and interest going into this thing.

—Original Message—

**From:** Anthony, Chris (ATG)  
**Sent:** Thursday, April 29, 1999 3:37 PM  
**To:** Brian Smith; Chris Gregoire; Fred Olson; Janice Marich; Kathy Mix; Liz Mendizabal; Maureen Scharber  
**Subject:** FW: press contact - medical marijuana

—Original Message—

**From:** ATG Media Contacts  
**Sent:** Thursday, April 29, 1999 3:11 PM  
**To:** Anthony, Chris (ATG); Larson, Gary (ATG)  
**Subject:** FW: press contact - medical marijuana

---

**From:** Ryan, Ann (ATG)  
**Sent:** Thursday, April 29, 1999 3:10:57 PM  
**To:** Battan, Shirley (ATG)  
**Cc:** ATG Media Contacts; Dygert, Hal (ATG); Mendizabal, Liz (ATG)  
**Subject:** press contact - medical marijuana  
**Auto forwarded by a Rule**

Yesterday, I returned a call from a reporter at the Seattle Times - Carol Osterman. She was calling about the implementation of the medical marijuana law. She seems to have 2 principle areas of interest. One, there is a patient at Harborview who apparently told her that doctors there are not signing statements because of uncertainty about the law. Two, she is interested in what the Attorney General's Office is doing, and how I shared some with her about the process involved in obtaining a formal opinion and that our office did not/could not just issue "guidelines", which she seemed to think might be the process. I told her there have been a number of meetings with different groups about how to address the issues of concern. I told her I wasn't certain I was the best person for her to talk to, and that I would call her back.

I talked with Lisa Vincier today. They - Harborview - have also been contacted by the reporter. They decided that Medical Director Mac Hooton would be the best spokesperson, and the reporter has apparently also been given his phone number. There is no prohibition against signing statements and the medical association form is available. Lisa indicated that the patient who may have originally talked to the reporter may be organizing some kind of demonstration at the AIDS clinic tomorrow. I faxed to her the Q & A forms from both the medical association and the Department of Health. She will see that those are forwarded to the reporter.

As to the questions about what the AGO is doing, I am assuming that you would want to address those as the coordinator/lead on this issue in the office. Please let me know if this is correct, and I will call the reporter back.

ATTORNEY GENERAL OF WASHINGTON

cc: Kathy

**MEMORANDUM**

March 15, 1999

TO: Linda Fredericks, Executive Assistant  
FROM: Sally Pearson, Paralegal  
SUBJECT: **Medical Marijuana**

Enclosed is a copy of Conant v. McCaffrey, which Chris requested as the result of a briefing she had with Shirley Battan, Hal Dygert, and Ann Ryan last Friday. She wanted to read the enclosed case in preparation for her upcoming NAAG meeting.

Please let me know if you have any questions.

SJP\

Enclosure

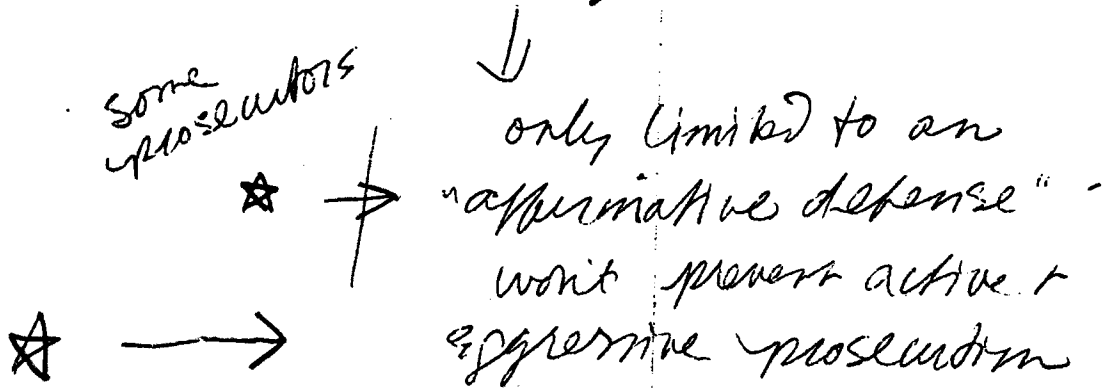




# EXHIBIT D

WA. State Patrol - policy  
regarding how stops  
will be handled.  
This WSP policy will published

- med. mar. permission/  
authorization stmt.



Board of Pharm. -  
can't reclassify mar. from  
Sch. I → Sch. 2

# EXHIBIT E

**Seattle Times Editorial Reports Washington State Lt. Governor Brad Owens Fined  
For Using Tax Dollars To Campaign Against State Medical Marijuana Initiative**

**TAXPAYERS CAN'T FINANCE PRIVATE DRUG CAMPAIGNS**

(Marijuananeews note: The headline is almost comically wrong. In reality, this is only the "tip of the iceberg" in the use of tax dollars to support marijuana prohibition. MarijuanaNews is one of the very few places that you will ever hear about this. Most of it is done under the guise of "drug education", but Owens was just too blatant.

He even created a web site called the Mfiles.com using federal "High Intensity Drug Trafficking Area" funds to campaign against the medical marijuana initiative. See links at bottom of page.)

**From The Seattle Times  
Editorial**

**[opinion@seattimes.com](mailto:opinion@seattimes.com)**

**<http://www.seattletimes.com/>**

**December 30, 1998**

**See**

**[Seattle Times Carries Scathing Attack On Hypocrisy Of Opponents Of Medical Marijuana](#)**

**BRAD Owen hates drugs so much that he will do anything, it seems, to stop them: Give speeches to critical teenagers. Create a rock band to sing anti-drug songs. Even step outside the law to push a public vote toward his anti-drug convictions.**

**The state lieutenant governor's \$7,000 settlement with the state Executive Ethics Board for his fight against Initiative 685 shows the deliberate separation a public official must make between his personal passions and professional responsibilities.**

**Owen ran for lieutenant governor in 1996 on an anti-drug platform and won, urging prevention, education and enforcement as the keys to safe communities. Then he turned his office into a taxpayer-financed bully pulpit.**

**The trouble began last year with I-685, which would have legalized the medicinal use of marijuana, heroin and other drugs, and decriminalized most personal drug possession and use.**

**Owen could have stuck to his First Amendment right of expressing his contempt for the initiative. He could have followed state law by responding to individual inquiries for information. Instead, his office became a mini-campaign headquarters of sorts. The ethics board contends he used public employees, equipment, federal grant money and his own working hours to illegally distribute countless letters, press releases and documents against the initiative.**

**Owen's logic is compelling: If he is passionate about his job, and if his job includes anti-drug work, isn't it a natural extension of his work to fight a pro-drug campaign?**

**No, for the same reason a school superintendent can't send a thousand faxes from his office begging people to vote "yes" on a school levy. When the government gets**

involved, it becomes a government-financed campaign. For a state employee to use public money to kill a state initiative is even worse, undermining the intent of the initiative process.

Initiative 685 failed, thankfully. Its reasonable cousin, the medicinal marijuana Initiative 692, passed this November - no thanks to Owen, who helped lead the "We Said No!" effort against it. State fines and laws can't keep Owen from shouting hyperbole during his free time, but they can remind him not to do it at the voters' expense.

Copyright: 1998 The Seattle Times Company  
See

The Mfiles – More Paranoid Than The Xfiles But Less Believable;  
Federal Funds Used For Prohibitionist Propaganda Against Washington State Medical  
Marijuana Initiative

Lies and Libels and Nonsense

Mfiles Announced On Local MSNBC In Pure Party Line "Journalism"

"NORML has drawn on an assortment of academics, drug users, growers, and  
traffickers,

and commercial drug culture entrepreneurs to serve on its board." -- Libels and  
Nonsense from the Mfiles

Lie About Medical Marijuana,

But Admit That It Was Suppressed When It Was The Only Relief Available -- From the  
Mfiles

Califano And Friends Lie To Us About Marijuana And Holland -- the Mfiles

More Lies About The Dutch -- From The Mfiles

And Hemp Is Just Marijuana Say the Mfiles

Absolute Paranoia In "The Culture Wars"

-- Or I Just Found Out That Buckley and I Are Commies From The Mfiles

Is Marijuana A Hard Drug? Do Rats Shoot It Up On The Mfiles?

Freedom has nothing to fear from the truth.

**Northwest HIDTA Statement of Work**

**Fed. HIDTA Award #I0PNWP509**

**Office of the Washington State Lieutenant Governor**

**304 Legislative Building**

**P.O. Box 40482**

**Olympia, WA 98504-0482**

**Attn: Jo Ann Sample, Budget Analyst 360/786-7746 FAX 360/786-7749**

**\$45,000.00**

**FROM: May 1, 2000**

**TO: December 31, 2000**

**102**

**The total maximum consideration is \$45,000.00.** The source of these funds is the Northwest High Intensity Drug Trafficking Area (NW HIDTA) Public Education/Awareness Initiative, HIDTA Grant Award number I0PNWP509.

Changes not to exceed a cumulative 10 percent may be made . . . provided that the Contractor shall notify the Northwest HIDTA Prevention/Treatment Manager. . . . All other changes . . . must receive prior Northwest HIDTA approval. . . .

**299 Other, as follows:** The Contractor shall render monthly invoices . . . The original voucher shall be submitted direct to:

Northwest HIDTA  
400 2<sup>nd</sup> Avenue West, 3<sup>rd</sup> Floor  
Seattle, WA 98119  
ATTN: Prevention/Treatment Manager

**699 Other, as follows:** The Contractor will assist in the development and implementation of a region-wide, coalition-based prevention strategy to effect a reduction in the demand for drugs within the Northwest HIDTA. The strategy will entail a set of prevention approaches and activities that are based on the identification and understanding of the risk and protective factors associated with the availability, use and on-going abuse of drugs by children and adults.

This strategy is an essential component of the Northwest HIDTA Plan to address the elements of the regional Threat Assessment, as well as local efforts to achieve the following goals of the Office of National Drug Control Policy:

**Northwest HIDTA 2004 Statement of Work**

**Contractor:**

**Office of the Washington State Lieutenant Governor**

**205 Insurance Building**

**P.O. Box 40400**

**Olympia, WA 98504-0482**

**ATTN: John Thompson, Chief of Staff**

**TEL 360/786-7700 FAX 360/786-7749 Thompson\_jo@leg.wa.gov.**


**FROM: January 1, 2004**

**TO: December 31, 2004**

**The total maximum consideration is \$45,000.00. The source of these funds is the Northwest High Intensity Drug Trafficking Area (NW HIDTA) Grant Award Number I4PNWP506, with the amount of \$45,000.00 derived from the Public Education/Awareness Initiative.**

**The Contractor shall submit original monthly invoices directly to:**

Northwest HIDTA  
400 2<sup>nd</sup> Avenue West, 3<sup>rd</sup> Floor  
Seattle, WA 98119  
ATTN: Prevention/Treatment Manager

 **The Contractor has been selected as a partner among agencies endeavoring to achieve the NW HIDTA mission: to measurably reduce drug trafficking, money laundering and drug-related crimes; and to reduce demand by supporting treatment and effective demand reduction programs.**

**These endeavors in turn support the mission of the national HIDTA Program which is "to help enhance and coordinate America's drug-control efforts among federal, state and local agencies in order to eliminate or reduce drug trafficking (including the production, manufacture, transportation, distribution, and chronic use of illegal drugs and money laundering) and its harmful consequences in critical regions of the United States". Indicators of the effectiveness of these efforts will reflect a reduction in the availability of drugs and a reduction in the harmful consequences of drug trafficking.**

**In so doing, the Contractor assists in addressing the priorities of the National Drug Control Strategy:**

- Stopping drug use before it starts;
- Healing America's drug users by getting treatment resources where they are needed;

**Northwest HIDTA 2005 Statement of Work**

**Contractor:**

**Office of the Washington State Lieutenant Governor**

**220 Legislative Building**

**P.O. Box 40400**

**Olympia, WA 98504**

**ATTN: John Thompson, Chief of Staff**

**TEL 360/786-7700 FAX 360/786-7749 Thompson\_jo@leg.wa.gov.**

**FROM: January 1, 2005**

**TO: December 31, 2005**


**The total maximum consideration is \$32,000.00. The source of these funds is the Northwest High Intensity Drug Trafficking Area (NW HIDTA) Grant Award Number I5PNWP506, with the amount of \$32,000.00 derived from the Public Education/Awareness Initiative.**

**The Contractor shall submit original monthly invoices directly to:**

Northwest HIDTA  
400 2<sup>nd</sup> Avenue West, 3<sup>rd</sup> Floor  
Seattle, WA 98119  
ATTN: Prevention/Treatment Manager

05 NOV 28 18:57

RECEIVED  
OFM ACCOUNTING DIV

 **The Contractor has been selected as a partner among agencies endeavoring to achieve the NW HIDTA mission: to measurably reduce drug trafficking, money laundering and drug-related crimes; and to reduce demand by supporting treatment and effective demand reduction programs.**

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**In so doing, the Contractor assists in addressing the priorities of the National Drug Control Strategy:**

- Stopping drug use before it starts;
- Healing America's drug users by getting treatment resources where they are needed;
- Disrupting the drug market.



# EXHIBIT F

08

## ASSURANCES – NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

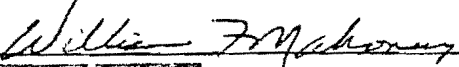
**NOTE:** Certain of these assurances may not be applicable to your project or program, if you have questions, please contact the awarding agency. Further, certain Federal-awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost) to ensure proper planning, management and completion of the project describe in this application.
2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all record, books, paper, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. U. C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. 1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U. S. C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U S C. 3601 et seq), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assistance programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U. S.C. 1501-1508 and 7324-7328) which limit the political activities are funded in whole or in part with Federal Funds.

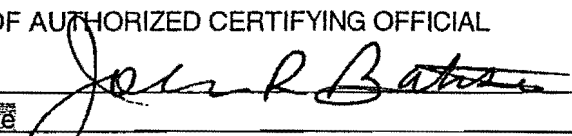
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interest in real property acquired for project purpose regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), The contract Work hours and safety Standards Act (40 U. S. C. 327-333) regarding labor standards for federally assisted construction subagreements.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more
15. Will comply with environmental standards which may be prescribe pursuant to the following: (a) institution of environmental quality control measures under the National environmental policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazard in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered species Act of 1973, as amended, (P.L. 93-205).
16. Will comply with the wild and scenic rivers act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the single Audit Act of 1984.
19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  <u>William F. Mahoney</u>	TITLE <u>Sheriff</u>
APPLICANT ORGANIZATION <u>Cowlitz County Sheriff's Office</u>	DATE SUBMITTED <u>04/805</u>

# EXHIBIT G

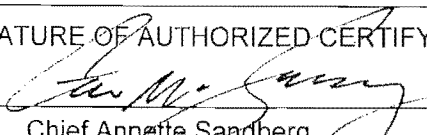
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interest in real property acquired for project purpose, regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), The contract Work hours and safety Standards Act (40 U.S.C. 327-333) regarding labor standards for federally assisted construction subagreements.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more
15. Will comply with environmental standards which may be prescribe pursuant to the following: (a) institution of environmental quality control measures under the National environmental policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 1.1514; (h) notification of violating facilities pursuant to HO 11738; (c) protection of wetlands pursuant to IO 11990; (d) evaluation of flood hazard in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered species Act of 1973, as amended, (P.L. 93-205).
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17. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the single Audit Act of 1984.
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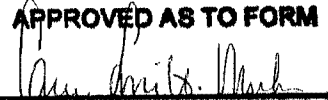
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
 John Batiste	Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 4/26/05

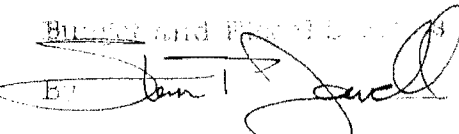
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3. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), The contract Work hours and safety Standards Act (40 U. S. C. 327-333) regarding labor standards for federally assisted construction subagreements.
4. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more
5. Will comply with environmental standards which may be prescribe pursuant to the following: (a) institution of environmental quality control measures under the National environmental policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c)

- protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazard in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered species Act of 1973, as amended, (P.L. 93-205).
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8. Will cause to be performed the required financial and compliance audits in accordance with the single Audit Act of 1984.
9. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.



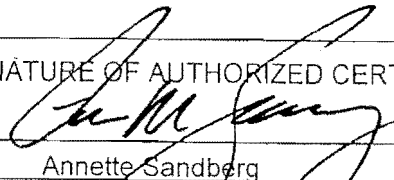
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Chief Annette Sandberg	TITLE  Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED <u>1/19/99</u>

**APPROVED AS TO FORM**  
  
**ASSISTANT ATTORNEY GENERAL**

**BURDEN AND FINCH**  
  
BY

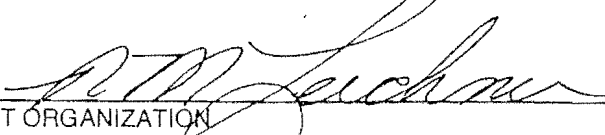
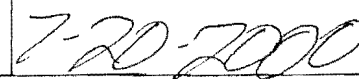
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6. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
7. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
9. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Annette Sandberg	TITLE  Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED  _____

- 9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
- 10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
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- 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

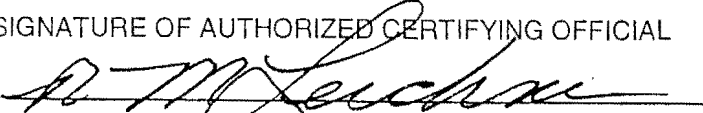


SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Chief
AGENCY ORGANIZATION Washington State Patrol	DATE SUBMITTED 



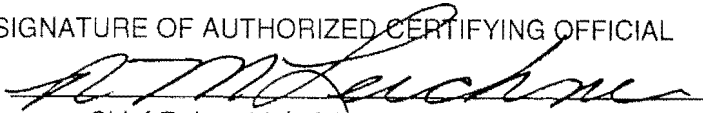
1. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U. S. C. 276a to 276a - 7), the Copeland Act (40 U. S. C. 276c and 18 U. S. C. 874), and the Contract Work Hours and Safety Standards Act (40 U. S. C. 327-333), regarding labor standards
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10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Chief Robert M. Lechner	TITLE CHIEF
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 3-23-2001

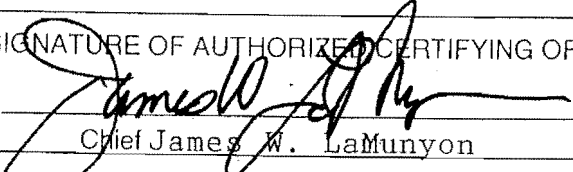
1. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interest in real property acquired for project purpose regardless of Federal participation in purchases.
2. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
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9. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Chief Robert M. Leichner	TITLE CHIEF
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 3-23-2001

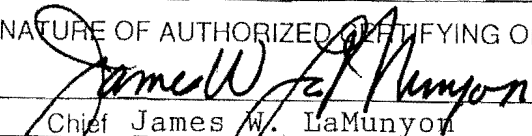
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9. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Chief James W. LaMunyon	TITLE Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 7/12/61

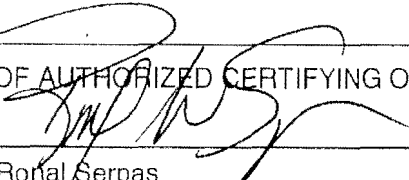
1. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U. S. C. 276a to 276a – 7), the Copeland Act (40 U. S. C. 276c and 18 U. S. C. 874), and the Contract Work Hours and Safety Standards Act (40 U. S. C. 327-333), regarding labor standards
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6. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
7. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
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10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Chief James W. LaMunyon	TITLE Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 7/12/01

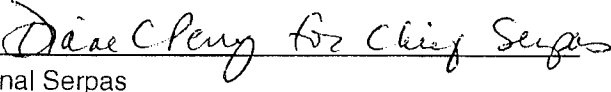
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3. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) if the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L..93-205).
4. Will comply with the Wild and Scenic: Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
5. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
6. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
7. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
9. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Chief Ronal Serpas		TITLE
APPLICANT ORGANIZATION Washington State Patrol	C020532FED	DATE SUBMITTED 2/27/02

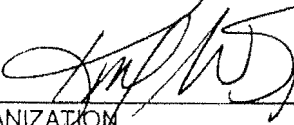
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U. S. C. 276a to 276a – 7), the Copeland Act (40 U. S. C. 276c and 18 U. S. C. 874), and the Contract Work Hours and Safety Standards Act (40 U. S. C. 327-333), regarding labor standards
10. for federally assisted construction sub agreements. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) if the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L.93-205).
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13. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE
 Ronal Serpas		Chief
APPLICANT ORGANIZATION	CO30380FED	DATE SUBMITTED
Washington State Patrol		4/14/03

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
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17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

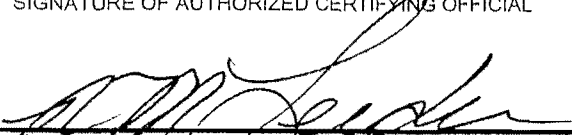


SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 6/5/02

- 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 *et seq.*).
- 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544), as amended (7 U.S.C. 2131 *et seq.*), pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

- 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 *et seq.*), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
- 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Chief
APPLICANT ORGANIZATION Washington State Patrol	Date Submitted 3-21-2001



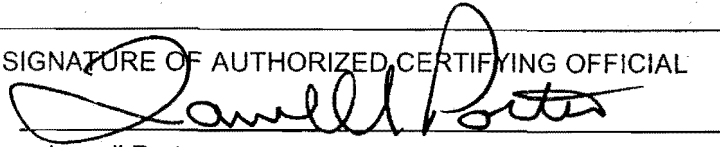
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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
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12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with section 116 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), FO 11593 (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1. et seq.).
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18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL <i>John R. Batista</i>	TITLE Chief
APPLICANT ORGANIZATION Washington State Patrol	DATE SUBMITTED 7/26/05

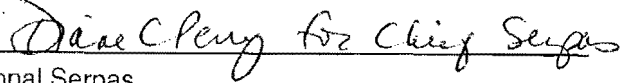
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5. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
6. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
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10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Lowell Porter	TITLE Chief
APPLICANT ORGANIZATION Northwest HIDTA	DATE SUBMITTED _____

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U. S. C. 276a to 276a - 7), the Copeland Act (40 U. S. C. 276c and 18 U. S. C. 874), and the Contract Work Hours and Safety Standards Act (40 U. S. C. 327-333), regarding labor standards
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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Ronal Serpas	TITLE Chief
APPLICANT ORGANIZATION Washington State Patrol	C030380FED DATE SUBMITTED 4/14/03

# EXHIBIT H

To: worthingtonjw2u@hotmail.com

Dear Mr. Worthington,

The Washington State Patrol has completed researching your below request. The WSP does not have any records pertaining to this investigation. Please contact the Department of Justice to obtain records regarding this incident.



Sincerely,

**Gretchen Dolan**

Washington State Patrol

Public Records Manager

PO Box 42631

Olympia WA 98504

w/(360)753-5467

c/(360)951-9036

f/(360)753-0234

*This message and any attachments may be confidential. Dissemination, distribution, or copying of this communication without approval is prohibited. If this message is received in error, please notify the sender and delete the message.*

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**From:** john worthington [mailto:worthingtonjw2u@hotmail.com]

**Sent:** Tuesday, January 22, 2008 10:05 AM

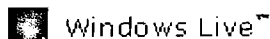
**To:** Webmaster - Pub Rec Reqts

**Subject:** PUBLIC DISCLOSURE REQUEST

Washington State Patrol

PO BOX42631

OLYMPIA, WA. 98504-2631

**RE: PUBLIC DISCLOSURE REQUEST PD-08-1055-0028**From: **Gretchen.Dolan@wsp.wa.gov**

Sent: Tue 2/19/08 5:38 PM

To: **worthingtonjw2u@hotmail.com**

Dear Mr. Worthington,

The entities you mention below are not part of the WSP. This employee is contracted to these entities, who maintain their own offices, their own organizational structure, their own services, and their own records. We do not have possession of these records in any way. If these were WSP records, or if they were in our possession, we would provide them to you or cite to a specific exemption under the Public Records Act RCW 42.56 as our justification for withholding them. However, in this case, we are not withholding anything as we do not have anything. I apologize if my original response did not properly explain the situation. Please feel free to contact me if you have any additional questions.



Sincerely,

**Gretchen Dolan**

Washington State Patrol

Public Records Manager

PO Box 42631

Olympia WA 98504

w/(360)753-5467

c/(360)951-9036

f/(360)753-0234

*This message and any attachments may be confidential. Dissemination, distribution, or copying of this communication without approval is prohibited. If this message is received in error, please notify the sender and delete the message.*

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**From:** john worthington [mailto:worthingtonjw2u@hotmail.com]**Sent:** Friday, February 15, 2008 5:38 PM**To:** Dolan, Gretchen (WSP)**Subject:** RE: PUBLIC DISCLOSURE REQUEST PD-08-1055-0028

Hello Gretchen,

Fred Bjornberg is paid by the state,he is a state employee in a state drug task force.

His records should be subject to the Washington State public disclosure act.

The Warrant was issued by a state judge,to a state drug task force West Net working with another state drug task force Tahoma narcotics enforcement team.

The state of Washington initiated this case not the federal government.

I am renewing a request for those records until you claim a specific exemption for Washington State agency reports citing a specific RCW..

## 2007 Washington State Patrol List of Employees, Job Title and Salary


**ET** is Employee Type: 6 is faculty, 7 is non-faculty, 1 is classified by state merit rules, 2 is exempt from state merit rules

**PU** is Pay Unit: M is monthly, H is hourly, C is contracted, D is daily,

**MP** is months paid

**%FT** is percent of full-time

Name	Job Title	ET-PU	MP	%FT	Salary
AALONA, BARBARA G	OFF ASST 3	1M	0	100	2588
ABELL, CARSON H	WSP Trooper Less	2M	0	100	3742
ABOE, MICHAEL B	VOC EDUC PRG SPC	1M	0	100	5125
ABT, DENNIS C	COMMUN OFFICER	1M	0	100	2580
ACKERSON, SARAH L	FNGRPRINT TECH 1	1M	0	100	2415
ADAMS, MARIAN E	SEC ADMIN	1M	0	100	3128
ADAMS, THOMAS R	COMMUN OFF 2	1M	0	100	3584
ADKINSON, KURT M	WSP Sergeant Pay	2M	0	100	5990
BIGGER, ELIZABETH P	WSP Trooper Grea	2M	0	100	5353
BIRKELAND, GREG A	WSP Trooper Grea	2M	0	100	4911
BIRMAN, CAMERON M	WSP Trooper Grea	2M	0	100	4911
BISHOP, BRETT M D	FORENSIC SCI 1	1M	0	100	3208
BJORKMAN, RICHARD L	WSP Trooper Grea	2M	0	100	4911

BJORKMAN, STEPHANIE G	WSP Trooper Less	2M	0	100	4284
 BJORNBERG, FREDRICK	WSP Sergeant Pay	2M	0	100	6173

**Tahoma Narcotics Enforcement Team**

Service Area: Pierce County

Participating Agencies: Auburn Police Department

Bonney Lake Police Department

Department of Corrections

Drug Enforcement Administration

Pierce County Sheriff's Department (contractor)

Pierce County Prosecutor's Office

Tacoma Police Department

Washington State Patrol

SFY-2007 Grant Funding: \$273,116

Operations Contact: Resident Agent-in-Charge Scott Gor

- List of Grant Funded Multi-Jurisdictional Narcotics Task Forces

For Information contact:

Dan Davis, Program Manager

Safe &amp; Drug-Free Communities Unit

Department of Community, Trade and

Economic Development

(360) 725-3041

---

Subject: RE: PUBLIC DISCLOSURE REQUEST PD-08-1055-0028  
Date: Fri, 15 Feb 2008 13:13:36 -0800  
From: Gretchen.Dolan@wsp.wa.gov



# EXHIBIT I

# American Civil Liberties Union of Washington

## March 2, 1999 Meeting Regarding Implementation of Medical Marijuana Initiative, I-692

### Participants

**Dan Abrahamson**, Legal Director  
Lindesmith Center, San Francisco

**John Arveson**, Director of Professional Affairs and Medical Economics  
Washington State Medical Association

**Graham Boyd**, National ACLU Drug Policy Litigation Project  
Plaintiffs' Counsel in Conant v McCaffrey

**Pat Brown**, Director of Health Professions  
Department of Health

**Julya Hampton**, Legal Program Director  
American Civil Liberties Union of Washington

**Dr. Rob Killian**, Family Practice, Seattle  
Sponsor of Initiative 692

**Tim Killian**, Campaign Director  
Initiative 692

**Alice Mead**, Staff Counsel  
California Medical Association  
Member of California Attorney General's Task Force on Medical Marijuana

**Fred Rivera**, Cooperating Attorney  
American Civil Liberties Union of Washington  
Perkins Coie Law Firm

**Dr. William Robertson**, Professor of Pediatrics  
University of Washington  
Program Director of Poison Control, Children's Hospital, Seattle

**Ann Ryan**, Assistant Attorney General  
Health Professions Quality Assurance Division,  
Medical Quality Assurance Commission

**Sue Shoblom**, Deputy Director  
Department of Health

**Kathleen Taylor**, Executive Director  
American Civil Liberties Union of Washington

**Lisa Vincler**, Assistant Attorney General  
Harborview, University of Washington Medical Center

Notes from 3/21/99 mtg.  
@ ACLU

Graham Boyd -

- comments re: fed. law - Cal. initiative
- Cal. statute - bare bones - more abbreviated than WA statute.
- pts. using marijuana in Cal. - not breaking Cal. law - but still violating fed. law
- DEA policy  
12/96 - announced

- fed. class action lawsuit  
Cowan vs. McCaffrey  
Fed. dist. ct. - northern dist. of Cal.  
- 1st amend. arguments -

★ → fed. govt. realized that it couldn't take a position prohibiting

- fed. govt. policy hasn't directly addressed the issue of monitoring a pt's use of marijuana

- AS of 2/27/97 - fed. govt.
- shortly afterwards - injunction entered in Cal. litigation - net effect

000689

# EXHIBIT J

**A G E N D A**  
**MEDICAL MARIJUANA INITIATIVE**  
**Meeting with Representatives of AGO, WAPA,**  
**WASPC, DOH, UW and WSP**  
**April 7, 1999**

- I.     Introductions.
- II.    Three-fold involvement of AGO to date.
  - A.     Client agency legal issues.
  - B.     Western AGs – report on Lockyear and McAffery meetings.
  - C.     Opinion request from Senator Kohl-Welles.
- III.   Roundtable: issues or positions so far: WAPA, WASPC, WSP, DOH, and UW.
- IV.    Input on AGO role.

4-7-99

Uniform form so l.e. will know what to look for

Pam 60 day supply

could it include medical waiver photo on form

SARGST  
Gamm L  
Lamm  
Nest  
Mae  
Pat Brown

Ann  
- 500 plants  
- 50 lb finished product

Will ~~drug~~ be seized? returned?

What are liab. issues if seized? they have AD?

Still groups like Green Cross priv. to multiple patents?

Larry: Some problems.

Someone had letter from dr. but no ident.

Usually law isn't that ambiguous

Employ. issues - can police officers use

Can they smoke on the job.

Ann: I ~~can~~ say don't have to make accommodation.

Meeting in May - guide to Sheriff

Pat: Copying med records wouldn't get into issue of phy's pres. due to form.

Ann: Drug Task Force. Concerns of growers  
Issued policy 12/2

Burden on patient to dem. valid doc.

Hasn't been issues about non valid doc.

Mae: <sup>sure</sup> doesn't know clinically

300 joints per month =      lb.

Pat: But joint doesn't = a whole.

<sup>what is</sup> 60 day supply - fed gov. should do

San Francisco U of Cal Inst <sup>study</sup> - Admin amt of smoked marijuana - looking at amts. a yr. or 2 away

☆  
If we do make arrest a disp. would not be returned due to concern under fed law

Pam: Initiative presumes benefit  
so we have to start w/ that.

Pat: Narrow respon. <sup>Boignant</sup>  
2-3 calls per week; Patients; concerned  
<sup>well-informed</sup> w/ fed law. My <sup>dr.</sup> ~~is~~ <sup>isn't</sup> willing to put  
in writing but ~~will~~ <sup>will</sup> say orally. When do I  
get it?  
NSMA is concerned about impacts; expect to hear  
from them.

We have seen selves as education function.  
Most <sup>dr.</sup> ~~people~~ are concerned about fed DEA process -  
it prescription - don't want name on a form.

Mae: Waiting at a clinic.  
<sup>dr.</sup> Know patients have gone to other drs.  
Thinking about using NSMA form.

Pam form: <sup>patient</sup> Suffer from a condition  
Dr is primary  
they did give them.

Who is designated  
act - talked, if  
prop. <sup>limited?</sup>

<sup>Mae</sup>  
Should opinion <sup>24</sup>  
go to fed <sup>too?</sup>

Scott - can it be self-verifying?

Chenf - special med. <sup>card</sup> ~~at hand~~. w/ id  
<sup>prop. at hand</sup>  
~~hand~~ a condition, etc.

not retained by gov. entity  
voluntary

↳ this is not a prescription; is ~~not~~ only for  
specific purposes of impl. I

What role can DOT play in distrib. form that  
NSMA would endorse.

<sup>They could have sign:</sup>  
Pam: Use of form will enhance ability to w/stand  
no process w/ l.e.

"60 day supply"

⊛ fed. research study / 300 joints per month  
600 joints - for 60 day supply

⊛ UCSF- research study  
- threshold re: level of potential therapeutic use

Mae will get this info.

---


DOH - very narrow responsibility under Initiative

- ① - inquires re: Drs. afraid to provide pts w/ written authorization
- ② - how to get marijuana if recommended by Dr. ? - no legal means provided.
- ③ - DEA prescriptive authority Drs. concerned
- ④ - Documentation in med. record vs. separate form



Medical Marijuana Follow-up  
April 26, 1999  
Page 2

Third, we spent a fair amount of time discussing the type of documentation that might demonstrate compliance under the Initiative. There seemed to be agreement that the WSMA form was a good start but that it can be beefed up to include some additional information. This might include, for example, a statement that the form is voluntary, and that it does not constitute a prescription, as well as some information that makes it self-authenticating. Lisa volunteered to work on this with her client, after which she would circulate to the rest of us for comment. Ann could work with DOH who could loop in the WSMA to suggest the changes. The thinking then is that DOH, WSMA, WAPA, and possibly the Superior Court Judges Association could jointly send out the form to constituencies with a cover letter indicating that the form could be reproduced and used in doctors' offices on their letterhead and its intended purpose to bolster the ability of physicians and patients to safely use the provisions of the law. Any opinion we eventually write could address the legality of the physician's note in the documentation, thus reinforcing the WAPA/DOH/WMA action.

 I will similarly contact WAPA about this follow-up. I look forward to hearing from you as soon as possible. Please keep in mind that Pam talked about WAPA issuing guidelines as early as next month, so I need to hear back from you soon, probably by the end of the month.

Give me a call if you have any questions. Thanks.

SWB:smb

000769

# EXHIBIT K



# City of Seattle

Paul Schell, Mayor

Seattle Police Department  
Norm Stamper, Chief of Police

AUG 05 1999

HEALTH PROFESSIONS SECTION 5

July 26, 1999

Washington State Medical Quality Assurance Commission  
1300 S.E. Quince  
Olympia Washington, 98504

Dear Commission Member,



The Seattle Police Department is in the process of developing guidelines for police officers related to the "Medical Marijuana Initiative", which was recently passed into law by Washington voters. In order to develop those guidelines the Seattle Police Department is researching various issues addressed in the Initiative. The Washington State Medical Quality Assurance Commission is the regulatory agency designated by the initiative to determine which diseases and or conditions qualify under the medical marijuana initiative. We are seeking your input in order to develop guidelines, which reflect the initiative's purpose and intent. Please provide information that will help us develop proper guidelines for Police. Your response to the following questions is greatly appreciated.

What is the proper dose and or dosage formula for a patient using marijuana for "medicinal reasons"? Is the dose or dose formula based on a specific (THC) content to the prescribed marijuana? What is the dose and or dosage formula for marijuana, which is to be introduced into the body by smoking?

Is there any other information and or guidelines which you possess which would aid the Seattle Police Department in developing proper protocols for medical marijuana patients?

Thank you for your ongoing assistance as we develop guidelines in this new, complex, and contradictory area of drug legislation.

Sincerely,

Norm Stamper  
Chief of Police  
*Tom Grabicki*  
Tom Grabicki  
Vice and Narcotics Section Commander

*Can't be answered under initiative*



Seattle Police Department, 610 Third Avenue, Seattle, WA 98104-1886

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

Call (206) 233-7203 at least two weeks in advance.

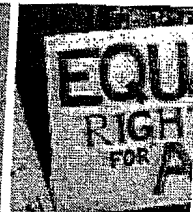
SS-00583



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# 9/11

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## Seattle Police Department Issues Medical Marijuana Guidelines

August 1, 2000

Washington voters in 1998 passed Initiative 692 to allow patients with certain terminal or debilitating diseases to possess and use marijuana for medicinal purposes. But ensuring police adopt enforcement policies that protect citizen rights under the state's Medical Use of Marijuana Act has been another matter. The new law allows patients to have up to a 60-day supply for personal medical use and to designate a caregiver to grow marijuana for them. There has been confusion about the law because it does not specify a set amount of marijuana for patients, and marijuana possession remains prohibited under federal law. Some qualified patients have been arrested for possession since the law's enactment.

After months of negotiations with the ACLU, the Seattle Police Department (SPD) in 2000 issued written instructions for enforcing the Washington Medical Marijuana Act. Its guidelines advise police to document marijuana "grows" by someone claiming to be a qualified patient through photos, samples, and plant size measurements instead of confiscating plants or growing equipment. To clarify the supply question, the SPD specifies that an individual patient or caregiver may possess up to nine plants in various stages of maturation.



## issue

- » Criminal Jus
- » Drug Policy
- » Freedom of
- » Immigrant I
- » LGBT
- » National Se
- » Police Pract
- » Privacy
- » Racial Justic
- » Religious Lil
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Learn more about the distinction between these two components of the ACLU.

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# EXHIBIT L

Pasted below is the latest draft of the Governor's Council on Substance Abuse paper on implementing the medical marijuana initiative. Please note that the "Council Recommendations" section is blank. I have pasted potential recommendations below, that will be considered by the Council during their upcoming meeting at:

Ellensburg  
Central Washington University Campus,  
Samuelson Union Building, Yakima Room  
September 17, 1999

The paper is on the agenda for 10 am.

Potential Council recommendations include (if you have other suggestions, please contact me ASAP):

★ Take No Formal Action

Allow local jurisdictions and the courts to resolve outstanding implementation issues.

Create a clear definition of "60 day supply" of medical marijuana

A "bright line" definition would allow law enforcement officers encountering persons claiming a medical marijuana exemption to know if the person was violating the quantity portion of the initiative. A definition could be enacted directly by the legislature or via a legislatively authorized rule-making process by the Department of Health.

Creation of a Voluntary Registry of Medical Marijuana Users

A voluntary registry of medical marijuana users, which could issue identification cards, would help law enforcement easily identify legitimate medical marijuana users. A registry could be created by legislative action, and administered by the Department of Health.

Form a Non-Partisan Task Force to Resolve Disagreements and Make Recommendations

In California a task force was convened by the Attorney General and Governor to make implementation recommendations. Composed of initiative supporters and opponents, the task force recommendations are now being considered by the California Legislature. However, key supporters and opponents of the California initiative oppose the task force's recommendations.

Repeal of Initiative

The initiative can be repealed or modified with a two-thirds vote of both houses of the legislature. In 2001, a simple majority of the legislature can repeal or modify the initiative.

Federal Rescheduling of Marijuana

Via administrative or congressional action, marijuana could be rescheduled from Schedule I (dangerous, no medical use), to Schedule II (dangerous, some medical use). This would eliminate the conflict between federal and state marijuana laws. The legislature could formally petition the federal government to reschedule marijuana.

Below is the text of the latest draft. Please comment.

Executive Summary:

Implementation of Initiative 692 -

The Washington Medical Use of Marijuana Act

In November 1998 the voters of Washington State approved Initiative 692, allowing people suffering from specific medical conditions to use marijuana if approved by their physician. The non-specific provisions of the initiative could lead

# EXHIBIT M

\* Dynamic task force; <sup>was common</sup> int. coalition; lots of stakeholders  
Change: Come up w/ recom. to implement I  
Did come up w/ recom. - created a vol reg system so  
they show id cards to cops.

Intro leg. (co-chair); stalled; Gov. expressed  
public concern.

Tried to amend to make mandatory & to limit  
where it could be removed.

Sponsor w/drew bill. Session ends today

60 day supply - TF came up w/ no. of quant. of marijuana. But  
~~leg. would direct their DPH to hold hearings & dev.~~ <sup>generate med communito</sup>  
rules. As a med. issue. AG's office & task force were not  
in a pos. to say what was permissible. Their DPH was hindered  
too due to no local science. Countries seem to be making  
own guidelines - some rather generous amounts. Despite repeated  
requests to AGO for guidelines, they have resisted due to  
local control & dif. standards.

Research bill to prov. research money to (\$3M to UC) over 3  
(from some Sen., but not TF; Gov. may sign; yo.  
may take same theme).

Conant - fed gov & drs are neg. to each accord as to what  
dr may or may not do. Jersey agreement.



# EXHIBIT N

## **WASHINGTON STATE HOME RULE CHARTER COUNTY AUTHORITY**

**Home rule charter counties have broad authority to provide for purely local governance issues. The state Supreme Court has ruled, however, that, under the state constitution, county home rule charter rights are subordinate to express state law requirements that go beyond matters of local concern. The court has concluded that the state constitution expressly relegates county home rule charters to an inferior position vis-a-vis "the constitution and laws of this state" where the matter involves public policy of broad concern, expressed in general laws. For example, the state supreme court has concluded that home rule charter counties are free to provide a different time for election of county officers. However, they have also held that ordinances enacted to implement a county's comprehensive land use plan as required by the Growth Management Act cannot be subject to amendment or repeal by referendum power granted in a county's home rule charter.**



**After adoption of a charter, the powers, authority, and duties of county officers provided for by state law are vested in the county legislative authority, unless the charter expressly assigns powers and duties to a specific officer. The duties of the board of county commissioners and other elected officers may also be modified by charter. The board of commissioners and other elected officers may be entirely replaced, subject to certain restrictions.**

# EXHIBIT O

---

**ADAMS COUNTY**

Mr. Worthington,

I am not sure of the basis for your question about medical marihuana. The answer is not as simple as the number of plants, as there are many other guidelines involved. Also our office does not give legal advise. I would refer you to the Revised Code of Washington (RCW) for the exact laws that pertain to medical marihuana. The RCW's are available on the internet and at most public libraries. Adams County does not set limits on its own. Adams County follows the statutes set forth in the RCW's.

Doug Barger  
Adams County Sheriff  
210 W. Broadway  
Ritzville, Wa. 99169  
509-659-1122

-----Original Message-----

From: john worthington [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 10:54 AM  
To: Doug Barger  
Subject: medical marijuana plant limit

Hello sheriff,

How many plants is a medical marijuana patient allowed to have in adams county.

Can you please inform me of the limits in adams county.

Thank you

---

**ASOTIN COUNTY**

-----Reply Message-----

Subject: The answer is simple

bay0-mc12-f17.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Sat, 11 Feb 2006 09:51:26 -0800

X-Message-Info: JGTyoYF78jGJbJWnQgnT4Y21xDoftNiEqB4FBCaEA0s= Content-class: urn:content-classes:message

X-MimeOLE: Produced By Microsoft Exchange V6.0.4417.0

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: Website Inquiry

Thread-Index: AcYukIzCfUt70PVvTwmYXC5wUgm8SAAonXkg

Return-Path: bnichols@co.asotin.wa.us

X-OriginalArrivalTime: 11 Feb 2006 17:51:26.0878 (UTC)

FILETIME=[C7D01BE0:01C62F33]

Mr. Worthington,

The answer is simple: None. The Medical Use of Marijuana Act creates an affirmative defense for possession of marijuana, not the growing (or "manufacture") of marijuana. Moreover, the requirements of this provision are so narrow that I have yet to see anyone meet its requirements. I hope this answers your question. Please feel free to contact me if you have any additional questions, comments, or wish to discuss this or any other matter further.

---

Ben Nichols  
Asotin County Prosecutor.

-----Original Message-----

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Friday, February 10, 2006 2:28 PM  
To: Ben Nichols  
Subject: Website Inquiry

Hello,

How many marijuana plants is a medical marijuana patient allowed to grow in asotin county.

Thank you

---

### **BENTON COUNTY**

>>> Alex Ekstrom 2/15/2006 10:26:14 AM >>>  
Mr. Miller:

RCW 69.51A.040 sets out an affirmative defense to marijuana charges. As an affirmative defense, the burden is on a defendant to show that they are a qualifying patient or caregiver. Part of this burden is to show that, either as a patient or qualifying caregiver, they possess no more than a 60-day supply. There is no specified number of plants that is deemed to be equal to a 60-day supply.

Alex Ekstrom  
Deputy Prosecuting Attorney

>>> "Andy Miller" 2/15/2006 8:45:21 AM  
>>>  
>>> Andy Miller 2/10/2006 2:56:17 PM >>>

I have forwarded your question to alex ekstrom of our office. I'm not sure that we will be able to provide you with an exact answer, but we will review the law. It may take a few days to get back to you

>>> "JOHN WORTHINGTON" 2/10/2006 2:31:05 PM >>>

Hello,

How many marijuana plants is a medical marijuana patient able to grow in benton county

---

### **CLALLAM COUNTY**

From: "Cameron, Ronald"  
To: "'worthingtonjw2u@hotmail.com'"  
Subject: medical mj  
Date: Fri, 3 Feb 2006 12:07:27 -0800  
MIME-Version: 1.0  
Received: from esmtpg1.clallam.net ([198.239.48.17]) by bay0-mc3-f16.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Fri, 3 Feb 2006 12:07:23 -0800  
Received: by esmtpg1 with Internet Mail Service (5.5.2653.19)id ; Fri, 3 Feb 2006 12:16:30 -0800  
X-Message-Info: 6sSXyD95QpXjSpR69XXho6SIC8LhfGakz7UE/E8aa5s=  
X-Mailer: Internet Mail Service (5.5.2653.19)

Return-Path: RCameron@co.clallam.wa.us  
X-OriginalArrivalTime: 03 Feb 2006 20:07:25.0067 (UTC)  
FILETIME=[732AF5B0:01C628FD]

Mr. Worthington,

I know we recently had this conversation on the phone. In Clallam County, there is a general 5 plant rule that the local courts have recognized for medicinal grows. This can vary, as quality of plants can often play a factor. In our experience, we have seen poorly tended medicinal grows of 10 or more plants that can yield very little, and a one plant grow that would yield many many ounces. But, for a base number, 5 plants is what we have used. Many medicinal folks I have talked with find this reasonable and we have had little issue surrounding our enforcement of it.

If I can be of further assistance, do not hesitate to call or write.

Capt. Ron Cameron  
Clallam County Sheriffs Dept.  
223 E 4th St. Suite 12  
Port Angeles WA 98362  
360-417-4999

---

## CLARK COUNTY

From: "Lester, Mike"  
To:  
Subject: RE: medical marijuana  
Date: Tue, 2 May 2006 18:35:56 -0700  
MIME-Version: 1.0  
Received: from NT104.clark.root.local ([64.4.184.157]) by bay0-mc2-f18.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.1830); Tue, 2 May 2006 18:36:10 -0700  
Received: from NT102.clark.root.local ([141.185.16.123]) by NT104.clark.root.local with Microsoft SMTPSVC(6.0.3790.1830); Tue, 2 May 2006 18:35:56 -0700  
Received: from cvnt26.vancouver.root.local ([141.185.18.54]) by NT102.clark.root.local with Microsoft SMTPSVC(6.0.3790.1830); Tue, 2 May 2006 18:35:56 -0700  
X-Message-Info: LsUYwwHHNt2cAhotSgbsJbvKv1+z8gBRJrK3ETLnbYY=  
X-MimeOLE: Produced By Microsoft Exchange V6.5.7226.0  
Content-class: urn:content-classes:message  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator:  
Thread-Topic: RE: medical marijuana  
Thread-Index: AcZuUeyFXTaFtH8fRjijG3qd+ndH/w==  
Return-Path: Mike.Lester@ci.vancouver.wa.us  
X-OriginalArrivalTime: 03 May 2006 01:35:56.0614 (UTC)  
FILETIME=[EC845660:01C66E51]

Mr. Worthington,

You can have 9 plants at one time, three flowered or mature plants, three juvenile, and three clones or 3 ounces or processed with no plants. You also have to have authorization from a licensee physician out of the State of Washington not Oregon.

Sergeant Mike Lester  
Clark/Skamaniam Drug Task Force

---

## COWLITZ COUNTY

Mr. Worthington, Thank you for your inquiry. Prosecuting Attorney Sue Baur refers you to Washington Law as set out in RCW 69.51A. Thank you.

Deri Moore  
Administrative Assistant  
Cowlitz County Prosecutors Office  
312 SW 1st  
Kelso WA 98626  
360-577-3080 x 2313  
360-414-9121 fax

-----Original Message-----

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 1:35 PM  
To: Moore, Deri  
Subject: medical marijuana

Hello,

How many medical marijuana plants can a medical marijuana patient have in cowlitz county

---

#### **DOUGLAS COUNTY**

Dear John,

I have forwarded your question to the prosecutor. The medical marijuana initiative is very confusing, and vague.

I will let you know as soon as I receive his reply.

Dan LaRoche  
Sheriff

--Original Message-----

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Monday, January 30, 2006 1:57 PM  
To: Dan LaRoche (x101)  
Subject: medical marijuana

Hello sheriff,

How many marijuana plants is a medical marijuana patient allowed to grow in douglas county

---

#### **FRANKLIN COUNTY**

Under RCW 69.51, if you meet all of the legal requirements for possessing medical marijuana you can not have in your possession more than a 60 day supply.

Sheriff Richard Lathim

-----Original Message-----

From: john worthington [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 10:50 AM  
To: rlathim@co.franklin.wa.us

Subject: medical marijuana plant limit

-----Original Message-----

Hello sheriff,

How many plants is a medical marijuana patient allowed to have in franklin county.

Can you please inform me of the limits in franklin county.

Thank you

From: "Steve M. Lowe"  
To: 'JOHN WORTHINGTON' , "Steve M. Lowe"  
CC: larry.taylor@co.benton.wa.us  
Subject: RE: medical marijuana  
Date: Mon, 13 Feb 2006 08:55:38 -0800  
MIME-Version: 1.0  
Received: from mail.exchange.courthouse.co.franklin.wa.us ([198.239.74.10]) by bay0-mc8-f17.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Mon, 13 Feb 2006 08:55:38 -0800  
Received: by mail.exchange.courthouse.co.franklin.wa.us with Internet Mail Service (5.5.2653.19)id ; Mon, 13 Feb 2006 08:55:38 -0800  
X-Message-Info: JGTyoYF78jFCQbgV+R8eHakBWv/yIK9M61uABI9yUX4=  
X-Mailer: Internet Mail Service (5.5.2653.19)  
Return-Path: slowe@co.franklin.wa.us  
X-OriginalArrivalTime: 13 Feb 2006 16:55:38.0955 (UTC)  
FILETIME=[511F19B0:01C630BE]

None.

-----Original Message-----

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Friday, February 10, 2006 2:26 PM  
To: slowe@co.franklin.wa.us  
Cc: larry.taylor@co.benton.wa.us  
Subject: medical marijuana

Hello,

Can You tell me how many marijuana plants a medical marijuana patient is allowed to grow in franklin county

---

## **GARFIELD COUNTY**

From: "Ken"  
To: "JOHN WORTHINGTON"  
Subject: RE: medical marijuana  
Date: Thu, 9 Feb 2006 10:38:23 -0800  
MIME-Version: 1.0  
Received: from palouse.org ([64.126.134.55]) by bay0-mc1-f6.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Thu, 9 Feb 2006 10:38:33 -0800  
Received: from tanzenite [64.126.143.50] by palouse.org with ESMTMP (SMTPD32-8.15) id AC279290122; Thu, 09 Feb 2006 10:38:31 -0800  
X-Message-Info: JGTyoYF78jEHjJx36Oi8+Z3TmmkSEdPtfpLB7P/ybN8=  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook, Build 10.0.2627  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1409  
Return-Path: ken@palouse.org



X-OriginalArrivalTime: 09 Feb 2006 18:38:33.0616 (UTC)  
FILETIME=[07DA9900:01C62DA8]

According to our County Sheriff's Department the State of Washington does not permit medical marijuana patients to grow their own plants.

Ken

-----Original Message-----

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 10:15 AM  
To: ken@palouse.org  
Subject: medical marijuana

Hello,

How many marijuana plants can a medical marijuana patient grow in your county.

Thank you

---

#### **GRANT COUNTY**

Dear Mr. Worthington,

I spoke with the county prosecutor. She advised that in the state of Washington there is no legislative action to allow, legally, the growing of marijuana for any purpose. This would include for medicinal purposes. She did say however, THC can be prescribed in pill form through your physician.

You cannot grow Marijuana for any reason. Sorry.

John Turley  
Chief Criminal Deputy  
Grant County Sheriff's Office

---

#### **GRAYS HARBOR COUNTY**

Dear Mr. Worthington,

The medical marijuana statute states that a patient may possess a 60 day supply of marijuana.

The statute also leaves undefined what amount constitutes a 60 day supply.

I know that this does not give you much help, the legislature's unwillingness to add that definition to the statute has placed an unfair burden not only on medical marijuana patients but on law enforcement as well. My best advice would be to err on the side of caution and to use your common sense. We have encountered large marijuana grow operations where the "medical marijuana" defense did not get any traction.

Mike Whelan, Sheriff Grays Harbor County

-----Original Message-----

From: john worthington [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 10:45 AM  
To: Mike Whelan Cc: Vern Spatz Subject: medical marijuana plant limit

Hello sheriff,

How many plants is a medical marijuana patient allowed to have in Grays harbor county.

Can you please inform me of the limits in grays harbor county.

Thank you

---

## **ISLAND COUNTY**

Mr. Worthington -- the Sheriff asked me to reply to your question regarding medical marijuana. Below is the actual Washington State Law. Look at section 1(b)-- you can only possess what is necessary for a 60 day supply. Please feel free to call or email with any other questions you might have.

Cdr. Mike Beech  
Island County Sheriff's Office  
Major Crimes Unit  
101 NE 6th Street  
Coupeville WA 98239  
360-679-7322

RCW 69.51A.040

Qualifying patients' affirmative defense.

(1) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated primary caregiver who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

(2) The qualifying patient, if eighteen years of age or older, shall:

- (a) Meet all criteria for status as a qualifying patient;
- (b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and
- (c) Present his or her valid documentation to any law enforcement official who questions the patient regarding his or her medical use of marijuana.

(3) The qualifying patient, if under eighteen years of age, shall comply with subsection (2)(a) and (c) of this section. However, any possession under subsection (2)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

(4) The designated primary caregiver shall:

- (a) Meet all criteria for status as a primary caregiver to a qualifying patient;
- (b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;
- (c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;
- (d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and
- (e) Be the primary caregiver to only one patient at any one time.

---

## **KING COUNTY**

Thanks John. You are probably correct that if it is a "secret" law, nobody has told me. I'm usually the

last to know anyway!

Originally you had asked about a "medical marijuana plant limit law" in King County. That is why I replied there was not such thing. I meant no law or ordinance. So I guess we are talking semantics here.

In your other e-mail, you mention the Prosecutor's Office. You could be correct that they have a policy regarding what they will or won't prosecute as far as the number of plants.

Even if they do have a policy, that would not necessarily effect our enforcement efforts. We make our arrests based on state law. It is up to the Prosecutor's Office to file or not file a particular case.

Therefore, I suggest you talk with them to see what there filing standards are for medical marijuana cases.

Good luck! Let me know what they say.

Regards,

John

Sgt. John Urquhart  
Sheriff's Office Administration  
King County Sheriff's Office  
(206) 296-7528

-----Original Message-----

From: WORTHINGTONJW2U  
Sent: Sunday, October 08, 2006 3:39 PM  
To: Urquhart, John  
Subject: RE: medical marijuana

Hi John, Thank You For responding

In fact I have a document from The Attorney Generals office that shows that King County has adopted Kitsap County's Plant Limit Guideline developed by West Net.

These Secret Plant limit laws are so secret they forgot to tell you.

I would check with V-net, or Fred Caruso of the AG'S office, Perhaps they will acknowledge the secret plant limit law for King County.

Just mention Roy Alloways plant limit guideline.

I was trying to prove a point about secret plant limit laws and the lack of clear posting for Medical marijuana patients, and sergeants of the King County Sheriffs office to resort to.

I was not trying to embarrass you, Just Perhaps anger you at not being informed of the secret medical marijuana law being enforced in King County.

I have documents to prove that King County has decided to enforce Roy Alloways plant limit law in King County.

You are right there is no such ordinance.

This information was only found thru a Public Disclosure process.

I have a great deal of respect for you as a Law Enforcement Officer. You Are a fine public servant.

---

**KITSAP COUNTY**

From: "Earl Smith"  
To: "Jim McDonough"  
CC:  
Subject: Webpage Inquiry  
Date: Fri, 10 Feb 2006 09:53:58 -0800  
MIME-Version: 1.0  
Received: from mail1.co.kitsap.wa.us ([146.218.3.200]) by bay0-mc5-f16.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Fri, 10 Feb 2006 09:54:32 -0800  
Received: from ADM\_DO-MTA by mail1.co.kitsap.wa.us with Novell\_GroupWise; Fri, 10 Feb 2006 09:54:27 -0800  
X-Message-Info: JGTYoYF78jHF9eMiiFbADxpTGMzCR2fDVOsDRD0T+P0=  
X-Mailer: Novell GroupWise Internet Agent 6.5.5  
Return-Path: ESmith@co.kitsap.wa.us  
X-OriginalArrivalTime: 10 Feb 2006 17:54:32.0226 (UTC)  
FILETIME=[0BE03820:01C62E6B]

John,

The law states that you can possess a 60 day supply to treat a patient's condition at any one time. There is no stated amount of processed marijuana or plant count mentioned in the law.

Detective Alloway has done a great deal of research as to what might constitute a 60 day supply (at the very high end). Using this research we apply the following calculations when determining whether to arrest, seize plants, and prosecute medicinal marijuana claims:

-8.51 ounces or less of processed marijuana, or;

-no more than nine marijuana plants in each three stages of growth (total of 27 plants)

Sincerely,  
Lt. Earl W. Smith  
Detective Division  
(360) 337-5610

>>> Jim McDonough 02/09/06 12:17 PM >>>

Didn't you get a question like this last week?

Jim

>>> "JOHN WORTHINGTON" 2/9/2006 11:02:58 AM >>>

Hello sheriff,

How many plants is a medical marijuana patient allowed to have in kitsap county.

Can you please inform me of the limits in kitsap county.

Thank you

---

**KITTITAS COUNTY**

Mr. Worthington,

You question on how many marijuana plants one can have in Kittitas County can best be answered by statute:

RCW 69.51A.040

Qualifying patients' affirmative defense.

(1) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated primary caregiver who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

(2) The qualifying patient, if eighteen years of age or older, shall:

(a) Meet all criteria for status as a qualifying patient;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient regarding his or her medical use of marijuana.

(3) The qualifying patient, if under eighteen years of age, shall comply with subsection (2)(a) and (c) of this section. However, any possession under subsection (2)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

(4) The designated primary caregiver shall:

(a) Meet all criteria for status as a primary caregiver to a qualifying patient;

(b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;

(c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;

(d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and

(e) Be the primary caregiver to only one patient at any one time.

So the amount would be determined by the dosage on the prescription to a qualifying patient, given by the approved doctor and limited to the amount necessary for a sixty day supply. Ultimately a court would decide if you exceeded that amount based upon reasonable person.

Sheriff Gene Dana  
Kittitas County Sheriff's Office  
205 W. 5th Suite 1/Sheriff  
Ellensburg, Washington 98926

---

## KLICKITAT COUNTY

From: "Chris Mace"

To: "JOHN WORTHINGTON"

Subject: RE: medical marijuana

Date: Mon, 30 Jan 2006 14:57:49 -0800 MIME-Version: 1.0

Received: from peppermintpatty.co.klickitat.wa.us ([198.239.125.8]) by bay0-mc5-

f15.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Mon, 30 Jan 2006 14:58:59 -0800

X-Message-Info: JGTyoYF78jGmJOL1wrdCZpsoxXGHe915/94zRaUWbM8= Content-class: urn:content-

classes:message

X-MimeOLE: Produced By Microsoft Exchange V6.5

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: medical marijuana  
Thread-Index: AcYl6IG4veG/x4nKQJqx0mS1xbPf6QABqbEw  
Return-Path: ChrisM@co.klickitat.wa.us  
X-OriginalArrivalTime: 30 Jan 2006 22:58:59.0064 (UTC)  
FILETIME=[C1373F80:01C625F0]

Hello John,

It is pretty subjective. The law states no more than what would equate out to be a 30 day supply. Depending on the size of the plant (s), growing cycle, harvesting and so on, average amount of product produced from a single plant...you can see it gets a bit messy. I'm not sure we would bother anyone with a medical marijuana card that had a couple-three plants. When we start hearing that some of the plants are being sold or given out, then we get on it. I think it boils down to being reasonable and responsible with the number of plants and how and where they are kept. Chris Mace

-----Original Message-----

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Monday, January 30, 2006 2:00 PM  
To: Chris Mace  
Subject: medical marijuana

Hello sheriff,

How many marijuana plants is a medical marijuana patient allowed to grow in Klickitat county.

Thank you

---

## LEWIS COUNTY

From: "Sheriff"  
To:  
Subject: Re: medical marijuana  
Date: Thu, 02 Feb 2006 16:02:57 -0800 MIME-Version: 1.0  
Received: from co.lewis.wa.us ([198.239.63.69]) by bay0-mc5-f17.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Thu, 2 Feb 2006 16:03:42 -0800  
Received: from LC\_DM-Message\_Server by co.lewis.wa.us with Novell\_GroupWise; Thu, 02 Feb 2006 16:03:13 -0800  
X-Message-Info: JGTyoYF78jGM7vmZIIi3JgIYBuZhSy9NeqQQzzAA0/s=  
X-Mailer: Novell GroupWise Internet Agent 5.5.7.1  
Return-Path: Sheriff@co.lewis.wa.us  
X-OriginalArrivalTime: 03 Feb 2006 00:03:47.0325 (UTC)  
FILETIME=[4E0A0AD0:01C62855]

Dear Mr. Worthington:

The law states the amount of marijuana used for medical purposes is a 60 day supply for one person, which equals no more than 10 plants total in any growing stage, including no more than 3 to 4 mature marijuana plants.

If you have additional questions, please contact the Lewis Regional Crime Task Force at 360-740-1360.

Thank you.

>>> "JOHN WORTHINGTON" 01/30/06 1:45 PM >>>

hello sheriff,

Can you please inform me of the legal limit of marijuana plants that someone can grow for medical marijuana in lewis county.

Thank you

---

## **MASON COUNTY**

-----Original Message-----

From: Detective R.Noyes [mailto:rnoyes@so.co.mason.wa.us]  
Sent: Friday, February 24, 2006 10:17 AM  
To: Sheriff  
Subject: Re: Medical Marijuana question

Mr. Worthington 60 day supply is dependant upon the prescription.

I don't have a specified number since it is on a case by case basis...

example: how mature the plant(s) are, the yield rate, what the prescription reads, etc...

Hope this helps...

Detective B. Noyes

Mr. Worthington,

In response to your question about how many marijuana plants one can grow for medica use ... I have to refer you to RCW 69.51. The short answer is that one can possess a 60 day supply, legally according to RCW. A prescription from a doctor should clarify what is deamed a 60 day supply dependant upon the medical condition. Please refer to the RCW for more specific answers. You can look at the State Legislatures site online or you can just type in "wa state RCW" in a search engine and should be able to find the information.

I hope this helps- Detective B. Noyes / MCSO

---

## **OKANOGAN COUNTY**

From: "Eric Mudgett"  
To: "OCSO" ,  
Subject: Re: Fwd: medical marijuana  
Date: Thu, 27 Apr 2006 15:01:51 -0700 MIME-Version: 1.0  
Received: from co.okanogan.wa.us ([198.238.218.254]) by bay0-mc5-f7.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.1830); Thu, 27 Apr 2006 15:05:41 -0700  
Received: from domain-MTA by co.okanogan.wa.uswith Novell\_GroupWise; Thu, 27 Apr 2006 15:02:00 -0700  
X-Message-Info: JGTyoYF78jE2EV2YUzo8MshynYPzN4fDwBye/+gasgU=  
X-Mailer: Novell GroupWise Internet Agent 6.5.6  
Return-Path: emudgett@co.okanogan.wa.us  
X-OriginalArrivalTime: 27 Apr 2006 22:05:41.0549 (UTC)  
FILETIME=[B9496DD0:01C66A46]

John,

The answer is "0" plants. The law says that it is an affirmative defense to charges of possession. The federal government still says that marijuana is illegal to possess. I will still arrest you for possession of

marijuana, you can make your medical claim at the trial. if you need any other legal advise please contact an attorney.

Sergeant Eric Mudgett U-5 OCSO

OCSO 04/27/06 2:43 PM >>>

This person keeps mailing, is there somewhere else I should direct him?

"JOHN WORTHINGTON" 04/27/06 2:29 PM

hello,

I am not asking for legal advise, I am asking for the guidelines for medical marijuana patients in okanogan county.

How many medical marijuana plants can a medical marijuana patient grow in okanogan county.

---

### **PIERCE COUNTY**

Mr. Worthington:

I am the Legal Advisor to the Pierce County Sheriff. This is not a matter of "limits" set by Pierce County. Rather, this is a matter of Washington State law. I can refer you to RCW 69.51A which is the state statute on Medical Marijuana. The state statute says that a "qualifying patient...shall...possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply.", RCW 69.51A.040.

I am unable to give you any legal advice on this issue and I suggest that you consult with your own attorney if there are any questions.

Thank you for your inquiry.

Craig Adams  
Deputy Prosecuting Attorney and  
Legal Advisor to the Sheriff  
Pierce County

>>> "JOHN WORTHINGTON" 01/30/2006 13:31

>>>

Hello,

Please explain how many plants a medical marijuana patient is able to grow in pierce county.

What is pierce counties limits.

Thank you

---

### **SAN JUAN COUNTY**

From: Bill Cumming  
Sent: Monday, January 30, 2006 3:52 PM  
To: Si Stephens  
Subject: RE: medical marijuana



The question has not been well defined by the legislature. There is no magic amount. The amount is defined as two months worth, what ever that is. One plant is fine - 100 probably not. Sorry, still undefined by law at this time...

Bill

From: Si Stephens  
Sent: Monday, January 30, 2006 2:35 PM  
To: Bill Cumming  
Subject: FW: medical marijuana

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Monday, January 30, 2006 2:10 PM  
To: Si Stephens  
Subject: medical marijuana

Hello sheriff,

How many marijuana plants is a medical marijuana patient allowed to grow in san juan county.

Thank you

---

#### **SKAGIT COUNTY 1**

From: "Bergsma, Ken (Police)"  
To:  
CC: "Bergsma, Ken (Police)" , "Barsness, Mike"  
Subject: RE: medical marijuana  
Date: Mon, 1 May 2006 14:48:26 -0700 MIME-Version: 1.0  
Received: from MVEX.ci.mv.wa.us ([69.7.33.79]) by bay0-mc11-f6.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.1830); Mon, 1 May 2006 14:48:26 -0700  
Thread-Topic: medical marijuana  
Return-Path: Kenb@ci.mount-vernon.wa.us  
X-OriginalArrivalTime: 01 May 2006 21:48:26.0932 (UTC)  
FILETIME=[FA426740:01C66D68]

State law RCW 69.51A allows patients with terminal illnesses and persons with some chronic diseases described in the law to use and possess marijuana once they have received documentation from their physicians (Physicians statement, prescription or pertinent medical records)

A 60 day supply is authorized if the person meets the guidelines of the RCW 69.51A. This amounts to 9 plants in various stages or 3 ounces of processed plant.

I would suggest you consult with your physician, attorney and review the attached link to the RCW before proceeding. <http://apps.leg.wa.gov/RCW/default.aspx?cite=69.51A>

Ken Bergsma

Lieutenant Ken Bergsma  
Mount Vernon Police Department  
1805 Continental Place  
Mount Vernon, WA 98273  
(360)336-6240 office  
(360)336-0628 fax

#### **SKAGIT COUNTY 2**

From: "WillReichardt"  
To:  
CC: "Richard Grimstead"  
Subject: RE: medical marijuana  
Date: Tue, 14 Feb 2006 14:17:04 -0800 MIME-Version: 1.0  
Received: from scmail.co.skagit.wa.us ([198.239.52.13]) by bay0-mc5-f1.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Tue, 14 Feb 2006 14:17:08 -0800  
Received: from pontmv1.skagit.local (Not Verified[10.0.40.2]) by scmail.co.skagit.wa.us with NetIQ MailMarshal 6.0 Service Pack 1a (v6,0,3,33)id ; Tue  
Thread-Topic: medical marijuana  
Thread-Index: AcYwyQstTeYg+6o8T/CywWX36vSG6QA1IyGgAAVxCKA=  
Return-Path: willr@co.skagit.wa.us  
X-OriginalArrivalTime: 14 Feb 2006 22:17:08.0909 (UTC)  
FILETIME=[653E3DD0:01C631B4]

Mr. Worthington,

The medical marijuana act does not give a specific number of plants that you can have growing at any one time. The act says that you can have upto a 60 day supply for each qualified individual. As you know just what a 60 day supply is can be subjective.

What we tell our deputies is to apply common sense when they encounter a medical marijuana issue. Generally 6 to 8 fair size plants is considered a 60 day supply however 5 huge bushy plants may go well over that 60 day limit and conversely 10 skinny small plants may not be enough. It is up to the deputies discretion if the "60 day supply" limit has been reached.

I hope this helps answer your question. Please feel free to reply if you have additional concerns.

Will Reichardt  
Chief Criminal Deputy  
Skagit County Sheriff's Office  
(360) 336-9450

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Monday, February 13, 2006 10:18 AM  
To: Sheriff  
Subject: medical marijuana

Hello sheriff,

How many marijuana plants is a medical marijuana patient allowed to grow in skagit county.

Thank you

---

## SKAMANIA COUNTY

-----Original Message-----

From: Tracy Wyckoff  
Sent: 04/28/2006 10:16 AM  
To: SCSO  
Subject: RE: [BULK] medical marijuana

John,

The standard we use is, as I understand it State Wide. 3 Starter plants, 3 Juvenile, and 3 Adult plants. Total of 9 plants. Tracy

Detective Tracy D. Wyckoff  
Skamania County Sheriff's Office  
P.O. Box 790  
Stevenson, WA 98648  
PH. 509-427-9490  
Fax. 509-427-8742  
tracyw@co.skamania.wa.us

-----Original Message-----

From: Cindy Hull On Behalf Of SCSO  
Sent: 04/27/2006 3:38 PM  
To: Tracy Wyckoff  
Subject: FW: [BULK] medical marijuana  
Importance: Low

Hello,

Can you please inform me of the medical marijuana guidelines in skamania county?

How many medical marijuana plants can a medical marijuana patient grow in skamania county

I am not seeking legal advice I am seeking the skamania county guidelines in order to be in compliance with county rules.

---

#### **SNOHOMISH COUNTY**

Your email question was sent to me today for an answer. The standard that the Snohomish Regional Drug Task Force has agreed upon is that a 60 day supply of medical marijuana is considered acceptable.

If I can answer any more questions, please feel free to respond to this email.

Lieutenant John Flood  
SRDTF

---

#### **SPOKANE COUNTY**

Mr. Worthington,

Regarding your question of how many marihuana plants a person may grow for medicinal purposes. There is no specific number, however the law states that a person may possess a 60 day supply for the patient. There are other requirements regarding necessary documentation from the patients physician.

I suggest that you look at the Revised Code of Washington (RCW) that outlines the law in detail. The applicable RCW is RCW 69.51A.005 through 69.51A.902

Detective Dave Knechtel  
Spokane County Sheriff's Office  
477-6644

---

**STEVENS COUNTY**

From: "Colville Police"  
To: "john worthington"  
Subject: Medical Marijuana Question  
Date: Wed, 3 May 2006 16:42:47 -0700 MIME-Version: 1.0  
Received: from mailsca2.sslisp.com ([209.213.12.74]) by bay0-mc1-f10.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.1830); Wed, 3 May 2006 17:37:08 -0700  
Received: from owner3caf50a4d (unverified [209.213.3.90]) by mailsca2.sslisp.com (Vircom SMTPRS 4.3.459.0) with SMTP id for ; Wed, 3 May 2006 16:42:48 -0700  
Return-Path: policesec@colville.wa.us  
X-OriginalArrivalTime: 04 May 2006 00:37:08.0790 (UTC)  
FILETIME=[E02EDD60:01C66F12]

John,

I put a call into the Prosecuting Attorney's office (there is no charge), but have not heard back from them. I also asked one of our officers, and according to the laws in the State of Washington, you can not grow any plants for any purpose in Colville or anywhere in the State of Washington. Thanks for your inquiry.

Colville Police Department

From: "Colville Police"  
To: "JOHN WORTHINGTON"  
Subject: Re: medical; marijuana  
Date: Tue, 2 May 2006 13:28:41 -0700

Hello,

We are in receipt of your email regarding medical marijuana issues. Our recommendation is that you contact our Prosecuting Attorney at 684-7500 or your own legal counsel for the answers you need.

Colville Police Department

---

**WAHIAKUM COUNTY**

RCW 69.51A.040(2)(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply

Dan L. Bardsley, Sheriff  
Wahkiakum County  
P.O. Box 65  
Cathlamet, Wa. 98612  
360-795-3242

From: Kelly Heiner  
Sent: Tuesday, January 31, 2006 6:22 AM  
To: Dan Bardsley  
Subject: FW: medical marijuana

Kelly Heiner  
Corrections Officer  
Wahkiakum County  
Sheriff's Office  
360-795-3242

-----Original Message-----

From: JOHN WORTHINGTON [mailto:]  
Sent: Monday, January 30, 2006 2:18 PM  
To: Kelly Heiner  
Subject: medical marijuana

Hello sheriff,

How many marijuana plants is a medical marijuana patient allowed to grow in your county.

Thank you

---

## **WALLA WALLA COUNTY**

From: "Carole Lepiane"  
To: "JOHN WORTHINGTON"  
Subject: RE: medical marijuana  
Date: Wed, 15 Feb 2006 09:29:16 -0800 MIME-Version: 1.0  
Received: from COMAIL.co.walla-walla.wa.us ([209.74.219.242]) by bay0-mc3-f3.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Wed, 15 Feb 2006 09:29:39 -0800  
X-Message-Info: JGTyoYF78jFdjlNHfOUAj9+8dPyXvG0UqQZr3rCAhcI= Content-class: urn:content-classes:message  
X-MimeOLE: Produced By Microsoft Exchange V6.5  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator:  
Thread-Topic: medical marijuana  
Thread-Index: AcYwy4VDKbYXO+rsRR+7hDOsO+trpQBhjhvw  
Return-Path: clepiane@co.walla-walla.wa.us  
X-OriginalArrivalTime: 15 Feb 2006 17:29:40.0045 (UTC)  
FILETIME=[668837D0:01C63255]

According to state law and the prosecuting attorney, the medical marijuana law does not allow the manufacture (growing) of marijuana, only possession thereof. RCW 69.51A.040 states in part that medical marijuana patients: (b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply. Nowhere does the law address how the patient is to obtain the marijuana nor define what is considered a sixty-day supply.

If you wish to view the law for yourself, the website is <http://apps.leg.wa.gov/rcw/> and medical marijuana is addressed in RCW 69.51A.

C. J. Lepiane, Undersheriff  
Walla Walla County Sheriff's Office  
240 W. Alder #101  
Walla Walla, WA 99362  
509-527-3268  
509-525-6971 (fax)  
clepiane@co.walla-walla.wa.us

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Monday, February 13, 2006 10:36 AM  
To: Walla Walla County Sheriff  
Subject: medical marijuana

Hello sheriff,

How many marijuana plants is a medical marijuana patient allowed to grow in walla walla county.

Thank you

---

**WHITMAN COUNTY**

Please refer to the RCW.

Sheriff Brett Myers ·  
Whitman County Sheriff's Office  
brettm@co.whitman.wa.us  
509-397-6266

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 11:32 AM  
To: Brett Myers  
Subject: Web Inquiry to Sheriff

Hello sheriff,

How many marijuana plants can a medical marijuana patient grow in your county.

Thank you

---

**YAKIMA COUNTY**

From: "Kenneth Irwin"  
To:  
Subject: FW: medical marijuana  
Date: Fri, 10 Feb 2006 10:28:55 -0800 MIME-Version: 1.0  
Received: from mailhost.co.yakima.wa.us ([209.74.209.150]) by bay0-mc3-f11.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Fri, 10 Feb 2006 10:30:02 -0800  
Received: from ntx.co.yakima.wa.us (ntx.co.yakima.wa.us [172.22.0.6]) by mailhost.co.yakima.wa.us (Spam Firewall) with ESMTP id 48F089BD9A for worthingtonjw2u@hotmail.com>; Fri, 10 Feb 2006 10:29:01 -0800 (PST)  
Return-Path: kenneth.irwin@co.yakima.wa.us  
X-OriginalArrivalTime: 10 Feb 2006 18:30:02.0908 (UTC)  
FILETIME=[01DC7DC0:01C62E70]

In the state of Washington, possession of marijuana is a criminal offense. A medical marijuana law has not been passed.

Ken

From: Corky Mattingly  
Sent: Thursday, February 09, 2006 11:58 AM  
To: Kenneth Irwin  
Subject: FW: medical marijuana

From: JOHN WORTHINGTON [mailto:worthingtonjw2u@hotmail.com]  
Sent: Thursday, February 09, 2006 11:30 AM  
To: Corky Mattingly  
Subject: medical marijuana

hello,

Can you please send this e-mail to the sheriff

Hello sheriff,

How many marijuana plants can a medical marijuana patient grow in your county.

Thank you



# JEFFERSON COUNTY SHERIFF

79 Elkins Road  
Port Hadlock, WA 98339  
(360) 385-3831  
FAX 379-0513

February 26, 2008

Mr. John Worthington  
4500 SE 2<sup>nd</sup> Place  
Renton, WA 98059

Re: Request for Public Records Received February 8, 2008 Relating to 1) "... documents ... charging a medical marijuana patient..."; 2) "... county guidelines... used to determine the amount of plants..."; 3) "... fir search warrants issued...".

Dear Mr. Worthington,

Request #1: The Sheriff's Office has no way of knowing if a "medical marijuana patient" has been charged with a state or federal crime, and thus can not provide any documents.

Request #2: Growing marijuana is against the law under both federal and state laws. The Washington State Legislature was somewhat vague when they established under RCW 69.51A.040, that a patient could "Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply". The legislature failed to identify what that amount was, contrary to other states.

The Jefferson County Sheriff's Office has not developed any guidelines regarding an allowed amount of medical marijuana having been advised by the Jefferson County Prosecutor's Office that pursuant to RCW 69.51A.040(2)(b) the qualifying patient has the burden of proving the appropriate sixty day supply.

Under RCW 69.51A.040, "If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance".

Request #3: The Jefferson County Sheriff's Office has not utilized any search warrants for the use of thermal imaging.

Sincerely,

Michael D. Brasfield  
Jefferson County Sheriff

[www.jeffersonsheriff.org](http://www.jeffersonsheriff.org)



# EXHIBIT P

## MEMORANDUM

To: Chief Randy Carroll, President, Washington Association of Sheriffs and Police Chiefs

From: Dan Davis, Program Manager, Washington State Department of Community, Trade and Economic Development

Subject: Interim Model Medical Marijuana Enforcement Policy

Date: April, 16, 2007

Governor Gregoire, and some members of the Legislature and the media have recently expressed concern about local law enforcement's lack of uniform policies and procedures in the enforcement of the provisions of RCW 69.51A, which permits the medical use of marijuana. The Legislature is currently considering revisions, ESSB 6032, that would clarify at least one critical issue: What constitutes a sixty-day supply of marijuana? However, it may be another year before changes in the law become effective. In the meantime, legitimate patients may be unnecessarily disaccommodated by local law enforcement officers and prosecutors as they all struggle to comply with the intent of the law.

CTED, in its role as the State Administering Agency for the federal Justice Assistance Grant (JAG), brought together representatives from the Washington Association of Prosecuting Attorneys (WAPA), the Washington State Patrol, Justice Assistance Grant funded Multijurisdictional Narcotics Task Forces, and the Northwest High Intensity Drug Trafficking Area program, to develop a draft model policy and procedure for local law enforcement that (1) defines a sixty-day supply, and (2) provides clear enforcement protocol. This ad hoc advisory committee reached a consensus on an interim "best-practice" recommendation (attached) to be presented to the Executive Boards of WAPA and the Washington Association of Sheriffs and Police Chiefs for consideration. If the recommendations are endorsed, an interim policy could become effective immediately.

I would be willing to discuss this recommendation in any venue that you deem appropriate.

Respectfully,

Dan Davis

## **Johnston, Bill (CTED)**

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**From:** Perz, Paul (CTED)  
**Sent:** Friday, March 30, 2007 9:29 AM  
**To:** Wall, Nicole (CTED)  
**Cc:** Ousley, Nancy (CTED); Davis, Dan (CTED)  
**Subject:** Monday Alert Item

### **CTED works with law enforcement and prosecutors to establish a uniform policy regarding a 60 supply for medicinal marijuana**

Governor Gregoire, some members of the Legislature and the media have recently express concern about local law enforcement's lack of a uniform policies and procedures in the enforcement of the provisions of RCW 69.50A, which permits the medical use of marijuana. The Legislature is currently considering revisions, ESSB 6032, that would clarify at least one critical issue: What constitutes a sixty-day supply of marijuana? However, it may be another year before changes in the law become effective. In the meantime, legitimate patients may be unnecessarily disaccommodated by local law enforcement officers and prosecutors as they struggle to comply with the intent of the law. CTED, in its role as the State Administering Agency for the federal Justice Assistance Grant (JAG), brought together representatives from the Washington Association of Prosecuting Attorneys (WAPA), the Washington State Patrol, Justice Assistance Grant funded Multijurisdictional Narcotics Task Forces, and the Northwest High Intensity Drug Trafficking Area program, to develop a uniform policy and procedure for local law enforcement that (1) defines a sixty-day supply, and (2) provides clear enforcement protocol. When this ad hoc advisory committee reaches a consensus, a "best-practice" recommendation will be presented in May to the Executive Boards of WAPA and the Washington Association of Sheriffs and Police Chiefs. If the recommendations are endorsed, an interim policy could become effective immediately.

For more information please contact Paul Perz at 725.3025 or Dan Davis at 725.3041

Chief Randy Carroll  
Medical Marijuana Enforcement Policy  
Page 2 of 2

- There are no required documents, or
- Documents are false, or
- Documents are expired, or
- Documents are not signed by a Washington physician, or
- Marijuana use or propagation is within public view, or
- Other controlled substances are present, or
- The provider uses marijuana obtained for the patient.

## Definitions

- Mature Marijuana Plant:** A marijuana plant that, regardless of size, has visible flowers or buds.
- Immature Marijuana Plant:** A marijuana plant that, regardless of size, has a visible root, but has not developed flowers or buds.
- Usable Marijuana:** The dried leaves and/or buds of the mature marijuana plant, not to include stalks, seeds, or roots.
- Sixty-Day Supply:** The total amount of marijuana that a qualifying medical marijuana patient would reasonably be expected to need over a period of sixty days for their personal medical use. If both the patient and designated provider possess marijuana intended for medical use by the patient, the combined amount may not exceed the sixty-day supply, which is:
- No more than 3 ounces of usable marijuana, and
  - No more than 3 mature marijuana plants, and
  - No more than 6 immature marijuana plants

## Suggested Enforcement Response

1. For those situations wherein a subject (patient or provider) possesses no more than a sixty-day supply, and meets all the requirements listed in RCW 69.51A, the recommended response is to make an official report of the circumstances and attach copies of all required documentation.
2. If the subject has valid documentation, but exceeds the sixty day supply, the recommended response is to make an official investigative report of the circumstances, photograph the scene,  
  
take samples of the marijuana for identification, and attach copies of all documentation. The report should then be forwarded to the Prosecutor's Office for filing, PROVIDED THAT the amount of marijuana possessed is
  - No more than 8 ounces of usable marijuana, and
  - No more than 6 mature marijuana plants, and
  - No more than 12 immature marijuana plants
3. For the following circumstances, the recommended response is seizure of all marijuana, grow equipment, and any other evidence necessary to support a prosecution. Arrest may also be appropriate:
  - The amounts possessed exceed those listed in No. 2, or
  - There is evidence of delivery or sale to non-patients, or

## MEMORANDUM

To: Chief Randy Carroll, President, Washington Association of Sheriffs and Police Chiefs  
From: Dan Davis, Program Manager, Washington State Department of Community, Trade and Economic Development  
Subject: Interim Model Protocol for the Enforcement of RCW 69.51A -Medical Marijuana  
Date: April, 16, 2007

Governor Gregoire, and some members of the Legislature and the media have recently expressed concern about local law enforcement's lack of uniform policies and procedures in the enforcement of the provisions of RCW 69.51A, which permits the medical use of marijuana. The Legislature is currently considering revisions, ESSB 6032, that may lead to a clarification of at least one critical issue: What constitutes a sixty-day supply of marijuana? However, it may be another year before changes in the law become effective. In the meantime, legitimate patients may be unnecessarily disaccommodated by local law enforcement officers and prosecutors as they all struggle to comply with the intent of the law. ★

CTED, in its role as the State Administering Agency for the federal Justice Assistance Grant (JAG), brought together representatives from the Washington Association of Prosecuting Attorneys (WAPA), the Washington State Patrol, Justice Assistance Grant funded Multijurisdictional Narcotics Task Forces, and the Northwest High Intensity Drug Trafficking Area program, to develop a draft model policy and procedure for local law enforcement that (1) defines a sixty-day supply, and (2) provides clear enforcement protocol. This ad hoc advisory committee reached a consensus on an interim "best-practice" recommendation (attached) to be presented to the Executive Boards of WAPA and the Washington Association of Sheriffs and Police Chiefs for consideration. If the recommendations are endorsed, an interim policy could become effective immediately.

I would be willing to discuss this recommendation in any venue that you deem appropriate.

Respectfully,

*Dan Davis*

On March 27, 2007 a committee comprised of representatives from Justice Assistance Grant funded narcotics task forces, the Northwest High Intensity Drug Trafficking Area, the Washington Association of Prosecuting Attorneys, and the Department of Community, Trade and Economic Development met to discuss how task forces might respond to recent public complaints of inconsistent (or non-existent) application of the Medical Marijuana statute, RCW 69.51A.

After lengthy discussion, the committee agreed that there was merit to the complaints, but any inconsistency in enforcement was because of the vagueness in the law regarding the "60-day supply" of marijuana, which the statute allows patients to possess. Neither patients nor police officers have clear guidance. Only two of the agencies represented had written policies to guide officers when encountering situations wherein people found in possession of marijuana assert a medical exception. As a result of passage of Senate Bill 6032 during the 2007 legislative session, the Department of Health has been directed to make rules clarifying state law on the subject. However, those rules may not be in effect until mid-2008.

It was agreed that the following suggested, interim policy provides a clear and uniform enforcement protocol for medical marijuana situations likely to be encountered by officers:

#### Definitions

- Mature Marijuana Plant:** A marijuana plant that, regardless of size, has visible flowers or buds.
- Immature Marijuana Plant:** A marijuana plant that, regardless of size, has a visible root, but has not developed flowers or buds.
- Usable Marijuana:** The dried leaves and/or buds of the mature marijuana plant, not to include stalks, seeds, or roots.
- Sixty-Day Supply:** The total amount of marijuana that a qualifying medical marijuana patient would reasonably be expected to need over a period of sixty days for their personal medical use. If both the patient and designated provider possess marijuana intended for medical use by the patient, the combined amount may not exceed the sixty-day supply, which is:
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  - No more than 3 mature marijuana plants, and
  - No more than 6 immature marijuana plants

#### Suggested Enforcement Response

1. For those situations wherein a subject (patient or provider) possesses no more than a sixty-day supply, and meets all the requirements listed in RCW 69.51A, the recommended response is to make an official report of the circumstances and attach copies of all required documentation.
2. If the subject has valid documentation, but exceeds the sixty day supply, the recommended response is to make an official investigative report of the circumstances, photograph the scene, take samples of the marijuana for identification, and attach copies

of all documentation. The report should then be forwarded to the Prosecutor's Office for filing, PROVIDED THAT the amount of marijuana possessed is

- No more than 8 ounces of usable marijuana, and
- No more than 6 mature marijuana plants, and
- No more than 12 immature marijuana plants

3. For the following circumstances, the recommended response is seizure of all marijuana, grow equipment, and any other evidence necessary to support a prosecution. Arrest may also be appropriate if one or more of the following conditions exist:

- The amounts possessed exceed those listed in No. 2.
- There is evidence of delivery or sale to non-patients.
- There are no required documents.
- Documents are false.
- Documents are expired.
- Documents are not signed by a Washington physician.
- Marijuana use or propagation is within public view.
- Other controlled substances are present.
- The provider uses marijuana intended for use by the patient.



2. Photograph the entire quantity of marijuana to illustrate the amount, paraphernalia, equipment, packaging, etc.
3. If marijuana is in plant form, photographs should include a measurement device.
4. Count the number of plants.
5. Weigh the marijuana, if there is a question as to quantity.
6. Field-test a small sample (1-gram).
7. Photocopy the person's identification and medical documents. Only in the case of stolen documents or forgeries should the originals be taken as evidence.
8. Ask for the size or amount of the daily dosage.
9. A copy of the officer's report should be forwarded to (task force name).
10. An immediate decision to arrest a person claiming to be a qualified medical marijuana patient is usually not necessary.
11. Booking of a person claiming to be a qualified medical marijuana patient should normally not occur, except in case of disguised distribution operations or blatant fraud.
12. A supervisor should be consulted prior to following through with an arrest and/or booking.
13. If a supervisor has any procedural or evidentiary questions during a medical marijuana investigation, the (task force name) sergeant or commander should be contacted for additional input.

#### SUSPICIOUS ACTIVITIES:

A person who falsely or improperly claims to be a qualified medical marijuana patient will likely be associated with one or more of the following factors or activities.

1. Any quantity of marijuana in the home in excess of three (3) ounces of usable marijuana.
2. Possession of more than one-half (1/2) ounce of usable marijuana while in public.
3. Possession of scales in conjunction with, and in proximity to, typical packaging materials.
4. Possession of more than nine (9) total marijuana plants at varying levels of maturity or all plants of the same maturity.
  - a. Mature plant – budding or flowering
  - b. Immature plant – taller than four inches, but not budding.
  - c. Starter or clones – under four inches.
5. Possession of records of drug sales.
6. Possession of currency in a quantity and denominations associated with sales.
7. Citizen or CI reports of drug sales activity.
8. Lack of knowledge regarding the Medical Marijuana Law.

## Protocol / Enforcement Procedures

The Enforcement Policy and Procedure for the Washington State Medical Marijuana Act is predicated on State law. The following are (agency name) guidelines for the enforcement of that law.

If a detainee asserts that he/she is a qualifying medical marijuana patient:

1. Advise the person of their Miranda Warnings. The reason for Miranda is:
  - a. Possession of marijuana remains a Federal crime.
  - b. Non-medicinal possession/use remains a State crime.
2. Require proof of identity.
3. Require production of a physician's statement or pertinent medical records, which states that, in the physician's professional opinion, the potential benefits of the medicinal marijuana would likely outweigh the health risks for the particular qualifying patient.
4. If documentation is not produced, verbal verification from the attending physician may be substituted, although not required by law.
5. If the detainee is in possession of more than a sixty-day (60) supply, the quantity in excess of a sixty-day (60) supply should be seized. The (agency name) will consider a sixty-day (60) supply to be nine (9) marijuana plants, with no more than three (3) plants in each stage of growth, or three (3) ounces of processed marijuana.
6. If no documentation or verification is provided, the Medical Marijuana Defense does not apply.
7. It is a misdemeanor to use or display medical marijuana in a manner or place that is open to the view of the general public.

If a detainee asserts that he/she is a primary caregiver:

1. Require proof that he/she is at least 18 years of age.
2. Require proof that he/she is responsible for the housing, health or care of the qualifying patient.
3. Require production of written documentation, signed by the qualifying patient, designating that person as the primary caregiver.
4. If no documentation is provided, the Medical Marijuana defense does not apply.

### GENERAL GUIDELINES:

Because the Medical Marijuana Act is intended to provide certain protections for physicians, caregivers, and seriously and terminally ill patients, officers are expected to take extra care in evaluating all facts and circumstances prior to deciding a course of action.

1. A search warrant shall be secured, if appropriate.

RE: 9 plant limit for medical marijuana  
From: **Warren, Rusty** (Walter.Warren@clark.wa.gov)  
Sent: Tue 10/09/07 4:29 PM  
To: john worthington (worthingtonjw2u@hotmail.com)

**John,**

**This is not a statewide limit. This is the guidance given to Law Enforcement in Clark and Skamania counties. The guidance is given by the Executive Board of the Clark-Skamania Drug Task Force.**

**Currently, the State Department of Health has been directed to provide a definition of a 60 day supply by July of 08. Until that time, we will continue to use the guidance from the E-Board.**

*Walter L. "Rusty" Warren*

Commander

Clark-Skamania Drug Task Force

(360) 256-5711 Office

(360) 397-2211 ext 5402 Voice Mail

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**From:** john worthington [mailto:worthingtonjw2u@hotmail.com]

**Sent:** Monday, October 08, 2007 12:25 PM

**To:** Warren, Rusty

**Subject:** 9 plant limit for medical marijuana

**Hello,**

**below is an e-mail I received regarding a state wide medical marijuana plant limit. Can you tell me who it was that developed this state wide medical marijuana plant limit.**

**Thank You**

**SKAMANIA COUNTY**

-----Original Message-----

From: Tracy Wyckoff

Sent: 04/28/2006 10:16 AM

To: SCSO

Subject: RE: [BULK] medical marijuana

John,

The standard we use is, as I understand it State Wide. 3 Starter plants, 3 Juvenile, and 3 Adult plants. Total of 9 plants. Tracy

Detective Tracy D. Wyckoff

Skamania County Sheriff's Office

P.O. Box 790

Stevenson, WA 98648

PH. 509-427-9490

Fax. 509-427-8742

tracyw@co.skamania.wa.us

-----Original Message-----

From: Cindy Hull On Behalf Of SCSO

Sent: 04/27/2006 3:38 PM

To: Tracy Wyckoff

Subject: FW: [BULK] medical marijuana

Importance: Low

Hello,

Can you please inform me of the medical marijuana guidelines in Skamania county?

How many medical marijuana plants can a medical marijuana patient grow in Skamania county

I am not seeking legal advice I am seeking the Skamania county guidelines in order to be in compliance with county rules.

60 Day Supply

1. West Sound Narcotics Enforcement Team (Kitsap County)

Plants            27 total (9 in each stage)

Processed:      8.51 ounces

2. Seattle Police Department Narcotics

Plants            9 total (3 in each stage)

Processed:      3 ounces

3. North Central Washington Narcotics Task Force (Okanogan County)

Plants            9 total (3 in each stage)

Processed:      2 ounces

4. Grant County Interagency Narcotics Enforcement Team

Plants:           9 total (3 in each stage)

Processed:      2 ounces

5. Olympic Peninsula Narcotics Enforcement Team (Clallam County)

Plants:           5 total

Processed:      N/A

# CLARK-SKAMANIA DRUG TASK FORCE EXECUTIVE BOARD MEETING

Date: Friday, June 3, 2005

Time: 9:30 A.M.

Location: Vancouver Police Department  
605 E Evergreen  
Park out front and enter through the lobby  
where you will sign in and receive a  
visitor's badge.

## AGENDA

### I. APPROVE MINUTES

### II. REPORTS

- A) Operational Case Reports
  - 1) Review of Current Cases
  - 2) Review of Proposed Cases
- B) Monthly Stat Report
- C) Budget Report
- D) Prosecutor Report


### III. OLD BUSINESS

- A) Medical Marijuana
- B) Policy and Procedures

### IV. NEW BUSINESS

Commander Kilian said it consists of the legal language, the agreed amounts, i.e. 9 plants, 3 in each stage or 3 ounces of processed; the documentation required, caregivers and finally the protocol and procedures.

Chief Martinek said if the Prosecutors don't have a problem with this protocol he would like to call for a motion to approve it so we can begin to give the detectives and road officers guidelines.

 Deputy Prosecutor Phil Meyers said he had not discussed this issue with Prosecutor Art Curtis or Deputy Prosecutor John Fairgrieve and is not sure how his office feels about this protocol. He is concerned about adopting a protocol when there is no clear legislative definition, only a general 60 day supply. He also said the Prosecutor's Office will continue to review cases on a case by case basis with or without the adoption of this protocol.

Sheriff Brown said our people need some guidelines to work with. Prosecutor Banks said we want our officers on the same page. We do not intend to tell Prosecuting Attorney Curtis what to do, its just guidelines for the officers. He also said he liked the language about the required documentation.

Chief Martinek said we are adopting a protocol that the rest of the state and Oregon are already using.

Prosecuting Attorney Banks said we are awaiting a decision from the Court of Appeals to tell us whether Oregon Medical Marijuana cards are valid in Washington or not and if obtaining a card after the fact is valid.

Sheriff Lucas made a motion to accept the Medical Marijuana Protocol as presented. This motion was seconded by Sheriff Brown. All were in favor.

#### IV. NEW BUSINESS

##### Policy and Procedures

Commander Kilian said we need to adopt current policy and procedures . Sheriff Lucas suggested we go over the policy and procedures Commander Kilian has prepared one section at a time.

The meeting was adjourned. The next meeting is Friday, July 29th, 2005 at 9:30AM at the Vancouver Police Headquarters.

# EXHIBIT Q

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0527  
RECIPIENT ADDRESS 8p36042586383824808  
DESTINATION ID  
ST. TIME 07/06 11:17  
TIME USE 06'20  
PAGES SENT 16  
RESULT OK



Rob McKenna  
ATTORNEY GENERAL OF WASHINGTON  
GOVERNMENT COMPLIANCE AND ENFORCEMENT DIVISION  
1125 Washington Street SE, PO Box 40100  
Olympia, WA 98504-0100  
(360) 664-9006

FAX COVER SHEET

Date: July 6, 2005

Time: 10:43 AM

Please deliver the following [16] page(s)

TO: *DET DARRIN ULLMAN — FAX 360-425-8638*  
Sue German, Det. Rick Johnson, Sgt. Travis Matheson

Fax Number: 586-8231 (Sue and Rick) and 586-1628 (Travis)

COMMENTS: Here's medical marijuana information with form suggested by WSMA and Roy Alloway's memo to Randy Drake which apparently King County is using as an outside limit.

FROM:

Fax Number: (360) 664-0229  
Voice Number: (360) 526-3246

JW-00334  
PRR-2006-00205



# EXHIBIT R

From: "John Halsted" <JHalsted@co.kitsap.wa.us>  
To: "john worthington" <worthingtonjw2u@hotmail.com>  
Subject: Re: medical marijuana  
Date: Tue, 02 May 2006 15:13:19 -0700

Sir,

**West NET Detective Roy Alloway is medical marijuana expert and may be able to answer some of your questions. He experience in this field is renown, so much so that the Washington State Attorney General's Office relies on his expertise to assist them on occasion. I would suggest you give him a call. His office number is (360) 337-7064 ext.3727.**

Thank You,

Detective John Halsted

Detective John Halsted  
West Sound Narcotics Enforcement Team  
614 Division St  
Port Orchard, WA 98366  
(360) 337-7064 ext. 3734

"john worthington" <worthingtonjw2u@hotmail.com> 05/02/06 2:57 PM

Dear Mr. Halstead,

I consume my medication and 9 plants will not come close meeting my 60 day supply. Can you tell me how you came up with that number? Is this limit published somewhere that patients can look it up? No offense, but I'd like to have this 27 plant law printed out in case the police show up at my door.

Thanks,  
John Worthington

# EXHIBIT S

Notes from 3/21/99 mtg.  
@ ACLU

Graham Boyd -

- comments re: fed. law - Cal. initiative
- Cal. statute - bare bones - more abbreviated than WA statute.
- pts. using marijuana in Cal. - not breaking Cal. law - but still violating fed. law
- DEA policy  
12/96 - announced

- fed. class action lawsuit  
Cowan vs. McCaffrey  
Fed. dist. ct. - northern dist. of Cal.  
- 1st amend. arguments -

★ → fed. govt. realized that it couldn't take a position prohibiting

- fed. govt. policy hasn't directly addressed the issue of monitoring a pt's use of marijuana

- AS of 4/27/97 - fed. govt.
- shortly afterwards - injunction entered in Cal. litigation - net effect

000689

# EXHIBIT T

### **Program Overview:**

Washington State's multi-jurisdictional task forces integrate Federal, State and/or local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations. The task force mission is to work cooperatively to detect, disrupt, and/or dismantle drug-trafficking organizations operating in and through Washington State. Twenty-eight of Washington's 39 counties are directly served by a task force as a participant, or are represented on task force oversight committees. However, by virtue of the direct participation by federal agents in many of the task forces, all counties are potential recipients of task force investigative service.

The Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351) is the base authority for federal assistance to state and local governments in reducing crime. Since passage, the Act has been significantly amended, most notably in 1986, when Congress passed the Anti-Drug Abuse Act of 1986 (P.L. 99-570) to provide financial assistance to state and local governments and to coordinate, at all government levels, efforts to fight crime and drug abuse problems. It was amended again in 1988 (P.L. 100-690) to consolidate and rename programs the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program (Byrne Formula Grant Program). The Byrne Grant, administered by the U. S. Department of Justice - Bureau of Justice Assistance (BJA), offered federal funding to state and local governments for local criminal justice system improvements. Among the approved purpose areas were multi-jurisdictional narcotics task forces. Governor Booth Gardner designated the Department of Community Development (now the Department of Community, Trade, and Economic Development, or CTED) as the State Administering Agency for the purpose of administering the grant program. Initially, there were 11 task forces, but within a few years, that number grew to 20. Support for drug prosecutors in the state also started in 1988 with the creation of the Statewide Drug Prosecution Assistance Program. The Bureau of Justice Assistance made funding available for prosecutors working with multi-jurisdictional narcotics task forces in 1989. Prosecutor support terminated in 1994 due to the BJA rule limiting individual project funding to 48 months. In 1995, funding of prosecutors dedicated to support the task forces was added directly to twelve of the task force grants. The Total Byrne Grant award for the state fiscal year beginning July 1, 2004, with carryover was \$10,202,000. Of that amount, the state legislature authorized approximately \$3.2 million for task forces and prosecution support.

In 2004, Congress combined the Byrne Grant with the Local Law Enforcement Block Grants to create the Edward Byrne Memorial Justice Assistance Grant (JAG). Unfortunately, Congress also reduced available funding for the grant by approximately 40%. It was reduced again another 40% in 2005. The impact on Washington State was significant. Of the 20 task forces reapplying for funding, 14 received an average of 20% less than the previous year. The remaining six were provided only minimal funding to ease the transition to local funding or to dissolution in the following year.

In response to requests from law enforcement to rescue this valuable program, Governor Christine Gregoire and Attorney General Rob McKenna worked with the 2006 state legislature to acquire an appropriation of \$1,658,000 from the general fund, which when combined with federal funds, effectively restored funding to the task forces to 2004 levels beginning July 1, 2006.



