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PATIENTS, PROPERTY OWNERS AND COOPERATIVES SUE U.S. GOVERNMENT, SEEK IMMEDIATE HALT TO MEDICAL CANNABIS CRACKDOWN

Lawsuit Filed Against Eric Holder, U.S. Attorneys in All 4 CA Districts

SAN FRANCISCO – Lawyers for a growing coalition of Californians who suddenly find themselves under attack by the state’s four U.S. Attorneys – including patients, property owners and medical cannabis cooperatives – have filed suit against the federal government, and will seek an immediate halt to a statewide crackdown on medical marijuana.

The lawsuit was brought simultaneously in three federal districts in California – San Francisco (Northern), Sacramento (Eastern) and Los Angeles (Central) – where U.S. Attorneys have threatened criminal prosecution of both tenants and landlords where medical cannabis cooperatives exist.

Lawyers for the coalition will also file in San Diego (Southern District) on Monday, with Briana Bilbray as a plaintiff. Bilbray is the 25-year-old daughter of Rep. Brian Bilbray (R-San Diego) and sister of Imperial Beach City Councilman Brian Bilbray; she is also a cancer survivor who has argued on behalf of patient cooperatives that provide safe, legal access to medical cannabis.

“Not only is the U.S. Attorney infringing on my right as a California resident to obtain the medicine I need, but she is punishing me by making it more difficult to get the one thing I really need as a patient,” Bilbray said. “It is one of the worst feelings imaginable.”

The four U.S. Attorneys have also threatened landlords of the buildings that house cannabis cooperatives with forfeiture of their properties; they’ve even threatened newspapers and other outlets that carry advertisements for medical marijuana.

Speaking at a press conference Monday, Matthew Kumin, one of the attorneys suing the U.S. Government, said the people of California are going to fight back.

“This is multipronged, organized effort to get into court and to send a message to the federal government that we need to stop the aggression and sit down and talk reasonably about these issues,” Kumin said.

An initial complaint was filed in all four cities on Friday. Today, the plaintiffs are informing the defendants – Attorney General Eric Holder; Drug Enforcement

Administration chief Michelle Leonhart; and the U.S. Attorneys – that they will seek an immediate order from a federal judge to stop the crackdown on cooperatives, property owners and businesses that support them.

“This assault on cannabis represents a shocking reversal for the federal government, and people are suffering as a result,” said David Michael, another attorney of the plaintiffs.

After 15 years of state medical marijuana laws that have protected patients, doctors and caregivers from prosecution – and **just two years after the federal government pledged in court to allow medical use of Cannabis in California** – the four U.S. Attorneys have threatened to use all means necessary to shut down the supply chain of medical cannabis for patients.

A flurry of letters have gone out to cannabis cooperatives and property owners all over the state threatening operators with criminal prosecution – up to 40 years in jail – and telling landlords they will forfeit their buildings and land if they don't acquiesce.

The lawsuits all call on the courts to put an immediate stop to the crackdown, arguing:

- **a federal judge agreed to dismiss a case against the government in 2009, *WAMM et al v. Eric Holder et al*, only after the Department of Justice pledged not to use federal resources against medical cannabis patients that are in compliance with state law;**
- **that any prosecution of California citizens as part of this policy reversal would be tantamount to entrapment;**
- **that the defendants' threats to seize plaintiffs' property violates the Ninth Amendment to the U.S. Constitution (rights retained by the people);**
- **that the defendants' threats to “raid, arrest, prosecute, punish, seize medical cannabis of, forfeiture of property of, or seek civil or administrative sanctions” against plaintiffs violate the 10th Amendment (rights retained by the States);**
- **that the federal government's attempts to interfere with California's regulation of the medical cannabis industry violates the “Commerce Clause” of the Constitution;**
- **and that by allowing patients in Colorado to access medical cannabis – and by providing cannabis for medical purposes to patients through its own Compassionate Investigational New Drug (IND) program – the government is violating the 14th Amendment (equal protection under the law).**

It is not widely known that **the federal government, under the auspices of the Food and Drug Administration, actually administers medical cannabis** to a small number of patients, through the Compassionate IND program.

“Clearly, cracking down on California’s compassionate use of medical cannabis, while continuing to offer medical cannabis to its own patients in the federal system, is a blatantly unequal application of the law,” said Kumin.

Max Del Real, president of the California Cannabis Business League (CCBL), said his organization will be backing the lawsuit and believes it will force politicians to take notice.

“The State of California, through our Attorney General and the Legislature, needs to get immediately to work on this important issue,” Del Real said.

“We need to create a state-sponsored agency to tax and regulate the medical cannabis industry in California. We need to recognize the difference between those individuals that follow the law, and those who break it. Our cities and counties are looking to the State of California and asking for help. Now is the time for action.”

The federal government’s new war against medical cannabis may have come seemingly out of nowhere, and may represent a huge betrayal, but it’s also going against the tide of public sentiment. A new **Gallup poll finds that, for the first time, a majority of Americans support the legalization of marijuana**. Strong majorities of California voters already support legal access to medical cannabis.

“All of a sudden, the federal government breaks its promise and begins this extremely aggressive assault on patients’ rights,” said Charlie Pappas, a cannabis patient and the president of Divinity Tree Wellness Cooperative. “You can say it’s a crackdown on the cannabis cooperatives and the businesses that support them – and it is – but in the end this keeps patients from getting the medicine they need.”

The coalition of patients, cooperatives and landlords who have vowed to fight the crackdown is prepared to join a discussion of legitimate problems in the medical cannabis community, but seek to remove the pall cast by the federal government first. (Americans for Safe Access also filed suit last month against the federal government, but did not seek an immediate restraining order.)

“If the U.S. Attorneys are truly concerned about the bad apples, about unlawful cultivation in our state and federal parks, or about violent criminals infiltrating the medical cannabis community, then our coalition will stand with them to address these legitimate issues,” said P.J. Johnston, a San Francisco consultant working with the plaintiffs. “We don’t want those activities, either. We’re the law-abiders.”

“But if they’re just going to say, ‘Cease and desist, or we’ll lock you all up,’ then they’ve got a tremendous fight on their hands. Because the law, history and the *future* – in the form of millions of voters – are on our side,” he said.

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