

# Drug War Chronicle - world's leading drug policy newsletter

## Issue #568 – 1/16/09

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**Students: Intern at DRCNet and Help Stop the Drug War!**

**Phillip S. Smith, Editor**  
**David Borden, Executive Director**

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- **1. Editorial: How Much Reality is Too Much?**

For many politicians, any intelligent discussion about what the drug laws are actually doing to us is more reality than they can take. For others, the reality is too awful to not discuss.

- **2. Feature: Politics Trumps Science as DEA Rejects Researcher's Request to Grow Marijuana for FDA-Approved Studies**

After years of delay and obstructionism, the DEA has finally acted on the request of a UMass researcher to grow marijuana for FDA-approved research. The response: Get lost!

- **3. Feature: Obama and Calderón Meet Amidst Rash of Dire Warnings on Mexican Drug Violence**

President-elect Obama met with Mexican President Felipe Calderón on Monday. Mexico's drug wars were high on the agenda but it seems unlikely, given Obama's list of pressing issues, that Mexico will get any higher priority than it has in recent years.

- **4. Feedback: Do You Read Drug War Chronicle?**

Do you read Drug War Chronicle? If so, we need your feedback to evaluate our work and make the case for Drug War Chronicle to funders. We need donations too.

- **5. Law Enforcement: This Week's Corrupt Cops Stories**

A Dallas deputy gets busted, so does a Sacramento jail doctor, and a crooked cop in Miami is headed for prison.

- **6. The Border: El Paso City Council Folds in Face of Threats, Reverse: Call for National Debate on Drug Legalization**

In the face of ominous warnings from US Rep. Silvestre Reyes and the city's state legislative delegation, the El Paso City Council has backed away from last week's resolution calling for a national debate on drug legalization. But some council members aren't too pleased with the heavy-handed interference.

- **7. Free Speech: Cop Smeared and Fired Over Decriminalization Advocacy Wins Big Settlement from Small Town**

A Washington state cop who was smeared and fired because he was an outspoken advocate of drug law reform has won a settlement.

- **8. The Drug Czar: Harm Reductionists, Treatment and Recovery Advocates Come Down on Different Sides of Rumored Ramstad Nomination**

The drug reform movement is not a monolith, and the rumored nomination of former Minnesota congressman, recovering alcoholic, and recovery advocate Jim Ramstad is showing where some of the fissures lie. But with an acting director appointed this week from ONDCP's current ranks, and with Ramstad himself jockeying for a different post, the exercise is



Don't even study it, says I

be an intellectual one.

- **9. Think Tanks: Substance Abuse Center "Join Together" Merges With Califano's Controversial CASA**

The drug treatment and prevention group Join Together has joined together with the controversial National Center on Addiction and Substance Abuse (CASA).

- **10. Marijuana: Washington State Decriminalization Bill Filed**

A trio of Democratic Party state legislators filed a Washington state marijuana decriminalization bill Wednesday.

- **11. Canada: BC Supreme Court Rejects Challenge to Marijuana Law**

Canadian marijuana reform advocates are not going to be able to use deficiencies in Canada's medical marijuana program to invalidate the broader pot law -- at least not in British Columbia.

- **12. Southeast Asia: Philippines President Names Herself Drug Czar, Orders Random Testing of All High School Students, More to Come**

Philippines President Gloria Arroyo has named herself drug czar, declared war on drug traffickers, and started off by ordering the random drug testing of high school students. But she's just beginning.

- **13. Weekly: This Week in History**

Events and quotes of note from this week's drug policy events of years past.

- **14. Weekly: Blogging @ the Speakeasy**

"Another Chance to Pressure Obama for Drug Policy Reform," "If You Think Alcohol Should be Legal, You're an Alcoholic," "Marijuana Law Reform No Longer a Political Liability, It's a Political Opportunity," "Cop Fired for Supporting Marijuana Decriminalization, Wins \$815,000 Settlement," "Supreme Court Strikes Another Small Blow Against Exclusionary Rule," "Paso City Council Threatened With Funding Cuts for Proposing Drug Legalization Debate," "Ducking Drug War Question Change.gov," "Bush Appoints Interim Drug Czar," "DEA Blatantly Blocks Medical Marijuana Research."

- **15. Students: Intern at DRCNet and Help Stop the Drug War!**

Apply for an internship at DRCNet for this spring (or summer), and you could spend the semester fighting the good fight

- **1. Editorial: How Much Reality is Too Much?**

from **Drug War Chronicle, Issue #568, 1/16/09**

**David Borden**, Executive Director

How much reality is too much? For many politicians, any intelligent discussion about what the drug laws are actually doing to us is more reality than they can take.

This was illustrated in a lurid way recently, after the city council of El Paso, Texas, did something unusually real. As part of a resolution expressing solidarity with the neighboring Mexican city Juarez, struggling with a wave of drug trade violence that sometimes crosses the border, council members included an amendment calling for "an honest, open national debate on ending the prohibition of narcotics" to stop that violence.

El Paso Mayor John Cook, who had only watched silently when the resolution was discussed, responded by vetoing it, arguing that it would make it hard for him to lobby Congress for funding. But he demonstrated the ignorance underlying his veto move in an **e-mail deriding legalization supporters as "pot heads"** that wound up going public.

It got worse. **State legislators and even El Paso's US congressman got involved**, lobbying the council members with sky-will-fall warnings about El Paso losing out on stimulus and law enforcement funding. But City Rep. O'Rourke, the sponsor of the resolution, pointed out that none of the legislators could cite a single actual threat made.

Tuesday, the Council failed on a 4-4 vote to override the mayor's veto. But the mayor's victory was pyrrhic. Council reps who voted against the override stated publicly they did so **only because of the threat of losing funding**. And critics of such intellectual intolerance waxed eloquent, like City Rep. Steve Ortega, who voted to override: "If we are silent on this matter the prospects for the future of this community are placed in danger. And I'm not going to stand here idly and listen to unnamed legislators threaten us for having a dialogue over the future of this community."



David Borden

For a city council to speak up about prohibition causing violence was too much reality this month for a mayor, their state legislators and congressman. But with neighbors across their border being killed, and the effects of it hitting El Paso, that reality was too much for the council to not speak up, at least for awhile. Ignorance won the final vote this time. But we'll be back.

## • 2. Feature: Politics Trumps Science as DEA Rejects Researcher's Request to Grow Marijuana for FDA-Approved Studies

from [Drug War Chronicle, Issue #568, 1/16/09](#)

The US Drug Enforcement Administration (DEA) Wednesday blocked the years-long effort of a University of Massachusetts Amherst researcher to end the federal government's monopoly on the supply of marijuana available for research. In doing so, the agency overruled its own Administrative Law Judge, Mary Ellen Bittner, who nearly two years ago formally recommended that the project be approved.



Lyle Craker (courtesy [aclu.org/drugpolicy/](http://aclu.org/drugpolicy/))

UMass-Amherst Professor Lyle Craker initially filed a petition in June 2001 seeking to cultivate research-grade marijuana for use by researchers in Food and Drug Administration (FDA)-approved studies aimed at developing the plant as legal prescription medicine. Currently, the National Institute on Drug Abuse (NIDA) is the sole source of marijuana for researchers, but that agency has repeatedly refused to make it available for privately-funded, FDA-approved studies seeking to develop smoked or vaporized marijuana into a prescription medication. Researchers have also complained about the quality of the marijuana produced at the federal government's Mississippi pot farm.

From the beginning, Bush administration officials have been unresponsive or sought to delay the proceedings in the Craker case. The DEA first did not respond to Craker's requests for status reports on his request, then told him it had lost his filing. When he submitted a photocopy, the DEA rejected that as improper. It took until 2004 for the agency to get around to rejecting Craker's request and ever since then for that rejection to go through the administrative appeal process.

It was during that process that DEA Administrative Law Judge Bittner made her **formal recommendation** supporting Craker's request: "I conclude that granting Respondent's petition would not be inconsistent with the Single Convention, that there is minimal risk of diversion of marijuana..., that there is currently an inadequate supply of marijuana available for research purposes, that competition in the provision of marijuana for such purposes is inadequate, and that the Respondent has complied with applicable laws and has never been convicted of any violation of any law pertaining to controlled substances," Bittner wrote as she weighed the factors involved in her decision. "I find there that Respondent's registration to cultivate marijuana would be in the public interest."

Judge Bittner's recommendation was based largely on the fact that marijuana is the only Schedule I drug that the DEA prohibits from being produced by private laboratories for scientific research, which has resulted in a unique government monopoly that fundamentally obstructs appropriate research and regulatory channels. Other controlled substances, including LSD, MDMA, heroin and cocaine, are available to researchers from DEA-licensed private laboratories.

In contrast, the National Institute on Drug Abuse (NIDA) remains scientists' sole source of marijuana, despite the agency's repeated refusal to make marijuana available for privately-funded, FDA-approved studies that seek to develop smoked or vaporized marijuana into a legal, prescription medicine.

As Judge Bittner concluded, "NIDA's system for evaluating requests for marijuana has resulted in some researchers who have been unable to obtain DEA registrations and requisite approval from [HHS and FDA] being unable to conduct their research because NIDA has refused to provide them with marijuana. I therefore find that the existing supply is not adequate."

But just as was the case with DEA Administrative Law Judge Francis Young's famous 1988 recommendation that marijuana was among the safest therapeutically active substances known to man and should be rescheduled, Bittner's recommendation was also ignored by her own agency. In the **final decision** issued this week, the DEA simply rejected most of Bittner's findings, and rejected Craker's petition.

"I am saddened that the DEA is ignoring the best interests of so many seriously ill people who wish for scientific investigations that could lead to development of the marijuana plant as a prescription medicine," said Professor Craker. "Patients with serious illnesses deserve legitimate research that might establish medical marijuana as a fully legal, FDA-approved treatment. Today, that effort has been dealt a serious blow."

Craker wasn't the only one protesting. The **ACLU Drug Law Reform Project**, the **Marijuana Policy Project** (MPP), and the **Multidisciplinary Association for Psychedelic Studies** (MAPS) all supported Craker's quest, and all blasted the DEA decision.

"It's no surprise that an administration that has rejected science again and again has, as one of its final acts, blocked a critical research project," said MPP director of government relations Aaron Houston. "With the new administration publicly

committed to respecting scientific research and valuing data over dogma, this final act of desperation isn't surprising, but true victims are the millions of patients who might benefit."

"With one foot out the door, the Bush administration has once again found time to undermine scientific freedom," said A Hopper, litigation director for the ACLU Drug Law Reform Project. "In stubbornly retaining the unique government monopoly over the supply of research marijuana over the objections of DEA's own administrative law judge, the Bush administration has effectively blocked the proper regulatory channels that would allow the drug to become a wholly legitimate prescription medication."

"The DEA and NIDA, but not the FDA, are clearly frightened of permitting privately-funded, scientific research into the risks and benefits of the medical uses of marijuana," said Rick Doblin, president of MAPS. "We need the Obama Administration to reverse this egregious suppression of scientific research that the outgoing administration so fears will reveal inconvenient truths."

Despite the DEA rejection, these are the waning days of the Bush administration, and this isn't over yet. Look for another lawsuit or an appeal to the Obama administration, said Doblin.

**Drug War Issues** [Medical Marijuana](#)  
**Politics & Advocacy** [DEA](#)

### • **3. Feature: Obama and Calderón Meet Amidst Rash Dire Warnings on Mexican Drug Violence**

from [Drug War Chronicle, Issue #568, 1/16/09](#)

President-elect Barack Obama met Monday with Mexican President Felipe Calderón to discuss bilateral issues of major importance for the two countries. In addition to NAFTA and immigration policy, Mexico's ongoing plague of prohibition-related violence was high on the agenda.

More than 5,400 people were killed in the violence last year, and more than 8,000 in the two years since Calderón ratcheted up Mexico's drug war by sending thousands of troops into the fray. The multi-sided conflict pits rival trafficking groups -- the so-called cartels -- against each other and the Mexican state, but has also seen pitched battles between rival law enforcement units where one group or the other is in the pay of the traffickers.

The Obama-Calderón meeting comes as the violence in Mexico is creating increasing concern among US policy and defense analysts. Last month, the National Drug Intelligence Center warned in its [National Drug Threat Assessment 2009](#) that "Mexico drug trafficking organizations represent the greatest organized crime threat to the United States."

In a [December report](#) to the US Military Academy at West Point, former drug czar retired Gen. Barry McCaffrey warned dramatically that even the \$1.4 billion, three-year anti-drug assistance plan approved by Congress and the Bush administration last year was barely a drop in the bucket, noting that it was only a tiny fraction of the money spent on the US wars in Iraq and Afghanistan.

"The stakes in Mexico are enormous," McCaffrey warned. "We cannot afford to have a narco state as a neighbor. Mexico is confronting dangerous criminality -- it is fighting for its survival against narco-terrorism."

The consequences of US failure to act decisively in support of Calderón's drug war would be dire, McCaffrey warned. "A failure by the Mexican political system to curtail lawlessness and violence could result in a surge of millions of refugees crossing the US border to escape the domestic misery of violence... and the mindless cruelty and injustice of a criminal state."

This week, the US Joint Chiefs of Staff jumped on the bandwagon. In their report, [The Joint Operating Environment](#)



shrine to San Malverde, patron saint of the narcos (and others), Culiacán -- plaque thanking the Virgin of Guadalupe, and San Malverde for keeping the roads clean -- from "the indigenous people from Angostura to Arizona"

**2008**, which examines global threats to the US, the Joint Chiefs warned that Mexico was one of the two countries most in danger of becoming a failed state. The other was Pakistan.

"The Mexican possibility may seem less likely," the report noted, "but the government, its politicians, police, and judicial infrastructure are all under sustained assault and pressure by criminal gangs and drug cartels. How that internal conflict turns out over the next several years will have a major impact on the stability of the Mexican state. Any descent by Mexico into chaos would demand an American response based on the serious implications for homeland security alone."

But for all the dire warnings of doom, the incoming president gave little sign that he would do anything other than stay the course. Nor did he suggest in any way that he would make a radical break with US drug policy on the border. Obama has stated publicly that he supports the Mérida Initiative aid package, and Monday he limited his public remarks to generalities.

Noting the "extraordinary relationship" between the US and Mexico, Obama added: "Not only did we talk about security along the border regions, how the United States can be helpful in Mexico's efforts, we talked about immigration and how we can have a comprehensive and thoughtful strategy that ultimately strengthens both countries."

Despite taking his first meeting with a head of foreign state with President Calderón and pledging renewed cooperation, despite the chorus of cassettes crying for more action, analysts consulted by the Chronicle said that given the raft of serious problems, foreign and domestic, facing the Obama administration, Mexico and its drug war are likely to remain second-tier issues. Nor is the Mérida Initiative going to be much help, they suggested.

"Obama is busy with other pressing issues," said Sanho Tree, drug policy analyst for the **Institute for Policy Studies**, a Washington, DC-based think tank. "He just doesn't have the space and will to take on this other fight in Mexico."

On the other hand, the border violence frightening US policy makers is largely "a self-inflicted wound," Tree said. "Mix together high domestic demand here, prohibition economics, and a tough law and order approach, shake vigorously, and you have a disaster cocktail. It's not like we didn't warn them," he said.

Also, Tree noted, despite the rising alarm in Washington, there is little interest in opening a new front on the southern border. "Who has the stomach to take this on right now?" he asked. "Who is clamoring for this outside of institutional actors who want to protect their budgets? There is a lot of war-weariness and budget shock in this city, and that might leave some openings" for reform, he said.

"Probably not much will come of that meeting," said Tomás Ayuso, Mexico analyst for the **Council on Hemispheric Affairs**. "Calderón was pleading for Obama to put Mexico at the top of his list of priorities, but given what Obama is facing the Mexican drug war is not at the top of his agenda."

Still, the situation in Mexico is serious and could get worse, Ayuso said. "If this isn't addressed now, Mexico could really descend into chaos. The drug cartels have virtually unlimited funding, their coffers are overflowing. The shadow economy which they operate is booming, their operatives are armed to the teeth, and the next step is to set up a shadow government. It's very easy for them to influence people. They say: 'Accept our bribes or we'll kill you and your family.'" Ayuso said. "It's pretty effective."

"This meeting looked mostly like generalities, but Obama has said repeatedly during the campaign that he supports the Mérida Initiative, and that will most likely continue during his administration," said Maureen Meyer, Mexico analyst for the **Washington Office on Latin America**. "With more and more reports lately painting Mexico as a security crisis, we are seeing a recognition by the new administration that this is a priority, and it will continue cooperating with Mexico."

But the looming crisis on the border and in Mexico could provide openings for reform, Meyer said. "We hope to have more openings to reopen the debate on US drug policy internationally, and Mexico could give us the opportunity to look at what has and has not worked in the Andean region and Mexico as well," she said.

That debate could include modifications to the Mérida Initiative, which is heavily weighted toward military and law enforcement equipment and training, said Meyer. "Congress has reiterated its support for the Mérida Initiative, but we've also seen a tendency to redirect funding toward arms trafficking going south and demand here in the US. The Congress will also, we hope, start to look away from sending more equipment and toward more support for institutional reforms. Helicopters aren't going to have any impact on Mexico's underlying problems," she said.

The violence in Mexico could help further weaken already eroding support for US drug policy in the hemisphere as a whole, said Ayuso. "In Latin America, where most of the suffering is happening, many countries are asking whether the Washington-led war on drugs is the answer," he said. "That's something Calderón himself has brought up, but Obama is probably not going to budge on that. Still, the chorus is growing. More and more people want to reevaluate the drug war."

**Drug War Issues** **Militarization - Border - Policing**  
**Consequences of Prohibition** **Increased Illegal Gun Prevalence - Crime & Violence - Government Corruption - Glamorization of Criminality**  
**Politics & Advocacy** **Politics Outside US - Executive Branch**

## • 4. Feedback: Do You Read Drug War Chronicle?

from **Drug War Chronicle, Issue #568, 1/16/09**

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## • **5. Law Enforcement: This Week's Corrupt Cops Stories**

from **Drug War Chronicle, Issue #568, 1/16/09**

A Dallas deputy gets busted, so does a Sacramento jail doctor, and a crooked cop in Miami is headed for prison. Let's get

In Dallas, **a Dallas County sheriff's deputy was arrested Monday** on federal felony drug charges. Deputy Standrick Choice, 36, is accused of possessing cocaine with the intent to distribute and conspiracy to possess cocaine with the intent to distribute more than 500 grams. Choice was arrested with two other men after meeting with an informant and plotting to meet a cocaine dealer and steal his four kilo stash. Unfortunately for Choice and his crew, the cocaine dealer was actually an undercover agent. Choice was busted at the Dallas Sheriff's Department when he went to work after the robbery.

In Sacramento, California, **the medical director of Correctional Health Services for the Sacramento County was arrested Wednesday morning** on suspicion of writing bogus prescriptions for Oxycontin, the powerful prescription pain reliever. Dr. Peter Dietrich had been under investigation since July 2008 because of the large number of prescriptions he had been writing. Authorities were uncertain whether Dietrich was consuming the pills himself or diverting them into illicit markets. He has since bailed out of jail and is on paid administrative leave. (Of course, there's always a chance that Dietrich was practicing pain medicine the way it should be, as opposed to what is tolerated -- always something to bear in mind with opiate prescribing.)

In Miami, **a former Miami police detective was sentenced January 8 to nine years in federal prison** for his role in protecting what he thought were shipments of cocaine and stolen goods. Jorge Hernandez had pleaded guilty to conspiring to distribute a controlled substance. He was one of two Miami police officers arrested last May in an FBI sting in which an undercover agent lured them into using their police car to escort shipments of supposed drugs and stolen goods.

**Drug War Issues Police Corruption**

## • **6. The Border: El Paso City Council Folds in Face of Threats, Reverses Call for National Debate on Drug Legalization**

from **Drug War Chronicle, Issue #568, 1/16/09**

Cowed by a US congressman and Texas state legislators who warned of funding cut-offs, the El Paso City Council has reversed last week's unanimous vote to call for a national debate on drug legalization as part of a resolution supporting its sister city Ciudad Juárez, which has been plagued by prohibition-related violence. A motion to override Mayor John Cook's veto of the resolution last week failed Tuesday, with the council voting 4-4. Six votes were needed to override the veto.

Last week's resolution had called on the federal government to take a number of non-controversial steps to aid Ciudad Juárez and Mexico in dealing with violence, such as clamping down on gun-running and money-laundering. But as the council debated the resolution, South-West Rep. Beto



Beto O'Rourke

O'Rourke introduced an amendment calling for an "honest, open national debate on ending the prohibition on narcotics." The council then voted unanimously to approve the amendment resolution.

And stepped into a firestorm as the vote drew national attention. O'Rourke appeared on CNN's Lou Dobbs program, only to be pilloried by the pseudo-populist demagogue. Mayor Cook, meanwhile, was mobilizing support for his veto, and denigrating anyone who supported the resolution as "**pot heads**."

The resolution also came under fire from Congressman Silvestre Reyes (D), who represents the city in Washington. In a **Tuesday letter** to the council, Reyes warned that the city could lose federal funding if it passed the resolution.

"While this resolution is well-intentioned, I believe its passage would be counterproductive to our efforts to enact an ambitious legislative agenda at the federal level," wrote the former Border Patrol supervisor. "As our nation faces one of the worst economic crises since the Great Depression, Congress is currently drafting an economic stimulus package in which El Paso stands to benefit. This is where our focus must be at this critical time, and it is important that our message reflect priorities that will provide real gains for the community."

The city's state legislative delegation also spoke out against the resolution. In a **Monday letter** to the council, the five state House members who represent El Paso in Austin issued the same sort of extortionate warning that Reyes did a day later.

"There will be state agencies, state legislators, and others in state government who will see this resolution as the City of El Paso supporting the legalization of drugs," the letter read. "Funding for local law enforcement efforts and other important programs to our community are likely being put in jeopardy, especially during a time when state revenues are scarce. We understand your stated goal is to bring attention to the problems that illegal drugs cause in our community and society. However, the position to ask the federal government to legalize narcotics does not bring the right attention to El Paso. It is 'we give up and we don't care.'"

The message from Reyes and the state legislators was clear: Shut up about even thinking about debating drug legalization or it will cost you. On Tuesday, the El Paso city council showed it could not stand up to that sort of political hardball, but it was quite a session. (Thanks to El Paso's **NewspaperTree** web site for all quotes below.)

While the council members were careful to be diplomatic toward each other and the mayor, it was clear that some of them mightily resented being blackmailed. "I personally don't support the legalization of narcotics, but I also don't support limbo debate," city Rep. Eddie Holguin said. "Debate is healthy, I feel. I believe that self-censoring ourselves is wrong, and we shouldn't trample on the Constitution and the people's right to free speech."

"I want to commend Rep. O'Rourke for being so courageous," said city Rep. Rachel Quintana. "That is the only word that can think of because of the ridicule that you have faced." Quintana said that while her constituents appeared split on the matter, the letters from Reyes and the state delegation "absolutely pushed me over."

"If we had voted yesterday, I would have voted in favor of it," said Rep. Emma Acosta, who also cited the threatening letter as her reason for changing her vote.

Rep. Holguin said the threatened price was too high. "When you receive calls and you have both members of the state and federal level telling you that you might lose funding for projects that are of vital importance for El Paso then you know you have to stop and think," he said. But he congratulated O'Rourke for getting national attention and getting the conversation started. "In that respect, I think you were successful, and I don't regret supporting the resolution the way that it passed. I'm just unfortunate the way that it was portrayed, and at this point, I can't jeopardize funding from the state or the federal level."

Rep. Steve Ortega, who voted to override the veto, was angered by the heavy-handed interventions and said the resolution was necessary. "We've had 50 patients at Thomason (Hospital), and had a handful of kidnappings in this past year related to drugs," he said. "We've had local business that have been threatened and extorted for money based on some events in Mexico... You have possibility of a failed state and failed city and more death and destruction along this business community. That to me, you can't put a cost on, whether it is federal funding or state funding. I ask us to ask ourselves what is the cost of that."

Turning to the intervention of Reyes and the state legislators, Ortega issued a challenge: "I also want to ask our state legislators and our US congressman to openly name anybody who is threatening the city of El Paso with withholding funding for having dialogue," Ortega said. "That is un-American, and that is in contravention to our First Amendment. So I'm going to stand with the action that we took last Tuesday. There is to me nothing wrong with having a debate and a dialogue. If we are silent on this matter, the prospects for the future of this community are placed in danger. And I'm not going to stand here and listen to unnamed legislators threaten us for having a dialogue over the future of this community."

"I think it's unfortunate how this came about, but that's life and that's politics," said Rep. O'Rourke. "I will also say that the threat from Congressman Reyes, then articulated again by our House delegation at the state level is unfortunate, but it's having its desired effect, which is to chill discussion. And I want to be clear, I have not heard a specific funding amount that is being threatened to be withheld. I haven't heard a specific congressman or senator who has threatened to withhold that money, just vague, unspecified threats that should we have the courage of our convictions, money will be withheld from the community."

O'Rourke reminded the council that the city is suing the federal government over its proposed border wall. "If the federal government had come back and said we'll withhold funding from your community if you continue with this lawsuit, would this council fold on this lawsuit?" he said. "If our very principled position on undocumented immigration and on the Minutemen were challenged by the federal government, and we were told we were going to lose our funding if we continue with our position, would we fold? It's not just this issue. It sets a precedent that when debate is to be chilled, when positions are to be changed, people higher up will threaten us that we'll lose our money, and you have to ask yourselves if you can live with that."

As the council prepared to vote, O'Rourke concluded his remarks. "All we're asking for is a conversation, and no important issue in the history of the United States, social, criminal legal or otherwise has ever been harmed by having an open discussion. That's all we're asking for today. I hope the original resolution and the mayor's veto is overridden."

This time it wasn't. But the forces of suppression and intolerance have shown their true colors, and national attention has been drawn to the issue despite them.

**Consequences of Prohibition Crime & Violence**  
**Politics & Advocacy Legalization - The Drug Debate - State & Local Legislatures**

## • **7. Free Speech: Cop Smear and Fired Over Decriminalization Advocacy Wins Big Settlement from Small Town**

from **Drug War Chronicle, Issue #568, 1/16/09**

A former Mountlake Terrace, Washington, police officer who was vilified and fired because he supports the decriminalization of marijuana has won a massive settlement from the city and Snohomish County. The two entities will pay Sgt. Jonathan Wender \$815,000, in addition to three years of back pay. But wait -- there's more: The city will also pay him his \$90,000 year salary for the next two years while he stays on administrative leave and then retires with full benefits.

Wender is a member of **Law Enforcement Against Prohibition** (LEAP) and a professor at the University of Washington where he writes and lectures about police work and drug policy. While a police officer, he had repeatedly and publicly criticized the department and its commanders over a number of issues, including drug law enforcement. That public dissent irked commanders and led to the department and the Snohomish County prosecutors office ultimately firing him on a pretext.

In July 2005, Wender received a call from a woman who reported a marijuana plant growing at her ex-husband's house. Under the couple's divorce settlement, drug use was forbidden because of the presence of children. Wender responded by telephoning the man and telling him he was "foolish and irresponsible" to be growing a pot plant and to "do what he needs to do" immediately. But the woman entered the house the next day, saw marijuana plants still there, photographed them and gave the photos to narcotics detectives, who raided the house.

Both department commanders and Snohomish County prosecutors used the incident to begin investigations of Wender, with prosecutors labeling him a "Brady cop," or a police officer whose integrity or honesty is so in doubt that prosecutors must inform defense attorneys about the allegations. That was enough to get Wender fired, even though he was never charged with a crime.

He sued, alleging the department and the county violated his free speech rights and fired him because of his political beliefs. He also claimed that prosecutors and the department gave him no opportunity to challenge the "Brady cop" finding, thus violating his right to due process.

That the city and the county settled the case instead of going to trial showed that Wender was targeted for his political views, his attorney, Andrea Brenneke, told the **Seattle Times** after the settlement was announced. "He was enforcing the law," Brenneke said. "The department and prosecutors made an assumption that because of his beliefs about the war on drugs Sgt. Wender wasn't doing his job. That's not true."

Depositions from several other local police officers taken in the case showed that, while they might have handled the case differently, they all thought his response was within his discretion as a police officer. But his commanders and county prosecutors saw an opportunity to get rid of someone whose views challenged theirs. Now, the good citizens of Mountlake Terrace and Snohomish County will pay.

**Drug War Issues Free Speech - Policing**  
**Politics & Advocacy The Drug Debate - State & Local Executive Branches**

## • **8. The Drug Czar: Harm Reductionists, Treatment and Recovery Advocates Come Down on Different**

## Sides of Rumored Ramstad Nomination

from **Drug War Chronicle, Issue #568, 1/16/09**

Former Minnesota congressman, self-acknowledged recovered alcoholic, and treatment and recovery advocate Jim Ramstad is widely rumored to be in the running for head of the **Office of National Drug Control Policy** (ONDCP -- the drug control office), and he is garnering both support and opposition from within the drug reform community, broadly defined.

It may all be for naught. Ramstad himself has **asked the Obama transition team to consider him to head SAMHSA**, the Substance Abuse and Mental Health Services Administration, a post where his appointment would arguably be less controversial. And President Bush's last-minute appointment Monday of current acting ONDCP deputy director Patrick Ward to replace outgoing drug czar John Walters only muddies the waters further.



Jim Ramstad

While Ramstad has serious credentials on treatment and recovery, his opposition to needle exchange programs spurred drug policy analyst and author Maia Szalavitz to oppose his nomination in an article in the **Huffington Post**. "Ramstad may be a drug warrior in a recovering person's clothing," she wrote, noting that he also opposes medical marijuana.

"While Ramstad has opposed some interdiction efforts and called for more treatment funding, someone who doesn't even believe that addicts have a right to life if they aren't in treatment is not the kind of recovering person that I want representing me as drug czar," Szalavitz, a former injection drug user herself, continued. "That's not change, President Obama -- that's more of the same. Don't make the mistake that Bill Clinton did and install a drug czar who will ignore science and push dogma. While it's great to have a recovering person as an example, just having a disease and talking with others who've recovered the same way you did does not make you an expert. We need someone who knows the science, recognizes that there are many paths to recovery -- and understands that dead addicts can't recover."

Szalavitz wasn't the only alarmed harm reductionist. Psychologist Andrew Tatarsky authored an **open letter** signed by **more than 450 substance use and mental health treatment professionals** warning that both SAMHSA and the drug czar's office need leadership that "supports evidence-based policies and that will make decisions based on science, not politics or ideology" and "we have reason to believe that Congressman Ramstad is not that person." In addition to Ramstad's opposition to harm reduction measures, Tatarsky noted that throughout his congressional tenure, Ramstad had failed to take any action on sentencing reform.

A Ramstad nomination also drew concern from the **National Organization for the Reform of Marijuana Laws** (NORML), which noted in a **blog post** that Ramstad had voted against medical marijuana at every opportunity, voted against needle exchange, and had been appointed to the board of directors of Joe Califano's anti-drug reform propaganda organization, the National Center for Addiction and Substance Abuse (CASA).

But while drug reformers and advocates of science-based policies raised concerns, parts of the treatment community are supporting Ramstad. In a **January 11 letter** to the Obama transition team, the treatment advocacy organization **Faces and Voices of Recovery**, a stalwart in many drug policy reform efforts, supported the Ramstad nomination.

"Clearly, the appointment of a person in long-term recovery from addiction to this important position would inspire the millions of Americans and their families who have battled addictions," wrote the group's executive director, Pat Taylor. "If Congressman Ramstad were not in recovery, he would be an excellent candidate for the Director of ONDCP. A Member of Congress for 18 years, he is a highly experienced and respected legislator who led the successful battle to require health insurers to cover addiction treatment at parity with other medical conditions. He founded and co-chaired the bi-partisan Addiction Treatment and Recovery Caucus and the Law Enforcement Caucus on Capitol Hill and has been influential in shaping drug policy in countries around the globe. He was a practicing criminal justice attorney for five years and has served on numerous non-profit boards; all of whom have the reduction of the global demand for drugs as part of their mission."

And Ramstad has picked up support from progressive groups like his home state Wellstone Action, the legacy of progressive Minnesota Sen. Paul Wellstone. In a **January 9 letter**, the group argued that despite Ramstad's misguided stands on needle exchange and medical marijuana, he still deserved the nomination. "Congressman Ramstad's leadership on policies and programs within the White House Office of National Drug Control Policy will serve President-elect Obama's administration and millions of Americans well," Wellstone Action said.

The reform movement is split on Ramstad, with treatment advocates coming down in favor and harm reductionists and drug law reformers opposed. As addiction skeptic Dr. Stanton Peele noted in the **Huffington Post** Tuesday: "For Wellstone, the Kennedy's, and many other progressives, the idea of treating substance abusers as disease sufferers is tremendously appealing -- indeed, one thrust of the drug policy reform movement is to shift from incarcerating addicts to treating them. But, for reformers, courting treatment advocates has come a cropper as addiction-as-disease proponents back a man who stands against drug policy reform's basic value of finding new, pragmatic approaches to drugs in America."

The drug reform movement is broad and encompasses many diverse actors. Where they come down on the Ramstad issue reflect philosophical differences as well as institutional interests. Just because we're part of a broader movement doesn't mean we're always going to agree.

**Drug War Issues Harm Reduction - Addiction Treatment - Addiction - Medical Marijuana - Interdiction Politics & Advocacy The Drug Debate - ONDCP**

## • **9. Think Tanks: Substance Abuse Center "Join Together" Merges With Califano's Controversial CASA**

from **Drug War Chronicle, Issue #568, 1/16/09**

The Boston University-based drug treatment and prevention group **Join Together** is merging with the controversial **National Center on Addiction and Substance Abuse**, an outfit run for years by former Health, Education and Welfare Secretary Joseph Califano that reform groups have generally regarded as a propaganda mill. The two groups made the announcement Thursday.

"Merging Join Together into CASA will greatly strengthen CASA's ability to inform the American people of the economic social costs of substance abuse and its impact on their lives, make CASA's research findings and recommendations widely available to those working on the front lines to prevent and treat substance abuse and addiction, and significantly expand nationwide advocacy capacity," CASA said Thursday. "The combination of CASA and Join Together will produce a total far greater than the sum of the parts."

Join Together describes itself as "the nation's leading provider of information, strategic planning assistance, and leadership development for community-based efforts to advance effective alcohol and drug policy, prevention, and treatment." Among the organization's works is a **2003 report prepared in collaboration with the American Bar Association**, lauding drug policy reformers, in which the authoring panel called for a range of reforms to end discrimination against people in recovery from substance abuse, including repeal of the Higher Education Act's provision denying financial aid for college would-be students because of drug convictions.

In an e-mail message to his list, Join Together director and founder David Rosenbloom, PhD said he was "thrilled about this new development." It would allow Join Together to expand its content making use of CASA staff and reports. "In fact, we often looked to CASA research reports, conferences, demonstration projects and books as foundations for our own work." Rosenbloom will succeed Califano on the job as CASA's President and CEO.

Drug policy reformers will not be sorry to see Califano go into retirement. Reformers -- and others -- have criticized CASA's research on numerous occasions. For example, sociologist and drug researcher Craig Reinerman dissected Califano's anti-drug and anti-drug reform agenda in a **1997 article in the International Journal of Drug Policy**. Califano had attempted to smear proponents as "legalizers," and countered them with what he called "facts" purporting to show that "legalization would be a disaster for European children and teenagers."

Califano is also a relentless purveyor of the widely discredited "gateway theory" that marijuana use leads to other drug use and has resorted to such meaningless and debunked claims as "**marijuana users are 85 times as likely to use cocaine as non-users.**"

In 2002, a Califano report on teen drinking came under fire from a different sort of critic: the Substance Abuse and Mental Health Services Administration (SAMHSA). SAMSHA politely slapped down CASA's sensational -- and widely-reported -- claim that underage drinkers accounted for 25% of total alcohol consumption. **The real figure was less than half of CASA's**, SAMHSA reported.

Hopefully CASA under Rosenbloom will follow in Join Together's sober footsteps rather than CASA's sensationalistic ones, the new CASA may well become a force for positive change.

**Drug War Issues Drug Prevention - Drug Education - Addiction Treatment Politics & Advocacy Organizations**

## • **10. Marijuana: Washington State Decriminalization Bill Filed**

from **Drug War Chronicle, Issue #568, 1/16/09**

Three Democratic legislators -- state Reps. Jim Moeller, Dave Upthegrove, and Brendan Williams -- Wednesday introduced **bill to decriminalize possession of less than 40 grams of marijuana** in the state of Washington. By day's end, the bill had additional nine cosponsors.

Under current Washington law, possession of up to 40 grams is a misdemeanor punishable by up to 90 days in jail. The penalty for pot possession also includes a mandatory minimum one-day jail sentence and \$250 fine.

Although the city of Seattle pioneered the lowest law enforcement priority approach to adult marijuana possession offenses

the rest of the state has not followed suit. According to figures provided in a [Seattle Stranger](#) article by activist turned journalist Dominic Holden, there were some 11,553 people arrested on pot possession charges in 2007.

Holden quoted cosponsor Williams as saying he will make a budgetary argument for the bill. The state faces a \$6 billion budget shortfall, and arresting, prosecuting, and jailing penny ante pot offenders costs the state nearly \$7.5 million a year, said, citing a study from the Washington Institute for Public Policy.

"We will frame it in terms of the tradeoff in the budget discussion and set a square alternative," Williams said. "Do you cl to provide health care for X number of children or fund criminalizing marijuana possession?"

If Washington were to pass a decriminalization bill, it would become the 13th state to do so. Most of the existing decrim s changed their laws in the 1970s, but Nevada voters chose decriminalization in 2002 and Massachusetts overwhelmingly supported it in November.

**Drug War Issues** [Marijuana -- Personal Use - Budgets/Economics](#)  
**Politics & Advocacy** [Decriminalization - State & Local Legislatures](#)

## • **11. Canada: BC Supreme Court Rejects Challenge to Marijuana Law**

from [Drug War Chronicle, Issue #568, 1/16/09](#)

The British Columbia Supreme Court last Friday rejected a challenge to the country's law criminalizing marijuana posses based on deficiencies in Canada's medical marijuana regime. In cases earlier this decade, some Canadian courts had held because Canada's drug law did not provide for the therapeutic use of cannabis, the law was invalid. But in part because of changes already made to the program, the BC Supreme Court wasn't buying that argument.

In response to those earlier rulings, the Canadian government created a limited medical marijuana program, whose utilit was challenged in the present case. But Justice Austin Cullen ruled that even if Canada's medical marijuana program is le than ideal, that doesn't mean recreational pot smokers win a get out of jail free card.

Pot prohibition is constitutional only as long as medical need is accommodated, Cullen conceded. "There must be a constitutionally acceptable exemption from prosecution for seriously ill people with legitimate medical needs for the drug he wrote in the opinion in [Poelzer v. Her Majesty The Queen](#). But even if medical need is not adequately accommod as some courts have ruled, "it does not follow that the prohibition on possession of marijuana is of no force and effect," C held. Any remedy should be "more specifically targeted to the constitutional shortcomings" in the medical marijuana program, not an excuse for marijuana users to avoid prosecution.

Ryan Poelzer was arrested in May 2007 for smoking a joint aboard a ferry pulling into Langdale, BC. Police searched him he disembarked and found about five ounces of marijuana and a quarter-ounce of hashish. He was charged with marijuan possession, convicted, and handed six month's probation.

With the aid of attorney Kirk Tousaw, Poelzer appealed, arguing that defects in the medical marijuana law rendered marijuana prohibition invalid and, alternately, that conflicting court rulings had left the legal situation so muddled that prosecutions should be considered an abuse of process. But while provincial courts in Ontario had held the marijuana lav invalid because of the medical marijuana problem, neither the federal nor the BC courts had.

"In British Columbia, there is no binding authority that [the marijuana law] is of no force and effect in the absence of a constitutionally acceptable exemption for medical marijuana users," Cullen ruled. To rule otherwise "would be to fashion provide a remedy that in the words of the Ontario Court of Appeal would be 'overly broad and inadequately tailored to th constitutional deficiencies in the [medical program].'"

Looks like it's back to the drawing board for Canada's legalizers, at least on the West Coast.

**Drug War Issues** [Medical Marijuana - Marijuana -- Personal Use](#)  
**Politics & Advocacy** [State Courts - Canada](#)

## • **12. Southeast Asia: Philippines President Names Herself Drug Czar, Orders Random Testing of All High School Students, More to Come**

from [Drug War Chronicle, Issue #568, 1/16/09](#)

Philippines President Gloria Arroyo named herself the country's drug czar Monday and ordered government agencies to prepare for battle against big-time drug traffickers. But in the meantime, she has announced new marching orders on an front: student drug testing. As one of her first acts as drug czar, she ordered random student drug testing for every high school in the country, public or private.

The immediate cause of Arroyo's seizure of the reins of drug control policy was the "**Alabang Boys scandal**," in which 11 Ecstasy traffickers managed to get initially acquitted despite the strong evidence against them, leading to suspicions of crooked prosecutors. Arroyo this week ordered five prosecutors suspended pending further investigation.

But problems in the Philippines' drug war policing go much further than the Alabang Boys. Filipino drug fighters have compiled a **dismal record** in prosecuting drug evidence, due apparently, to equal parts incompetence and corruption. Of the nearly 100,000 cases filed by the Philippines Drug Enforcement Agency (PDEA) in the last five years, nearly 78,000 are still unresolved.

Arroyo has pledged to change all that. "Governments that delay action against illegal drugs, or regard it as a routine police matter, do so at their own peril," Arroyo told a Monday cabinet meeting. "A country awash with illegal drugs is a country compromised, its law and order institutions tainted and corrupted. I will temporarily act as czar, or overseer, of the war against illegal drugs," Arroyo added, stressing that the campaign would include boosting law enforcement and prosecutive

On Tuesday, Arroyo showed she meant business by sending Executive Secretary Eduardo Ermita out to tell reporters she ordered law enforcement agencies to prepare an order of battle against traffickers. "Our law enforcement agencies involved in the campaign must come up with specific actions against those who are known big-time people involved in drug trafficking follows without saying, the President wants immediate identification of those who could be subject of this campaign and bring them before the bar of justice," Ermita said at the Palace news conference.

Anybody involved in drugs is fair game, he warned. "There will be no sacred cows on this. The drive will go all the way. Anyone who will be involved, whoever they may be, they will have to account before the law."

But it is high school students who will first feel the tender mercies of Arroyo's newly reinvigorated war on drugs. The Department of Education announced this week that while it had already planned to reinstitute random drug testing of students -- the Philippines did it between 2003 and 2005 -- it was now moving ahead at an accelerated pace to suit Arroyo's wishes.

And testing of students may be just the beginning. Some Philippines political figures are talking about drug testing employees of outsourced call center workers, others are calling for testing university students, and the government is currently considering drug testing all government employees.

**Drug War Issues** **Drug Testing - Education - Police Corruption - Policing**  
**Politics & Advocacy** **Politics Outside US**

## • 13. Weekly: This Week in History

from **Drug War Chronicle, Issue #568, 1/16/09**

January 16, 1919: The 18th Amendment (alcohol prohibition) is declared ratified and is scheduled to take effect in one year.

January 16, 1920: At midnight, the 18th Amendment becomes law, making alcohol illegal.

January 21, 1943: The New York Times reports that swing-band leader Gene Krupa pleaded innocent to a charge that he contributed to the delinquency of a minor by asking 17-year-old John Pateakos to fetch marijuana cigarettes from his hot room for him.

January 16, 1980: Paul McCartney is arrested by Japanese customs officials at Tokyo International Airport when they find two plastic bags in his suitcases containing 219 grams of marijuana (approximately 7.7 ounces). Concerned that McCartney would be refused a US visa under immigration laws if convicted and be unable to perform in an upcoming Wings concert in the US, Sen. Edward Kennedy calls first secretary of the British Embassy D.W.F. Warren-Knott on January 19. McCartney released and deported on January 25.

January 18, 1990: Mayor Marion Barry of Washington, DC, is arrested after hidden cameras record him smoking crack cocaine with ex-girlfriend Hazel Diane "Rasheeda" Moore in her room at the Vista Hotel.

January 22, 1992: The California Research Advisory Panel concludes that drug prohibition has a more harmful effect on society and the individual than illegal drugs.

January 20, 1997: The Lymphoma Foundation calls for rescheduling of marijuana as a medicine and the reopening of the Investigational New Drug compassionate access program.

January 19, 1999: Twenty heavily armed officers from the Placer County sheriff's department in northern California raid home of Steve and Michele Kubby.

January 20, 2000: John Warnecke, former friend and colleague of Al Gore at The Tennessean, contradicts Gore's characterization of his past marijuana use as minimal. He notes that Al Gore was a regular user, and that he used marijuana for at least four years after he claims to have stopped.

January 21, 2003: Ed Rosenthal's federal trial for marijuana cultivation begins. Rosenthal was growing medically with authorization from the city of Oakland, California, but his legal team is barred by Judge Charles Breyer from informing the jury of this. Rosenthal is ultimately convicted but sentenced to one day, time already served.

January 21, 2003: A Sydney Morning Herald (Australia) article discusses a Commonwealth Government report that four tobacco and alcohol accounts for 83 percent of the cost of drug abuse in Australia, dwarfing the financial impact of illegal drugs.

January 21, 2003: MAPS and California NORML sign a contract for a \$25,000 protocol study to evaluate the contents of vapor stream from the Volcano Vaporizer.

## • 14. Weekly: Blogging @ the Speakeasy

from **Drug War Chronicle, Issue #568, 1/16/09**

Along with our weekly in-depth Chronicle reporting, DRCNet also provides daily content in the way of **blogging in the Stop the Drug War Speakeasy** -- huge numbers of people have been reading it recently -- as well as Latest News link (upper right-hand corner of most web pages), event listings (lower right-hand corner) and other info. Check out DRCNet every day to stay on top of the drug reform game! Check out the Speakeasy main page at **<http://stopthedrugwar.org/speakeasy>**.

Since last issue:

Scott Morgan writes: "Another Chance to Pressure Obama for Drug Policy Reform," "If You Think Alcohol Should be Legal, You're an Alcoholic," "Marijuana Law Reform No Longer a Political Liability, It's a Political Opportunity," "Cop Fired for Supporting Marijuana Decriminalization, Wins \$815,000 Settlement," "Supreme Court Strikes Another Small Blow Against Exclusionary Rule," "El Paso City Council Threatened With Funding Cuts for Proposing Drug Legalization Debate," "Ducking Drug War Questions at Change.gov," "Bush Appoints Interim Drug Czar," "DEA Blatantly Blocks Medical Marijuana Research."

**David Guard** posts numerous press releases, action alerts and other organizational announcements in the **In the Trenches** blog.

Please join us in the **Reader Blogs** too.



prohibition-era beer raid, Washington, DC (Library of Congress)

Again, **<http://stopthedrugwar.org/speakeasy>** is the online place to stay in the loop for the fight to stop the war on drugs. Thanks for reading, and writing...

## • 15. Students: Intern at DRCNet and Help Stop the Drug War!

from **Drug War Chronicle, Issue #568, 1/16/09**

Want to help end the "war on drugs," while earning college credit too? Apply for a DRCNet internship for this spring or summer semester and you could come join the team and help us fight the fight!

DRCNet (also known as "Stop the Drug War") has a strong record of providing substantive work experience to our intern you won't spend the summer doing filing or running errands, you will play an integral role in one or more of our exciting programs. Options for work you can do with us include coalition outreach as part of the campaign to repeal the drug provision of the Higher Education Act, and to expand that effort to encompass other bad drug laws like the similar provisions in welfare and public housing law; blogosphere/web outreach; media research and outreach; web site work (research, wr technical); possibly other areas. If you are chosen for an internship, we will strive to match your interests and abilities to whichever area is the best fit for you.

While our internships are unpaid, we will reimburse you for metro fare, and DRCNet is a fun and rewarding place to work! apply, please send your resume to David Guard at **[dguard@drcnet.org](mailto:dguard@drcnet.org)**, and feel free to contact us at (202) 293-8340. We hope to hear from you! Check out our web site at **<http://stopthedrugwar.org>** to learn more about our organization.

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