

Pot backers to press on with lawsuit

WAMM's case against DEA to begin Monday

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✓ DAVENPORT — A U.S. district judge will hear arguments Monday from a medical marijuana collective trying to block future raids of their Davenport pot garden.

Valerie Corral of the Wo/Men's Alliance For Medical Marijuana will present her case in San Jose before federal District Court Judge Jeremy Fogel, who will hear arguments in the case "Santa Cruz vs. John Ashcroft."

WAMM, in conjunction with the city of Santa Cruz and Santa Cruz County, is suing to stop the federal government from raiding its farm or other medical marijuana collectives nationwide. Last September, armed federal Drug Enforcement Administration agents stormed the property, shutting down the collective, detaining several members and seizing pot plants.

Santa Cruz City Council voted to take part as plaintiffs in the case, calling it a public health issue. The city government has never taken part in a case like this before, "nothing even close, in my time here," city attorney John Barisone said.

Lawyers for the plaintiff said they are taking part in a case that could break new legal ground: Instead of pitting state and local laws against federal authority, this case focuses on the constitutional rights of terminally ill patients who are trying to control their own pain relief and the circumstances of their deaths.

"This is a right recognized by the United States Supreme Court," said Dan Abrahamson of the Drug Policy Alliance, a nonprofit group aiding WAMM in this fight.

Abrahamson is one of 10 lawyers from two law firms representing WAMM.

"This collective group of patients, who grow their

Marijuana

Continued from Page A1

own marijuana, don't profit from that, do not engage in commerce, don't transport marijuana across state lines," Abrahamson said. "They use it to alleviate pain and keep themselves alive. That group has constitutional rights and deserves protection against federal intrusion. That's what makes this different from all the other medical marijuana cases bopping around in federal court."

However, DEA spokesman Richard Meyer, working out of the agency's San Francisco office, said lawsuits of this kind are bound to fail.

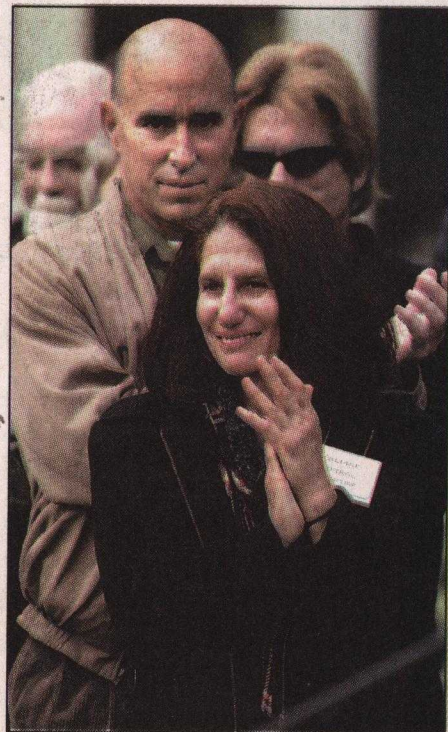
"I can't make comments specific to the suit (but) if marijuana was indeed a medicine, the FDA and the American Medical Society would be involved in this, and both have said it is a dangerous drug that should remain illegal. So there goes their medical argument.

"As far as the legal argument, nobody has a better understanding than us," Meyer said. "Every court decision has been in our favor. There is no medical necessity ... Anybody who thinks we are going to stop conducting criminal investigations of marijuana traffickers is (engaging in) wishful thinking."

Valerie Corral said the lawsuit comes at a time when the collective is facing difficult times financially, and dealing with a serious depletion in the "medicine" needed to sustain 240 members of the WAMM collective, many suffering from HIV, cancer, epilepsy and chronic pain.

Corral said collective members use marijuana to relieve nausea, vomiting and other symptoms.

But she said she is optimistic about win-



Bill Lovejoy/Sentinel file

Valerie and Michael Corral take in the good wishes of supporters after they file a lawsuit in April.

ning the case because the legal arguments are "a brand new way of looking at the law. There's no precedent to deny this. I believe in the wisdom of the court."

Corral said the aftermath of the raid has hampered the group's ability to provide marijuana to collective members. The group is receiving donated marijuana, but declined to say whether they are growing marijuana.

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