

City may sanction pot club founders

Deputizing pair seen as protection against feds

By **DAN WHITE**
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SANTA CRUZ — In the latest local gesture of defiance to the federal government, three City Council members have requested the city deputize the founders of a local medical marijuana club.

Mayor Emily Reilly, and councilmen Mike Rotkin and Tim Fitzmaurice want the council to make the club's co-founders, Michael and Valerie Corral, "duly authorized officers" of the city of Santa Cruz — entitled by the city to hand out medical pot to the collective's 200-plus members.

The "deputization" plan is intended to beef up the Wo/Men's Alliance for Medical Marijuana's legal defense against federal prosecution. The resolution, first proposed by the co-founders of WAMM, is on the agenda of today's 3 p.m. City Council meeting.

In the past, the council, which already has strong ties to WAMM, has done everything short of deputizing the club. Council members have passed resolutions on the group's behalf, and even showed up to a medical marijuana giveaway on the steps of City Hall in September attended by 1,000 people.

The September rally was in response to a federal raid earlier that month on the group's Davenport-area pot garden. Armed federal agents uprooted 167 plants.

The Corrals were arrested during the raid, and efforts to get the seized plants back have been unsuccessful. WAMM, however, is still thriving, according to the Corrals, who said they are preparing to file an injunction to prevent future raids.

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Pot club

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The majority of WAMM members are seriously or terminally ill, the Corrals said.

The Corrals' attorney, Ben Rice, said "deputy" status would put WAMM under the provisions of a federal law stating a person can't be sued for having a controlled substance if he or she is carrying it while "enforcing" local drug laws.

That federal law is the reason local police officers can legally carry drugs while engaging in a narcotics sting. According to this reading of the law, the Corrals would be "enforcing" state and local laws that allow for medical marijuana use.

But a spokesman for the federal Drug Enforcement Administration said Monday that deputizing the group won't change WAMM's status in the eyes of the U.S. government.

"They can do whatever they want, but deputizing them doesn't make any difference as far as we're concerned, not unless Congress changes the classification for marijuana and controlled substances," said Richard Meyer of the DEA's San Francisco office.

He added that clubs should not delude themselves into thinking such acts can prevent federal raids on medical marijuana gardens.

"Anybody that is growing marijuana, distributing marijuana, shouldn't be surprised if we paid them a visit." He also said the DEA is "concerned about the citizens of Santa Cruz. We want to let them

know we will do all we can to protect them from drug trafficking."

Rice said the federal provision usually relates to police, but Santa Cruz would be the third city in the state — after San Francisco and Oakland — to try to use that provision for medical marijuana users. But he said the deputization status has never been "put to the test" in federal courts.

Rice said he didn't expect deputization to stop federal raids on medical pot clubs. But he said such a city-sanctioned status could at least give people like Mike and Valerie Corral a defense to be used in court.

"If Mike and Val were arrested for doing what I think is fabulous work for the community, we could say, 'Look, the city of Santa Cruz deputized these guys and therefore they have immunity. It would be up to a federal judge to decide'."

After the DEA raid, the WAMM case was referred to the U.S. Department of Justice. Spokesman Charles Miller chuckled when he heard about the deputization plan.

"I have no idea how that would impact anything," he said. "I couldn't even comment."

The city of Santa Cruz, along with the state of California, has "compassionate" medical marijuana legislation that makes card-holding users exempt from prosecution. But users of medical pot enjoy no such protections from the federal government — a factor that contributed to the outcry over the raid on WAMM, who accused the DEA of treading roughly on local and state jurisdiction.

Mike and Valerie Corral said in a letter last month to then-mayor Christopher Krohn that being deputized would "allow our function as medical marijuana providers as duly authorized officers of the city of Santa Cruz."

"It's really hard to tell what the federal government will do, and it's hard to know if anything will stop from these ill-intended actions but I do believe this will allow us more protection as far as (legal) defense," Valerie Corral said. "But I'm very hopeful."

Police Chief Steve Belcher would not comment on the deputization idea.

"This is the first I've heard of it," he said.

Also on tonight's agenda:

■ The council, during its 7 p.m. session, will discuss whether street musicians should be exempt from a set of downtown behavior rules. The rules, approved in July, already increase space limitations on panhandlers. A majority of the council's Downtown Commission suggested the exemption.

Supporters say musicians cause very few problems and deserve a shot at self-determination.

City Manager Dick Wilson and two commissioners have expressed concern that an exemption, combined with a reliance on voluntary guidelines, would give merchants and police much less say when responding to conflicts.

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