



Via E-mail: PBSTestimony@Capitol.hawaii.gov
Committee: Committees on Public Safety
Hearing Date/Time: Thursday, April 2, 2009, 9:30 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii Supporting Intent of HCR 165/HR132

Dear Chair Hanohano and Members of the Committees on Public Safety:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) supports the intent of HCR 165 and HR 132, both of which request that the federal Drug Enforcement Administration (“DEA”) recognize President Obama’s position on medical marijuana raids. The ACLU of Hawaii applauds the Legislature’s efforts to support Hawaii’s developing medical marijuana program, but respectfully suggests some changes to the proposed resolution.

1. This Resolution is Both Necessary and Timely

As you know, two weeks ago, Attorney General Holder confirmed that the Department of Justice would not target medical marijuana patients who are in compliance with state law. Specifically, he stated that “[t]he policy is to go after those people who violate both federal and state law” and that “our focus will be on people, organizations that are growing, cultivating substantial amounts of marijuana and doing so in a way that’s inconsistent with federal and state law.”¹ Nevertheless, despite this directive, DEA agents continue to raid and harass medical marijuana patients.² A medical marijuana patient on the Big Island of Hawaii has been the target of monthly fly-overs by DEA helicopters. The same day that Attorney General Holder confirmed that the DEA would not waste law-enforcement resources targeting medical marijuana patients, three DEA gunships hovered over this patient’s house (at a distance of only 50 to 100 feet) for over forty minutes. They flew over his home a total of four times between 9:00 a.m. and 5:30 p.m. At least one helicopter landed in a neighbor’s yard. This patient is not alone, and patients state-wide are fearful of arrest, harassment, and retaliation for seeking medical care.

¹ Associated Press, *Attorney General Signals Shift In Marijuana Policy*, NPR.org, March 18, 2009 (available at <http://www.npr.org/templates/story/story.php?storyId=102068538>); see also David Johnston and Neil A. Lewis, *Obama Administration to Stop Raids on Medical Marijuana Dispensers*, N.Y. Times, March 19, 2009 (available at <http://www.nytimes.com/2009/03/19/us/19holder.html?scp=1&sq=holder%20marijuana&st=cse>).

² Rachel Gordon, *DEA Raids Pot Dispensary in SF*, San Francisco Chronicle, March 26, 2009 (available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/03/25/BA5B16N9LR.DTL>).

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Hon. Rep. Hanohano, Chair, PBS Committee,
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In short, the DEA continues to interfere with medical marijuana programs nationwide, and this proposed resolution is both timely and necessary.

2. Suggested Changes to the Language in the Proposed Resolution

The ACLU of Hawaii respectfully suggests that the Legislature may wish to send a slightly different message to Washington: rather than asking the DEA to comply with the President's policy, the Legislature could ask the President (and the Attorney General) to issue directives to their subordinates in the Department of Justice and DEA.

Furthermore, the Legislature may wish to consider a slightly different directive in this resolution. Rather than stating that the DEA should "stop engaging in medical marijuana raids to circumvent state law," we respectfully suggest that the Legislature ask President Obama to order the following: that the DEA undertake no enforcement action of any kind against medical marijuana patients, except in cases where local law enforcement – together with the Department of Public Safety (or other state agency with oversight authority for the medical marijuana program) – certify that a program participant is not in compliance with state law.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,



Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

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April 1, 2009

To: Faye Hanohano
And members of the Committee of Public Safety

From: Gail Stec
University of Hawaii at Manoa
Masters in Social Work student

Re: HCR 165

Subject: **HCR 165, HR 132**- Requesting that the Federal Drug Enforcement Administration recognize President Barack Obama's position on medical marijuana raids and stop engaging in medical marijuana raids that circumvent state laws permitting medical use of marijuana.

Hearing: Thursday, April 2, 2009, 9:30 a.m.
Conference Room 309
State Capitol
415 South Beretania Street

PURPOSE: The purpose of the bill is to encourage the recognition of President Barack Obama's opposition to using the federal government to raid medical marijuana shops because it is an infringement on the state's decision to legalize to sale and use of medicinal marijuana.

POSITION: I am in support of HCR 165 because it does not allow for the federal government to raid medical marijuana shops thus allowing for those in need of medical marijuana to be free to purchase it. Medical marijuana is proven to help many patients struggling with nausea caused by chemotherapy. If used correctly, medical marijuana helps many patients struggling with cancer and serious health problems. This bill will allow for legal medical marijuana shops to not have to worry about being raided thus providing a negative stigma to be removed from these shops and allowing them to provide for medical marijuana users. This bill will allow for the justice department to focus on matters of higher importance. Instead of wasting time and energy on a matter that is legal as well as helpful to many people.

I urge you to support HCR 165. Thank you for the opportunity to testify on this measure.

Gail Stec

To: Chair Representative Faye Hanohano
Committee of Public Safety

From: Stacy Wynn
University of Hawaii at Manoa
Masters in Social Work Student

Subject: **HCR 165, HR 132**- Requesting that the Federal Drug Enforcement Administration recognize President Barack Obama's position on medical marijuana raids and stop engaging in medical marijuana raids that circumvent state laws permitting medical use of marijuana.

Hearing: Thursday, April 2, 2009, 9:30 a.m.
Conference Room 309
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PURPOSE: The purpose of the bill is to encourage the recognition of President Barack Obama's opposition to using the federal government to raid medical marijuana shops because it is an infringement on the state's decision to legalize to sale and use of medicinal marijuana.

POSITION: I am in full support of this bill. It is wrong of the federal government to engage in raids on establishments that are following the law according to their state. It is unfair to the providers and the patients, to be in constant fear of a raid and getting punished for the sale and the use of medical marijuana, when it has been deemed legal in that state. State's go through a lengthy process of trying to pass laws, especially ones as controversial as the use of medical marijuana; therefore, when a decision is made to legally provide eligible patients the use of medical marijuana, those laws should be upheld and the federal government should not infringe on the rights of those patients. The federal government appears to feel that they may do whatever they want; however, it goes against our nation's democratic process to ignore the decisions made by individual states. As long as these medical marijuana establishments are following all of the current state laws involving the distribution and sale of medicinal marijuana, they should be left to do so without the worry of a federal raid looming over their head.

Thank you for the opportunity to testify.

Mahalo,
Stacy Wynn

Aloha Rep. Hanohano

Please Support HCR111 & HCR165

HCR111

"REQUESTING CONGRESS TO ENACT NECESSARY LEGISLATION TO ALLOW QUALIFIED PATIENTS TO TRANSPORT MEDICAL MARIJUANA AND PARAPHERNALIA FOR PERSONAL USE WHEN TRAVELING INTERSTATE."

*HCR165*

"REQUESTING THAT THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION RECOGNIZE PRESIDENT BARACK OBAMA'S POSITION ON MEDICAL MARIJUANA RAIDS AND STOP ENGAGING IN MEDICAL MARIJUANA RAIDS THAT CIRCUMVENT STATE LAWS PERMITTING MEDICAL USE OF MARIJUANA."

And I would like to take this time to say "MAHALO" to you & your staff for standing up for medical marijuana patients state wide

Much mahalo

BRIAN J MURPHY

HCR 165/HR 132

From a person who was married in your wonderful state, I would just like to ask your government to not be fooled by members of ASA, NORML, or marijuana activists regarding the truth behind what President Obama has actually stated about medicinal marijuana. If you missed his townhall meeting held online, you can view it here:

http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Open-for-Questions-Town-Hall/

As a person who resides in CA, I have seen numerous attempts from pro marijuana activists using misleading statements from our US ATTORNEY GENERAL as well as our PRESIDENT. I would also like to assure you that the DEA is still actively conducting what has been called "raids" in our state. There has been no official change in Federal policy and this can be seen in a recent news event at:

<http://cbs5.com/local/medical.marijuana.raid.2.968019.html>

I want to thank you for listening to me, I actively fight the pro drug movement in my state due to the misleading results from PROP 215. Storefront dispensaries have become a nightmare for CA and many cities here are now placing bans against this type of fraudulent business. Please, I urge you to see behind the activists portrayal of CA as an example for marijuana. Our state is an utter failure due to the pro marijuana drug movement. VOTE DOWN ALL BILLS regarding marijuana in your state as well.

THANK YOU,
Lori Green - resident state of CA
7063 Pawnee ave
Yucca Valley, CA 92284

untitled

April 2, '09

House Committee on Public Safety
Twenty-Fifth Legislature, 2009
State Of Hawaii

HCR111.
HCR 165
HCR112

My Names Daniel Perreira Im A Medical Cannabis Patient In Hawaii Under A Doctors Care In The State Of Hawaii Of which Consists Of Eight Islands which Is Accesible By Flying Airplanes To Get From One Island To Another To Tour Visit My Relatives Vacation At Or Other Reasonings I May Have To Travel By Air Within The State Of Hawaii But As Im A Medical Cannabis Patient Im Unable To Bring Along And Transport My Medical Cannabis Even Tho Im Within My Own State That Has Issued Me My Medical Cannabis Permit Card And Approved By A Doctor In The Help Of Treatment Of My Ailments But The State Of Hawaii which Just So Happens To Be Seperated By The Pacific Ocean Into Eight Islands But In Its Entirety Is One whole State And I Believe Its Still Illegal To Carry And Transport My Medical Cannabis Within My State Of Hawaii That Is And Has Issued Me My Medical Cannabis Permit Card That I Have Yet Im Not Able To Travel Freely Within My State without Being Arrested Because Of Hawaii Being Eight Seperate Islands And Not In One Piece But Is Still One State The State Of Hawaii

A handwritten signature in black ink, appearing to read "Daniel Perreira". The signature is stylized with a large, sharp initial 'D' and a cursive 'P'.



the
**Drug Policy
Forum**

April 2, 2009

To: Representative Faye Hanohano, Chair
Representative Henry Aquino, Vice Chair and
Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: In Support of HCR 165/HR 132
Hearing: April 2, 2009, 9:30 a.m., Room 309

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I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to provide testimony in support of HCR 165/HR90: REQUESTING THAT THE FEDERAL DRUG ENFORCMENT ADMINISTRATION RECOGNIZE PRESIDENT BARACK OBAMA'S POSITION ON MEDICAL MARIJUANA RAIDS AND STOP ENGAGING IN MEDICAL MARIJUANA RAIDS THAT CIRCUMVENT STATE LAWS PERMITTING MEDICAL USE OF MARIJUANA.

Even after President Obama announced that federal resources would not be used to circumvent state laws on medical marijuana, it is our understanding that a Drug Enforcement Administration helicopter was seen flying over homes of medical marijuana patients on the Big Island.

We view the use of such tactics as harassment of patients, who under state laws are lawfully permitted to use marijuana. This harassment of sick people is unconscionable, unnecessary and a waste of taxpayer money.

Federal resources are more properly directed at stopping large national and international drug cartels not people trying to alleviate pain.