

Correspondence & Commentary

Cancel My Denial

To: California Society of Addiction Medicine
74 New Montgomery Street, Suite 230
San Francisco, CA 94105

American Society of Addiction Medicine
4601 North Park Avenue Suite 101
Chevy Chase, MD 20815

Colleagues,

As I contemplated whether or not to renew this year with the not unsubstantial dues, I asked myself "Why should I?" Over the years since I joined the organization I have tried to raise the possibility of a harm-reduction option for the treatment of alcoholism. Notwithstanding my repeated and persistent entreaties, I have been repeatedly denied any opportunity for a collegial and professional forum. I have even offered to make my patients available for questioning and review. Nothing. Lame excuses —not ready yet.

Forays into spiritualism with self-styled practitioners responding to the "spiritual needs" of addicts was particularly disturbing. Somehow I don't remember any training in medical school in theological studies. The blurring of boundaries and confusion of identity diminishes, attenuates medical leadership, and reduces professional credibility to cultism. Medical Review Officers conducting forensic examinations are not engaged in a medical activity. Endorsing their enforcement of corporate authority diminishes medical leadership and reduces ASAM/CSAM to shills and trough feeders. The societies support the federal government's irrational drug-war policy while prominent addiction specialists seek to maximize their share of court referrals.

I officially give up on ASAM/CSAM and any possibility of a magical ethical transformation. I have been denied the opportunity to present a viable, effective, and medically appropriate intervention: cannabis as a substitute for alcohol and other addictive substances.

Retrospectively, I wonder why I waited so long to quit. I can no longer maintain my wishful thinking that somehow ASAM/CSAM could be fair, objective, professionally and medically correct.

I shall not be renewing my membership.

Tod H. Mikuriya, M.D., Berkeley, CA

Member since 1974
Certified by ASAM 1986
MRO Certified by ASAM 1992

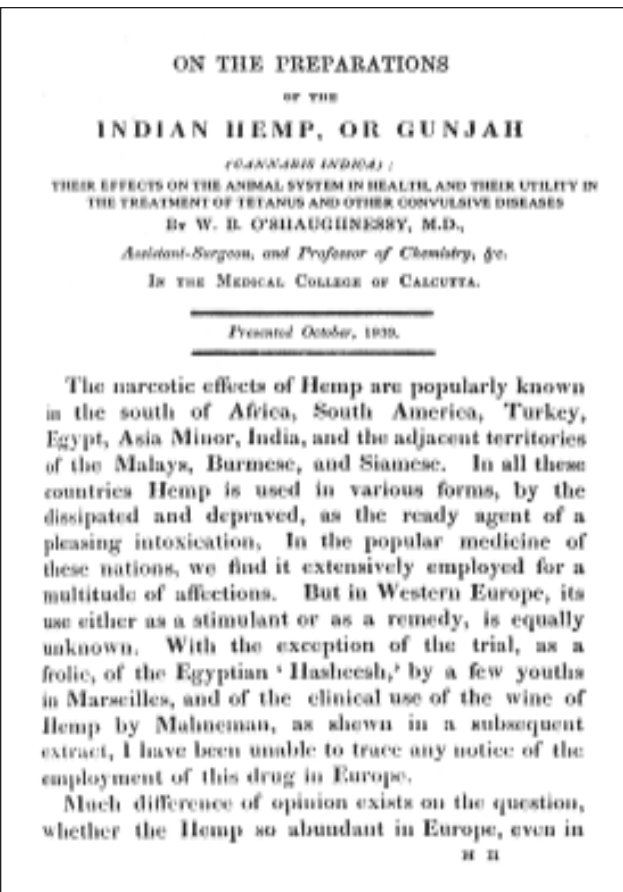
A Close-up View

Hello O'Shaughnessy's,

I am registered nurse with a BSN from UCSF, with current two years working for a hospice and palliative care institution. My patients who benefit most from medical marijuana suffer from pancreatic cancer, a most devastating disease.

The substance seems to shrink the mechanical pressure of growing tumors in the GI system, resulting in the patient's ability to eat food and the cessation of nausea and vomiting. Patients therefore avoid debilitating cachexia, which is soon followed by death.

A Nurse, Stockton, CA



W.B. O'SHAUGHNESSY'S PAPER in the *Transactions of the Medical and Physical Society of Bengal, 1838-1840* brought cannabis to the attention of European physicians. It was reprinted in *Marijuana Medical Papers, 1839-1972*, an anthology compiled by Tod Mikuriya, MD, that sustained awareness in the darkest years of Prohibition. See story on page 26.

FDA = Fully Discredited Administration

Stipulative Reality

The Food and Drug Administration issued a groundless "statement" April 20 asserting that "no scientific studies" support the medical use of marijuana.

The FDA decision makers are living in —and insisting that we all join them in— what Tod Mikuriya, MD, calls "stipulative reality," a world where what the government says, goes.

The FDA statement was not the work of a panel of experienced clinicians reviewing recent research. It was issued, ostensibly, in response to numerous Congressional inquiries, but actually at the behest of Rep. Mark Souder (the gentleman from Eli Lilly), the DEA and the Drug Czar's Office. Its release on 4/20, a day of special significance to marijuana users, shows the juvenility of its authors, who apparently regard Prohibition as a little game they're playing with the American people.

(Legend has it that 4:20 was the time that pot smokers at Tamalpais High School in Mill Valley got together. Or was 420 the police code for a pot bust in New Jersey? In any case, millions of Americans are aware that it's a reference to marijuana, and so are those wags at the Drug Czar's office.)

More than three quarters of the American people know that marijuana has medical utility, so the FDA statement further undermines the credibility of the government.

NORML was holding its annual meeting in San Francisco when the FDA issued its statement, and although predictable expressions of outrage were forthcoming, the additional media attention was not unwelcome. More than three quarters of the American people know that marijuana has medical utility, so the FDA statement further undermines the credibility of the government.

This is the same FDA that recently approved a stimulant patch for kids with "Attention Deficit Disorder" even though the patch has induced fatal heart attacks. No fewer than 10 drugs the FDA has approved since 2000 have been withdrawn! The initials might as well stand for Fully Discredited Administration.

The *New York Times* played the FDA-statement story at the top of the front page 4/21. Reporter Gardiner Harris

included three strong quotes refuting the government line, ending with Dr. Daniele Piomelli, a professor of pharmacology at the University of California, Irvine, who said he had "never met a scientist who would say that marijuana is either dangerous or useless."

The FDA statement triggered a wave of editorials and op-eds citing the 1999 Institute of Medicine Report, "Marijuana and Medicine: Assessing the Science Base," and other studies establishing safety and efficacy. There are well over 1,000 such studies in the medical literature. In this issue, Robert Melamede documents "The Cannabis Paradox" with 137 references (see pages 14-19).

Denney's Law

Although the right of doctors to discuss cannabis use with their patients is firmly established by a federal court ruling in *Conant v. Drug Czar*, some zealous Prohibitionists don't seem to respect the spirit and letter of the ruling, i.e., the First Amendment of the U.S. Constitution.

In February, a well-wisher sent Philip A. Denney, MD, documents revealing that an undercover Bureau of Alcohol, Tobacco and Firearms agent and a civilian confidential informant had visited his Redding office under false pretenses and obtained letters of approval to medicate with cannabis. Denney's objections to being investigated were reported by Christina Lucarotti-Stubler of the *Redding Record Searchlight* along with law enforcement's response.

"Redding police said they were not investigating Denney but Dixon Herbs, a small medicinal marijuana dispensary," wrote Lucarotti-Stubler. "The purpose of visiting Denney's office, Redding Police Chief Leonard Moty said, was to obtain signed statements from a physician that could then be used to purchase pot at Dixon Herbs... The investigation into Dixon Herbs 'demonstrates how easy it is (to get a recommendation). It speaks a little bit to the credibility of the examination.'

"Both Moty and District Attorney Jerry Benito said Denney was never the focus of the investigation. 'Under the medicinal marijuana laws, we cannot touch the doctors in any way,' Benito said... 'If he feels like somehow he was used or exploited to get a recommendation, perhaps he should review his

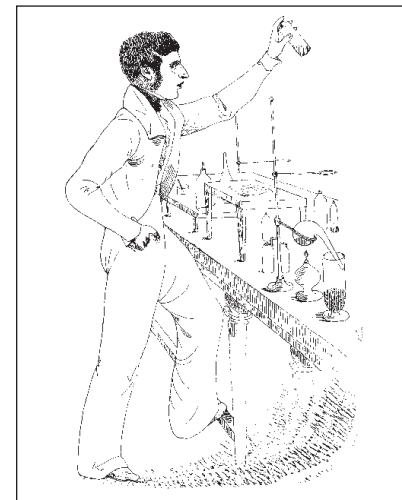
continued on page 24

O'Shaughnessy's

Published by the Society of Cannabis Clinicians

Send correspondence to
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Founder: Tod Mikuriya
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Special thanks to David Moore, John Trapp, Dean Becker, D.G., Chad Rea, R. Stephen Ellis, Melanie Dreher
Graphics courtesy of Michael Krawitz, Andrew Garrett, Todd McCormick, Roy S., Lloyd Wolf
online at <http://ccrmg.org.html>



William Brooke O'Shaughnessy is the Irish-born, Scottish-educated doctor who introduced cannabis to Western medicine — among many other scientific accomplishments. See story on 26.

Correspondence, Commentary *continued from page 2*

Request For Accommodations Denied

To the Editor:

Following is the response from the presiding judge of Santa Ana rejecting my request for accommodations to carry my medicine in Orange County courthouses because it "fundamentally alters the nature of the service provided by the court."

This is not the first time a state judge has cited federal law as an excuse to persecute and prosecute qualified medical cannabis patients. I've heard three state judges tell patients that they were not bound by the California Constitution and did not have to abide by Article 3 Sec. 3.5 which holds that a state law not deemed unconstitutional must be enforced regardless of conflicting federal law. One judge cited separation of governmental entities (executive, judicial & legislative). Judge Wieben Stock failed to acknowledge that I sometimes have to take a bus and have no place to keep my medical cannabis. She also failed to address my ability to smoke outside the courthouse at least 20 ft. from the entrance without police harassment.

I'm not an attorney, but I find it hard to believe that state judges do not have to uphold state law. I've heard so many half-truths and out-and-out lies from judges in Southern California that I'm not sure if what they're saying is true or not.

If possible I intend on appealing this decision to a higher level. I am currently writing a response letter and preparing arguments for an appeal hearing. Any suggestions or advise would be greatly appreciated.

Bill Britt, Long Beach

Dear Mr. Britt:

Your request to be allowed to bring cannabis, a pipe, and edible cannabis, in the form of cookies and lozenges, into "any and all state courthouses and government buildings in Orange County" has been carefully reviewed.

Presently, federal law prohibits possession of marijuana in any form. Although there are state authorities to the

contrary in this area, federal drug laws still apply to certain types of conduct. For this reason, your request for accommodation is denied because it fundamentally alters the nature of the service provided by the court. The court is sworn to uphold the law by not participating in or permitting illegal activity to take place in or at the courthouse as it requires the court to violate laws prohibiting possession and use of illegal substances

Since the Orange County Sheriff provides the security services for the Court, his deputies must also follow the law in carrying out their duties at the courthouses. This is for your protection, as well as the protection of others coming to handle court business.

If there is a need for you to have any medication nearby, there are public parking structures near the courthouses, with parking spaces designated for persons with disabilities. You are welcome to park in any of these spaces as long as you have the proper disability placard displayed in your car. With reasonable advance notice, the Court is more than willing to assist in arranging parking for you in one of the adjacent parking structures.

Please be reminded that the Court's decision in this matter relates only to the buildings under Superior Court jurisdiction, and not to all government buildings in Orange County.

**Nancy Wieben Stock,
Presiding Judge
Orange County Superior Court**

Note to Bill Britt:

I am baffled. Has the court heard of Hiram Johnson and the initiative process? Well, has the judge heard of the California Supreme Court and the Mower decision? It appears she is sticking her thumb in the eye of the State's highest court. Does she feel she knows more than the California Attorney General who told California law enforcement that they have authority to enforce state and local law, but not federal law.

The FDA provided cannabis for 18 smoked cannabis medical studies administered by UC San Diego. Does the judge mean to say if you were in one of those studies it would be OK? How does the judge feel about tinctures? Could someone come in with Sativex from Canada? The FDA has approved phase III clinical trials for Sativex, so is that OK? How about an edible? The judge obviously has no problem with Marinol, so what specifically is she objecting to? You may want to have an attorney look at Justices Thomas's and O'Connor's dissents in Raich and see if there is any ammo for your case there.

**Peace,
Dr. Dave Bearman**

From attorney Seymour Weisberg:

Mr. Britt should limit his request to courthouse consumption of edible cannabis since Health & Safety Code section 11362.79 (a) prohibits smoking medical cannabis in any place where smoking is prohibited by law. If his modified request draws another wrong response, he should file a complaint with the California Commission on Judicial Performance: (415) 557-1200 or fax (415) 557-1266

From attorney Joe Allen:

Since smoking is otherwise allowed some distance (I believe he said 20 feet) outside the doors, what he could also do is write to the Sheriff and request that he be allowed to bring his smoking MJ to court, give it for safekeeping to the court

Denney's Law *from page 2*

procedures."

The comments of Chief Moty and DA Benito add insult to injury, says Denney. "The visits to my office are written up in detailed reports headed 'Investigative Narrative.' If my practice wasn't investigated, what's the right word for it? 'Infiltrated?' 'Penetrated?' 'Spied on?'" Then they make disparaging remarks about my procedures — it's outrageous.

"The fact that I feel violated and threatened, personally, isn't what's most objectionable. The effect of the move against Dixon Herbs is that a thousand or so patients in the Redding area are forced onto the black market to buy their medicine. Is that really what the chief of police wants?"

"Even if Dixon Herbs was not 100 percent up to snuff, it was far better than the alternative and deserved to be worked with. That's what the law requires — safe and affordable access. The collusion between the state agencies and the feds is for no other purpose than to overturn the will of the voters. What does that say about the state of our democracy?"

Denney is contemplating his legal options. He thinks the federal agencies involved may have violated the injunction issued in *Conant v. McCaffrey* protecting doctors who perform cannabis consultations. He also wonders whether the state agents violated Article 3, section 3.5 of the California Constitution.

The small spate of publicity resulted in calls to Denney's Redding office from patients concerned about their records.

He found himself rethinking his original decision to publicize the intrusion of law enforcement into his practice. He'd been put in a bind, he realized: "either risk raising the fear level of my patients, or ignore the abuse of my rights — and theirs."

"Prop 215 was like a rock thrown into a lake and the ripples keep expanding as a result of face-to-face, person-to-person conversations."

Overall, however, the number of patients calling to make appointments did not decline in the weeks after Denney's situation was written up. "In general, the circle of patients keeps widening," he observes. "Prop 215 was like a rock thrown into a lake and the ripples keep expanding as a result of face-to-face, person-to-person conversations. With every passing day, more people hear from somebody they know and trust — somebody they're prepared to believe — that cannabis really does have medicinal effect, that it worked for them, that the side effects are relatively mild, that getting a doctor's approval is do-able. Law enforcement cannot stop this ever-widening circle of understanding. That's where the new patients keep coming from."

Denney's Law: movements capable of effecting social change grow by conversation and personal example.

security officers who do the entrance screening, and pick it up for use at recess.

For comparison, the guards at the Court of Appeal in Ventura have for years been holding my pocket knife for me during court, which I almost invariably forget to leave in the car. They keep it at the front desk and give it back when I leave.

Error of Omission

Dear O'Shaughnessy's,

Can anyone give me a sound reason why SICKLE CELL DISEASE should be excluded from O'Shaughnessy's published "Chronic Conditions Treated With Cannabis?" Certainly, between 1990 and 2005 it is well known that people living with SICKLE CELL DISEASE get therapeutic and curative benefits from consuming cannabis from its seed oil,

plant concentrates and extracts as well as overall optimum health in people living with sickle cell disease.

Cannabis addresses the violent episodes of pain, and overall comfort for sickle cell sufferers, but the primary benefit is in eating healthy foods enhanced with cannabis, so as to allow the body to heal itself, produce healthier bloodcells allowing longevity of life and quality of life enhanced.

**Sister Somayah Moore-Kambui,
Los Angeles**

Ed. Note: Dr. Mikuriya has already corrected the omission by adding Sickle Cell Anemia 282.60 to his list of conditions (by ICD-9 number) that cannabis has been used to treat with reported success.

O'Shaughnessy's Available Here

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PLEASE TAKE NOTICE that I do not waive any of my legal or Constitutional rights. I object to being detained, questioned, or searched. I object to my person, automobile or my residence being searched. I demand that my attorney, OMAR FIGUEROA, (415) 986-5591, be immediately notified of my detention and that I be allowed to call him.