

## TAKE A STAND FOR SENSIBLE DRUG LAWS!

December 13, 2006

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The Drug Policy Forum of Kansas is a 501(c)(3) organization. [Donations](#) are tax-deductible. Have you supported drug law reform this year?

### [New Congress, Same Old Drug War?](#)

The Democrats have taken Congress, but will they act on drug policy reform issues?

The [Higher Education Act, Aid Elimination Penalty](#), which denies or delays student financial aid to applicants who have been convicted of a minor drug offense, is the first law in need of repeal. Otherwise well performing students are penalized for what many in Congress and the White House did when they were young, namely smoking marijuana.

**Also, Congress needs to stop the DEA from arresting medical marijuana patients in the 11 states where it is legal.** It is unconscionable that our government is arresting sick and dying people with taxpayer funds.

What kind of Christian nation do we call ourselves when we allow an out-of-control law enforcement agency to arrest people for using a medicine recommended by physicians and made legal through the referendum process and state legislatures?

Read the DPFKS Position Paper, ["8 Ways the Newly Elected Congress Can Reduce the Harm Caused by the War on Drugs and Save Taxpayer \\$"](#) on our web site for more ways Congress can start the War on Drugs exit strategy.

### [Drug Arrests by Kansas County](#)

In 2005, thirty-three percent of all felony convictions in Kansas were for drug offenses. Geary County led the state with the highest number of drug convictions per 1000 residents. Yet a careful analysis by DPFKS reveals there were only 6 meth lab seizures in that county last year. **Could it be marijuana arrests that are fueling these high numbers?**

Watch for more data from DPFKS as we research the breakdown by drug type of these numbers through Open Records requests.

Read the numbers from your county in our full [report](#). Note: the analysis, which was based on data from the KS Sentencing Commission, does not factor in the number of persons convicted in federal court for drugs. This data is forthcoming.

Won't you help us research the cost and effectiveness of the drug war in Kansas by sending your tax-deductible [donation](#) today?

## US Supreme Court: Deportation and Life Sentences

The US Supreme Court recently ruled on two important cases involving drug law.

In the first, [Lopez v. Gonzalez](#), the court ruled that Jose Antonio Lopez, a 16-year legal permanent resident of the US, should not have been deported to Mexico after he finished his five year felony sentence for drug possession in state prison.

Under the Immigration and Naturalization Act, immigrants convicted of an aggravated felony face mandatory deportation. In this case, the court held that even if a conviction for drug possession is considered a felony under state law, if it is not considered a felony under the federal Controlled Substances Act, it cannot be an aggravated felony for immigration purposes.

Justice David Souter, who wrote the majority opinion (8-1 with Justice Thomas dissenting), **accused the government of "incoherence,"** Souter added that "the government's way... would often turn simple possession into trafficking, just what the English language tells us not to expect and that result makes us very wary of the government's position."

The ruling will no doubt affect thousands of immigrants with minor drug-related convictions, many of whom are awaiting deportation currently.

**Now for the bad news**, by refusing to hear the case of Weldon Angelos, convicted of minor marijuana sales while in possession of a gun, the father of two and would be rap producer will now serve his entire 55 year sentence in federal prison, the minimum mandatory sentence he could receive for selling three eight-ounce bags of marijuana to an undercover informant while in possession of a gun.

Even the federal judge who was required to issue the mandatory minimum sentence issued a lengthy opinion calling the sentence "unjust, cruel, and even irrational."

Four former attorneys general and 145 former prosecutors and judges wrote in support of a lighter sentence for Angelos.

The case is Angelos v. U.S., 06-26. Read [more](#) about the case on the **Families Against Mandatory Minimums** web site.

## Medical Marijuana Patients Win Big as Court Upholds State Law in California

A San Diego Superior Court this week handed a critical victory to medical marijuana patients nationwide, affirming the ability of states to exempt qualified patients from criminal penalties, despite federal policy that prohibits all marijuana use.

Following oral arguments by the [Americans for Safe Access](#) (ASA), the [American Civil Liberties Union](#) (ACLU) and the [Drug Policy Alliance](#) (DPA), the court confirmed the validity of California's medical marijuana laws, rejecting the contention of several counties – San Diego, San Bernardino and Merced – that such laws are made invalid by federal law.

The California Attorney General's office argued in parallel with ASA, the ACLU, and the DPA that state medical marijuana laws are not rendered invalid by conflicting federal statutes – consistent with the opinions of the attorneys general of several other states, including Colorado, Hawaii and Oregon, which permit medical use of marijuana.

The case originated from a lawsuit initially brought by San Diego County, and later joined by San Bernardino and Merced counties, against the state of California. ASA, the ACLU and DPA intervened in the proceedings on behalf of medical marijuana patients and their caregivers and doctors in order to assure adequate representation of those most impacted by the case.

“For the tens of thousands of seriously ill Californians who depend on medical marijuana, this victory could not be more significant,” said Steph Sherer, executive director of Americans for Safe Access (ASA). “San Diego Supervisor Bill Horn stated he was seeking clarification from the courts. Now that the court has ruled, we hope that San Diego and counties across California will move forward with implementing state law.”

The court's ruling, issued by Judge William R. Nevitt, is available at [www.safeaccessnow.org/downloads/SD\\_Ruling.pdf](http://www.safeaccessnow.org/downloads/SD_Ruling.pdf)

## Contribute to Drug Policy Reform Education in Kansas

We believe our community can be safer and healthier through effective drug education, investing in treatment for offenders, and prosecuting in a drug court setting.

**Won't you help us promote innovative drug policies by sending your tax-deductible [donation](#) today?**

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