

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANNABIS CULTIVATOR'S CLUB, et al.,

Defendants.

AND RELATED ACTIONS.

No. C 98-0085 CRB
C 98-0086 CRB
C 98-0087 CRB
C 98-0088 CRB
C 98-0089 CRB
C 98-0245 CRB

**DECLARATION OF
JOHN P. MORGAN, M.D.**

1 I, JOHN P. MORGAN, declare:

2 1. I am a medical doctor and Professor of Pharmacology at the City University of New
3 York Medical School. I have personal knowledge of the facts stated herein, and if called as a
4 witness, I could and would testify competently as to them.

5 2. I am co-author of the book entitled “Marijuana Myths, Marijuana Facts—A Review of
6 the Scientific Evidence,” published in 1997.

7 3. Marijuana, also known as cannabis, has many proven medical uses. Medical cannabis
8 reduces nausea and vomiting induced by cancer chemotherapy, stimulates appetite and promotes
9 weight gain in AIDS patients, reduces intraocular pressure in people suffering from glaucoma,
10 reduces muscle spasticity in patients with neurological disorders, spinal cord injuries, and multiple
11 sclerosis. Furthermore, patients and physicians have reported that smoked marijuana also provides
12 relief from migraine headaches, depression, seizures, and pain.

13 4. Recent studies have shown that cannabinoids may also be useful for other neurological
14 disorders, such as stroke.

15 5. There are no reasonable legal alternatives to medical cannabis for many patients.
16 Delta-9-THC is the main active ingredient in marijuana. While synthetic THC is available in capsule
17 form, it is not nearly as effective as smoked marijuana for many patients. For people suffering from
18 nausea and vomiting, who are unable to swallow and hold down a pill, smoking marijuana is often
19 the only reliable way to deliver THC to the body. Smoking marijuana delivers THC quickly,
20 providing relief in a few minutes, compared to an hour or more when THC is swallowed.

21 6. Smoking marijuana not only delivers THC to the bloodstream more quickly than
22 swallowing synthetic THC, but smoking delivers most of the THC inhaled. When synthetic THC is
23 swallowed, 90 percent or more of it never reaches sites of activity in the body as a result of the
24 body’s extensive metabolism of swallowed THC.

25 7. Another problem with swallowed THC is that its effects vary considerably, both from
26 one person to another and in the same person from one episode of use to another. Further, because
27 the onset of effect is an hour or more, patients using synthetic THC have difficulty achieving just the
28 effective dose. Moreover, when THC is swallowed, the effects last longer (up to six hours) compared

1 to one or two hours when marijuana is smoked. Thus, smoking marijuana is a more flexible route of
2 administration than swallowing because smoking allows patients to adjust their dose to coincide with
3 the rise and fall of symptoms. For people suffering from nausea and vomiting from AIDS or cancer
4 chemotherapy, smoked marijuana provides rapid relief with lower overall doses of THC.

5 8. The psychoactive side effects of swallowed synthetic THC may be more intense than
6 those that occur from smoking, thereby increasing the likelihood of adverse psychological reactions.
7 This occurs because the liver actually produces, in high concentration, an active metabolite.

8 9. Smoking is a highly unusual way to administer a drug. Many drugs could be smoked,
9 but there is no good reason to do so because oral preparations produce adequate blood concentrations.
10 This is not the case with THC. Inhaling is a better route of administration than swallowing. Inhaling
11 is about equal in efficiency to intravenous injection, and considerably more practical.

12 10. "Cannabis buyers' cooperatives" are the best and safest way for patients to obtain
13 medical cannabis. Patients who rely on the criminal street markets to obtain marijuana necessarily
14 acquire cannabis of unknown potency and purity. For example, marijuana purchased from a street
15 dealer may contain fungal spores, which may be deadly for AIDS patients who have suppressed
16 immune systems. As a result of the dangers of obtaining marijuana from the criminal market, some
17 patients who need the drug may choose to forego their medication.

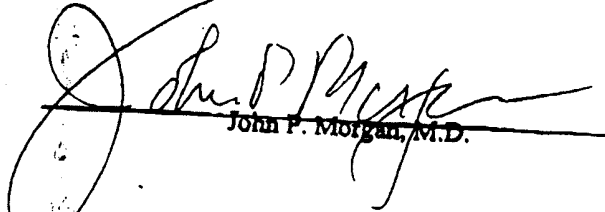
18 11. The Drug Enforcement Administration's own administrative law judge, Francis L.
19 Young, concluded not only that marijuana's medical utility had been adequately demonstrated by the
20 evidence, but that marijuana had been shown to be "one of the safest therapeutically active
21 substances known to man." The DEA administrator ignored this opinion when he decided to
22 maintain marijuana as a Schedule I drug.

23 12. For many patients medical cannabis is necessary to avert imminent and often life-
24 threatening harm. For many patients, such as those undergoing intensive chemotherapy or
25 experiencing AIDS-related "wasting syndrome," medical cannabis saves their lives. For patients
26
27
28

1 suffering from glaucoma, medical cannabis may save their vision. For patients suffering neurological
 2 disorders resulting from spinal cord injuries and multiple sclerosis, medical cannabis may enable
 3 them to physically cope in society, to go on with their lives and to endure pain.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
 5 is true and correct.

6 Executed this 13th day of August at New York, New York.

7
 8 
 9 John P. Morgan, M.D.
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 ROBERT A. RAICH (State Bar #147515)
1970 Broadway, Suite 1200
2 Oakland, California 94612
Telephone: (510) 338-0700
3

4 GERALD F. UELMEN (State Bar #39909)
Santa Clara University
School of Law
5 Santa Clara, California 95053
Telephone: (408) 554-5729
6

7 JAMES J. BROSNAHAN (State Bar #34555)
ANDREW A. STECKLER (State Bar #163390)
MORRISON & FOERSTER LLP
8 425 Market Street
San Francisco, California 94105
9 Telephone: (415) 268-7000

10 Attorneys for Defendants
OAKLAND CANNABIS BUYERS'
11 COOPERATIVE and JEFFREY JONES
12

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16
17 Plaintiff,

18 v.

19 CANNABIS CULTIVATOR'S CLUB,
et al.,
20 Defendants.

Nos. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98-00089 CRB
C 98-00245 CRB

DECLARATION OF DAVID SANDERS

21 AND RELATED ACTIONS.
22
23
24
25
26
27
28

1 I, DAVID SANDERS, declare as follows:


2 1. My name is David C. Sanders. I am over the age of 21, am of sound mind, and am
3 competent to testify to the matters stated herein.

4 2. I am a member of the Oakland Cannabis Buyers' Cooperative. I have AIDS. My
5 physician has recommended that I use medical cannabis. It works when nothing else does work
6 at alleviating some of my symptoms.

7 3. I was not present at any press conference on May 21, 1998. Although I was scheduled
8 to be at the Cooperative's offices that day to appear at a press conference, I suffer from a serious
9 life-threatening illness, complications from which prevented me attending the event.

10 I declare under penalty of perjury that the foregoing is true and correct to the best of my
11 knowledge.

12 Executed this 11th day of August, 1998, in Oakland, California.

13 
14 David Sanders
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 ROBERT A. RAICH (State Bar No. 147515)
1970 Broadway, Suite 1200
2 Oakland, California 94612
Telephone: (510) 338-0700

3
4 GERALD F. UELMEN (State Bar No. 39909)
Santa Clara University, School of Law
Santa Clara, California 95053
5 Telephone: (408) 554-5729

6 JAMES J. BROSNAHAN (State Bar No. 34555)
ANNETTE P. CARNEGIE (State Bar No. 118624)
7 ANDREW A. STECKLER (State Bar No. 163390)
MORRISON & FOERSTER LLP
8 425 Market Street
San Francisco, California 94105-2482
9 Telephone: (415) 268-7000

10 Attorneys for Defendants
OAKLAND CANNABIS BUYERS'
11 COOPERATIVE AND JEFFREY JONES

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16
17 Plaintiff,
18 v.
19 CANNABIS CULTIVATOR'S CLUB, et al.,
20 Defendants.
21

No. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98 00089 CRB
C 98 00245 CRB

**DECLARATION OF ANDREW A.
STECKLER IN SUPPORT OF
DEFENDANTS' RESPONSE TO SHOW
CAUSE ORDER IN CASE NO. C 98-0088
CRB**

Date: September 28, 1998
Time: 2:30 p.m.
Courtroom: 8
Hon. Charles R. Breyer

22
23 AND RELATED ACTIONS.
24
25
26
27
28

1 I, ANDREW A. STECKLER, declare:

2 1. I am a member of the bar of the State of California, and an associate at the law firm of
3 Morrison & Foerster LLP, and represent defendants Jeffrey Jones and the Oakland Cannabis Buyers'
4 Cooperative in this matter. I have personal knowledge of the facts stated herein, and if called as a
5 witness, I could and would testify competently as to them.

6 2. Attached hereto as Exhibit A is a true and correct copy of the Report of Investigation
7 of Peter A. Ott dated 5/21/98.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct.

10 Executed this 14th day of September, 1998, at San Francisco, California.

11 
12 _____
13 ANDREW A. STECKLER

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REPORT OF INVESTIGATION

Page 1 of 2

1. Program Code n/a	2. Cross File Related Files <input checked="" type="checkbox"/> [REDACTED] <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	3. File No. [REDACTED]	4. G-DEP Identifier [REDACTED]
5. By: Peter A. Ott, S/A At San Francisco DO		6. File Title [REDACTED]	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:		8. Date Prepared 5/21/98	
9. Other Officers: S/A Mark Nelson			

10. Report Re: Undercover and Surveillance of the OAKLAND CANNABIS BUYERS CLUB on 05/21/98

DETAILS

- Reference is made to all previous ROI's under this investigation.
- On May 21, 1998, at approximately 11:00 a.m., S/A's Peter Ott, Dean Arnold, Mark Nelson, and Bill Nyfeler set up surveillance in the immediate vicinity of the OAKLAND CANNABIS BUYERS CLUB located at 1755 Broadway Oakland, Ca.
- The above agents observed individuals entering into the building that contains the OAKLAND CANNABIS BUYERS CLUB. The agents also observed numerous television news vans parked in front of the building.
- At approximately 11:10 a.m., S/A's Ott and Nyfeler entered into the building. Both of the agents produced their identification when asked from a security guard. S/A Ott produced his undercover California Drivers' License. S/A Nyfeler produced DEA exhibit #N100, an OAKLAND CANNABIS BUYERS CLUB card #1107. Subsequently, both of the agents entered into the club on the third floor.
- S/A Ott again produced his identification when asked by a second security guard on the third floor. The security guard allowed S/A Ott to enter the club. S/A Ott observed no less than six television crew teams taking statements and video tape of members purchasing marijuana over the counter from employees. S/A Ott also observed ten over the counter sales of marijuana to individuals. S/A Ott observed one individual purchase marijuana and begin to roll a marijuana cigarette.

11. Distribution: Division [REDACTED] District Other	12. Signature (Agent) Peter A. Ott	13. Date 05/21/98
	14. Approved (Name and Title) Dale W. Shepherd	15. Date 05/21/98

DEA Form -6
(Aug. 1994) PAO

DEA SENSITIVE
Drug Enforcement Administration

1-Prosecutor

This report is the property of the Drug Enforcement Administration.
Neither it nor its contents may be disseminated outside the agency to which loaned.

Previous edition dated 5/80 may be used.

REPORT OF INVESTIGATION <i>(Continuation)</i>	1. File No. [REDACTED]	2. G-DEP Identifier [REDACTED]
	3. File Title [REDACTED]	
4. Page 2 of 2		
5. Program Code n/a	6. Date Prepared 5/21/98	

6. At approximately 11:20 a.m., while S/A Ott was waiting in the room designated for the press conference, an individual yelled into the press room that a DEA agent was in the club. Shortly thereafter, OAKLAND CBC Director Jeff JONES came into the press room and yelled to the media personnel that a DEA agent was discovered. The media personnel emptied the room and went to the elevator to where S/A Nyfeler was standing and attempting to depart the club.
7. S/A Ott walked to the elevator and stood next to S/A Nyfeler for safety purposes. The media and employees began yelling at S/A Nyfeler and refused to allow S/A Nyfeler to depart by keeping cameras jammed into the elevator door. The media personnel then began asking questions and continued to block the agents from departing. After approximately five minutes from when S/A Nyfeler's presence being known, the media and employees allowed the elevator door to close.
8. At approximately 11:25 a.m., the agents departed the club.

INDEXING

[REDACTED]

[REDACTED]

[REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANNABIS CULTIVATOR'S CLUB, et al.,

Defendants.

No. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98 00089 CRB
C 98 00245 CRB

DECLARATION OF HAROLD SWEET

AND RELATED ACTIONS.

1 I, HAROLD SWEET, declare:

2 1. I am a patient-member of the Oakland Cannabis Buyers' Cooperative (the
3 "Cooperative"). I have personal knowledge of the facts stated herein, and if called as a witness, I
4 could and would testify competently as to them.

5 2. I am a retired school teacher. I taught botany and biology in a junior college. I am
6 sixty-four years old. I suffer from glaucoma.

7 3. I was first diagnosed with glaucoma in 1994. At that time my field of vision was
8 deteriorating rapidly. Also, I experienced intense pain from the build up of pressure in my eyes. I
9 also experienced pain when I was exposed to bright lights. I often had to go lie down in a dark room
10 just to try to escape the pain.

11 4. Prior to my eye disease, I was never an illicit drug user or somebody who used
12 marijuana. Personally, I have actually always been opposed to the so-called "pot-heads" in our
13 society.

14 5. Since my glaucoma diagnosis I have been taking medical cannabis for my condition.
15 This medicine has worked wonders. First, the medical cannabis keeps my eye pressure down. When
16 I medicate with cannabis, the pain goes away, and I no longer experience intense pain from bright
17 lights.

18 6. Second, much to my doctor's amazement, not only has my field of vision not
19 deteriorated any further since I have been medicating with cannabis, but it may have even improved.
20 Also, my doctor has told me that my optic nerve is in good shape. I attribute this to the cannabis
21 treatment.

22 7. There is a very strong possibility that I would be blind if I did not take cannabis for
23 my glaucoma.

24 8. Though I have tried other drugs and treatments for my glaucoma, no other drug or
25 treatment works for me.


26 9. According to my doctor's suggestion, I have been modulating my use of medical
27 cannabis. Currently, I smoke a little bit of cannabis three times a day. This is the only way I know
28 how to get through the day without pain. It is also the only way I know how to maintain my vision.

1 10. The Cooperative has provided a safe place where I can get this life-saving medicine.
2 If cannabis were not available through the Cooperative, I would be forced to go without the only
3 medication that has worked to alleviate my glaucoma.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct.

6 Executed this 10 day of September at Oakland, California.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Harold Sweet

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANNABIS CULTIVATOR'S CLUB, et al.,

Defendants.

No. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98 00089 CRB
C 98 00245 CRB

DECLARATION OF YVONNE WESTBROOK

AND RELATED ACTIONS.

1 I, YVONNE WESTBROOK, declare:

2 1. My name is Yvonne Renee Westbrook. I am 45 years of age, am of sound mind, and
3 am competent to testify to the matters stated herein.

4 2. I am a member of the Oakland Cannabis Buyers' Cooperative. I was present at the
5 Cooperative during a press conference on May 21, 1998.

6 3. I was diagnosed with multiple sclerosis in 1979. Because of my condition, I am
7 confined to a wheelchair. Cannabis helps me cope with many of the conditions brought on by my
8 illness. True and correct copies from my medical record are attached as "Exhibit A."

9 4. Spasticity is one of my symptoms caused by multiple sclerosis—my legs will jump
10 uncontrollably. My doctor has prescribed Valium for the spasticity, but it does not work as well as
11 cannabis. It takes Valium approximately one hour to take effect, and during that hour my legs
12 continue to jump around. After the Valium does take effect, I just want to fall asleep, and cannot
13 function well. When I take Valium, I feel listless and worthless. In contrast, after I take just a few
14 puffs of cannabis, the spasticity immediately subsides, and I can go about my normal activities.
15 Cannabis makes it possible for me to live a fulfilling life: Currently, my primary endeavor is
16 working as a peer counselor for other people with multiple sclerosis.

17 5. Chronic pain is another condition from which I suffer—my feet and legs experience
18 throbbing aching. I also feel pain in my hands and eyes. My doctor prescribed pain relievers, which
19 help some at night, but during the day cannabis is the one and only medicine that helps me cope with
20 the pain. The other pain relievers, such as Vicodin, also make me feel listless and they give me
21 constipation. Another pain medication I have tried completely knocks me out. It makes me so weak
22 that I cannot stand at all. Cannabis does not have this side effect.

23 6. I suffer from terrible headaches. Cannabis helps me cope with that pain as well. My
24 doctor prescribed Vicodin for my headaches, but I try not to use it because it can be addictive and can
25 cause liver problems. Lord knows, I don't want liver problems along with multiple sclerosis.

26 7. Multiple sclerosis also makes it hard for me to sleep. Cannabis is effective at helping
27 me sleep, and the next morning I feel rested and refreshed. Other medications my doctor prescribed
28 for sleeping, such as Restoral, have side effects: The next morning I felt lethargic, without energy,

1 and not like myself. The prescription drugs rob me of energy, which is low anyway because of
2 multiple sclerosis.

3 8. Being disabled can make me depressed, and I suffer from mood swings, but cannabis
4 improves my attitude. For example, I sometimes suffer from depression because of my condition, or
5 I can become angry at my inability to perform simple daily tasks. In those circumstances, I can
6 medicate with cannabis and it quickly improves my mental outlook. Being depressed aggravates the
7 headaches and fatigue I experience, which are symptoms of multiple sclerosis, whereas having a
8 good mental attitude alleviates those symptoms and improves my condition.


9 9. My doctor is very supportive of my use of cannabis. He is glad I have a medicine that
10 helps me in so many ways. In the hospital, at various times, the nurses have seen me medicating with
11 cannabis. They, too, have been very supportive of me.

12 10. I only use cannabis for medical purposes, not recreationally. I am 45 years old—I
13 have neither the time nor the inclination to use drugs recreationally. Because I smoke several
14 cannabis cigarettes every day, it does not have a psychoactive effect on me.

15 11. The Oakland Cannabis Buyers' Cooperative provided a safe, clean, and comfortable
16 place to obtain cannabis. That is important to me because, being in a wheelchair, I do not want to go
17 to seedy places, or to parks or to the streets, in search of medicine. The elements I would have to
18 endure in order to get medicine there are dangerous, and it would be stressful. I am afraid of the
19 guns, neighborhoods, and unsavory people I would need to interact with in order to obtain cannabis
20 on the black market.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct.

23 Executed this 11 day of September, in Oakland, California.

24
25 
26 _____
Yvonne Westbrook



GARY L. CHAN, M.D.
Board Certified Internal Medicine

1199 Bush Street, Suite 400
San Francisco, CA 94109
Telephone: (415) 474-7900

August 16, 1996

To Whom It May Concern,

I am writing this letter to confirm that my patient,
Ms. Yvonne Westbrook does have Multiple Sclerosis. If you
have any questions or concerns, please feel free to call
my office. Thank you.

Sincerely,


Gary L. Chan, M.D.

4416 ✓

OAKLAND CANNABIS BUYERS CLUB

PHYSICIAN STATEMENT

My patient, Gyonne Westbrook, is being treated for Multiple Sclerosis.

We have discussed the medical benefits and risks of marijuana use as a treatment for this condition. I would consider prescribing marijuana for this patient's condition if I were legally able to do so. If my patient chooses to use marijuana therapeutically, I will continue to monitor his/her condition and provide advice on his/her progress.

Gary L. Chanard
Physician's Signature

26

GARY L. CHANARD
Physician's Name (printed)

Marked in file

1199 BUSH ST #400
Address

S.F., CA 94109

City, State and Zip Code

(415) 474-7900
Phone Number

Oakland Cannabis Buyers' Club

(510) 832-5346