

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

Introduced Tuesday, May 22, 2007

1 [Condemning prosecution of medical marijuana by the Federal Government.]

2 **Resolution condemning federal prosecution of Ed Rosenthal and acknowledging**
3 **importance of safe and legal access to medical cannabis in San Francisco.**
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5 WHEREAS, The cannabis plant has a recorded history of safe, therapeutic use nearly
6 5,000 years old; and,
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8 WHEREAS, Cannabis has been shown to be effective in the treatment of a wide variety
9 of medical conditions and is routinely recommended by physicians to their patients suffering
10 from HIV/AIDS, Multiple Sclerosis, arthritis, chronic pain, glaucoma, movement disorders,
11 gastro-intestinal disorders, the side effects of cancer treatment, and other serious illnesses
12 and injuries; and,

13 WHEREAS, Opinion polls of the American public consistently show support of from
14 two-thirds to more than 80% for legal access to cannabis for medical use; and,

15 WHEREAS, Federal Drug Enforcement Administration administrative law judge Francis
16 L. Young ruled in 1988, after exhaustive hearings on the rescheduling of cannabis to make it
17 available by prescription, that “the cannabis plant considered as a whole has a currently
18 accepted medical use in treatment in the United States, [and] there is no lack of accepted
19 safety for use under medical supervision.”; and,

20 WHEREAS, The voters of the State of California in 1996 approved the Compassionate
21 Use Act making legal access to medical cannabis a right for seriously ill Californians; and,

22 WHEREAS, The states of Alaska, Arizona, Colorado, Hawaii, Oregon, Maine,
23 Maryland, Montana, Nevada, New Hampshire, Rhode Island, Vermont, and Washington have
24 also enacted laws intended to protect patients using cannabis under their doctors’ direction
25 from criminal liability; and,

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1 WHEREAS, The Supervisors of the City of San Francisco in 2001 passed a Resolution
2 establishing the city as a sanctuary for medical cannabis patients; and,

3 WHEREAS, The Assembly, the Senate, and the Governor of the State of California
4 enacted the Medical Marijuana Program Act (SB420) in 2003 to ensure the implementation of
5 the Compassionate Use Act of 1996; and,

6 WHEREAS, The Supervisors of the City of San Francisco in 2005 established an
7 ordinance for the regulation of medical cannabis dispensing collectives; and,

8 WHEREAS, The federal Drug Enforcement Administration and the United States
9 Department of Justice persist in attempts to thwart the will of the American people, the laws of
10 the State of California, and the regulatory ordinances of the City of San Francisco by
11 engaging in the criminal investigation and prosecution of medical cannabis patients and those
12 who provide cannabis to them; and,

13 WHEREAS, The U.S. Attorney's Office is again prosecuting Ed Rosenthal, a noted
14 author and community leader, for providing medical cannabis to patients in San Francisco
15 under the authority of the City of Oakland's medical marijuana program; and,

16 WHEREAS, The U.S. Attorney's Office in San Francisco is expending extraordinary
17 resources on the prosecution of Ed Rosenthal; and,

18 WHEREAS, The U.S. Attorney's Office in San Francisco has conceded that no
19 additional criminal penalty can be meted out to Mr. Rosenthal, even if it can again obtain a
20 conviction, because he has already served his sentence for the crimes of which he is
21 accused; and,

22 WHEREAS, no other criminal defendant has been faced with retrial after completing
23 the terms of a sentence; now, therefore, be it

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1 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
2 condemns the investigation and prosecution of Ed Rosenthal by the U.S. Department of
3 Justice; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors urges the U.S. Attorney's Office
5 in San Francisco to dismiss this case and cease and desist from the investigation and
6 prosecution of all medical cannabis patients, caregivers, and providers; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors urges Congress to act forthwith
8 to resolve the longstanding conflict between federal prohibition of cannabis and the findings of
9 medical science.

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