

**From:** moksha@umich.edu  
**To:** jhieftje@ci.ann-arbor.mi.us  
**cc:** "ci.ann-arbor" <rfraser@umich.edu>  
**Subject:** Chuck Ream 74% for Medical Marijuana  
**Date-Sent:** Thursday, November 04, 2004 1:00 PM -0500

Good day, and congratulations on your thumping victory!

Even now I don't think that some people at the city hall realize the depth of support there is for this medicinal cannabis issue.

Isn't Mr. Postema appointed? Why would he want to work in a city like Ann Arbor if his desire is to foil rather than to facilitate things that the citizens of Ann Arbor very strongly want. We are all fully aware of what Michigan law is. Did he check with you or did he just start spouting off? Do you have control of this employee? Are you sure he is the man that the voters would want to represent them as city attorney?

Why would Mr. Postema propose to FORCE us to have litigation when the people have provided a mandate at the 74% level. This is soccer moms and white haired grannies and white males like Ted Heusel (the radio dude who doesn't like to clean his gutters) voting for it. We do not want litigation.

I don't want to try to force some sort of "buyers club" or city sponsored distribution or anything huge - if we can "just get along" here and come to some agreement about some sort of good faith gesture to respond to the voters overwhelming mandate (69% for Hieftje is fantastic and well deserved but both the medical cannabis (and the Scio land preservation millage) got fully 3 of every 4 voters). (It was also fun to switch parties and take over Scio again.) You know I think you are Ann Arbor's greatest mayor ever - since, like Kermit the frog, you are really green.

This is where leadership in a town like Ann Arbor gets tricky. The problem is that Mr. Postema and the police chief are insisting on "no change in procedure" in the face of a positive mandate from three quarters of your voters. That position is neither fair nor tenable and will lead to problems.

I am proposing that you get some little subcommittee going to work out the procedure for the issuance of an ID card - on the basis of procedures for ID cards used by other municipalities (no reinventing the wheel). Neither of us will say what should happen after this because we just don't know. The city has the power to tell its employees what to do. Possibly you and council could indicate that it was city policy that employees should consider not arresting or harassing patients with a valid city issued ID card if that patient is not causing a public disturbance or threatening the public safety in any way, shape, or form. Clearly (unfortunately), at this time, a police officer would have the legal power to arrest a patient with a city medical ID card. Tell Mr. Postema that we are all aware of that.

Legally and logically you can see that there is no way that Mr. Postema can go after medical cannabis without also saying that our whole \$25 fine section of the charter is invalid. Can you imagine the ruckus - he might be tarred and feathered - and your 69% favorable rating could suffer. Few realize how many very successful people have moved here since 1972 so they can feel safer.

I'm sure you also recall our earlier evidence indicating that the Elias/Postema team has had a "strategy to make sure this doesn't happen". They began conspiring at least by March, when Mr. Postema personally harassed one of our most devoted petitioners on the street. Unfortunately for Mr. Postema, his outburst was overheard by a passing pedestrian - who is a local attorney - who signed our petition and gave his address - and I notarized the document that evening and have it now. Don't underestimate our determination, and we know that you will fight to implement this mandate that your voters have provided for you as mayor.

This is a tough one that may demand your best creative thinking. But that ability is why people believe in you. I have shown out here in Scio that one can have political success and be compassionate on the medical cannabis issue.

I sincerely thank you. I hope you get time to breathe.

**From:** David Cahill <cahilld@comcast.net>  
**To:** moksha@umich.edu  
**Subject:** FW: Ann Arbor Medical Marijuana Proposal  
**Date-Sent:** Thursday, November 04, 2004 9:42 AM -0500

*Ann Arbor Michigan*

-----  
From: "Michael J. Steinberg" <msteinberg@ameritech.net>  
Date: Thu, 4 Nov 2004 00:15:11 -0500  
To: "David Cahill" <cahilld@comcast.net>  
Subject: FW: Ann Arbor Medical Marijuana Proposal

-----Original Message-----  
From: Michael J. Steinberg [mailto:msteinberg@ameritech.net]  
Sent: Thursday, November 04, 2004 12:06 AM  
To: Neal Bush; Cahill, David  
Subject: Ann Arbor Medical Marijuana Proposal

Hi Neal and David. I believe that the AA city attorney is going to issue an opinion that under Joslin v. Fourteenth District Court Judge, 76 Mich App 90 (1978) (see opinion attached), Proposal C is void and unenforceable.

I just read Joslin quickly and I have no idea if there are other cases out there (the case is attached). It seems that Joslin does stand for the proposition that Ann Arbor cannot be forced to forgo state prosecution of medical marijuana use as long as there is a physician recommendation. However, I see nothing in the case that would prevent the police from voluntarily forgoing state prosecution under such circumstances -- esp. when the measure passed by 75% of the vote.

Please let me know what you think about all this. Is Proposal C (which appears below) enforceable or merely symbolic. Thanks. -Mike

\*\*\*\*\*

PROPOSAL C  
AMENDMENT TO SECTION 16.2 OF  
THE ANN ARBOR CITY CHARTER  
PERTAINING TO MARIJUANA OR CANNABIS

Shall section 16.2 of the Charter be amended to require waiver of fines and costs upon proof that the defendant has a recommendation of a physician, practitioner or other qualified health professional to use or provide marijuana or cannabis for medical treatment; to prohibit Ann Arbor police officers from complaining, and the city attorney from referring any complaint, of the possession, use, giving away, sale or cultivation of marijuana upon proof of such recommendation; to prohibit other punitive or rehabilitative measures; to establish an affirmative defense; and to set the fine for third and subsequent offenses at \$100?

Should this proposal be approved?

Yes \_\_\_\_\_ No \_\_\_\_\_

