

# Ethiopian Zion Coptic Church

March 2, 2008

Charles Grassley  
United States Senator  
135 Hart Senate Office Building  
Washington, D.C. 20510-1501

Dear Senator Grassley:

Last Wednesday, February 25, 2009, Attorney General Eric H. Holder, Jr. announced that federal policy has changed to respect the rights of the states to determine accepted medical use of marijuana.

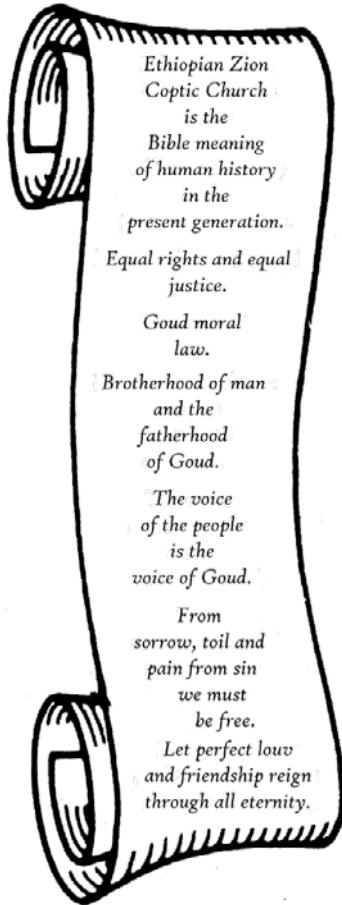
In my previous letter to you dated July 4, 2008, I notified you that federal law has always recognized the rights of the states to determine accepted medical use of marijuana.

The United States Supreme Court made this perfectly clear in 2006,

The Attorney General has rulemaking power to fulfill his duties under the CSA. The specific respects in which he is authorized to make rules, however, instruct us that he is not authorized to make a rule declaring illegitimate a medical standard for care and treatment of patients that is specifically authorized under state law.

***Gonzales v. Oregon***, 546 U.S. 243, 258 (2006).

Attorney General Holder simply needs to tell the Drug Enforcement Administration that marijuana no longer meets the requirements for inclusion in schedule 1 of the Controlled Substances Act ("The drug or other substance has no currently accepted medical use in treatment in the United States"). 21 U.S.C. § 812(b)(1)(B). Congress did not give the DEA the authority to ignore the Congressionally required findings for inclusion of a substance in Schedule I of the CSA.



# Ethiopian Zion Coptic Church

Charles Grassley, March 2, 2009, Page 2

I have enclosed copies of my February 28, 2009, letter to Attorney General Eric H. Holder, Jr., an article that appeared on page A-1 of the San Francisco Chronicle, and a copy of my Petition for Review from the Drug Enforcement Administration, *Carl Olsen v. Drug Enforcement Administration*, No. 09-1162, United States Court of Appeals for the Eighth Circuit.

This matter could easily be resolved by the Attorney General simply interpreting the Controlled Substances Act to mean what it says, as directed by the United States Supreme Court in *Gonzales v. Oregon*, 546 U.S. 243 (2006).

I urge you to contact both Attorney General Holder and President Obama and urge them to resolve this situation by simply upholding existing federal law requiring the removal of marijuana from Schedule I of the CSA because it no longer meets the Congressionally required findings, 21 U.S.C. §812 (b)(1)(B), for inclusion that schedule.

Thank you!

Sincerely,

A handwritten signature in black ink that reads "Carl Olsen". The signature is written in a cursive style with a long, sweeping underline.

Carl Olsen  
Ethiopian Zion Coptic Church  
130 E Aurora Avenue  
Des Moines, Iowa 50313-3654  
515-288-5798

Attachments: 4

Certified Mail Receipt No. 7007 1490 0002 0045 8579

# Ethiopian Zion Coptic Church

July 4, 2008

Charles Grassley  
United States Senator  
135 Hart Senate Office Building  
Washington, D.C. 20510-1501

Dear Senator Grassley:

Attached is the response I received from the DEA on July 3, 2008 to the Petition I filed on May 15, 2008.

In light of the ruling in *Gonzales v. Oregon*, 546 U.S. 243 (2006), that states, and not the federal government, determine accepted medical use under the federal Controlled Substances Act (CSA), the DEA should have removed marijuana from schedule I in 1996 when California enacted the first state medical marijuana law. DEA's failure to obey federal law is causing irreparable harm as the DEA continues to use its enforcement powers to prevent medical use of marijuana in states such as California and New Mexico where those states have determined that marijuana is safe, effective, and has accepted medical use in treatment. See the attached legal memorandum which was filed with my petition.

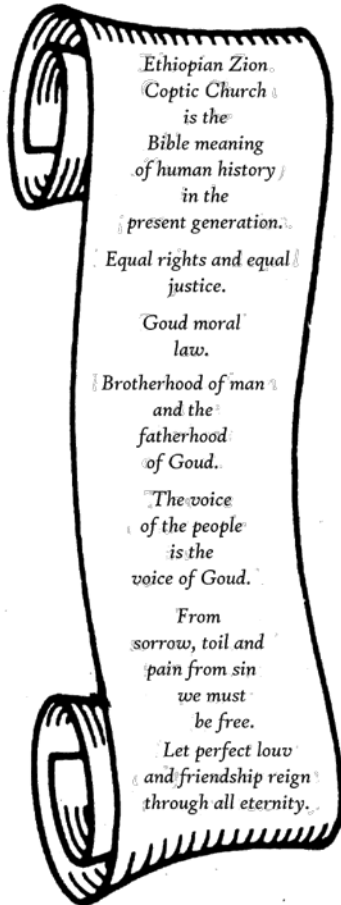
I should not have to wait for a ruling from the DEA on my Petition for administrative rule making. Your office should take immediate action to prevent further DEA abuses of the states' authority under the CSA (21 U.S.C. § 903).

Sincerely,



Reverend Carl Olsen  
Ethiopian Zion Coptic Church  
130 E Aurora Avenue, Des Moines, Iowa 50313-3654  
515-288-5798, carl-olsen@mchsi.com

<http://www.ethiopianzioncopticchurch.org/>



Carl Olsen  
130 E Aurora Ave  
Des Moines, IA 50313-3654

February 28, 2009

Mr. Eric H. Holder, Jr.  
Office of the Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Mr. Holder,

Enclosed is an article that appeared in the San Francisco Chronicle yesterday and quotes you as saying federal policy regarding medical use of marijuana has changed to respect states' rights.

The Controlled Substances Act recognizes the authority of the states to determine accepted medical use of marijuana and requires the federal government to respect states' rights to determine accepted medical use.

I have filed a petition with the Drug Enforcement Administration seeking federal compliance with the Controlled Substances Act. Enclosed is a copy of the petition, ***Carl Olsen v. Drug Enforcement Administration***, No. 09-1162, U.S. Court of Appeals for the Eighth Circuit.

Your office should affirm that the Controlled Substances Act protects the states' rights to determine the accepted medical use of marijuana because this is a win/win situation for everyone.

Thank you for your attention to this matter.

Sincerely,

Carl Olsen

Certified Mail Receipt No. 7007 1490 0002 0045 8593

**SFGate.com**

## U.S. to yield marijuana jurisdiction to states

Bob Egelko, Chronicle Staff Writer

Friday, February 27, 2009



**(02-26) 20:00 PST San Francisco** -- U.S. Attorney General Eric Holder is sending strong signals that President Obama - who as a candidate said states should be allowed to make their own rules on medical marijuana - will end raids on pot dispensaries in California.

Asked at a Washington news conference Wednesday about Drug Enforcement Administration raids in California since Obama took office last month, Holder said the administration has changed its policy.

"What the president said during the campaign, you'll be surprised to know, will be consistent with what we'll be doing here in law enforcement," he said. "What he said during the campaign is now American policy."

Bill Piper, national affairs director of the Drug Policy Alliance, a marijuana advocacy group, said the statement is encouraging.

"I think it definitely signals that Obama is moving in a new direction, that it means what he said on the campaign trail that marijuana should be treated as a health issue rather than a criminal justice issue," he said.

Piper said Obama has also indicated he will drop the federal government's long-standing opposition to health officials' needle-exchange programs for drug users.

During one campaign appearance, Obama recalled that his mother had died of cancer and said he saw no difference between doctor-prescribed morphine and marijuana as pain relievers. He told an interviewer in March that it was "entirely appropriate" for a state to legalize the medical use of marijuana "with the same controls as other drugs prescribed by doctors."

After the federal Drug Enforcement Agency raided a marijuana dispensary at South Lake Tahoe on Jan. 22, two days after Obama's inauguration, and four others in the Los Angeles area on Feb. 2, White House spokesman Nick Schapiro responded to advocacy groups' protests by noting that Obama had not yet appointed his drug policy team.

"The president believes that federal resources should not be used to circumvent state laws" and expects his appointees to follow that policy, Schapiro said.

The federal government has fought state medicinal pot laws since Californians voted in 1996 to repeal criminal penalties for medical use of marijuana.

President Bill Clinton's administration won a Supreme Court case, originating in Oakland, that allowed federal authorities to shut down nonprofit organizations that supplied medical marijuana to their members. Clinton's Justice Department was thwarted by federal courts in an attempt to punish California doctors who recommended marijuana to their patients.

President George W. Bush's administration went further, raiding medical marijuana growers and clinics, prosecuting suppliers under federal drug laws after winning another Supreme Court case and pressuring commercial property owners to evict marijuana dispensaries by threatening legal action.

The Bush administration also blocked a University of Massachusetts researcher's attempt to grow marijuana for studies of its medical properties. Piper, of the Drug Policy Alliance, said he hopes Obama will reverse that position.

"If you removed the obstacles to research," he said, "in 10 to 15 years, marijuana will be available in pharmacies."

E-mail Bob Egelko at [beigelko@sfchronicle.com](mailto:beigelko@sfchronicle.com).

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/02/27/MN2016651R.DTL>

This article appeared on page **A - 1** of the San Francisco Chronicle