Boys in Green

Oakland finds a legal loophole and goes to pot

December 1, 1998 By Gabi Horn

When it comes to distributing medicinal marijuana, supporters of the Oakland Cannabis Buyers' Cooperative (OCBC) adopted an old adage: If you can't beat 'em, join 'em. Last August, to block feds from closing the co-op and arresting its employees, the Oakland, California, City Council designated OCBC workers "officers of the city," thereby freeing them to supply the healing herb with no threat of federal civil or criminal liability.

The action was based on the 1970 Federal Controlled Substance Act, which, to protect undercover cops who use or transport illegal drugs to maintain their cover, states that any city officer enforcing drug laws has immunity from prosecution under those laws. Prescription pot is legal in California, but distribution has been stymied by the feds. "We're using the narco law against them," said OCBC's Jim Jones. "If it's good enough to allow officers to carry crack, it's good enough for our co-op to prescribe pot to qualified medical patients."

The U.S. Attorney's office is trying to block the Oakland ordinance, arguing that it could set a precedent for other cities to control their local substance laws. "It knocks a sizable chink out of federal armor," said OCBC's lawyer Robert Raich. "If drug distributors have criminal immunity, the feds' house of cards could fall down."

Referring to California's *vox populi* that legalized pot for pain in 1996's Proposition 215, Jones said, "By being granted officer status, we hope to enforce the will of the people."

"There's a lot of concern about how our agency will be controlled if we're not federally attackable," he concluded, adding that OCBC boasts an excellent track record of within-the-law dope distribution.

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