

DEA VS. HEMP



U.S. Hemp
Roundtable

A HISTORICAL BATTLE

"OPERATION HEMP"

THE DEA LAUNCHED "OPERATION HEMP — HELP ELIMINATE MARIJUANA PLANTING" DURING 1979 IN AN EFFORT TO ERADICATE ILLEGAL CANNABIS CROPS. OVER THE NEXT DECADE, THE PROGRAM RECEIVED AN ANNUAL BUDGET OF \$3.3 MILLION FOR 45 STATES TO FUND HELICOPTER PATROLS AND MAINTAIN A TOLL-FREE HOTLINE.

Operation HEMP takes offensive against pot Crackdown

By DAVID GOODMAN

Associated Press Writer

DETROIT — Operation HEMP — for Help Eradicate Marijuana Planting — got off to a quick start with discovery of a \$20,000 plot of the illegal weed in Washtenaw County.

Shortly after a Tuesday news conference in which law enforcement officials announced plans to crack down on pot growers in Michigan, State Police Director Gerald Hough and other state

No arrests were made, according to Smith. The owners of the land on which the plot was discovered will be interviewed and arrests could follow, he said. The names of the property owners were not released.

State police did not initiate the investigation but Hough "stopped to see a typical situation," Smith said.

Law enforcement officials say crackdowns on narcotic imports and on local marijuana farms in Hawaii have pushed growers toward Michigan, turning it into a major produc-

tion center for marijuana production," Hough said.

Last year, police uncovered more than 600 marijuana fields in Michigan, with crops valued at \$45

million, Hough said at a joint news conference with the federal Drug Enforcement Administration.

"We believe that is a very small sample," he added.

The state police and DEA have set up a "major offensive" against the illegal crop, Hough explained.

Dubbed "Operation HEMP," the program includes increased use of helicopter patrols and the use of a toll-free hotline — 1-800-235-HEMP — to encourage people to report suspected marijuana farmers.

The counties along the Michigan-Indiana border and the northern lower peninsula communities of Traverse City and Alpena appear to have the largest concentration of pot fields, the authorities said.

"It doesn't take a great deal of land," Hough said, explaining that a 20-foot by 20-foot plot could earn a grower \$20,000 or more.

1979-1988

counties.

The action resulted from a citizen tip, the aim of Operation HEMP, said State Police Maj. Lewis Smith in Lansing.

1999

ASSAULT ON HEMP BIRDSEED

THE DEA TELLS U.S. CUSTOMS TO STOP AND SEIZE A TRACTOR-TRAILER LOADED WITH NEARLY 20 TONS OF STERILIZED HEMP SEED SHIPPED FROM CANADA TO A BIRD-FEED FACTORY IN DETROIT, MICHIGAN.

A LENGTHY BATTLE IN COURT RESULTED IN THE RELEASE OF THE SEED BY U.S. CUSTOMS AND CLEARANCE FOR THE CANADIAN HEMP PRODUCER TO CONTINUE SHIPMENTS.

BATTLE CREEK ENQUIRER, OCT. 5, 1999

Customs pecks at wild birdseed

Hemp-based seed seized on DEA order

CATHERINE TRAM
Associated Press

DETROIT — Finding impurities in Jean Laprise's birdseed is like finding 14 in a million. And that's what has him in trouble.

Nearly 20 tons of seed made from industrialized hemp are sitting in a Detroit warehouse after U.S. Customs agents discovered traces of the chemical that gets marijuana smokers high.

"It's ridiculous," Laprise said. "There are no psychoactive ingredients in birdseed."

And the war against drugs rages on.

The U.S. Customs Service impounded the birdseed Aug. 9. Spokesman Dean Boyd said agents were just acting on the advice of the Drug Enforcement Administration, which counts marijuana as a controlled substance.

But Laprise, the Ontario farmer whose company shipped the seed over the border, says the birdseed doesn't qualify because the seeds are sterilized.

Rogers Waite of DEA public affairs referred questions to the federal Controlled Substances Act, which backs Laprise's assertion.

Though hemp and marijuana belong to the same plant species of *Cannabis sativa*, they differ substantially. While smokers can get a high off the 4 percent to 20 percent of a marijuana leaf that has tetrahydrocannabinol, or THC, there's only 1 percent of the stuff in industrial hemp.

Laprise's birdseed had about .004 percent.

"It boils down to how many zeros do they want," Laprise said. "Is it zero, zero point zero, or zero with

10 zeros behind that?"

In Canada, farmers can grow hemp legally, and THC levels of up to 0.3 percent are tolerated, Laprise said.

The seizure was the first for his company, Kenex Ltd., in its first year of selling commercially.

Since then, 17 loads of hemp oil, nuts, granola bars, horse bedding and meal have been recalled by U.S. Customs. Boyd declined to say what would happen if Kenex can't comply.

The recall includes 47 boxes of hemp-seed granola bars made by Nutiva, a Kenex customer in California. The recall and its effects on Kenex have already forced one layoff at Nutiva, said company president John Koslarski.

"Just as sales are exploding, the DEA pulls this action," Koslarski said. "One of the largest distributors in the U.S. was planning to pick up our bar, and they backed out after they heard the government was threatening action against us."

Now, Laprise said, the company has verbal permission to ship fibers and horse bedding. But the hold on other shipments has Laprise eyeing layoffs in his 20-person staff within the week.

"It's been quite an ordeal, both for us and our customers," he said. "It's pretty well shut down our business from a grain perspective."

Hemp has been used in rope, paper, clothing and door panels on cars.

The crop's versatility had helped Kenex's farmers find success outside of traditional corn, soybeans and tomatoes, Laprise said.

"We grow this with no use of pesticides or herbicides, which is a major step forward from an agricultural point of view and an environmental point of view," Laprise said. "It just doesn't get any better than this, and here we have drug laws being created to prevent this from happening."

"It's a little strange."

TRIBAL HEMP TARGETED

ARMED DEA AND FBI AGENTS IN BULLETPROOF VESTS RAID AND DESTROY A HEMP CROP GROWN BY ALEX WHITE PLUME OF THE OGLALA LAKOTA NATION IN SIOUX FALLS, SOUTH DAKOTA.

Page 6A • The Star Press Friday, August 25, 2000

American Indian family's hemp crop destroyed by federal agents

TRIBAL SOVEREIGNTY:
The Oglala Lakota family had tribal permission to grow the crop, a cousin of marijuana.

By [Name Redacted]

2000

cultivated crop of industrial hemp.

The raiders — two dozen officers in bulletproof vests, 12 vehicles, two airplanes and a helicopter — used weed-eaters to chop down the 8- to 10-foot tall plants.

"They acted like they expected us to be dangerous or something," said White Plume. "We were trying to build our family's future with a useful crop, following all the tribal ordinances on tribal land. They don't have the right to do this to us."

After served with the search warrant, White Plume went down to the hemp field and tried to get in among the plants.

"When I got within a couple yards of the field, a U.S. marshal pointed a machine gun at me and told me to halt," White Plume said. He was not arrested.

temporarily over their land, granted to them by treaties with the federal government. Although the federal government claims the right to enforce federal laws on certain crimes through the Major Crimes Act, Indians have never been surrendered jurisdiction to

and counsel voted against the removal of planting, and one of the plants on tribal land, as plants having hydrocarbonated.

in 1918, the psychotropic component in marijuana.

The crop the White Plume family had was industrial hemp, a cousin to the now infamous marijuana but without more than a trace of THC. Officers at the raid even admitted to White Plume that his plants were known by them not to be marijuana.

"They told me they had gotten some leaves from my crop earlier and tested it," he said. "They told me it tested out at less than 1 percent THC content."

That left White Plume even more puzzled about the need for the search and seizure.

"I asked them why they would take my plants if they knew they weren't really drugs," White Plume said. "They told me it was to deter other Lakota from doing what I was doing, and because

"I asked them why they would take my plants if they knew they weren't really drugs. They told me it was to deter other Lakota from doing what I was doing, and because they wouldn't differentiate between marijuana and hemp."

Alex White Plume
member of the
Oglala Lakota Nation

U.S. Attorney Tim McBride. In a phone conversation that day, refused to roll the plants anything but marijuana.

"Congress has given the DEA the authority to define marijuana and there are court cases that uphold their authority to consider hemp as marijuana without relationship to the THC content."

2001-2002

THE DAILY SENTINEL, DEC. 12, 2001

DEA targets hemp-based foods

By SCRIPPS HOWARD NEWS SERVICE

WASHINGTON — Federal drug agents are taking a potshot at the burgeoning popularity of hemp-based energy bars, salad dressing and chips, ordering stores to strip shelves of products that contain even trace amounts of psychoactive ingredients by Feb. 6.

The hemp industry says that the new Drug Enforcement

Administration rules are killing the \$5 million-a-year sales of hemp-based food products, and are contrary to more than 60 years of government policy, which sought to distinguish industrial hemp from marijuana.

"This is totally opposite policy," said Don Wirtshafter, founder of The Hempory in Guysville, Ohio, which sells hemp food products, oil and clothing.

He said his company already

has lost three major accounts because of the DEA actions, and claimed the federal decision has dampened a flourishing market for hemp foods, which began to flourish five years ago.

The DEA rule puts hemp for human consumption in a class of illegal drugs that includes heroin and LSD if it is found to contain any amount of tetrahydrocannabinols, or THC, the psychoactive ingredient of marijuana.

ATTEMPT TO BAN HEMP FOODS AND BEVERAGES

THE DEA ATTEMPTS TO BAN HEMP FOODS CONTAINING "ANY AMOUNT" OF TETRAHYDROCANNABINOL (THC) IN A NEW RULE ISSUED DURING OCTOBER 2001. THE HEMP INDUSTRIES ASSOCIATION (HIA) AND SEVERAL OTHER PLAINTIFFS FILED AN "URGENT MOTION FOR STAY," WHICH WAS GRANTED IN MARCH 2002 FINDING THAT "THE DEA DID NOT HAVE AUTHORITY UNDER THE CSA TO BAN OTHERWISE LEGAL PRODUCTS."

ATTEMPT TO BAN HEMP FOODS AND BEVERAGES, AGAIN

A NEW RULE ISSUED BY THE DEA DURING MARCH 2003 ATTEMPTED TO BAN HEMP SEED AND OIL FOOD PRODUCTS, ONCE AGAIN. BASED ON THE PREVIOUS CASE, THE HIA AND SEVERAL HEMP FOOD AND BODY CARE COMPANIES FILE AN URGENT MOTION TO STAY. THE 9TH CIRCUIT COURT OF APPEALS ISSUED AN UNANIMOUS DECISION FAVORING THE HIA IN 2004.

Court rejects bid to outlaw hemp foods

Decision against DEA celebrated by plant's industry

By TIMOTHY CHIA
WOLFGANG WILHELM

SAN FRANCISCO — Rejecting one front of the government's drug war, a federal appeals court ruled Friday the United States cannot ban the sale of food made with natural hemp that contains only trace amounts of the psychoactive chemical in marijuana.

The decision overturns the Drug Enforcement Administration's ban on the domestic sale of hemp food products. The 9th U.S. Circuit Court of Appeals had suspended the prohibition so judges could hear a challenge from the hemp industry, which has been allowed to sell its goods since while awaiting the court's



Associated Press

Medical statements made from hemp are sold Friday at the front counter of a dispensary in Reno, Nev.

The Hemp Industries Association, which represents more than 200 companies, had challenged the legality of the ban and applauded Friday's decision.

But federal lawyers will review it to "make a determination about what the next step should be in new cases."

Hemp is an industrial plant related to marijuana. Fiber from the plant long has been made into paper, clothing and other products. Its oil is used in body-care products, paint, soap and cosmetics. It is a staple of foods, including hemp seeds, waffles, chocolate, sugar-burgers and bread.

Friday's decision is the culmination of a complex case.

In October 2001, the DEA first declared that food products containing even trace amounts of THC would be banned under the Controlled Substances Act. The DEA updated a ban to the pro-

duction and distribution of all goods containing THC that were intended for human consumption.

But in March 2002, just before those products were to be destroyed, the 9th Circuit suspended that order to decide whether federal law can classify hemp food as an illegal controlled substance like heroin.

Hemp food sellers say their products are full of nutrients, not drugs. They say the food contains such a small amount of the active ingredient in marijuana that it's impossible to feel any drug-like effects.

In June 2002, the court first overturned the DEA ban after finding the agency didn't provide enough warning or allow public comment before imposing it. In that decision, the court did not decide the ban's legality — only that the government did not follow proper bureaucratic procedures.

But by March 2003, even before the court had made its first ruling, the DEA had solicited public comment and issued a new ban. It was the legality of that second ban the appeals court ruled against Friday.

Hemp industry officials said the decision would likely boost sales, because money retailers had been reluctant to sell hemp products.

"Their ban was a real setback for the industry initially," said Eric Weinstein, president of the growing group Vote Hemp. "But I think this ruling makes it clear that hemp food is here to stay."

2003-2004

Food products to sell.

"They cannot regulate naturally occurring THC not contained within or derived from marijuana," the court ruled, noting it's not possible to get high from products with only trace amounts of the mind-altering chemical.

marking a tremendous switch toward products without the government on them licensing the marketplace."

The DEA was still reviewing the decision Friday and would not comment, spokesman Bill Groat said. Department of Justice spokesman Charles Miller

2014

STOPS HEMP SEED SHIPMENT

DESPITE THE 2013 KENTUCKY LAW THAT SET A REGULATORY FRAMEWORK FOR GROWING HEMP AND THE 2014 FARM BILL THAT LEGALIZED HEMP PRODUCTION FOR RESEARCH, IN MAY THE DEA SEIZED A 250 POUND SHIPMENT OF HEMP SEED IN LOUISVILLE.

THE STATE SUED IMMEDIATELY, AND WITHIN A WEEK, THE SEEDS WERE RELEASED BY THE DEA UPON THE APPLICATION AND APPROVAL OF A CONTROLLED-SUBSTANCES IMPORT PERMIT AND PERMISSION TO INSPECT HEMP STORAGE FACILITIES.

DEA backs down on hemp hold

LOUISVILLE (AP) — There has been an apparent breakthrough in the battle over industrial hemp seeds seized by customs agents in Louisville.

Late Tuesday afternoon, the Drug Enforcement Administration has decided to back down and release the seeds for a hemp pilot project.

Kentucky Agriculture Commissioner James Comer planned to take the DEA to federal court Wednesday to force it to follow a new federal law.

According to Comer, the DEA wanted to attach various conditions before it would even consider handing over the industrial hemp seeds.

Now the two sides have agreed on one condition.

"The first phone call — it was just an utter disregard for federal legislation, the Farm Bill," Comer said.

By the last phone call between the DEA and the Kentucky Agriculture Department on Tuesday, the two sides appear to have reached an agreement that by the end of the week it will release to agriculture officials a 250-pound shipment of hemp seeds being

held by customs agents.

"There's only a small window of opportunity to plant these seeds," Comer said.

An agriculture department official said the DEA will only require the Agriculture Department to apply for an import permit, a process the DEA pledges to expedite so that the seeds can be released by the end of the week.

"The farm bill clearly states that we have the authority in Kentucky because we passed state regulatory framework, to be able to conduct pilot projects with research universities."

like the University of Kentucky," Comer said.

It appears to be a better resolution than in 1996, when actor Woody Harrelson was arrested in rural Kentucky for ceremoniously planting four hemp seeds.

This Friday, Comer plans to join hemp supporters in rural Kentucky again to plant hemp seeds to usher in the rebirth of a cash crop outlawed here since 1937 because it looked similar to marijuana.

RULE ON HEMP AND CBD

THE DEA UNVEILS PROPOSED RULES FOR HEMP AND CBD TO COMPLY WITH THE 2018 FARM BILL. HEMP PRODUCERS ARE CONCERNED THAT THIS RULE MAKES HEMP-DERIVED EXTRACTS EXCEEDING CONCENTRATIONS OF 0.3 PERCENT Δ -9 THC DURING PROCESSING OR TRANSPORTATION SUBJECT TO DEA ENFORCEMENT UNDER THE CONTROLLED SUBSTANCES ACT.

PHOTO BY MARCO JIMENEZ

2020





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