

McCLELAND DECLARATION

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
-v.
CANNABIS CULTIVATOR'S CLUB, et al.,
Defendants.

No. C 98-00085 CRB
C 98-00086 CRB
C 98-00087 CRB
C 98-00088 CRB
C 98 00089 CRB
C 98 00245 CRB

DECLARATION OF JAMES D.
MCCLELLAND

AND RELATED ACTIONS.

1 I, JAMES D. McCLELLAND, declare:

2 1. I am the Chief Financial Officer ("CFO") of the Oakland Cannabis Buyers'
3 Cooperative (the "Cooperative" or "OCBC"). I am also a board member. As a board member and
4 CFO of the Cooperative, I am familiar with the policies and procedures of the OCBC. I have
5 personal knowledge of the facts stated herein, and if called as a witness, I could and would testify
6 competently as to them.

7 2. I graduated from Arkansas Technical College in 1985. After graduation, I was an
8 account manager at Electronic Data Systems Corporation for approximately eleven years. During
9 this time I was in charge of implementing computer systems in banks and other financial institutions.
10 I became a board member and Chief Financial Officer of the Oakland Cannabis Buyers' Cooperative
11 in 1997.

12 3. The goal of the Cooperative is to provide seriously ill patients with a safe and reliable
13 source of medical cannabis products and plants. Our cooperative is open to all patients with a
14 verifiable letter of diagnosis and recommendation or approval from a doctor for medical cannabis
15 use. A complete Mission Statement is attached hereto as Exhibit 1.

16 4. The Cooperative consists of one class of patient-members. According to the
17 Cooperative's Bylaws, to qualify for membership an applicant must comply with the Protocols of the
18 Oakland Cannabis Buyers' Cooperative. A copy of the OCBC Bylaws and Articles of Incorporation
19 is attached hereto as Exhibit 2.

20 5. Before a patient is accepted for membership into the Cooperative, he or she must
21 complete an extensive screening process. This process is described in detail in the Oakland Cannabis
22 Buyers' Cooperative Protocols ("Protocols"), a copy of which is attached hereto as Exhibit 3.

23 6. First, all applicants must satisfy the threshold requirement of providing authorization
24 from a treating physician assenting to cannabis therapy for one or more medical conditions listed on
25 the Medicinal Cannabis User Initial Questionnaire (Exhibit C to the Protocols). Upon acceptance of
26 the doctor's note by Intake staff, the prospective member undergoes an extensive screening process to
27 determine whether the applicant meets the Medical Admissions Criteria (Exhibit D to the Protocols).
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1 Each applicant must fill out and submit the Cooperative Information Form (Exhibit E to the
2 Protocols).

3 7. If, upon screening by the Cooperative Intake staff member the applicant does not
4 qualify for membership, he or she will be denied membership to the Cooperative.

5 8. If the applicant does appear to qualify for membership, a staff nurse must
6 independently verify the physician's approval of cannabis use. It is the OCBC's policy and practice
7 that an applicant not be admitted to membership in the Cooperative unless and until the applicant's
8 physician's approval is verified by the staff nurse.

9 9. The Cooperative schedules a staff nurse to be on duty throughout every weekday
10 business hour of the Cooperative. No new applicants are admitted on weekends.

11 10. Soon after an applicant is admitted to membership in the Cooperative, he or she is
12 issued a laminated membership card. A copy of a membership card is attached as Exhibit J to the
13 Protocols. Each time a patient-member comes to the Cooperative he or she must present this
14 membership card along with secondary valid photo identification.

15 11. Each time a patient-member comes to the Cooperative to receive medicine, the
16 patient-member must pass three separate security check-points. At each of the check-points the
17 member must present two forms of identification described in paragraph 10. First, the member must
18 present identification to a security guard at the front door to the Cooperative. Second, a second
19 security guard examines the member's identification at the member room door leading into the sales
20 area of the Cooperative. Finally, a Cooperative staff member always checks the patient-member's
21 identification again at the point of sale.

22 12. As a board member and CFO of the Cooperative, I have reviewed and am generally
23 familiar with the medical circumstances that have led Cooperative members to seek medical
24 cannabis. Many patient-members of the Cooperative have no reasonable legal alternative to
25 obtaining medical cannabis through the Cooperative. Although every patient's experience is unique,
26 some general comments apply to many patients. Some Cooperative members have tried other legal
27 medications and treatments to alleviate their conditions but these other medications and treatments do
28 not work for them. For other members, other medications have intolerable negative side effects they

1 have chosen not to endure. Some members' experiences with other legal drugs is that, while they are
2 somewhat effective, they are not nearly as effective at relieving their symptoms as medical cannabis.

3 13. Patient-members of the Cooperative suffer from debilitating and often deadly diseases,
4 including HIV and/or AIDS, cancer, arthritis, multiple sclerosis, and glaucoma. Medical cannabis
5 provides relief to patient-members as a pain reliever, an appetite stimulant, an anti-nauseant, and an
6 anti-convulsant. Medical cannabis relieves intraocular eye pressure in patient-members who suffer
7 from glaucoma.

8 14. Some of the patient-members who suffer from AIDS-related "wasting syndrome" or
9 who have cancer and are undergoing chemotherapy may need medical cannabis in order to survive.
10 Supplying medical cannabis to these patient-members is necessary to avert imminent and often life-
11 threatening harm. Other drugs either do not work for these patients at all (or they are not nearly as
12 effective as medical cannabis) or they cause severe adverse side effects that medical cannabis does
13 not cause. Many of these patient-members have no reasonable alternative to medical cannabis.

14 15. The patient-members who suffer from multiple sclerosis or quadriplegia experience
15 debilitating spasticity and/or constant pain. Other drugs either do not work for these patients at all (or
16 they are not nearly as effective as medical cannabis) or they cause severe adverse side effects that
17 medical cannabis does not cause. Many of these patient-members have no reasonable alternative to
18 medical cannabis.

19 16. Some of the patient-members who suffer from glaucoma risk going blind if they are
20 prevented from receiving medical cannabis.

21 17. Many patient-members' lives may be endangered if they were forced to try to obtain
22 cannabis from criminal street dealers. This is because both the act of purchasing from street dealers
23 is inherently dangerous and because impurities in marijuana purchased on the street may be harmful
24 to their fragile health. In fact, some patient-members may choose to forego their medication if they
25 have no choice but to turn to street dealers for cannabis.

26 18. The patient-members of the Cooperative are joint participants in a cooperative effort
27 to obtain and share medical cannabis. Patient-members of the Cooperative jointly acquire marijuana
28 for medical purposes to be shared among themselves and not with anyone else. No third persons are

1 involved other than "primary caregivers" who are responsible for the housing, health, or safety of the
2 patient. Any payment made to the Cooperative constitutes reimbursement for administrative
3 expenses and operations which all patient-members who utilize the services of the Cooperative agree
4 to share. Attached hereto as Exhibit 4 is a true and correct copy of the Oakland Cannabis Buyers'
5 Cooperative Statement Of Conditions under which each and every member agrees to receive their
6 medicine.

7 19. The Cooperative prohibits the smoking of cannabis on its premises; therefore, patient-
8 members who smoke medical cannabis cannot immediately consume their medicine in the presence
9 of other patient-members.

10 20. Last month, the City of Oakland designated the Oakland Cannabis Buyers'
11 Cooperative to administer the City's Medical Cannabis Distribution Program. Attached hereto as
12 Exhibit 5 is a true and correct copy of this designation along with supporting documents which
13 helped satisfy the City of Oakland that the Cooperative is a bona fide corporation safely and lawfully
14 engaged in activities benefiting the citizens of Oakland.

15 21. I understand and believe that currently the federal government will not enroll any
16 additional patients in any federal program studying the medical use of cannabis.

17 22. I understand and believe that currently pending are petitions to reschedule medical
18 cannabis from Schedule I to Schedule II of the Controlled Substances Act, but that none of these
19 petitions have yet been granted.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct.

22 Executed this ____¹th day of September at Oakland, California.

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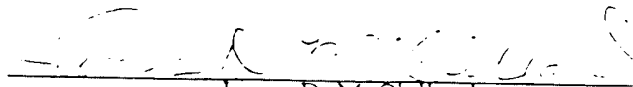
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James D. McClelland