

TED

Smith

VICTORIA CANNABIS BUYERS CLUB

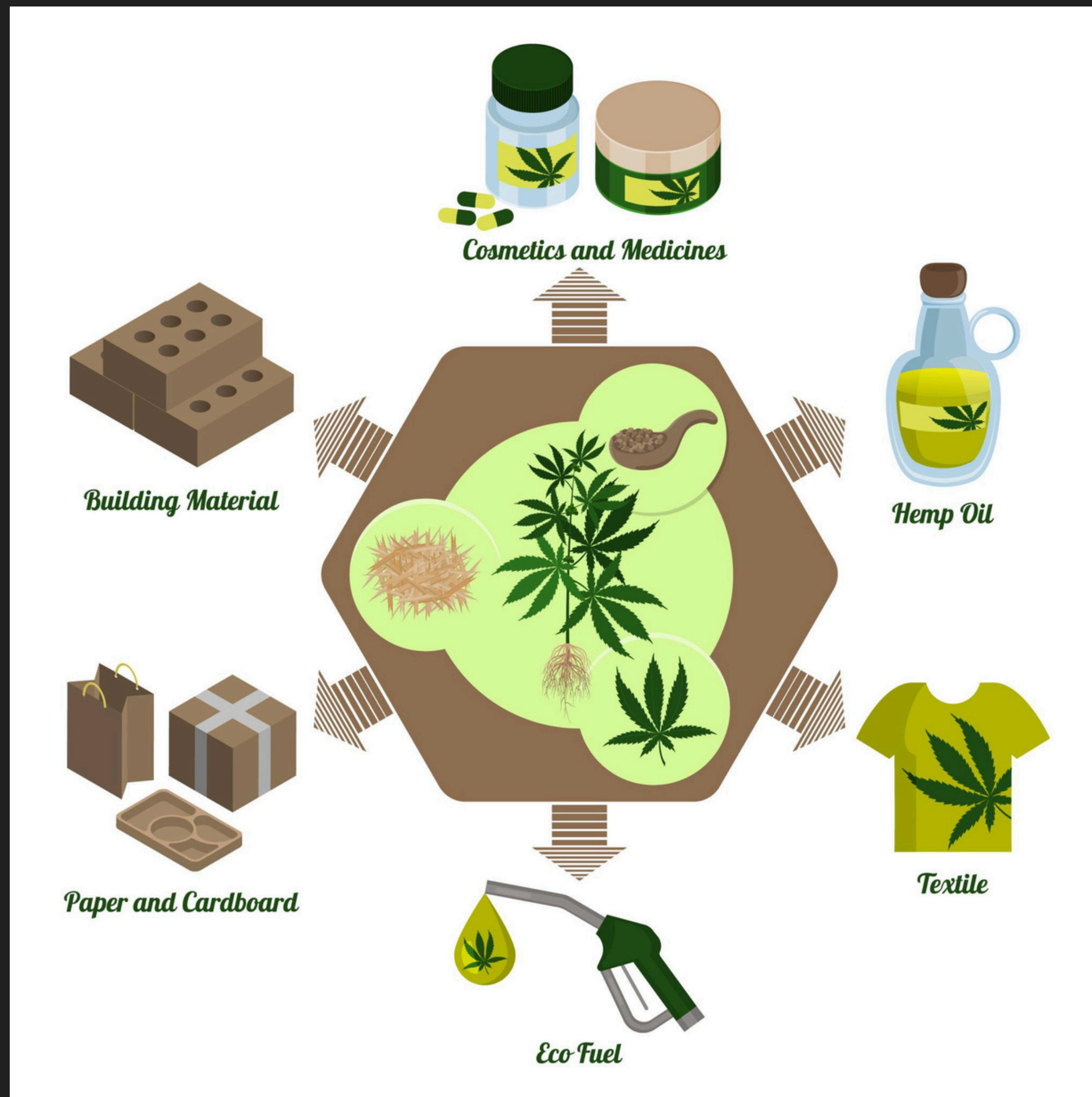
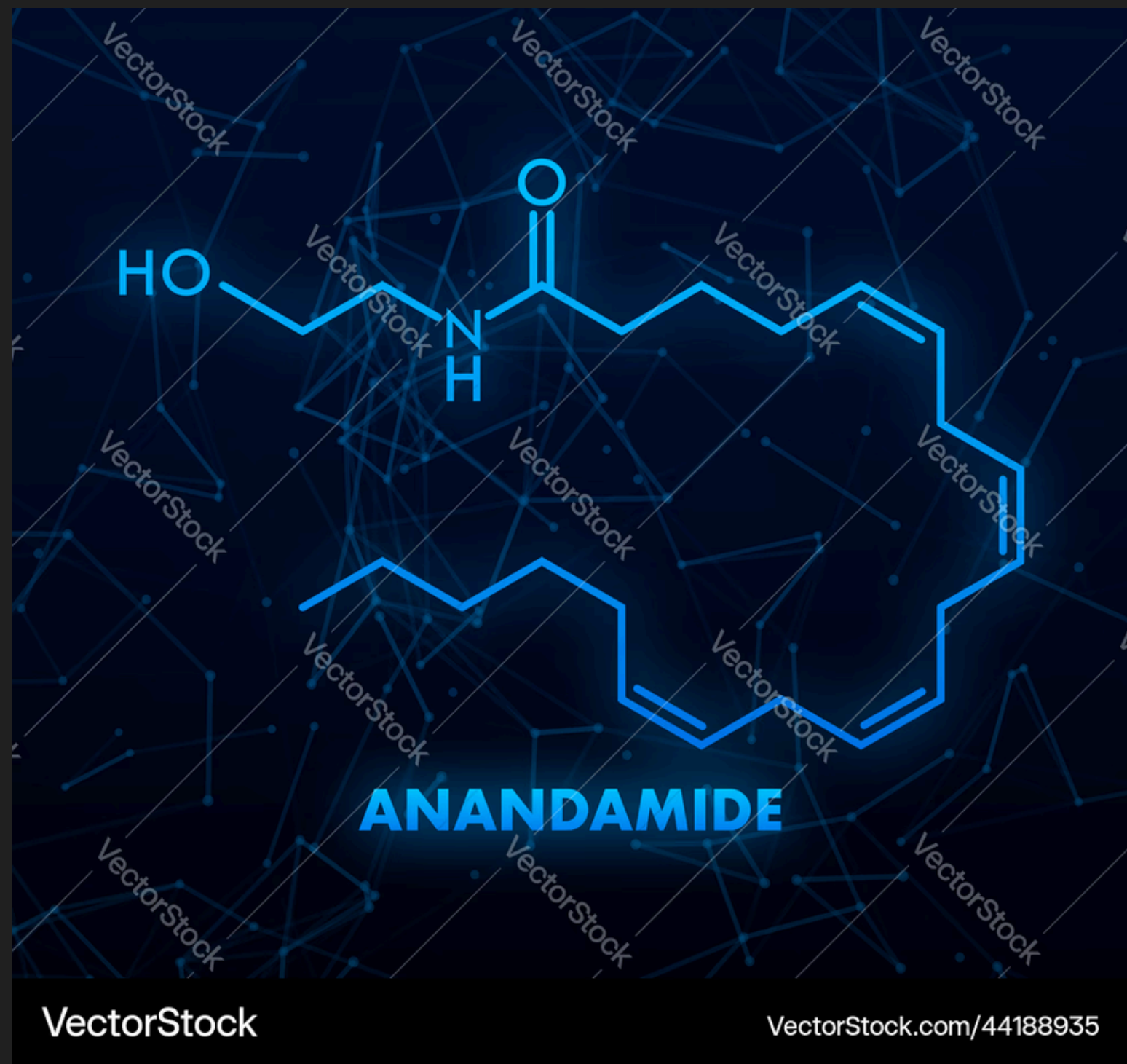
SOCIOLOGY 366: Drug Policy



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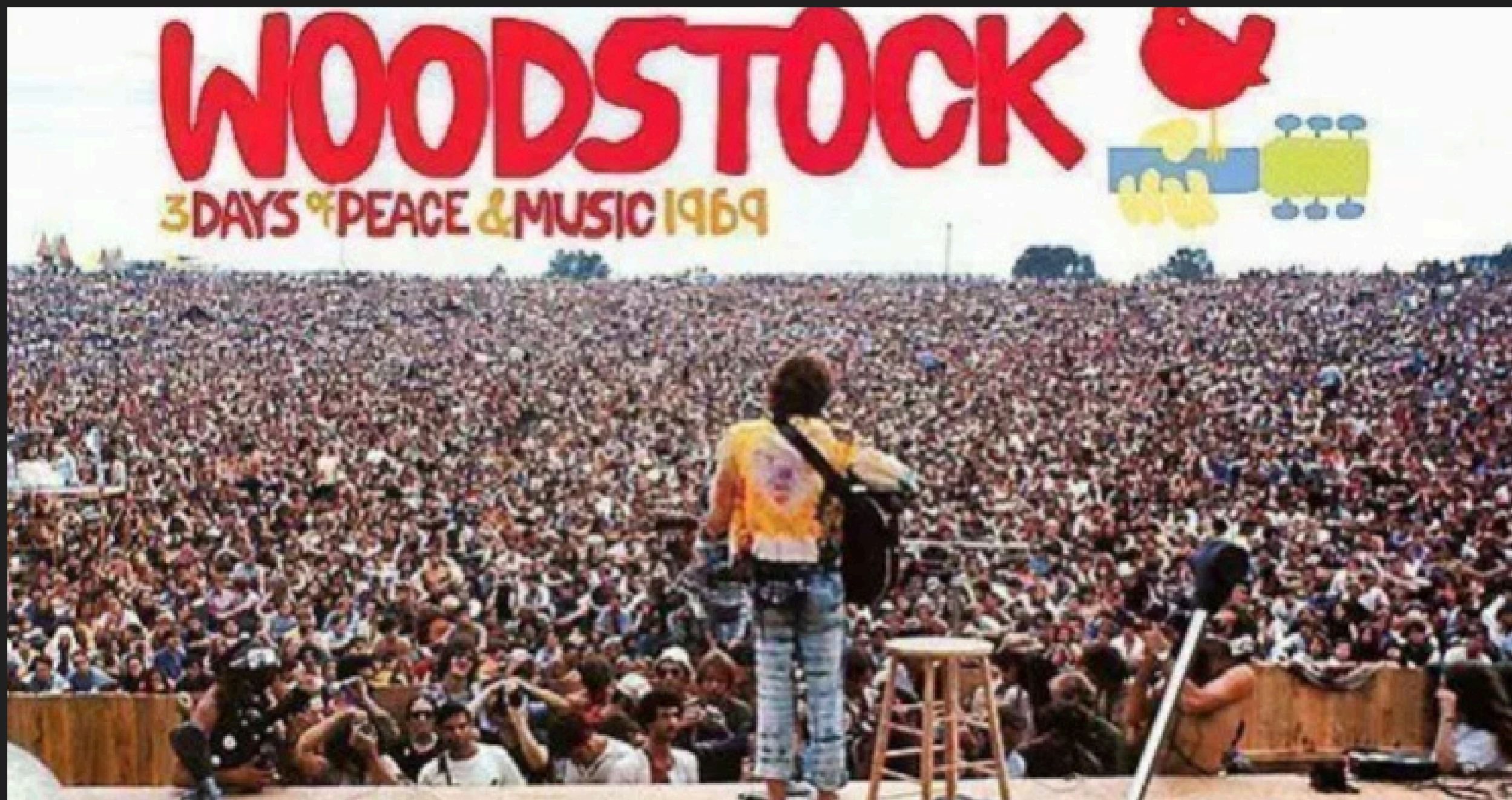
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CANNABIS LEGALIZATION IN CANADA

PRIME MINISTER JUSTIN TRUDEAU SPEAKS WITH THE MEDIA ABOUT MARIJUANA LEGALIZATION





'Bookstore' owner likely to be busted

■ Victoria police stand firm on medical pot issue

Don Descoteau

Weekend Edition staff

The fate of Victoria-based medical marijuana advocate Ted Smith is up in the air once again, as Crown Counsel determines whether to lay charges after pot was seized last week at the shop known as Ted's Books.

Smith, coordinator for the Cannabis Buyers' Clubs of Canada and president of the

"...there is no understanding between ourselves and Ted's Books to allow him to do what he's doing."

Victoria police Insp. Darren Laur

Victoria Hempology 101 Society, claims that since his and other compassionate marijuana supply clubs are still awaiting the results of legal challenges to The Constitution, the courts have given his operation freedom to sell products to people with permanent medical problems.

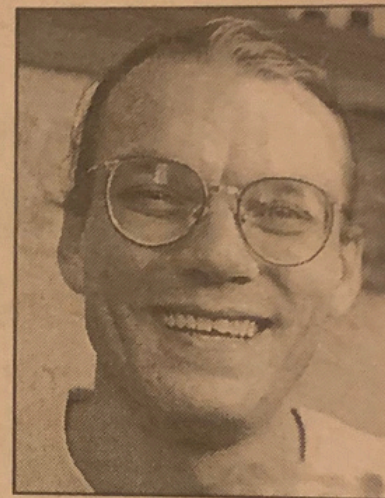
But Sgt. Darren Laur, who heads up the targeted policing division for the Victoria police, says no such loophole exists for the pot buyers' club.

"I think it's really important to understand that there is no understanding between ourselves and Ted's Books to allow him to do what he's doing," he says. "The key point here is he is breaking the law."

Laur says the police fully expect charges to be laid against Smith and two other individuals on the scene Jan. 3 at Ted's Books when officers, acting on a tip, seized seven pounds of marijuana and other related products.

Victoria police are concerned that the marijuana being sold through Ted's Books, the Johnson Street shop used as a headquarters for Smith's two organizations, is being resold on the street. And, Laur says, there are no checks and balances to ensure that doesn't happen.

Laur notes his department



Ted Smith... operation is not licensed by the federal government

has arrested a number of people for possession for the purpose of trafficking who have membership cards for the pot buyers' club.

Last week's incident came about, according to Smith, when a club member he alleges had been re-selling the pot became angry that Smith had cancelled the man's membership. It was allegedly that man who called police and told them they could find a large amount of marijuana being cut up "in plain view" on the premises.

Upon entering, Smith says, the officer asked if Smith had a permit to sell the marijuana for medical purposes. Smith and the club do not, and he was forced to relinquish the pot, a

supply of marijuana baked goods and the membership list of the club.

The club has about 800 members, says Smith, with afflictions ranging from hepatitis C and AIDS to chronic physical pain from work or car accidents. It has been supplying pot to members for six years.

Laur says Smith is not licensed through the federal government's medical marijuana program to distribute pot in any form. At present there is no licensed distributor in Greater Victoria, only one in Manitoba, says Laur.

However, he says THC, the chemical in marijuana that produces the desired effect, has been available through doctors' prescriptions for years.

Friday, May 10, 2002

Victoria wants answers on medical pot access

Don Descoteau

Weekend Edition staff

Victoria Mayor Alan Lowe wants to know how to get some medical marijuana.

Lowe says he plans to contact Health Canada to inquire about the availability of medical marijuana. Speaking at a committee of the whole meeting in Victoria May 2, Lowe told city councillors he hopes to arrange for a representative of Health Canada to speak at a combined police board/council gathering about access to the federally-sanctioned supply of pot.

When asked afterward about the time frame for such a meeting, Lowe was non-committal, saying it depends mainly on the availability of a person from the federal health department's Ottawa-based office.

Victoria medical marijuana advocate Ted Smith, among the people to have complained that Health Canada's distribution procedures have made it virtually impossible for those with legitimate need to use marijuana for medicinal purposes, said he's pleased Health Canada is being called on the carpet to clarify its policies.

"To my knowledge this is the first time Health Canada



Ted Smith



Alan Lowe

"To my knowledge this is the first time Health Canada has ever been called to address any municipal council."

— medicinal pot crusader Ted Smith

has ever been called to address any municipal council," he said.

At its April 18 committee of the whole meeting, Victoria councillors voted to in general support the issuing of medical marijuana by suppliers other than Health Canada. Two such "compassion clubs" are in existence in Greater Victoria.

Health Canada, which set up its lone growing operation in Flin Flon, Man. in 2000 to supply terminally ill patients and those suffering from chronic pain from other illnesses with government-approved pot, has been plagued

with distribution problems, despite the fact relatively few people have been issued legal medical exemptions to use the drug.

Smith estimates that less than 40 people in the 800-member Cannabis Buyers' Club which he co-founded have legal exemptions. Most have not bothered to apply, he said, because going through Health Canada takes too long.

SPORTS: 'Rocks' cup crusade dies, D11

THE CAPITAL AND VANCOUVER ISLAND

TC D1
Sports, D11
Scoreboard, D14

Times Colonist • SATURDAY SEPTEMBER 18 2004

Editor: Denise Helm • Telephone: 380-5334 • E-mail: localnews@tc.canwest.com

A desperate few risk breaking law to beat their pain



Penny May, one of about 1,700 members of the Cannabis Buyers Club, takes up in the pot room.
John McKay/Times Colonist

For Cannabis Buyers, the motive is chronic illness, not a high

By RICHARD WATTS
Times Colonist staff

They file through the nondescript, downtown doorway every few minutes. Most of them look in rough shape, with the second-hand-clothes look that stops short of funky.

They are all here at this Johnson Street storefront seeking medical help. And they are willing to break the law, potentially risk imprisonment, to get it.

These are the members of Victoria's Cannabis Buyers Club, an organization set up to provide a safe supply of marijuana to people with chronic medical conditions.

And if many members appear tired and short of a few dollars — the women without makeup and the men in broken-down boots — they'll tell you it's because they are.

Club member and counsellor Steve Pittner, who smokes marijuana to help with arthritis and irritable bowel syndrome, said it's just reality that chronic medical conditions and disability pensions make people desperate.

So for Pittner, and every other member of the club, personal desperation outweighs legal proscription.

"People with ailments have a right to have access to this (marijuana)," said Pittner.

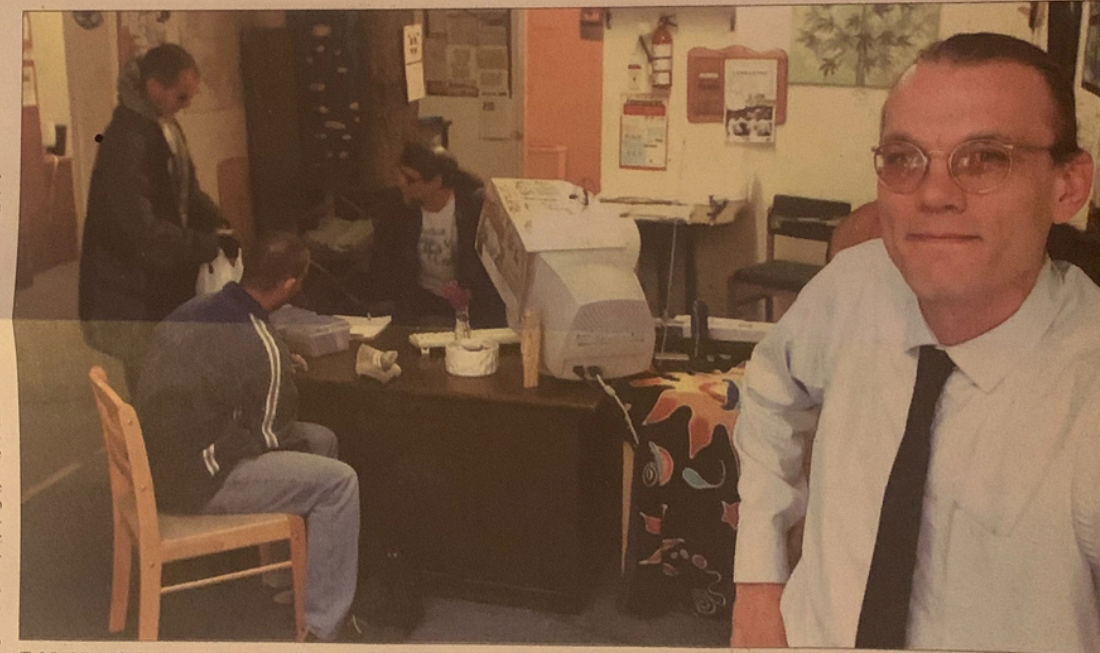
And he said access is driving the membership more up-market. Oak Bay matrons and Fairfield professionals are now signing up, looking for a new way to treat medical complaints.

"People are losing their fear," said Pittner.

Inside the club's unmarked doorway, the office looks like it could house a college students' union. Shelves of books line several walls, notices and posters are stuck up with pins and tape and the furniture is mismatched, probably second-hand. The bathroom is at the back. Members can smoke in a puffing room, about the size of two phone booths, where there are two chairs and an ash-tray.

In a separate room behind a door, the product is displayed in small jars. Each jar is coded according to growing methods — O for outdoor and I for indoor — and price. AAA is the best and A is the cheapest.

Please see CANNABIS, D5



Ted Smith at his Compassionate Club, 826 Johnson St. To the members of the Cannabis Buyers Club, he's a marijuana Mother Teresa. To the police, he's just another drug dealer.
John McKay/Times Colonist

Ted Smith — angel of mercy or drug dealer?

By RICHARD WATTS
Times Colonist staff

He's medical marijuana's own Mother Teresa for some. But to police and prosecutors he's just another drug dealer breaking the law.

Ted Smith, founder of a Victoria compassion club known as the Cannabis Buyers Club, managed to beat one trafficking charge last week when a provincial court judge stayed the charges.

Judge Loretta Chaperon said it was unfair of the federal government to allow people to use marijuana as medicine while at the same time not providing them with legal access.

And with that ruling behind them, Smith and his club are still in operation at their Johnson Street storefront, providing marijuana for client/members who need only supply written proof of a chronic medical condition to gain access to a supply.

But Smith still faces several more marijuana charges which are working their way through the court.

Police raided the store twice in 2002, and the courts have yet to deal with the second charge. Smith is also facing trafficking charges for passing a joint at a pro-marijuana political rally in 2000. And he faces another trafficking charge for passing out marijuana cookies.

Even now, after Chaperon's decision, Victoria police insist there is no grey area when it comes to passing out marijuana, medical or otherwise. It's drug dealing, they say, and it is breaking the law.

Smith may have beaten that first charge, because it was laid before the federal government had arranged its supply of marijuana. The government now pays to grow its own pot in a disused mine shaft in Manitoba, so a legitimate supply is available, even if marijuana advocates like Smith distrust its quality.

Victoria police Insp. Grant Smith said that if his department receives information that Smith is dealing in marijuana, it would be obliged to take appropriate action after consultation with Crown counsel.

"They are breaking the law," said Smith. "That's it."

Meanwhile, the owner of Da Kine Smoke and Beverage Shop, a similar operation in Vancouver, was arrested Thursday for the second time this month. Police raided the cafe on Sept. 9 after reports circulated that it was selling marijuana.

Owner Carol Gwilt and six employees were arrested and charged with drug offences. Donald Briere, founder of the Canadian Sanctuary Society which supplies marijuana to the cafe, was arrested on Sunday.

Victoria lawyer Robert Moore-Stewart, Ted Smith's defence counsel and the first one to publicly liken his client to Mother Teresa, calls what is happening a "civil war."

Its casualties are the 700,000 Canadians who, said Moore-Stewart, quoting from a recent Senate report, have been saddled with criminal records because of marijuana charges.

"Ted (Smith) is a small flashpoint," said Moore-Stewart. "We have an endemic civil war on our hands and it's time to call an end."

THE CAPITAL

Smith found guilty of trafficking but avoids record

BY RICHARD WATTS
Times Colonist staff JAN. 8/05

Ted Smith, Victoria's self-appointed champion of medical marijuana, was convicted Friday of drug trafficking.

Provincial court Judge L. Jeanne Harvey convicted Smith, 35, on a charge of possession for the purpose of trafficking in cannabis resin, following two days of evidence. He was handed a nine-month conditional discharge.

Smith is the founder of Victoria's Cannabis Buyer's Club. It's an operation generally called a compassion club. These clubs exist to supply members with a supply of marijuana to use as medicine for various conditions or diseases like arthritis or epilepsy.

The charge against Smith arose from a March 21, 2002, search of the club's Johnson Street offices. Police seized marijuana, cookies, massage oils, salves and oil-filled capsules called Ryanol.

The cookies, oils and salves were tested by Health Canada and shown to include cannabis resin, a prohibited substance.

This was the second trial for Smith. Last September, a charge of trafficking in marijuana against him was stayed.

At that time, B.C. provincial court Judge Loretta Chaperon said the charge came at a time when government had approved marijuana as medicine but failed to identify a source.

This inconsistency led her to stay the charge.

The charge Chaperon dealt with arose from a search less than three months before the search that earned Smith his Friday conviction.

Prompted by Chaperon's decision, prosecutor Michael Lawless announced at the outset of this most recent case the Crown would be staying a marijuana charge. But the Crown followed through with the cannabis resin charge for the cookies, oil, ointment and capsules.

During the trial, Smith testified he made the products by steeping marijuana leaves in various oils or butter and heating them in a double boiler. After they were strained, these oils were bottled, poured into capsules or used to bake the cookies.

Also testifying for Smith were three people who said they used the products to treat a variety of debilitating ailments or conditions.

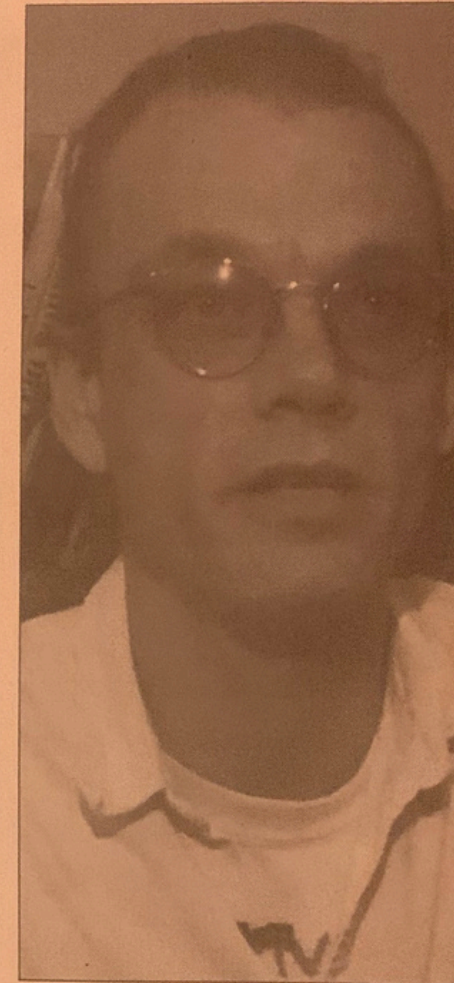
But Harvey was critical of Smith's defence, saying he seemed determined to offer evidence or testimony about marijuana when he was charged with possessing cannabis resin.

Government has not declared cannabis resin to be legal as medicine. It remains a prohibited substance under the law.

But Harvey said the defence had offered no testimony from experts to explain what cannabis resin is or even where it comes from. And Harvey said she heard no legal arguments or expert testimony to suggest cannabis resin deserves the same exemption as marijuana.

"There is no right to possess cannabis resin according to the law. There is no right, there is no exemption," she said, just prior to sentence.

"If you thought I was going to make an exemption without hearing expert evidence then that was extremely naive,"



Ted Smith: Judge accepts he acted altruistically.
Times Colonist

Harvey told Smith.

As she delivered her sentence the judge rejected calls from the Crown for a conditional sentence, which automatically would have given him a record. If Smith abides by his conditions, his record will be clear.

Harvey made a point of not putting any conditions that would forbid Smith from contact or activity with the club. The only condition on his discharge is the standard one declaring he is "to keep the peace and be of good behaviour."

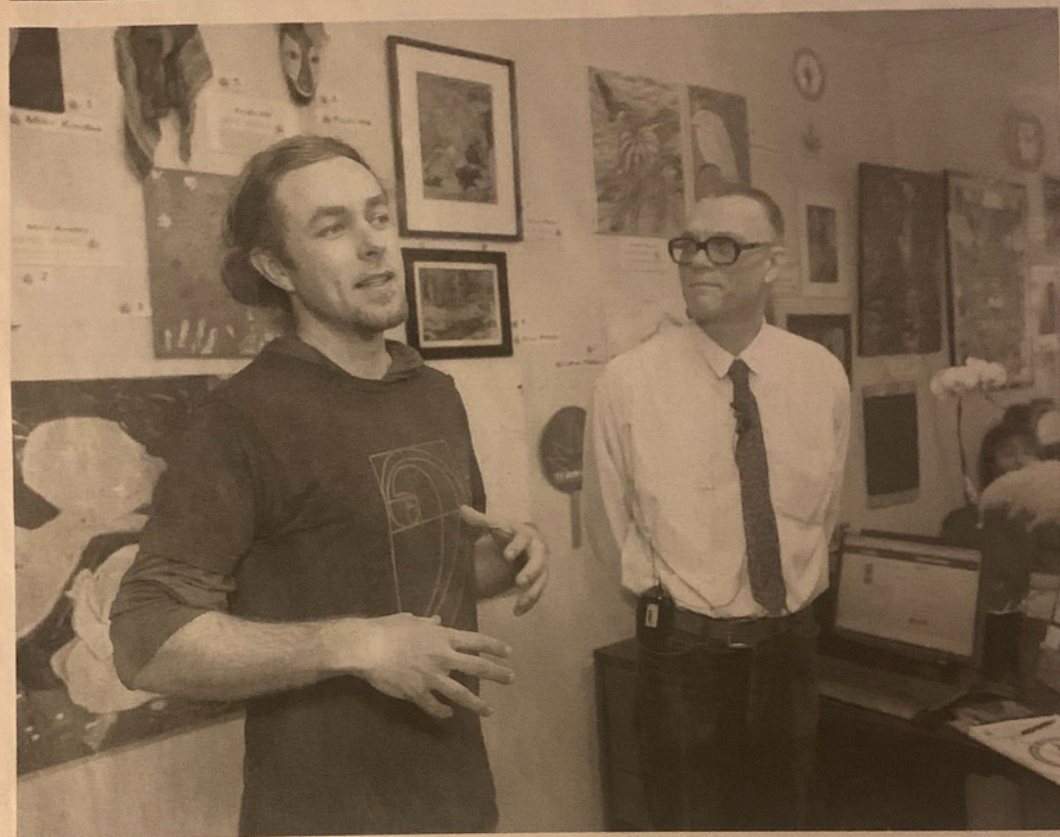
"I don't look upon you as a dangerous man. I look upon you as someone who is trying to change the law," said Harvey.

"All your motives are pure, altruistic compassionate and you are not making any money at this," she said.



THE CAPITAL AND VANCOUVER ISLAND

Editor: Dave Senick > Telephone: 250-380-5333 > Email: localnews@timescolonist.com



Owen Smith, the former head baker at the Victoria Cannabis Buyers' Club, left, and Ted Smith in Victoria on Tuesday. Owen Smith is scheduled to appear before the Supreme Court of Canada on Friday after victories at the B.C. Court of Appeal and B.C. Supreme Court.

Victoria pot-cookie baker readies for challenge of marijuana laws

Owen Smith hopes to secure right to use cannabis-containing oils, teas and lotions

LINDSAY KINES
Times Colonist

The former head baker of the Victoria Cannabis Buyers' Club heads to Ottawa today in hopes of overturning Canada's medical marijuana laws and securing the right for patients to use cannabis oils, cookies, teas and lotions.

Owen Edward Smith will appear before the Supreme Court of Canada on Friday after victories at the B.C. Court of Appeal and B.C. Supreme Court.

It's the first time Canada's highest court has heard a medical marijuana case.

Smith was arrested at a Victoria apartment in 2009 and charged with possession for the purpose of trafficking THC after police found pot cookies and other cannabis-infused foodstuffs on the premises.

Smith's lawyer, Kirk Tossaw, successfully argued before the lower courts that Canada's laws are unconstitutional because they restrict seriously ill patients to possessing and smoking "dried marijuana," while barring them from using other cannabis products.

The B.C. Supreme Court judge found that the regulations violated the Charter of Rights and Freedoms. He struck the word "dried" from the regulations and acquitted Smith.

The Court of Appeal upheld that ruling by a split 2-1 decision. The dissenting judge argued that the regulations did not impinge on the liberty or security of the person rights of medical marijuana users, and that Smith did not have standing to bring a constitutional challenge.

The federal government

appealed to the Supreme Court of Canada.

Cannabis Buyers' Club founder Ted Smith — no relation to Owen — hopes the trip to highest court will be the final step toward making cannabis products legal for patients across the country.

He noted, for instance, that it's against the law to put cannabis into water to make tea, because that's technically producing the drug THC.

"We find [it] quite absurd that our government would essentially force patients to smoke this plant instead of using all the other alternatives, which are much more medically beneficial to many patients," Ted Smith told a news conference in Victoria to mark International Medical Marijuana Day.

"Here in the Victoria Cannabis Buyers' Club, we have sought very hard to provide these products to patients at the lowest possible cost," he said.

"We believe that we have prolonged the lives of thousands of

individuals and helped many individuals suffering from a variety of medical problems."

Owen Smith said many of those patients would be unable to afford such a lengthy legal challenge, so he's proud to be fighting on their behalf.

"I'm very excited to represent such a brave and courageous group of people, who not only have to maintain their own health, but they have to fight for their right to maintain their own health every day."

His challenge is supported by intervenors from HIV/AIDS organizations, the B.C. and Canadian Civil Liberties Associations, and the Criminal Lawyers Association of Ontario.

"We're very confident that we're going to win," Ted Smith said.

"I don't think there's a reasonable body in Canada that would think patients should be forced to smoke this plant and not have access to a cookie."

kines@timescolonist.com

Theft of urn 'rips open the wound': mother

Son's ashes stolen from N. Saanich memorial bench

KATIE DeROSA
Times Colonist

Renate Herberger walked to her son's memorial bench in North Saanich expecting to sit next to the urn holding his ashes, light a candle, maybe sing a lullaby.

Instead, on that March 10 night, Herberger discovered the urn had been pried off, stolen from its resting place on Tapping Road near West Saanich Road.

Herberger, a 59-year-old North Saanich resident, has no idea who would take the urn, but she believes it was a targeted act. Her son, Silvan Skye Valeska Herberger, died by suicide on Jan. 10, 2012. He was 23.

"This was not a random act. It was carefully removed, there's signs of a small pocket knife [being used]," Herberger said. She speculated that someone might have used glue remover to loosen the Gorilla Glue that secured the urn to the top of the bench.

"It's a desecration, it is grave robbery," she said. "My son's ashes do not belong in anybody's home but mine."

Herberger still has the main urn in her home. She bought the small, hand-painted vase from a street vendor in Mexico on the two-year anniversary of her son's death.

"I put the urn there [on the bench] because people wanted place to pay their respects," Herberger said.

She picked that spot for the memorial bench because it's close to the bench where she and Silvan played when he was a child.

Herberger, who is known for her long-haul swims across the Saanich Inlet and around the world to raise awareness about marine environmental protection, said she typically visits Silvan's bench almost every night. She was on an extended vacation from the end of October to March 10, so it's unclear when the urn went missing.

Herberger has reported the theft to Sidney/North Saanich RCMP and hopes someone will turn the ashes in.

She also wants to speak at schools about suicide prevention. "Something like this just rips open the wound again," Her-

INSIDE → TWO FUN CONTESTS: LIMERICKS & QUIRKY CRITTERS

McLay

MAGAZINE

Victoria

FEB. 16 - 22, 2012

mag.com

The Real Dope on medical marijuana

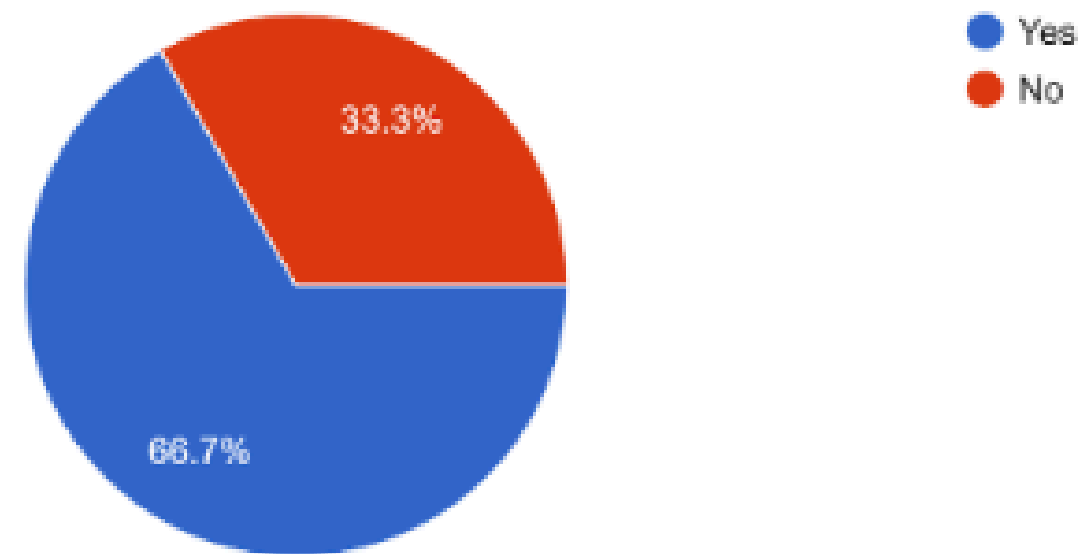






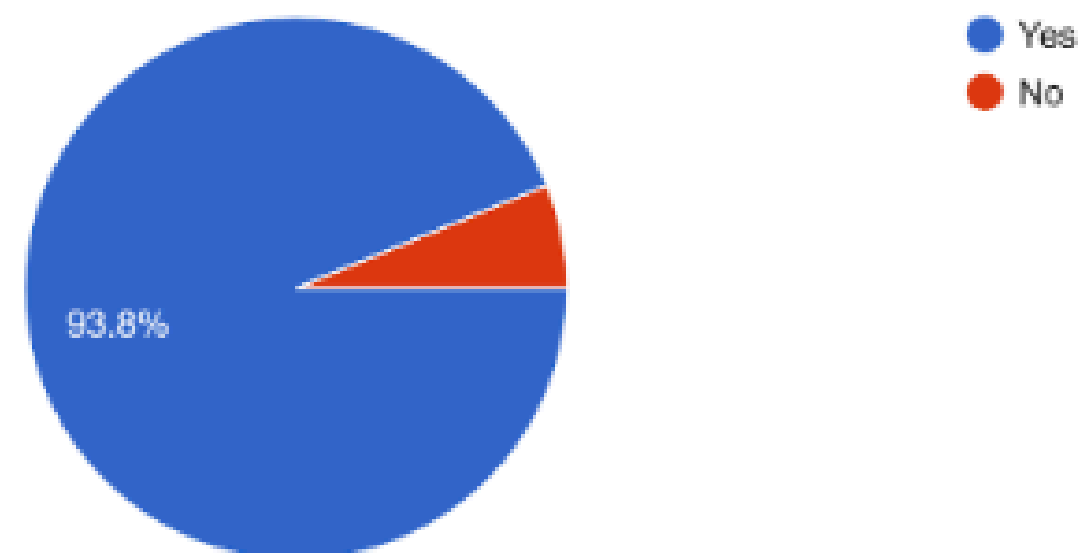
1.) Do you have a credit card?

129 responses



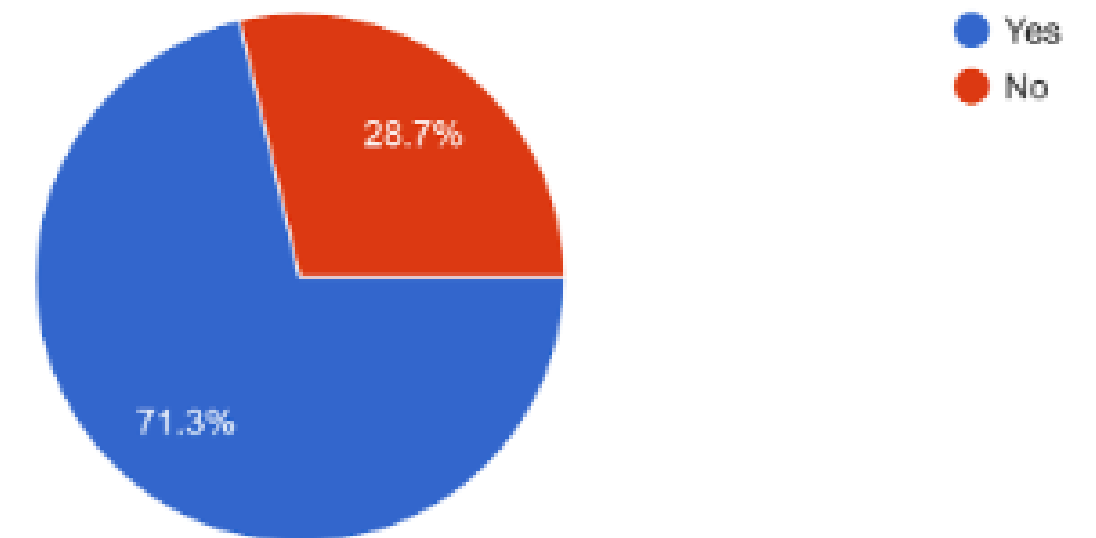
2.) Do you have a Permanent Address?

129 responses



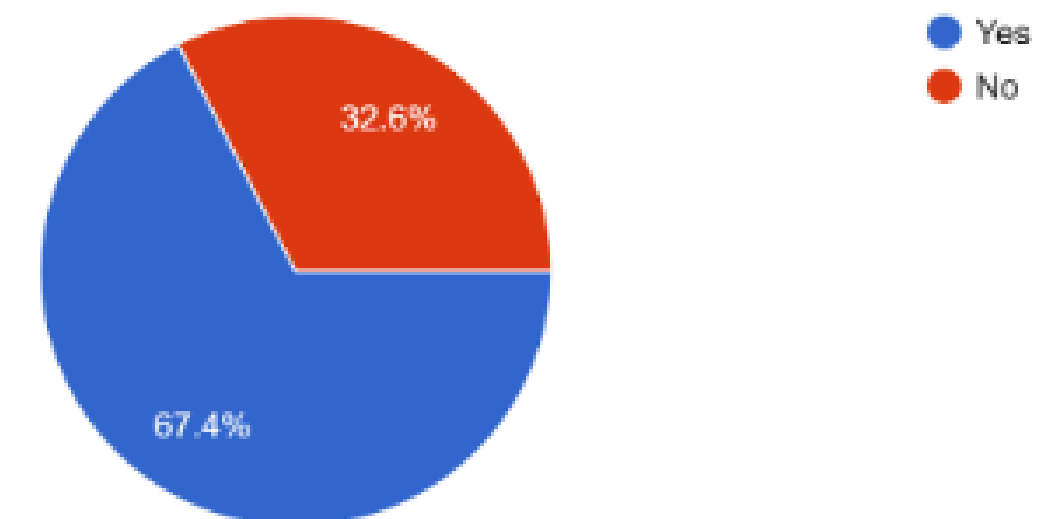
3.) Do you have a Family Doctor?

129 responses



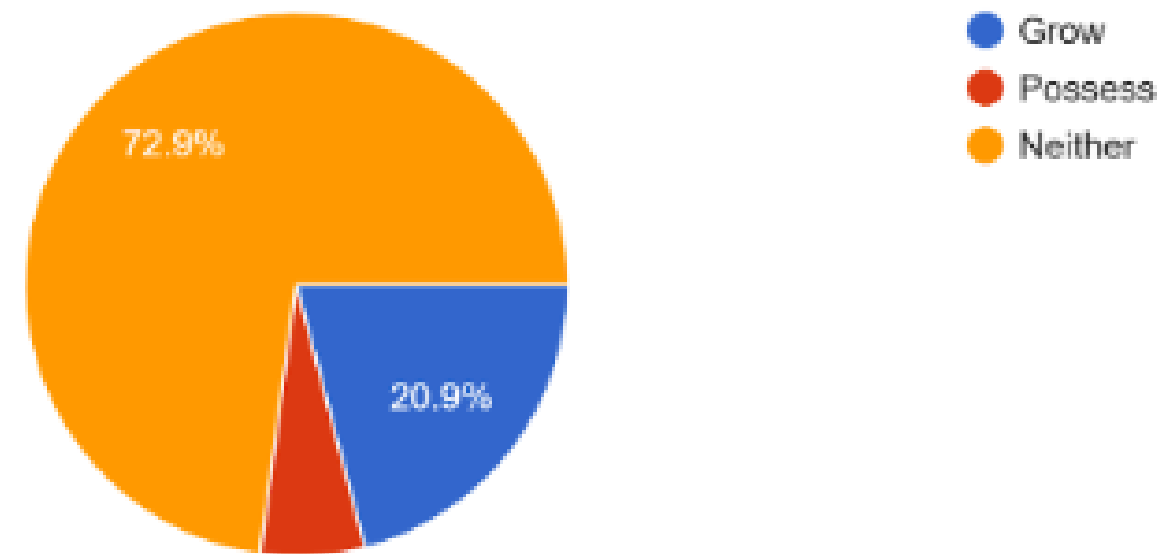
3.1) If yes, does your doctor support the use of cannabis as medicine?

95 responses



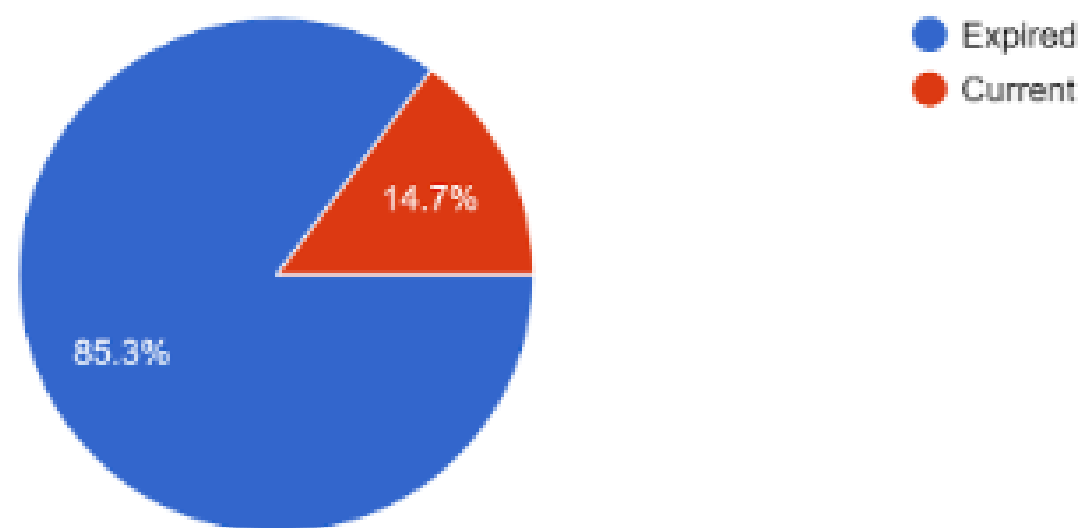
4.) Have you ever had a federal medical cannabis license to

129 responses



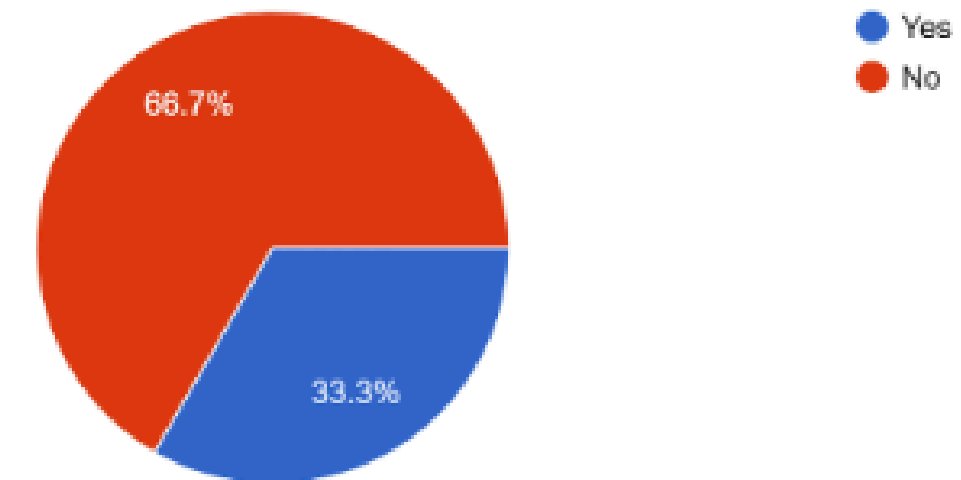
4.1) If yes, is it

34 responses



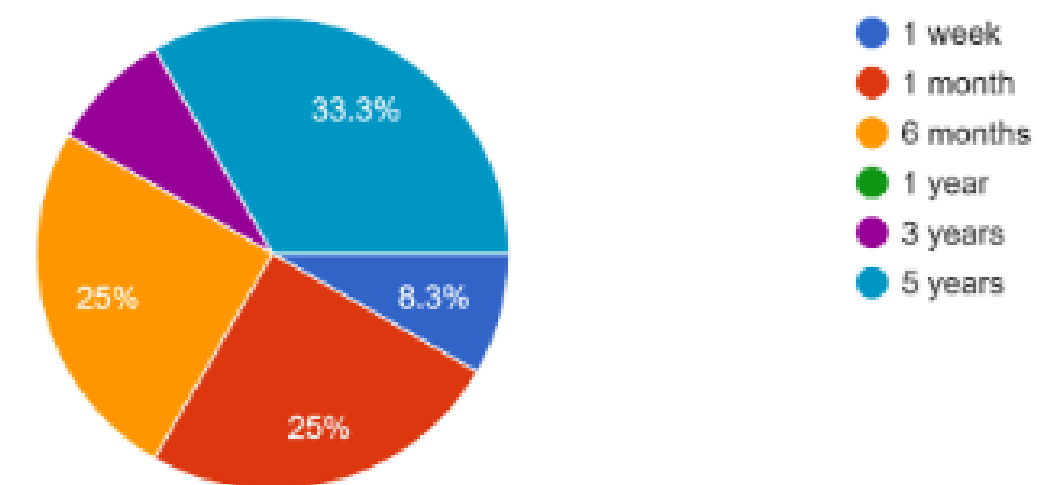
4.2) If yes, have you ever purchased from the federal medical program?

33 responses



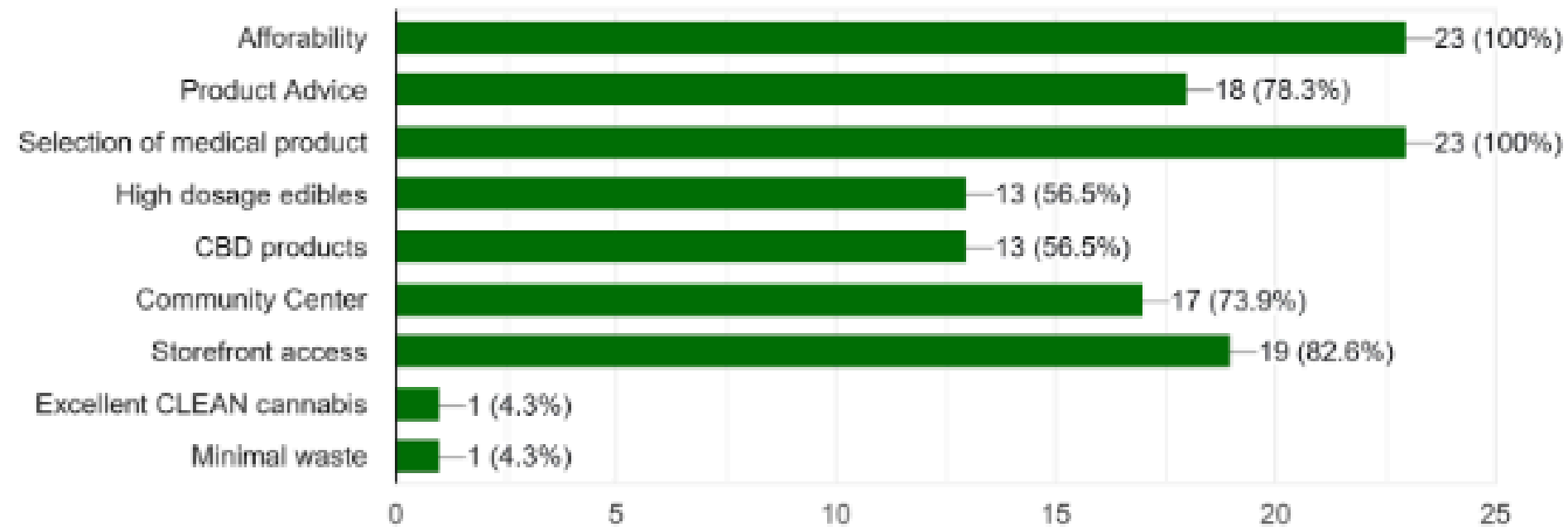
4.3) If yes, when was the last time you made a purchase from the federal medical program?

12 responses



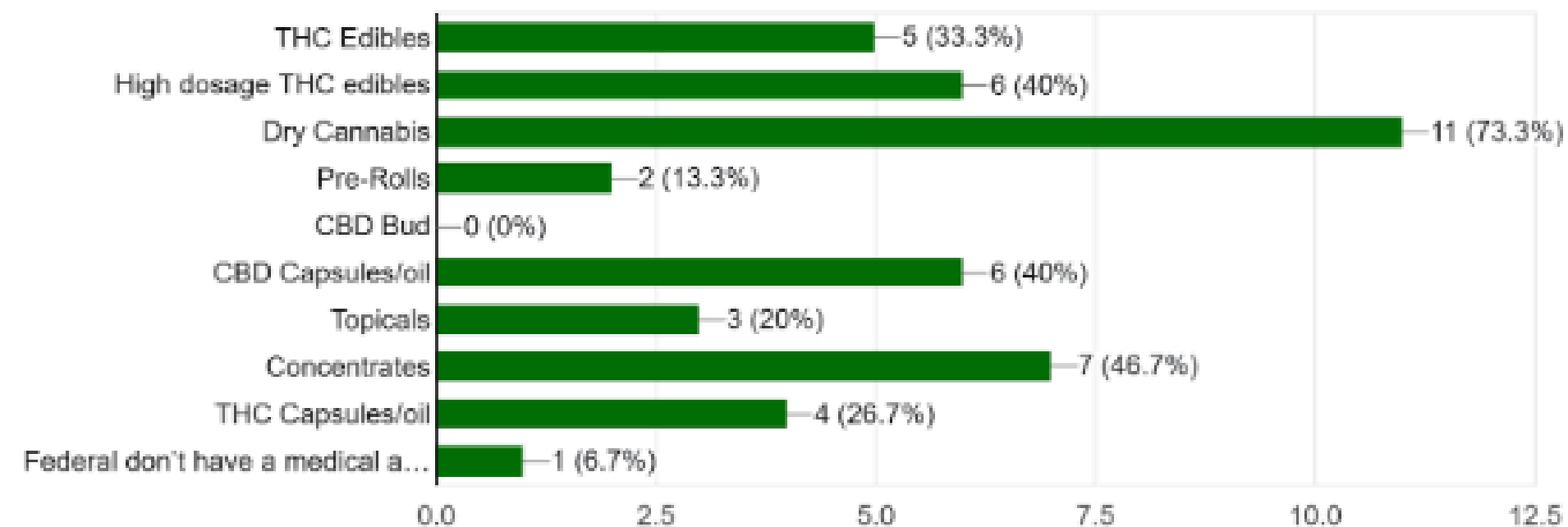
4.4) If yes, why do you purchase from the VCBC over the federal medical cannabis program? (more than 1 can be chosen)

23 responses



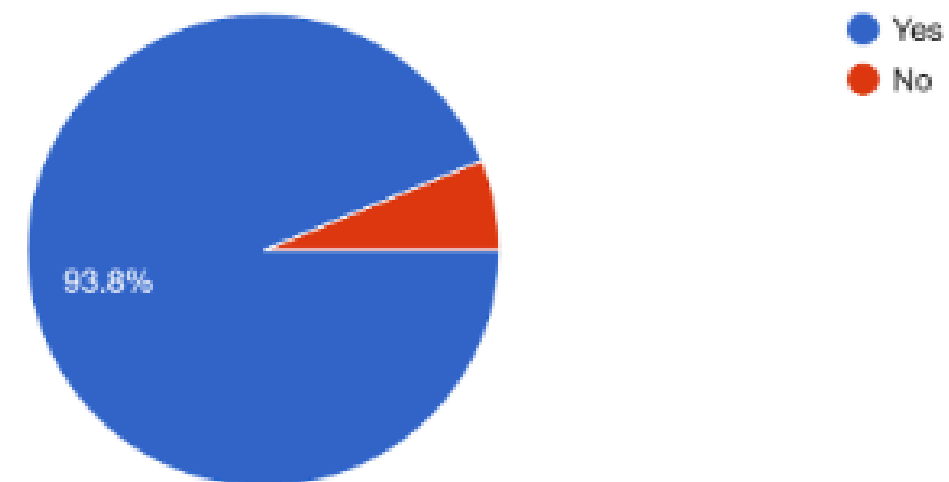
4.5) If yes, what was the type of products do you purchase from the federal medical cannabis program? (more than 1 can be chosen)

15 responses



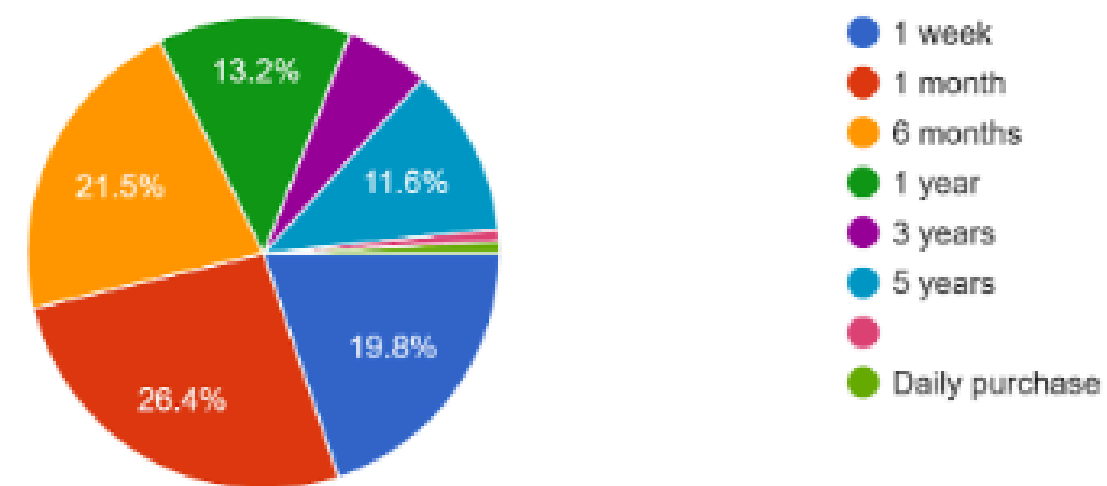
5.) Have you ever purchased from a legal recreational store?

129 responses



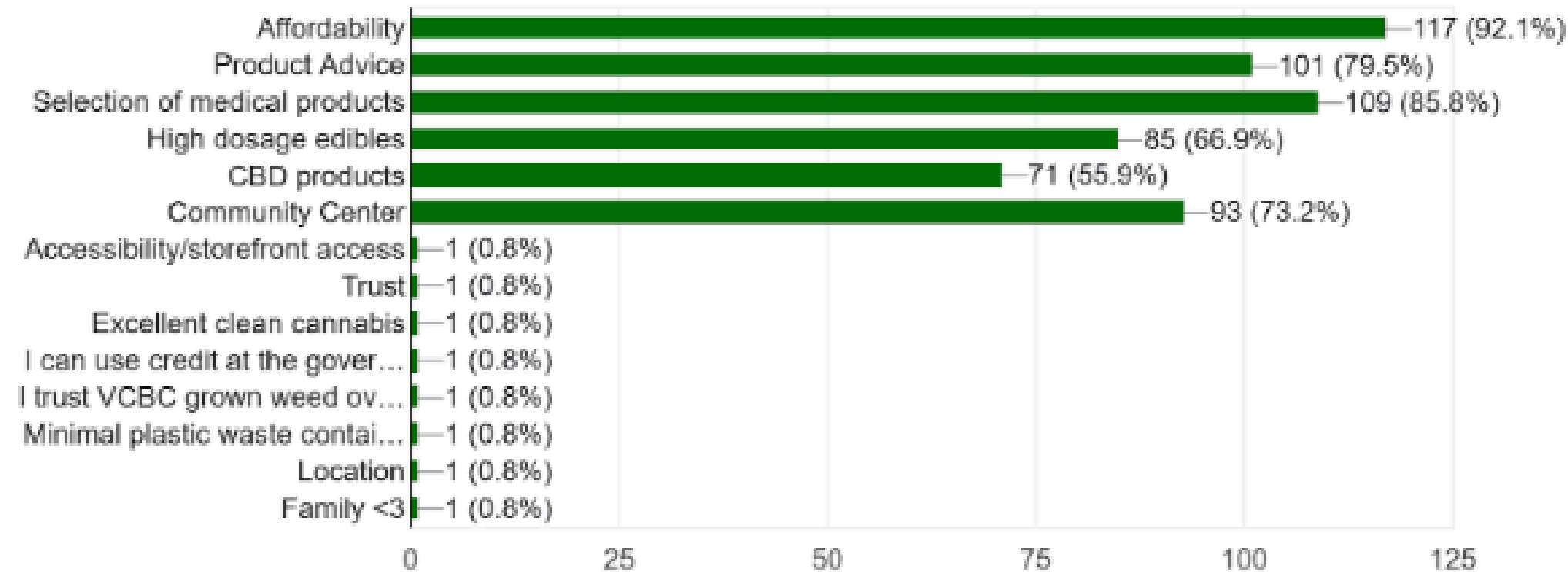
5.1) If yes, when was the last time you made a purchase from a legal recreational store

121 responses



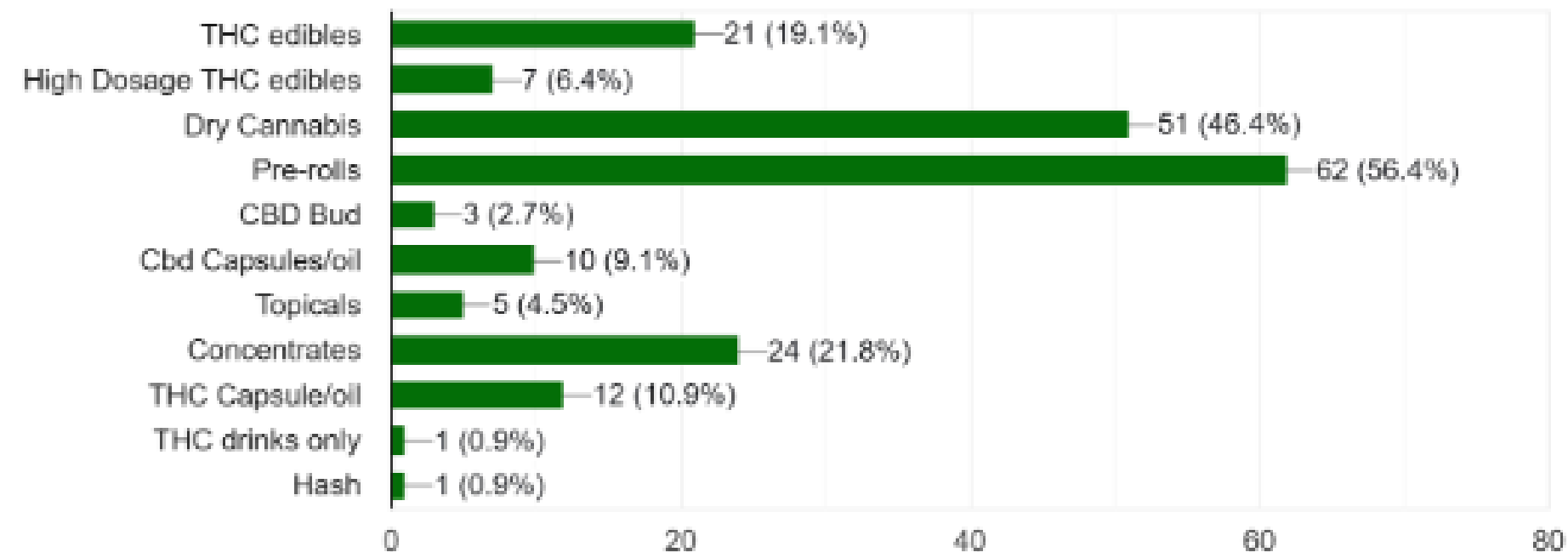
5.2) Why do you purchase from the VCBC over a legal recreational store? (more than 1 can be chosen)

127 responses



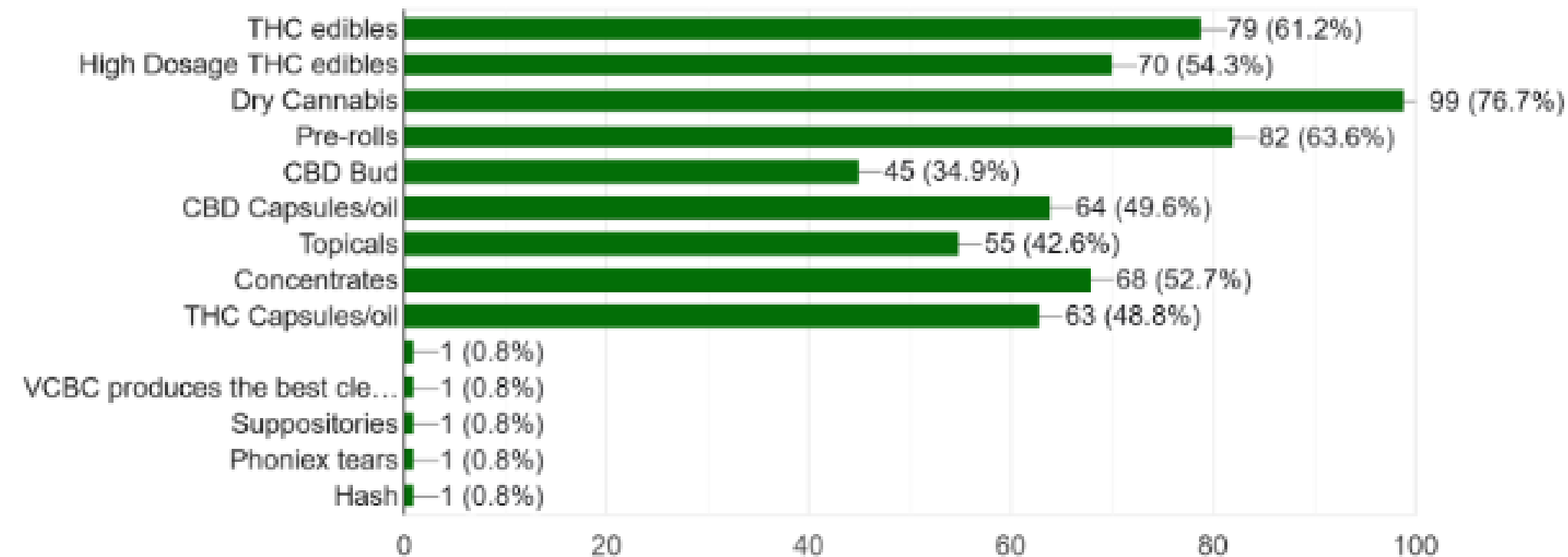
5.3) if yes, what type of products do you purchase from legal recreational stores? (more than 1 can be chosen)

110 responses



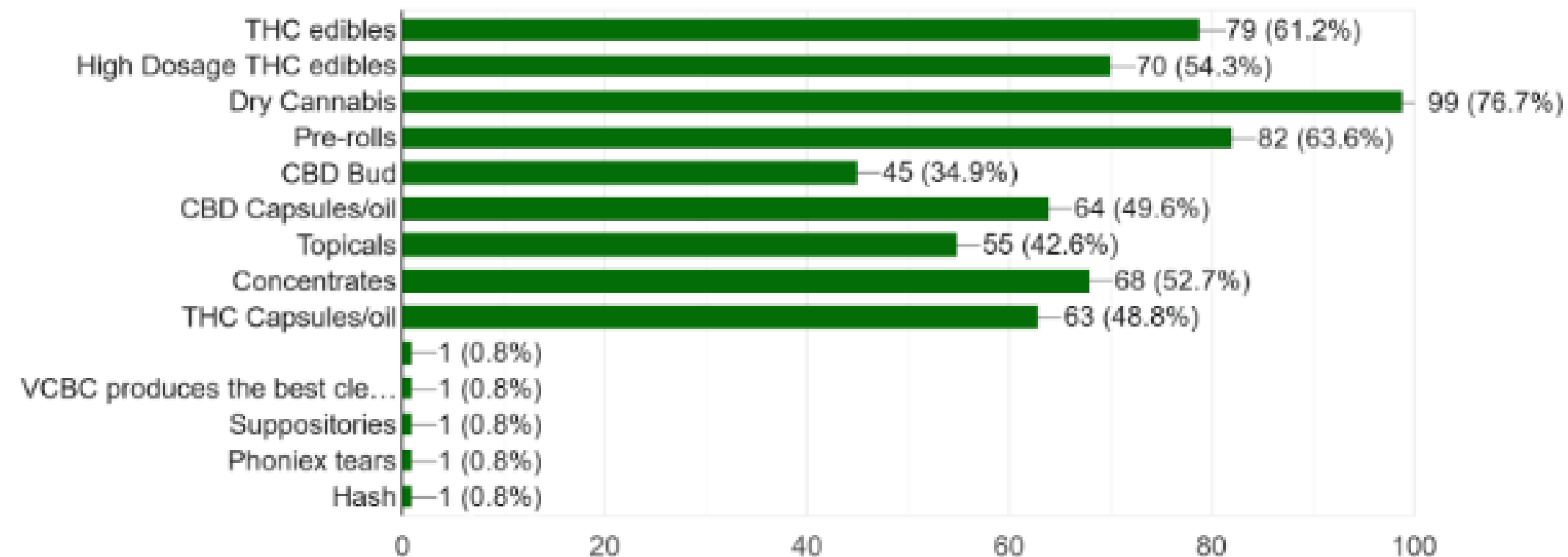
6.) What type of products do you purchase from the VCBC? (more than 1 can be chosen)

129 responses



6.) What type of products do you purchase from the VCBC? (more than 1 can be chosen)

129 responses



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