

Opinion: How California can legally opt out of the war on pot

By Steve Kubby

Federal officials have declared war on California, insisting that any resistance to their Controlled Substance Act is futile. Like the Red Chinese attempting to crush Tibetan culture and autonomy, our own federal government is fraudulently asserting its authority to crush California's vibrant cannabis economy and culture.

However, this is not Tibet, it is America. Freedom-loving Americans shed blood and sacrificed lives to provide us with a Constitution and Bill of Rights that secures our freedoms and allows us to enjoy the blessing of life, liberty and the pursuit of happiness.

Incredibly, the federal government alleges that under the Commerce and Supremacy clauses of the U.S. Constitution, federal law supersedes state law. Furthermore, we find there is an endless stream of legal experts and constitutional scholars who all mindlessly parrot this nonsense. Regardless of their legal standing or academic credentials, all these officials, experts and scholars are full of bongwater and do not know what they are talking about.



Steve Kubby

The notion that the federal government can use these clauses to impose federal law on cannabis produced and sold within California's borders is absolutely false.

The government relies upon a bogus Supreme Court decision in *Gonzales v. Raich*, which found that consuming one's locally grown marijuana for medical purposes affects the interstate market of marijuana, and hence that the federal government may regulate—and prohibit—such consumption. This argument stems from the landmark New Deal case *Wickard v. Filburn*, which supposedly held that the government may regulate personal cultivation and consumption of crops, due to the effect of that consumption on interstate commerce, however minute it may be. That may be true, but only under certain circumstances.

Lost in all the arguments presented in *Gonzales v. Raich* was the fact that Roscoe Filburn was a farmer who accepted New Deal federal money to limit how much wheat he grew. Filburn was caught violating his contract with the federal government by producing wheat in excess of the amount permitted. The government then sued Filburn for violating the terms of his contract, Filburn objected on constitutional grounds and the case went to the Supreme Court.

Now for a brief history lesson. During 1941, producers who officially enrolled in the Agricultural Adjustment Act of 1938, received an average price on the farm of about \$1.16 a bushel, as compared with the world market price of 40 cents a bushel. Filburn signed up for the federal program and was paid to not grow over an allotted amount of wheat. In July 1940, pursuant to the Agricultural Adjustment Act, Filburn's 1941 allotment was established at 11.1 acres and a normal yield of 20.1 bushels of wheat per acre. Filburn was given notice of the allotment in July 1940 before the fall planting of his 1941 crop of wheat, and again in July 1941, before it was harvested. Despite these notices and a signed contract with the federal government, Filburn planted 23 acres and harvested 239 bushels from his 11.9 acres of excess area.

Filburn argued that because the excess wheat was produced for his private consumption on his own farm, it never entered commerce at all, much less interstate commerce, and therefore was not a proper subject of federal regulation under the Commerce Clause. Unfortunately, Harvard educated attorney Robert Raich failed to point out that once Filburn accepted Federal money and violated the terms of his contract, then and only then, did it become a Federal matter. Had Raich argued that Wickard v. Filburn only applied in cases where farmers had enrolled in Federal programs, signed contracts and accepted Federal money, the Supreme Court would not have had any basis to render the defective decision that they did.

These same ignorant federal officials and legal experts will also tell you that the Tenth Amendment is ignored by the courts and has no real power. More bongwater. I call your attention to Bond v. United States in which the Supreme Court ruled this year to unanimously uphold the powers reserved to individuals and states by the Tenth Amendment. In that decision, all nine justices agreed that the Tenth Amendment means that "State sovereignty is not just an end in itself: 'Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.'"

The Supreme Court further limited the role of the federal government in their decision by proclaiming:

Some of these liberties are of a political character. The federal structure allows local policies "more sensitive to the diverse needs of a heterogeneous society," permits "innovation and experimentation," enables greater citizen "involvement in democratic processes," and makes government "more responsive by putting the States in competition for a mobile citizenry." Gregory v. Ashcroft, 501 U. S. 452, 458 (1991). Federalism secures the freedom of the individual. It allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely

upon the political processes that control a remote central power.

The time has come to stand up for liberty and insist upon our 10th Amendment right to opt out of Federal laws that violate the sovereignty and safety of our state. Fortunately, California voters will have a chance on Nove. 6, 2012, to adopt a revolutionary new initiative that authorizes California to legally opt out of the Controlled Substances Act. That initiative is the Regulate Marijuana Like Wine Act and it was specifically written to invoke the full power and protections of our precious Constitution and Bill of Rights.

Steve Kubby is CEO of Strategic Campaigns LLC and serves as chief officer and campaign chairman for a new California voter initiative to Regulate Marijuana Like Wine.

Opinion: State Parks is off-base changing Washoe Meadows land designations

By Lynne Paulson

Park users and conservation groups plan to protect the legal, environmental and cultural foundations of Washoe Meadows State Park by protesting a proposed downgrading and appropriation of significant parcels with the park. The California State Parks is bringing its proposal to reclassify portions of Washoe Meadows to the Oct. 21 meeting of the California Park and Recreation Commission. The reclassification would downgrade the land from "State Park" to "State Recreation Area". There is no other purpose for the scheme other than to pave the way

for a development of up to nine holes of the Lake Tahoe golf course onto land that was set-aside in 1984 to save it from exploitation.



Lynne Paulson

Although there are notices posted about this meeting, what State Parks has not said is how unusual and debatable its action is.

In 2010, California State Parks proposed to reclassify a portion of Tolowa Dunes State Park, located near Crescent City, to a “State Recreation Area” in order to allow waterfowl hunting. As is the case with Washoe Meadows State Park, Tolowa Dunes contains wetlands with unique cultural and biological resources. Like Washoe Meadows State Park, the affected portion of Tolowa Dunes State Park is a favorite spot for hikers, bicyclists, horseback riders, birdwatchers, wildlife viewers and others. Because the reclassification would have an adverse impact on the Park – as it would with Washoe Meadows – there was a huge public outcry, and State Parks withdrew its proposal, at least temporarily.

During the Tolowa Dunes controversy, the spokesperson for State Parks was quoted in the Crescent City paper as saying that he “was unable to find anyone that knew an instance of a California State Park being reclassified down to a state recreation area.” Instead of a down-classification, parks are sometimes upgraded to “wilderness” or another designation that provides additional degrees of protection.

One of the refrains used by State Parks to justify the

reclassification in Washoe Meadows is that the targeted land is on “less-environmentally sensitive” parcels. However, a walking tour of the proposed redesigned golf course shows significant incursion into fragile and unspoiled areas as well as important Native American cultural sites.

Even though the State Park has been in existence for 27 years, State Parks has ignored it to the extent that it has not provided signage directing visitors to Washoe Meadows State Park. There are no trail signs showing visitors the way to the river or other points of interest. In addition, questions and complaints continue to arise about aggressive maintenance projects in the past few years that have resulted in damage to land and wildlife habitat.

No general plan has been prepared for the park. Instead, all attention has been on the golf course /State Recreation Area on the east side of the river. In the draft “Lake Valley State Recreation Area General Plan Amendment and Classification Adjustment and Washoe Meadows State Park Classification Adjustment” the focus is again on the golf course with quotations of the purpose statement for the recreation area but no mention of the purpose of the park.

In its descriptions of the proposed land exchange and reclassification, State Parks fails to mention that its own documents indicate that the park land is more suited to wildlife viewing because it is farther from the highways and airport than the present recreation area.

The draft reclassification document also fails to cite Washoe Meadows’ tremendous natural resources that are described in the 1984 California Statute as well as in the 1984 Legal Settlement Agreement that explained the reasons for the state purchase of the land. Instead the document focuses only on the general plan for Lake Valley State Recreation Area.

Those who don’t agree with this scheme by State Parks should

attend the Oct. 21 meeting of the California Park and Recreation Commission to protest this outrageous proposal to steal a significant part of Washoe Meadows State Park from the people of California. The meeting will be at 9am at the Lake Tahoe Golf Course clubhouse.

If you can't attend the meeting, or even if you can, write to the California State Park and Recreation Commission to let them know what you think. Contact the Commission at: California State Park & Recreation Commission, P.O. Box 942896, Sacramento, CA 94296-0001, Attn. Louis Nastro, Assistant to the Commission; or email Nastro at: LNastro@parks.ca.gov.

Lynne Paulson is a member of the Washoe Meadows Community. The group is also on Facebook.

Opinion: California must boost water storage

Publisher's note: *This editorial is from the Oct. 5, 2011, Contra Costa Times.*

There's nothing like a couple of wet years to dampen arguments that environmental protection regulations are depleting water supplies needed by agricultural and urban users.

A record 6.5 million acre-feet has been pumped from the Delta this year, mostly to Central Valley farms and Southern California. That is enough to serve the state's entire population for a year and a half.

Much of the water went to refill water banks and reservoirs,

which were depleted during the dry years from 2007 through 2009.

It was the three-year drought, not environmental rules, that resulted in water pumping reductions to the dismay of farmers, who blamed what they believed were overly strict pumping regulations to protect fish and wildlife.

Even with all the record pumping this year, millions of acre-feet of water went out to sea. In one period earlier this year, 3 million acre-feet of fresh water flowed to the sea in just 10 days.

That is the amount of water that makes the difference between California having an adequate water supply and an insufficient one.

If California's annual rain and snowfall were similar to those of the past couple of years, there would be far fewer problems with meeting everyone's needs. But that is not the case.

Read the whole story

Opinion: Safety essential to a state that depends so much on tourism

By Richard N. Velotta, Las Vegas Sun

In a state like Nevada, there's almost nothing worse than a tragedy colliding with tourism.

Whether it's a train derailment, a car accident or something

as horrific as the deadly crash at this month's Reno Air Races, it's important to remember that we often push against the boundaries of our comfort zones when we engage in such a unique experience. Sometimes watching danger up close is what makes an event a never-forgotten experience.

The Reno Air Races is one of many late summer events in Northern Nevada that annually attracts thousands during the ideal time of year to be outdoors.

There's a nonstop parade of activity, beginning with the Hot August Nights car rallies, continuing through the well-attended Sparks rib cook-off, the bizarre Burning Man event in the Black Rock Desert, a hot-air balloon festival, the Street Vibrations motorcycle experience, camel races in Virginia City and the Reno Air Races, staged north of town at an airport in Stead.

I've been invited many times to the air races, but have never been in Reno when it's been staged.

After the crash of stunt pilot Jimmy Leeward's souped-up, World War II-vintage, single-engine P-51 Mustang near a spectator grandstand, the question that hangs over the event now is whether it will ever be staged again.

Certainly, the financial considerations of insuring future events after the Sept. 16 tragedy will play into the decision. But the more crucial issue will be how sponsors will guarantee the safety of participants and spectators in the future.

Read the whole story

Opinion: Why Las Vegas should be part of Arizona

By John L. Smith, Las Vegas Review-Journal

Las Vegas, we need to talk.

We've known each other a long time. I'm a proud native Nevadan. My family has been kicking around the Sagebrush State since 1881.

But there comes a time when you have to set personal history aside and do what's best for the community. That moment has arrived.

It's time for Clark County to secede from Nevada and attach itself to Arizona. Call it a native son's modest proposal.

I know it sounds irrational, but hear me out. It's the only reasonable way for Southern Nevadans to ensure their future economic prosperity. And the relationship is not without historical precedent.

Much of what we call Clark County was once known as Pah-Ute County in the Arizona Territory.

Pah-Ute County was created in 1865 by the 2nd Arizona Territorial Legislature and existed until 1871, when it was clipped like a toenail and made part of the Nevada Territory.

So, you see, we wouldn't actually be joining Arizona, but rejoining it after 140 years.

An Arizona hookup has other benefits, too.

Unlike our Northern Nevada neighbors, Arizonans actually seem to like us. Las Vegas is the second most popular destination for airline travelers from Phoenix Sky Harbor Airport.

Just think: No more getting an earful from Renoites about how Las Vegans are ruining their Silver State.

Read the whole story

Opinion: Self-respect first line of defense against bullying

By Michael Martinez, Reno Gazette-Journal

Sometimes, you look different. Sometimes, you have a different name. Sometimes, you have a condition that sets you apart. You're just different, and people treat you like you are.

They tease you, they try to isolate you, they ignore you and they try to turn others against you.

They try to make themselves feel better by making you feel worse.

They are bullies, and you are being bullied.

It is a growing problem among our nation's youth that hurts when it happens and can linger beyond the early years.

Read the whole story

Opinion: Do temps mean refund on snow removal tax?

To the community,

The city of South Lake Tahoe was created by popular vote in 1965. The main issues were police, fire, and snow removal. People were not happy with county services.

Presently, because of hard economic times, the city manager wishes to downsize the city's snowplow crew and use temps to plow city streets. The city manager claims that there will be a sizeable dollar savings for the city by employing temps. Perhaps.



Bill Crawford

Many years ago, a property tax of \$20 a year was approved by voters in the city for snow removal. Once a year, the City Council by a majority vote approves to continue collecting the tax. So because the city manger says employing temps will rescue the cost of snow removal, will the City Council Vote to kill the tax?

Bill Crawford, South Lake Tahoe

Opinion: State legislation threatens cannabis dispensaries

By Steve Kubby

A new law and court decision are about to wreak havoc upon nearly all medical cannabis dispensaries or MCDs in California. Unfortunately for the MCDs, they are about to face legal challenges they cannot win.

Worst of all, there is nothing under state law to protect MCDs at this point and it seems only a matter of time before most MCDs are forced to close.



Steve Kubby

The new law, AB1300, signed last month by Gov. Jerry Brown, clearly gives cities the right to ban the "... establishment of a medical marijuana cooperative or collective."

Even worse, it authorizes local jurisdictions to enact new criminal penalties against MCDs and patient collectives.

Legal expert William McPike, who has won over 150 medical marijuana cases and represents a large number of MCDs, is advising his clients that 80 percent of MCDs statewide will face closure.

Lanny Swerdlow, a registered nurse, MCD expert and a well

known activist, is even more pessimistic: "Come Jan. 1 with the new right under AB1300 to criminalize code violations and the expected opinion by the 4th District Court that cities can ban collectives under their zoning ordinances, we will see 99 percent of the collectives closed long before November 2012," he predicted.

John D. Higginbotham, a Southern California attorney for the law firm of Best Best & Krieger, believes MCDs are about to become history. "The era of storefront retail marijuana businesses is nearing an end, at least in the cities we represent," he said. "The wheels of justice sometimes grind slowly, but you can only flaunt the law for so long before it catches up with you."

Steve Kubby is CEO of Strategic Campaigns LLC and currently serves as chief officer and campaign chairman for a new California voter initiative to Regulate Marijuana Like Wine.

Opinion: Cyber relationships could destroy real ones

By Amanda Strong

After an exhausting day, all you want to do is put your feet up and spend time with the person you care about the most ... and then your spouse walks into the room. Upon their arrival, you close your computer hoping you don't appear too startled to raise suspicion.

Sharing intimate details of your life on Facebook with someone else probably wouldn't go over so well with your significant other. Your relief is temporary, because this will likely

become a reoccurring theme when you continue to “network” with that special person.

This deception happens every day when a person decides to carry on an affair, especially one where social media plays a prime role. With more than 700 million users on Facebook, many of those ask themselves, “am I crossing the line?” when they carry on with another “friend” either new or old.

Things become foggy when you’re consistently tempted to look up an ex or confirm a friend who may not be the greatest choice to allow back into your life. The lines begin to blur and lies turn into infidelity. Before becoming just another statistic, ask yourself these three questions:

Is the relationship real? Cyber relationships are tricky. Either you begin to correspond or communicate with someone after a reconnection or you meet someone entirely new. This excitement or newness resembles the easier days without responsibilities, work, and children. You feel special from all the attention solely focused on you, swept away with the thought of a less complicated life.

The reality may be difficult to swallow when you realize that the person you make that connection with a. may not be the person you thought you knew or b. turns out to be very similar to the person you’re currently with when the fun times fade and reality slaps you in the face. Social networking hands you the opportunity to be anyone you want to be. Someone living in a fantasy may not grasp the impact on their family and themselves. Their new relationship is real to them, but could it be masked by all the hype that surrounds social networking. When you take away Facebook, and you’re just one on one, can you look at the person and feel your new reality will stand the test of time?

What is life like? Lonely or feeling like you want more out of life? Vulnerability, mixed with the ease of connecting (or

reconnecting) with people, is a recipe that may derail one's path. A person may feel they're receiving more support from a friend than a spouse. This attention sometimes leads to a tighter bond with your social media "friend" than the person you sleep next to at night. But is this new relationship based on finding the support, more so than the person giving it?

Sometimes the relationship is not about the attraction or compatibility but the needed strength to get out of a difficult or lonely situation. Ask yourself, are you using this new relationship as an out? Do you truly believe this person will be around in six months? Be honest with yourself with where you are in life, and why you've pursued another relationship in the first place.

Why take the risk? Some people are going to cheat, whether facilitated by cyber relationships or not. Others may look for their ex and get into trouble pursuing the past or innocently be struck out of the blue with a connection they never thought would happen. Are you impulsive and want to just go for it? Have you thought about the consequences and decided to cross the line anyway? Ask yourself, are you risking your marriage or relationship because you found a more exciting and passionate person; think this is your soul mate; or feel this is your way out of your current situation?

Even if you get wrapped up in the hype and the temptation seems too much to handle, there's always that split second before you post something or encourage communication when you know you shouldn't. Your actions could destroy the ones you love and change your life completely. Ask yourself, why would I choose to face those consequences? If you deal with the truth before you cross the line, you may save yourself from making a huge mistake.

Couples are now citing Facebook on their divorce papers as one of the reasons their marriage fell apart. Can social media be blamed for giving everyone such an easy tool to cheat? Words

of advice, be honest with yourself, because your decisions are yours, and only yours, to make.

Social networking sites aren't losing sleep over your choices, that job is solely your responsibility.

Amanda Strong is the author of "With Just One Click", the first of its kind about the complexity of Facebook relationships.

Opinion: Parent revolution wants more say in education

By Jim Newton, Los Angeles Times

This is what the revolution looks like: It's a rally in Lynwood where parents demand the right to exercise their power to shape their children's future; it's a dozen residents in a South-Central apartment gathering to compare notes on the failing elementary school a few blocks away; it's parents comparing notes at a Pasadena community center and discovering that not a single one of that city's high schools scored a desired goal of 800 on California's Academic Performance Index. And it's lots and lots of T-shirts with messages.

Those scenes all were on display last week on a bus tour from San Diego to Sacramento led by Parent Revolution, a Los Angeles-based nonprofit that is spearheading a historic challenge to the education status quo in California and beyond. The trip drew together far-flung activists, some unknown to one another but all united in the conviction that state's education system is letting down its children, and that parents need to assert their power over schools.

Parent Revolution, with the help of sympathetic legislators such as former state Sens. Gloria Romero and Richard Polanco – both of whom were along for sections of the tour – secured for parents that power with passage of a momentous piece of legislation in 2010. Known as the “parent trigger,” it allows parents at a failing school to band together. Now, by law, if a majority of parents sign a petition, they can demand that a charter operator take over the school, replace the school staff, remove the principal or close the school. That’s not the power of persuasion; that’s the power to change.

Parent trigger got its first workout last year in Compton, where parents ran into a recalcitrant school board that deliberately set out to thwart the law. In the short run, the school board triumphed and prevented a clear majority of parents at McKinley Elementary School from getting the charter school they asked for. But Compton’s victory was Pyrrhic. The charter operator that would have taken over McKinley opened a school down the street, and it quickly filled up. A second one is opening in the neighborhood. By this time next year, parents will have voted with their feet, and McKinley will be a ruin.

That experience has emboldened parents elsewhere, and the quiet stir of their revolution is as inspiring as the civil rights battles of modern times – the demand for racial equality in the South, the recognition of farmworkers’ right to unionize, the right of same-sex couples to marry. This movement brings together parents of different ethnicities, races and ideologies, languages and backgrounds. They are fiercely intent on change.

Read the whole story