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Licensed Hemp Farmers Heard by U.S. Court of Appeals
Decision in Lawsuit Could Bring Back Hemp Farming in U.S.

ST. PAUL, MN – Two North Dakota farmers, who filed a lawsuit in June of 2007 to end the Drug Enforcement Administration's (DEA) ban on commercial hemp farming in the U.S., were heard yesterday, November 12, 2008, in the U.S. Court of Appeals for the Eighth Circuit. The oral arguments before the three judge panel centered on the farmer's assertion that because there is no possibility the hemp crop could be diverted into the market for drugs, the Commerce Clause does not allow DEA to regulate industrial hemp farming in North Dakota. If successful, the landmark lawsuit will lead to the first state-regulated commercial cultivation of industrial hemp in over fifty years. The court's decision is not expected until next year.

The farmers, North Dakota State Rep. David Monson and seed breeder Wayne Hauge, are appealing a decision by the U.S. District Court of North Dakota on a number of grounds; in particular, the District Court ruled that hemp and marijuana are the same, as DEA has wrongly contended. In fact, scientific evidence clearly shows that not only are oilseed and fiber varieties of *Cannabis* genetically distinct from drug varieties, but there are absolutely no psychoactive effects gained from eating it. All court documents related to the case can be found online (http://www.VoteHemp.com/legal_cases_ND.html).

Representative Monson observed oral arguments made on his behalf by attorneys Joe Sandler and Tim Purdon. In court Mr. Sandler argued, "Given North Dakota's unique regulatory regime, nothing leaves the farmer's property except those parts of the plant Congress has already decided should be exempt from regulation: hemp stalk, fiber seed and oil. The question is whether there is any rational basis for Congressional regulation of the plant itself growing on the farmer's property. The answer is no — because industrial hemp is useless as drug marijuana and there's no danger of diversion, so there's no possible impact on the market for drug marijuana."

The government's arguments centered on the idea that the plaintiffs should apply to the DEA for permission to grow hemp and that the court didn't have jurisdiction over the issues raised by the farmers. "The plaintiffs should await the DEA's decision on their application," said Melissa Patterson on behalf of the government. In response, Judge Michael Milloy asked, "Isn't it true the DEA will not rule on the farmer's applications to grow hemp, you've had eleven months?" Ms. Patterson answered, "The DEA has not replied out of respect to the pending proceedings." In response to the jurisdictional objections made by the DEA, Judge Lavenski Smith said, "When there is a legitimate constitutional issue brought before us we can hear the case."

Background
In 2007 the North Dakota Legislature removed the requirement that state-licensed industrial hemp farmers first obtain DEA permits before growing hemp. The question before the Eighth Circuit Court of Appeals will be whether or not federal authorities can prosecute state-licensed farmers who grow non-drug oilseed and fiber hemp pursuant to North Dakota state law. Vote Hemp, the nation's leading industrial hemp advocacy group, and its supporters are providing financial support for the lawsuit. If it is successful, states across the nation will be free to implement their own hemp farming laws without fear of federal interference. Learn more about hemp farming and the wide variety of non-drug industrial hemp products manufactured in the U.S. at www.VoteHemp.com and www.TheHIA.org.

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