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Chuck DeVore on Hemp

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Last week there was a rumor going round that Assemblyman Chuck DeVore (R-Irvine), a lieutenant colonel in the National Guard and a Republican, was co-author of a bill to legalize industrial hemp. Not only that, but he was doing so with none other than Assemblyman Mark Leno (D-San Francisco), the openly gay Democrat who authored a bill to legalize gay marriages. Polar opposites. The matter and anti-matter of the California Assembly.

So what gives? What exactly are they trying to do and why? Here's how Chuck Devore explained himself to the *Weekly*.

So correct me if I'm wrong-you're trying to legalize industrial-strength weed, right? The dankest of the dank?

That would be industrial *hemp*. The industrial *strength* kind that you would use for recreational weekend purposes is still outlawed. I have no desire to change the laws governing the rankest of the rank.

There are at least 30 nations producing hemp for industrial use. Canada. China. Even France. But not the United States. What do they know that we don't?

I think it's an issue of our laws catching up with today's international marketplace. Seventy, eighty years ago, as prohibition was moving through the country, alcohol was outlawed as was marijuana in many instances. When the prohibition on alcohol lifted, the prohibition on marijuana wasn't.

During the war effort in WWII, the federal government actually lifted the ban on the agricultural production of industrial hemp because it was needed for the war effort-partly because some of our imports were cut off by the Japanese and Nazi war efforts. As soon as the war ended, the Hemp for Victory program ended too.

It really hasn't been revisited seriously since 1947.

Don't you think, if industrial hemp market in the United States is worth more than \$250,000,000, that the business community would have cottoned on to it by now?

Right now they're able to import the raw product legally, in the wake of a court ruling in a case by members of the Industrial Hemp Association [sic, Hemp Industries Association (HIA)] against the Drug Enforcement Agency [sic, Administration (DEA)]. They won a lawsuit which the DEA did not appeal which allows them to import the product. The manufacturers are fairly happy to at least get some product from overseas. But the farmers are kind of left out of the loop.

Farmers are traditionally a risk-averse, fiscally conservative group, and they're not willing to spend a lot of money to push the envelope to have the right to grow this traditional crop. Some of the manufacturers that make the soaps, the lotions, the shampoos – my own wife uses a hand lotion that has hemp as one of the ingredients – as these products begin to multiply, there's increasing interest to developing domestic sources of hemp production.

California's medicinal marijuana program runs afoul of federal law; how will the government react when we start growing industrial hemp as well?

The bill that Mark Leno and I have been working on together is very carefully drafted to avoid any problems with the federal law. About two years ago there was a lawsuit brought by manufacturers that import industrial hemp against the DEA, basically saying industrial hemp is not a Class I Narcotic. If you look at the federal rules regarding Class I Narcotics, they're very clear [that] they're talking about psychotropic drugs. Well, industrial hemp as properly defined, meaning less than 0.3% THC in the flowering tops (psychoactive cannabis contains anywhere from 5% to 25% THC), does not have any psychotropic qualities. The DEA basically lost this lawsuit, and the Bush administration told them not to appeal.

You have a situation now where the federal government itself has, perhaps grudgingly, admitted that industrial hemp is not a drug.

I'm sorry, but I have to ask-have you ever smoked industrial hemp?

No, and I don't think that would be a very wise thing to do. Nor do I think it would be wise to get close to a burning car on the freeway if it has any industrial hemp components in it. It will basically destroy your lungs long before it'll give you any sort of a buzz. I think the carbon monoxide poisoning would probably give you more of a rush than the miniscule amounts of THC in it.

What parts of California would be suitable to hemp cultivation?

It's likely to be seen where there is already cotton cultivation; primarily the Central Valley is being eyed as a place to grow industrial hemp. There's a well-known synergy between cotton fields and industrial hemp. Cotton is hard on the land, as far as fertilizer

and pesticides. Industrial hemp, being native to North America anyway, needs [almost] nothing to grow. What some farmers are thinking of doing is putting hemp into the crop rotation. So you'd perhaps grow cotton for one cycle, then grow industrial hemp which would help replenish the soil, then switch back to cotton. It would basically give our farmers more flexibility.

What do you own or use that's made of hemp?

My wife has the hand lotion; I frankly don't know. There may be some hemp products in my car that I'm unaware of. Mark Leno actually wore a hemp shirt on the floor of the Assembly a few days ago as he was testifying before the Senate Agriculture Committee. It was quite a remarkable shirt – the fabric just felt wonderful. I know of a chief of staff to an Orange County assemblyperson who uses hemp shampoo.

It wouldn't be Gina Zari, would it? Mimi Walters's chief of staff?

My lips are sealed.

When did you start working with Assemblyman Leno on AB 1147?

Very early this year. About two weeks before he came to see me, I had received some literature from folks in the industrial hemp coalition. I glanced over it, shook my head, threw it away, and thought, “Why would I want to take on this political challenge, knowing the easy confusion out there between marijuana and hemp?” It's just not my issue. I thought it wasn't worth the political grief to try and take this on.

About two weeks later, Mark Leno comes into my office with one of his legislative aids and a big 3-ring binder labeled “HEMP” on the side. “I don't suppose you're here to speak to me about High Altitude Electromagnetic Pulse, are you?” [H.E.M.P. is caused by a nuclear weapon detonating at a high altitude.] So he starts talking to me about industrial hemp. I say, “Mark, why are you coming to *me* about this issue?” He looked me in the eye and said, “Because, Chuck, you're gaining a reputation up here as someone who cares more about public policy than partisan politics.”

I knew full well I'd get a lot of grief from my colleagues: the Cheech 'n' Chong jokes; worries about this issue being turned into a campaign hit piece against me. When I decided to agree that I would become his co-author – unfortunately, the appropriate legislative term is that I'm “joint author” with Mark Leno – I stood up and told the Republican Caucus, “I want you to know that I'm coming out as a partner with Mark Leno to sponsor the industrial hemp act of 2006.” People looked at me like, “What the heck have you been smoking?”

If doing the right thing is going to be bad for my political career, then perhaps I'm not cut out to do this stuff. But I'm going to do it because I think it's the right thing. I think it's *insane* that you can import industrial hemp from Canada, from China, from Romania and all these other countries, and our own farmers can't grow it here. Furthermore, I think that

having such inconsistent and indefensible drug laws actually undermines public support for the drug laws we do have. When average people find out that we import hemp, but you can't grow stuff that can't even give you the slightest bit of a buzz, it undermines respect for the law as a whole.

After we got this through the Assembly, a few Republicans came up to me and said, "I think you're right on this issue, but I'm afraid to support it." I'm saddened by it, but I understand where they're coming from. It's in the Senate now. I know that Tom McClintock will vote for it. As a Republican, I can think of no better partner to have on something like this than Tom McClintock. Having his pledge to support this bill is pretty much all the Republican support I think I need.

In 2005 Leno authored a gay marriage bill which got torpedoed by the governor. Your response was, "This single action goes further to ensure his re-election in 2006 than just about anything he can be doing right now."

Mark knows exactly where I stand on that. He sits at the desk just diagonally behind me – literally, there's one lawmaker between him and me. I rose and spoke against his bill on the floor last year and basically said I was less concerned about Prop 22 and the will of the people rather than we were working to redefine marriage. What next? In the name of religious equality, one man and up to four women under Islamic law? Brothers and sisters getting married? Lowering the age of consent? Where do you draw the line? That was my main point, but I prefaced remarks with comments on how thoughtful and intelligent I thought Mr. Leno was. I don't have any personal animus towards any of my colleagues.

Give it time.

Well, in politics, friends come and go but enemies accumulate. But what I found interesting about this whole measure was that the only criticism I had from the state of California came from a few members of my own party in the legislature. Everybody else, people who are Lincoln Club members, New Majority members, precinct-walkers, rank-and-file Republicans, everybody in California who's not a lawmaker who's talked to me about it likes the bill. They think it's common sense – they say, "This is exactly the sort of thing we wish lawmakers would do more of."

Considering hemp's potential as a replacement for cotton, diesel fuel, fiberglass and wood pulp, it could present a threat to many of America's established industries. I guess what I'm asking is, why do you hate America?

You know, what's good for DuPont isn't necessarily good for America. The bottom line is that diversification, both industrially and in agriculture, is a good thing.

You can grow a crop that's endemic to North America, that's been growing here for all of recorded history and then some, has no known pests, doesn't need much fertilizer, doesn't need pesticides, is a very hearty plant that grows in a wide variety of soil and weather

conditions, one of the highest cellulose-producing plants we know of, that's a very useful substance that can be turned into composites and used for a variety of products.

It has a high omega-3 fatty acid content for people who would rather get it [omega-3] from a vegetable product than from fish. Some of the technology that exists to process the plant for these uses has only been developed in the last few years – that basically has allowed people to use it economically with a lot less labor than used to be the case a few decades ago.

The bottom line is that we ought to change the law, step back and look at what happens over the next few years. If California farmers decide that this is something they want to grow and if California manufacturers decide this is something they want to buy and process, we may be looking at a very large new agricultural industry in our state within five years. If things don't work out, maybe the economic claims were overblown. As a government policymaker, I would rather be on the side of allowing the flexibility in the marketplace and see what the marketplace does with it, rather than being on the other side that says, “We know best. Why change the law?”

Let's allow California farmers to see if they can make some money off industrial hemp.