

EXHIBIT 2

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'The Fight Over Medical Marijuana'

By REBECCA RICHMAN COHEN

Our federal marijuana policy is increasingly out of step with both the values of American citizens and with state law. The result is a system of justice that is schizophrenic and at times appalling.

Though the federal government considers marijuana a Schedule I Controlled Substance and bans its use for medical purposes, a growing number of states feel differently. Today, 18 states and Washington, D.C., have legalized medical marijuana for people suffering from debilitating medical conditions like cancer, epilepsy, severe nausea, multiple sclerosis and chronic pain. And on Tuesday, Colorado and Washington State voted to legalize marijuana for adult use, regardless of medical condition. But these states cannot stop the federal government from enforcing its own laws.

And federal drug laws are unjustifiably extreme. Consider the case of Chris Williams, the subject of this Op-Doc video, who opened a marijuana grow house in Montana after the state legalized medical cannabis. Mr. Williams was eventually arrested by federal agents despite Montana's medical marijuana law, and he may spend the rest of his life behind bars. While Jerry Sandusky got a 30-year minimum sentence for raping young boys, Mr. Williams is looking at a mandatory minimum of more than 80 years for marijuana charges and for possessing firearms during a drug-trafficking offense.

This outcome is sad, of course — Mr. Williams will not be free to raise his teenage son — but it is also morally repugnant. Even if you think that the benefits of legalized medical marijuana do not outweigh the costs — a crucial debate, but one we can table for the moment — a coherent system of justice must explain why one defendant is punished more harshly than the next. It must explain why a farmer who grows marijuana in compliance with state law should be punished much more harshly than some pedophiles and killers. If we cannot explain this disparity, we should fight to change it.

Leading up to Mr. Williams's trial, federal prosecutors offered him various plea bargains, but he turned them all down. He believed, quixotically enough, that he deserved his day in court. He held this conviction even though prosecutors precluded him from presenting his compliance with state law as a defense to the federal charges. Without this essential context, the jury heard a deeply distorted version of Mr. Williams's story.

After Mr. Williams's conviction, the United States attorney general's office came back with a new deal. If he waived his right to appeal, they would drop most of the charges so that he would face a minimum of 10 years in prison and pay a \$288,000 judgment.

His response? "This is nothing more than slavery and completely disregards my rights as a citizen of the United States of America. I have declined the offer."

When asked for comment, a Department of Justice press officer said the department, like the attorney general's office, could not discuss the facts of a pending case.

Rebecca Richman Cohen is an Emmy Award-nominated filmmaker and a lecturer on law at Harvard Law School. Her latest documentary, "Code of the West," follows the political process of medical marijuana reform. She is a Soros Justice Fellow.

This article has been revised to reflect the following correction:

Correction: November 7, 2012

An earlier version of this article incorrectly stated the number of states which have legalized medical marijuana. The correct number is 18, not 17.