

Smoke the holy herb in America?
Then read this *before*
you light up!

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What To Do And Not Do When Busted With Your Stash:

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Ask to call your lawyer.

Be polite and calm, even when the cops threaten you with ruin.

Do not resist by being belligerent or by making counter threats.

Politely decline giving consent to a search or entry.

Do not try to talk your way out of anything.

Do not admit or deny anything.

Do not try to explain anything.

Ask if you are free to go.

Ask to call your lawyer.



Don't have a Lawyer!?!

Do your research now, before you get busted!

Start looking at NORML.org

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*Pass this on to all your pothead friends.
A free head is a prepared head.*

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End the racist War on Some Drugs!

Doctors smoke it.
Judges smoke it.
Presidents smoke it.

(Read the fine print. The following is an excerpt from the informative text Pot Busts at the Border by attorney Jeff Steinborn. Originally posted on POTBUST.com. Complete text at NORML.org. Disseminated with permission.) **Running the gauntlet:** ¶At authorized border crossings, in simple terms, it's the eye of the inspector, the nose of the dog, and the memory of the computer. If you look funny, smell bad, have been crossing too much, or are just not lucky that day, somebody will pull you over to "secondary" inspection. At the airport, and at other places where time allows the research, if your name has ever entered the computer for any suspicious reason, odds are Customs will pull you over. If you are near the border, there are certain things that law enforcement will be looking for: one, two, or three males in a rental car or pickup truck, particularly at night, are almost certain to be stopped, or at least placed under surveillance. Hockey bags are considered nearly probable cause. Once you are suspected, you're fish in a barrel. Without a warrant, or even a shadow of a suspicion, the police at the border can: *Search your vehicle with a dog; *Search your vehicle's contents including locked luggage, with a dog; *Physically search your person, at least to the extent of having you remove your coat and shoes, and open your pants or shirt; and *Soon to come: warrantless dog sniffs of persons. ¶At remote crossings where no one could possibly observe (there may still be such places): The only ones I hear about are the ones that are now guarded by wireless remote sensors that detect persons and vehicles. Although it is difficult for the sensors to distinguish between deer and people, they find a way, often by just putting the sensors high enough that four-legged animals pass under them. Where there are sensors, there are officers standing by to respond. If you set off a sensor, it will relay to a pager in the possession of the border patrol officer who is closest. They are never far away, and they live there, so they know the area better than you do. They will then come looking for you. ¶If you are seen by an officer who has reasonable suspicion that you crossed the border and that whatever crossed with you is still in the car (or on your person if you're walking), you may be lawfully stopped and searched. But if the chain has been interrupted -- if you have stopped and let someone or something in or out of the vehicle, then that power evaporates, and then probable cause is required to search you. This, in a few words, is a summary of the complex law of border searches. ¶But wait! There's one more: the "Terry stop," named after one of the most important cases in the history of the definition of the "interface" between the police and the citizens they protect. When you step outside your home, you become subject to a Terry stop. Where a police officer has an "articulable" reasonable suspicion that crime is afoot, s/he has the power to stop you and ask what you're doing. Once stopped, of

course, the officer will find a way to develop "probable cause" to search you, and that's it. People doing funny stuff at the or near the border will be stopped if they are seen. Period. ¶And then, of course, there are boats. While the law is slightly more complicated, as a practical matter, boats can be stopped, boarded and searched virtually anywhere, for any reason. In navigable waters, a Coast Guard "safety" inspection can be conducted at the whim of the officers. ¶*Snitches*: No discussion of how to get busted is complete without a discussion of snitches. Lots of folks get busted in the middle of a smuggling scam because someone fingered them. Informants are much more prevalent in the marijuana trade than in other situations since most marijuana growers are non-violent and wisely refuse to treat informers in ways that are customary if not mandatory when it comes to other crimes. This benign attitude allows some cowardly rats to make highly paid careers out of snitching. Most snitches, however, are just poor suckers who got caught and were unable to stand up to the United States government's enormous coercive power. Uncle Sam can make you rat out your mom. ¶Anyone who spends much time around the criminal justice system knows that the United States has reversed its moral compass on this issue. Snitches have been universally detested throughout history. We all remember Judas. Dante reserved the innermost circle of Hell for informants. Benedict Arnold was the eponym for the lowest form of biped life in all of North America. Linda Tripp will be reviled for all of history. But today, informing is a major part of the growth industry we call the criminal justice system.

It's tax-free and inflation proof. Rewards in five to six figures are common. The government buys the testimony it wants/needs with freedom, cash and who knows what else. Without informants our justice system would grind to a halt like pulp mills without trees. Any two-bit criminal who finds him/herself in trouble with the law can now trade his cage for the freedom of a harmless pot outlaw. Shamefully, there are usually no consequences. Those who snitch on pot people should be branded as traitors and banished from civilized society. ¶What does this mean? It means that if you have enough brain cells to bang together to make a spark, you find someone dumber than you to carry the stuff across. It's just too risky for clever folks. But the nature of prohibition is clear: there's always someone dumb enough, or desperate enough, to take the risk. "Mule" is what the government calls them. True "mules" get a little sentencing break. Unfortunately, it is usually the mules that get busted, so, if that's you, read on. You were probably busted at random at the official border crossing, or out in the woods because someone followed your trail through the snow and then matched your boots to the prints, or because you tried to sneak over some suspicious farmer's property or creep by a remote sensor while carrying something on the first run. A dry run would have been a good idea. It's also nice if you don't stick out like a sore thumb sneaking across some remote border at two in the morning. If you were that smart you probably wouldn't have to be reading this part now. In the courts in Bellingham, Washington, they process about a half-dozen suckers like this each week. ¶**What to do if caught:** ¶There are only four choices after being caught. 1) You can cooperate (snitch) and do what the police ask you to do. You can usually make someone else pay a part of the price for your mistakes. 2) You can fight the case. 3) If there's nothing to fight, plead guilty, and take what comes. 4) Or, you can start by fighting and later decide to give up and plead guilty or cooperate—or both. ¶But, no matter which path you choose, the first step is always the same: Shut up and call a lawyer. Neither admit nor deny anything without your defense attorney at your side. This is very difficult, but so important. Everybody seems to feel a need to explain themselves to the very same officers who have them at their mercy. If you don't start to babble, expect to be bullied, terrorized, lied to and manipulated. That's what drug officers are trained to do. Unless s/he is a true professional—and there are quite a few of them out there—in order to succeed as a narcotics officer, s/he has to be good at coercion. ¶In Singapore, they have a provision for the right to counsel that is much more straightforward: You have the right to counsel if counsel would not impede the investigation. But, until you confess, counsel will impede the investigation. We have a similar system in the U.S., but it's not set out quite so clearly. ¶If your friends or family live in the U.S., they should expect a certain amount of bullying as part of the initial rush. Your house may be searched. Your mom's house may be searched. Your bank accounts will be frozen. Your home, your car, your boat, and maybe even your lawn mower and your socks and underwear will be seized. One client even had his collection of baseball caps stolen by the cops. Be ready to deal with this emotionally without turning into a blubbering fool. The entire system is designed with one goal in mind: to wring the most terrible testimony from defendants—testimony that destroys their friends and family. If you weren't ready for this kind of pressure, you've got no business in today's drug business. In any event, there are many pressures in the first few hours of your arrest—all directed at getting you to become an informer, or at least to make the cops' job easier. They hold out the prospect of bail, freedom for you or your loved ones, and they threaten with the loss of everything—even your children. ¶The sooner you call a lawyer, the sooner this torture stops. Your lawyer should know how to act swiftly to legally protect you and your friends and family from bullying, and your assets from seizure or theft. In some cases it is necessary to freeze the evidence before the government can massage it or destroy it. ¶Even if you

want to cooperate, at the moment of the bust, you must be strong. Whether you intend to cooperate and inform, or to fight it out, you must have a lawyer immediately to begin either course. Don't play any cards until you've had a lawyer advise you. The police have heard it all a thousand times. They believe none of it. But they'll still milk you. They are trained to get you to help them through lies, trickery, false friendship—nothing is beneath them. So get a lawyer. Immediately. ¶This is not just some lawyer's self-serving crap. Ask anyone who's been arrested. In too many cases, until your lawyer shows up, you are a victim to be bullied; a target to be threatened; a source to be exploited. ¶*How to find a lawyer:* If you've crossed the border without researching this one, you really are lame. Sorry for the insult, but, what were you thinking? You shouldn't have undertaken this mission without a phone number of a lawyer you have researched and believe to be qualified. Although wise lawyers will not take "retainers" from persons not actually in need of representation, most will talk to you and tell you what their fee would be if you're actually in need, and what terms they will accept. It costs you nothing to put that lawyer's card in your wallet or purse. ¶You should also know that any United States lawyer (or any person in the United States, for that matter) who takes more than \$10,000 in cash for any one case in any one year must file a "currency transaction report" with the IRS. This is not a problem if you are paying the bill from assets or credit for which you can account. I mean account—not just some jive story that the cops have heard a hundred times. "I never used banks." "I kept it in a can." And so on. If you plan on having a friend show up with a suitcase full of cash that you can't explain, you will probably have to content yourself with lawyers who aren't smart enough to keep themselves out of trouble. In any event, it doesn't matter. If you're that dumb, you're probably too broke to afford a lawyer anyway. \$25,000 is not an unusual retainer for those lawyers who are familiar with the federal criminal justice system. At the state level you might get by for \$5,000 if you just want to plead guilty. ¶But it's okay if you can't afford private counsel. The often abused Public Defenders are among the very best lawyers anywhere. Their standards are high; their training is excellent. The sometimes higher-paid members of the "private bar" often call on them for advice. So that's a good place to start. You have to judge lawyers, their abilities, and, perhaps more importantly, their interest in you and your marijuana case for yourself. Be neither shy nor confrontational when interviewing a lawyer. Just be clear about what you want to know. You need a lawyer because you have made a serious mistake. Don't make another by choosing hastily or foolishly. Of course, when it comes to public defenders, you rarely get to choose a second one. This means you have to make contact and communicate your needs. You have to let your assigned lawyer know you have confidence in him or her, but that you wish to take part in the decision-making process. ¶If you'd prefer retained counsel, some of whom have a bit more time to hold your hand, make sure you select one who knows the system, be it federal or state, and who understands how marijuana cases are different from any other criminal defense. The NORML state-by-state list of lawyers is a very good place to start. Or you can call the Washington D.C. office of NORML at (202) 583-2200. If they do you a favor, send them a contribution. ¶Pot bust victims should approach with great suspicion any defense attorneys who advertise themselves out as "former prosecuting attorneys." Among them are some very fine lawyers who will go to the wall for their pot clients. But if they quickly tell you to plead guilty and snitch, get a second opinion—preferably from a career defense attorney. ¶Picking lawyers in this world where the government has stacked the deck is difficult. An honest lawyer will tell you frankly what s/he can do for you—and what s/he can't! A naive or dishonest lawyer will hold out false hope to you until s/he is retained. You usually will not like what the honest lawyer tells you. If you're caught by the feds you're in big trouble. The punishments are extreme and the defenses few. The little discrepancies in the government's story are usually useless as a defense. The outrageous conduct of the government is usually not enough to even get a toe in the door. So you have to avoid being seduced by false hope. You must choose your lawyer carefully. Does s/he understand pot laws? Is s/he ready to explore the facts before telling you to race to the courthouse to cooperate or plead guilty? Does s/he have any experience in pot cases, as opposed to general criminal defense? ¶Even the best lawyer can't improve much on the rest of the program. If you're caught "red-handed" and the search is good, often the only significant remaining question is the sentence. Yes, it is possible to go before a jury and hope that somehow that one juror who will not convict for marijuana will sneak on to the jury. The trouble is that people like that are usually honest. The prosecutor kicks them off the jury as soon as they show their true colors. It's the ones who are there to hang you who aren't shy about concealing their motives behind the generic recitation "I can be fair." ¶In most cases, the price of going to trial is very high. A plea offer of 24 months can quickly turn into five or ten years if you go to trial and fail. ¶**Conclusion:** ¶The United States government has become obsessed with marijuana. In the wake of the September 11 tragedy it has become clear that our law enforcement establishment has been allowed to appear busy stomping on ants, while rhinos come over the walls. If you don't live in the United States, you probably can't imagine the insane cruelty and misallocation of resources involved in the war on

marijuana and the people who use and distribute it. Nor can you imagine the Alice in Wonderland quality of some of our criminal laws and procedures. When drugs are involved, reason and civility flee from the justice system. So don't think for a minute that because the drug war is fatally flawed, because there is nothing wrong with the responsible adult use of marijuana, because our Canadian neighbors have gone well down the path of intelligent tolerance, because the American public has voted overwhelmingly to make marijuana a medicine, that it's safe to bring this magnificent herb into the United States. *Jeff Steinborn*. Updated 12/2002.