

ARKANSAS BLOG

The marijuana feud: the Bencas explain their challenge of Issue 7

by Max Brantley

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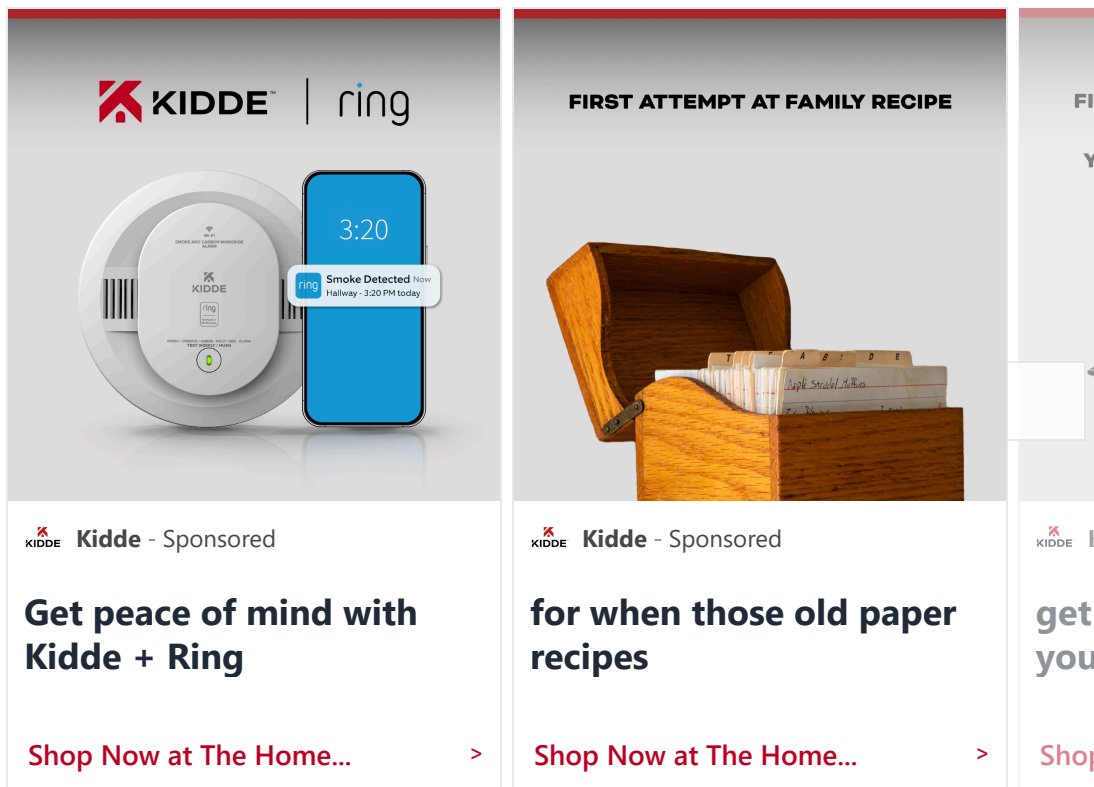
CENTER OF THE STORM: Patrick and Karen Benca

A sidelight of the **medical marijuana debate** has been feuding between backers of Issue 6 and Issue 7, which was removed from the ballot.

Issue 7 fell on a signature challenge in a suit filed by Little Rock lawyer **Karen Benca**, represented by her husband **Patrick**. His expenses are to be paid by backers of Issue 6, the constitutional amendment, and some of the material used in the suit was assembled by **David Couch**, who's leading the Issue 6 campaign.

Feelings run high. Comments on the Bencas' Facebook page from Issue 7 advocates became so steamy that they closed the page down. The irony is that the Bencas specialize in representing people accused of marijuana possession and support marijuana legalization.

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Mara Leveritt has comments from the Bencas and posted it on her blog. It's a copy of remarks Patrick Benca sent to a harsh critic.

For one thing, Patrick Benca said he favored the amendment because it would be more difficult for the legislature to tamper with.

If Issue 7 passed, the legislature would have a great amount of control and would promulgate rules to get it implemented and up and running. This is one of the reasons why more signatures are required to get the amendment on the ballot.

“In short, with Issue 6, the patients that need medical marijuana in Arkansas would have it likely far sooner than with the initiative (issue 7). With 6, you have nearly a bullet-proof piece of law that can only be undone by voters on a ballot after its passage AND it's in the hands of patients faster.

Benca also faulted the self-grow provision of Issue 7, a critical factor in a similar measure's defeat four years ago. As for the signature challenge:

We found out about the signature problem with Issue 7 about the same time others learned. It was known and a lawsuit was coming. Better it came from a medical marijuana supporter than an opponent. A lawsuit from an outright opponent of medical marijuana would have most assuredly killed both come election time.

“So, we decided to file. We had patients desperate to be the petitioner in this lawsuit because they felt, as we did, that the initiative would fail for a number of reasons, but most concerning was the self-grow aspect. They wanted assurance they could get access to marijuana sooner rather than later.

“Also, we had doctors who know the benefits of marijuana that wanted to be the petitioner. We decided that we did not want to put the very people that were meant to benefit from all of this work at risk of public scrutiny and professional scorn.

“Kara had no problems taking the heat for this cause. She didn’t even flinch. I don’t believe she would have ever fathomed the sheer hate sent her way. The threats. Being called a cunt. Right now, she is with my children at her parents’ house because of all this. My children had to be taken out of school. This is the thanks that she gets. And she is getting it from the very people she has had empathy for. Pretty fucked up, if you ask me. But not everyone is me, right?

Benca said the suit was filed “at the earliest possible moment. The rules in place and the procedures that you have to follow make it nearly impossible to get a measure removed from the ballot prior to it being printed.” The case wasn’t finally formally submitted for a Supreme Court ruling until last Thursday, with early voting starting Monday.

In summary, Benca defended his action. He said the amendment was the best law, “virtually here to stay.” It had the best chance of winning. It had the quickest path to providing patients marijuana.

He predicted full legalization within eight years.

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