Devontre Thomas could face a year in prison—for a gram of marijuana.
Devontre Thomas is 19 years old. In a few weeks, he goes on trial in federal court in Portland. If he loses, he could go to prison for a year.

For possessing an amount of cannabis that would fill one joint. How could this happen in Oregon?

On April 7, 2016, the U.S. attorney for Oregon filed a one-count federal misdemeanor charge against Thomas for possessing “about a gram” of marijuana, according to his public defender, Ruben Iniguez.

That’s barely enough cannabis to dust the bottom of a Ziploc. “I’ve never seen a case like this in my entire time practicing in federal court,” says Bear Wilner-Nugent, a Portland criminal defense lawyer for 12 years. “It’s outlandish.”

It’s the first time in at least three years that the feds are prosecuting a weed crime in Oregon.

Since then, Oregon voters legalized recreational marijuana. Anyone over 21 can walk into a store and buy up to a quarter ounce—7 grams—of cannabis. In the first five months of recreational sales, the state collected $14.9 million in marijuana sales taxes.

But weed isn’t equally legal everywhere in Oregon. Thomas is accused of screwing up like any other teenager. But his alleged mistake occurred at Chemawa Indian School, a boarding school in the state capital, Salem, operated by the Bureau of Indian Education, an arm of the federal government.

Observers say Thomas’ prosecution, first reported by KGW-TV, is a poster case for how the nation’s drug laws are still stacked against minorities—especially Native Americans.

“There’s absolutely racial disparity in how these cases are charged,” says Amy Margolis, a lawyer at Emerge Law Group, a Portland firm that specializes in cannabis cases. “[Thomas] had the bad luck of being where and who he was.”

Through his attorney, Thomas declined to comment for this story, saying he doesn’t want to jeopardize his case.

A conviction could mean a year in prison and a $1,000 fine. Federal charges can’t be vacated, so Thomas could be denied federal student loans, public housing and government aid for the rest of his life.

The prosecution of Thomas raises questions about the priorities of U.S. Attorney for Oregon Billy Williams, the state’s chief federal prosecutor.

Among them: Why are federal prosecutors, who claim that Oregon is a den of heroin, meth and opioid trafficking, spending time and resources to go after a teenager for such a small amount of pot?

After two weeks of declining requests for comment, Williams finally issued this statement to WW: “We look forward to addressing the facts of the case in an appropriate manner and, most importantly, within the judicial process.”

But members of Oregon’s congressional delegation say it’s alarming that Williams would prosecute the case at all.

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SHAKEDOWN

“I think it’s deplorable,” says U.S. Rep. Earl Blumenauer (D-Ore.). “What are we doing? Where are our priorities? A kid? Turning his life upside down? They don’t have anything better to do to protect young people or Oregonians? It’s incomprehensible to me.”

As bizarre as Thomas’ pot case is in weed-happy Oregon, the place where his alleged offense occurred is just as much of an anachronism.

Chemawa, a Native American boarding school, was founded in 1880 and is the longest continually operating boarding school for Native American youth. (Chemawa administrators declined multiple requests to comment for this story.)

Today, Chemawa and the three other off-reservation Bureau of Indian Education-run boarding schools left in the nation are seen as places of opportunity for native youth—even if some of the schools are marred by histories of assimilation and abuse.

Thomas arrived at Chemawa from Madras High School, where he spent his first two years before transferring. He is a member of the Warm Springs tribe, and grew up with his parents and grandparents on the tribe’s reservation 105 miles southeast of Portland.

WW contacted several of Thomas’ family members, all of whom declined to comment for this story. A parent of a fellow Chemawa student described the Thomases as “a good family.” His friends say his childhood was that of a normal, loved boy: spending the night at friends’ houses, playing basketball on the Madras High junior varsity team.

Mitchell Lira grew up with Thomas on the Warm Springs reservation, attending school together from preschool to high school. When Lira left Madras High School—some 25 miles from their home on the reservation—to attend Chemawa, he pleaded with his friend to come along.

“I knew I had to make a change if I wanted something better,” Lira says. “I wanted to go somewhere where I was supported and believed in. I think [Thomas] realized he had to make a change just like I did.”

Thomas and Lira were drawn to Chemawa by family ties: Lira says his great-grandfather attended the boarding school back when new students had their hair cut off upon admission and were punished for speaking their native language.

But Lira says Chemawa provides opportunities they couldn’t get back home. According to the school’s website, Chemawa had just under 450 students during the 2014-2015 school year, with 18 coming from the Warm Springs reservation, just across the Cascades.

The 1,019-square-mile reservation, situated among the brown high-desert cliffs and towering ponderosa pine forests of Central Oregon, often makes the news when things go wrong.

This year, a lumber mill that offered some of the area’s best jobs closed. A woman was found dead in a car crash two days later. People are isolated in Warm Springs, far from jobs, schools and opportunities for change. It is a place where some 60 percent of the population can’t secure stable employment.

Lira, who now attends the University of Oregon, says he’ll always think of the reservation as his home. But “there’s not a lot to go home to. There’s family. But the reservation—it doesn’t change,” he says. “It’s not an easy place to grow up, but it’s home for me.”

Lira describes Thomas as someone who is like a brother to him, who’d shoot hoops with him, who’d playfully tease him. “I’m a big LeBron James guy,” he laughs. “So he’s always liked Kobe.”

Thomas was his friend who was always into something new: new bands, new books. He went running many mornings and could often be found watering plants in the school greenhouse. Lira says Thomas is happier outside than cooped up indoors.

And he isn’t someone who worried about the future. “He just wants to capture the moment and not think about tomorrow’s worries,” Lira says. “Just relax and live in the moment. Just take it with a grain of salt and take it as they come.”

Rayvaughn Skidmore, 20, also attended Chemawa with Thomas and Lira. Skidmore says Thomas “would always help out his peers and be a leader—showing them what’s the right things to do.”

Skidmore says Chemawa staff members would sometimes drive kids into town to go shopping at Keizer Station Shopping Center or Lancaster Mall in Salem, and he thinks that’s when some students would meet up with marijuana connections and bring the substance back to campus.

But when kids on campus were caught with marijuana in their possession, “they’d get sent home.” Skidmore says those infractions never resulted in legal charges, even though he knew plenty of classmates who regularly smoked weed.

“These other students who are highly abusing any type of marijuana—I don’t see why those guys get sent home when they should be prosecuted,” he says.

Skidmore says it wasn’t hard to tell the good kids from the troublemakers at Chemawa.

“Devontre—he was really good,” he says.

Thomas was never technically arrested for marijuana possession.

On March 25, 2015, Iniguez says, a staff member at Chemawa found roughly a gram of marijuana in a student’s backpack. That kid said Thomas had sold him the weed. The Marion County Sheriff’s Office confirmed that it responded to a call on that date involving Thomas and a juvenile classmate for “delivery” of marijuana.

Nearly a year after a classmate ratted out Thomas, a Chemawa staff member and a police officer drove him to the federal courthouse in Portland to appear before a judge.

Lawyers interviewed for this story say it’s likely that Thomas is feeling outsized consequences because Chemawa Indian School is under federal jurisdiction.

In the wake of pot legalization in Washington and Colorado, U.S. Attorney General James Cole issued a memorandum to prosecutors on priorities for enforcement. Among them: keeping it off federal property and out of the hands of minors.

Retired federal drug prosecutor John Deits says Thomas’ case is probably being handled as a federal case because “it’s the only jurisdiction that can respond to the charge.”

“Nobody else has authority,” Deits says. “Marion County doesn’t have authority because it’s exclusive federal authority. And Indian tribes
Devontre Thomas’ marijuana-possession case includes a twist: The very tribe he is a member of is poised to become one of the first in the nation to successfully dive into the legal cannabis business.

The Warm Springs tribe hopes to open a 36,000-square-foot cannabis cultivation, extraction and wholesaling facility on reservation land in the next year—a project approved by a majority vote of tribal members and coordinated with Gov. Kate Brown’s office.

The Warm Springs tribe believes getting into the pot business will bring jobs to an area that badly needs them. “When’s the last time you’ve even seen an emerging market? Shellfish? Timber?” asks Pi-Ta Pitt, cannabis project coordinator for Warm Springs. “We’ve never really seen something come out of the dark like this. We have the opportunity to create sustainable jobs without a lot of environmental impact.

“When you’re looking at the poverty levels and unemployment levels that we have? Heck, yeah.”

Don Sampson, CEO of Warm Springs Ventures, says in addition to jobs in cultivation on the reservation, the tribe plans to open three dispensaries—in Portland, Eugene and Salem—to sell the product.

Pot possession is illegal on federal property, and it’s also illegal for Warm Springs tribal members of any age to have weed on the reservation.

On this point, representatives of Warm Springs Ventures—the tribe’s economic development corporation—are clear: When tribal members voted last December to approve growing and processing marijuana on the reservation, they did not vote to legalize personal possession.

“We could if we chose—we chose not to,” Sampson says. “That was a decision by the tribal membership. We had a referendum, and the tribal members voted for cultivation, extraction, wholesale, retail.”

In 2014, the Department of Justice issued the “Wilkinson Memo,” which explained how sovereign Indian nations would be treated the same as states if they chose to legalize marijuana.

Since then, several tribes nationwide have attempted to get into the cannabis business, only to have their efforts unravel by the feds.

In July 2015, marijuana-cultivation facilities were raided on Pit River tribal land at Alturas Indian Rancheria and XL Ranch in Northern California.

In October, federal agents raided an industrial hemp production plant on the Menominee Indian Reservation in Wisconsin, which had thought it was allowed to grow the plant under the 2014 U.S. Farm Bill, only to discover that tribal nations weren’t included in that bill.

And in November, the Flandreau Santee Sioux Tribe of South Dakota announced plans to use its sovereignty to open a marijuana resort—only to torch its entire crop when it received scrutiny from lawmakers and word of a potential raid.

So what makes Warm Springs tribal members confident it won’t happen to them? Pitt says that being in a state where recreational marijuana is legal makes it difficult to compare the Warm Springs project to others. “In both [Pit River and Menominee], you have a tribe that had some sort of level of county and/or state jurisdiction over them—Warm Springs doesn’t have either,” he says. “Warm Springs tribal members are the only people who have voted on cannabis twice.”

Neither Pitt, Sampson nor any of the half-dozen tribal leaders contacted by WW would comment on the prosecution of Devontre Thomas.

Portland lawyer Bear Wilner-Nugent thinks the prosecution of a teenage Warm Springs tribal member won’t derail the tribe’s plans to get into the cannabis business.

“This prosecution will be remembered, if at all,” he says, “as not only a mistake but an aberration that does not set the pattern for anything else.”

LEAH SOTTILE.

“THEY DON’T HAVE ANYTHING BETTER TO DO TO PROTECT YOUNG PEOPLE OR OREGONIANS? IT’S INCOMPREHENSIBLE TO ME.”—U.S. Rep. Earl Blumenauer (D-Ore.)
It is such a powerful symbol of a waste ofjuana legalization, is enraged. Blumenauer, who as an Oregon congressman has says U.S. Sen. Jeff Merkley (D-Ore.). “Situations like marijuana-possession case in Oregon in five years,” “The federal government hasn’t prosecuted a Other federal officials are critical of the prosecution. “Defense ask that we consider before determining what he says. “We look forward to exploring whatever the details of the case.

We are committed to just outcomes in every case,” Local responsibility for prosecuting Thomas falls to Williams, the U.S. attorney for Oregon. In his state-ment to WW, Williams says he can’t comment on the details of the case. “We are committed to just outcomes in every case,” he says. “We look forward to exploring whatever the defense ask that we consider before determining what we believe is an appropriate outcome.”

Other federal officials are critical of the prosecution. “The federal government hasn’t prosecuted a marijuana-possession case in Oregon in five years,” says U.S. Sen. Jeff Merkley (D-Ore.). “Situations like this are best left to be handled by the state.”

Blumenuer, who as an Oregon congressman has become one of the nation’s loudest voices for mari-juana legalization, is enraged.

“It’s such a powerful symbol of a waste of resources and the inequity of the system,” says Blume-nauer, “because you and I can walk around in Portland, or in states where it is legal, and find people using it. To single him out, to proceed with this, to ignore real problems that are killing people…” He pauses. “I’m sorry,” he finally says. “I’m getting carried away. It’s incomprehensible to me. I’m just sorry that Mr. Thomas is caught up in it.”

The people surrounding Thomas in the federal courthouse in Portland on July 8—Assistant U.S. Attorney Jennifer Martin, U.S. District Chief Justice Michael Mosman, three functionaries and a probation officer—expected Thomas to plead guilty to drug possession and enter a six-month diversion program. But a few moments earlier, Thomas’ public defend-er, Iniguez, hustled into the courtroom with Thomas to announce a change of plans.

“He’s not going to be pleading guilty today,” Iniguez said. Martin, the prosecutor, looked shocked. “We want to go to trial?” she asked, fl ummoxed. “If we’re making a federal case out of it,” said Iniguez, sneaking in a smile, “we’ll make a federal case out of it.”

Holcomb, of the national ACLU, speculates that Thomas’ last-minute decision not to plead guilty may show a steadfastness on his part to prove that he’s no different from any other Oregon teenager who messed around with pot. “Devontre’s response, to me, indicates a genu-inely felt sense of unfairness,” Holcomb says. “That it is unfair that he’s being charged in federal court for this. It’s the latest in a string of dramatic examples of how deeply people are feeling about unfairness and inequality…It sounds like that bubbled up for Devontre.”

For now, Thomas is working on a nonprofit farm in Sandy that provides job training for youth and sells produce at farmers markets. Mitchell Lira says when he spoke to Thomas last week, he couldn’t help but notice that his friend—somedome whom he had always known not to worry, to live in the moment and be happy—sounded scared.

“It sounded like he was breaking down on the phone,” Lira says. “He was just telling me, ‘Keep doing what you’re doing.’ There was definitely something wrong. You could tell. I think it was getting to him. I could hear it in his voice.”

Thomas is scheduled for trial Sept.13.