

Congress of the United States
Washington, DC 20510

January 25, 2018

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20510

Dear President Trump:

We write with urgent concern regarding the recent steps taken by the Department of Justice (DOJ) to disrupt state efforts to implement their own marijuana enforcement policies. To date, nine states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington) and the District of Columbia have passed laws allowing for the recreational adult use of marijuana. Dozens more have passed laws decriminalizing marijuana, or allowing for medicinal use that provides evidence-based treatment options for veterans, children, and patients suffering a variety of conditions including chronic pain, epilepsy and terminal illness.

These state laws, many of which are voter-approved, have been carefully reviewed and thoughtfully implemented in communities across the country. The intent of these laws has been simple: follow the will of the voters and provide common sense, responsible regulations for marijuana that balance public health and safety needs with limited criminal justice resources. Previously, the DOJ has operated under guidance (known as the “Cole Memorandum”) providing that in states with “strong and effective regulatory and enforcement systems,” marijuana enforcement would be managed at the state and local level.¹ The Tenth Amendment to the U.S. Constitution constrains the role federal government has in intrastate policy. Rescinding the Cole Memo upends the careful balance struck between the federal and state governments on marijuana enforcement.

Earlier this month, Attorney General Jeff Sessions rescinded the Cole Memorandum – a move that puts jobs, small businesses, state infrastructure, consumers, minorities, and patients at risk. This action has the potential to unravel efforts to build sensible drug policies that encourage economic development as we are finally moving away from antiquated practices that have hurt disadvantaged communities. These new policies have instead helped eliminate the black market sale of marijuana and allowed law enforcement to focus on real threats to public health and safety. Attorney General Sessions replaced the Cole Memorandum with a new memorandum that provides “prosecutorial discretion” to U.S. Attorneys and states that “marijuana activity is a serious crime.”² This new guidance will have a chilling effect across the country in states that


¹ <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

² https://www.justice.gov/opa/press-release/file/1022196/download?utm_medium=email&utm_source=govdelivery

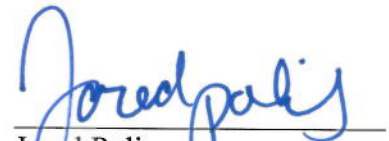
have worked tirelessly to implement voter-approved laws, creating legal and economic uncertainty.

As a candidate, you stated: “I really believe we should leave [marijuana] up to the states”³ and that “it’s got to be a state decision.”⁴ We trust that you still hold this belief, and we request that you urge the Attorney General to reinstate the Cole Memorandum. This step would create a pathway to a more comprehensive marijuana policy that respects state interests and prerogatives. On behalf of the communities we represent, we hope you appreciate the critical nature of this issue and take immediate action.


Sincerely,



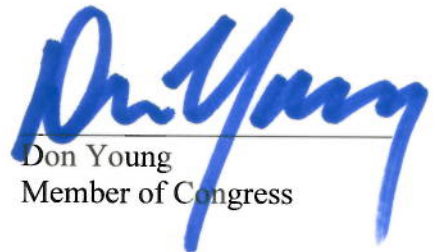
Elizabeth Warren
United States Senator



Jared Polis
Member of Congress




Earl Blumenauer
Member of Congress



Don Young
Member of Congress



Dana Rohrabacher
Member of Congress



Barbara Lee
Member of Congress



Matt Gaetz
Member of Congress



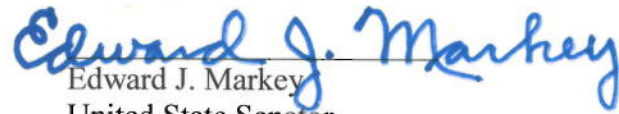
Kirsten Gillibrand
United States Senator

³ https://www.washingtonpost.com/news/post-politics/wp/2015/10/29/trump-wants-marijuana-legalization-decided-at-the-state-level/?utm_term=.25b2d2b38138&wpisrc=nl_daily202&wpmm=1

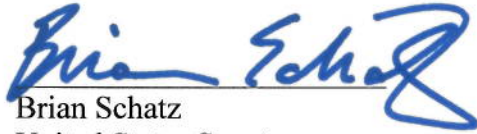
⁴ <http://detroit.cbslocal.com/2016/03/08/donald-trump-on-wwj-7-things-to-know-before-casting-your-ballot/>



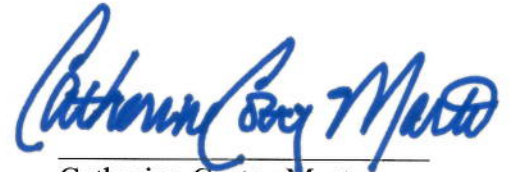
Ron Wyden
United States Senator



Edward J. Markey
United State Senator



Brian Schatz
United States Senator




Catherine Cortez Masto
United States Senator



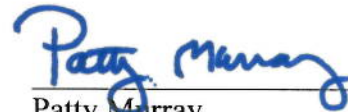
Jeffery A. Merkley
United States Senator



Maria Cantwell
United States Senator



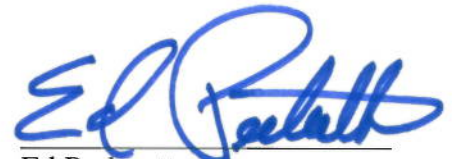
Cory A. Booker
United States Senator



Patty Murray
United States Senator



Tulsi Gabbard
Member of Congress



Ed Perlmutter
Member of Congress



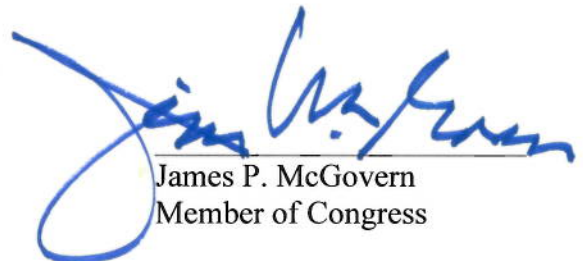
Peter DeFazio
Member of Congress



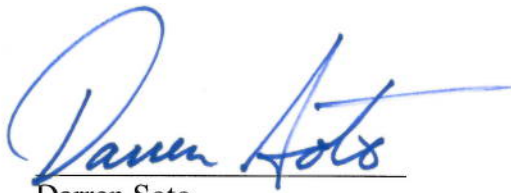
Henry C. "Hank" Johnson, Jr.
Member of Congress



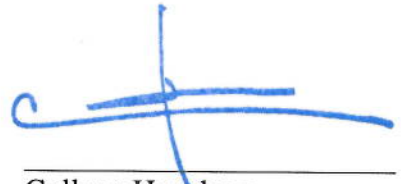
Eleanor Holmes Norton
Member of Congress



James P. McGovern
Member of Congress



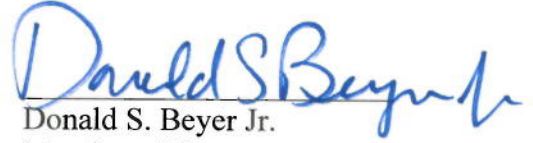
Darren Soto
Member of Congress



Colleen Hanabusa
Member of Congress



Jacky Rosen
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Jan Schakowsky
Member of Congress




Scott H. Peters
Member of Congress



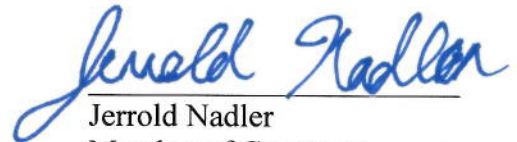
Ted W. Lieu
Member of Congress



Brad Sherman
Member of Congress



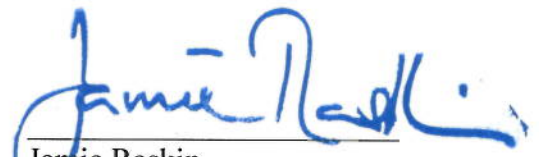
Jared Huffman
Member of Congress



Jerrold Nadler
Member of Congress



Ro Khanna
Member of Congress



Jamie Raskin
Member of Congress



Seth Moulton
Member of Congress



Diana DeGette
Member of Congress



Mark Pocan
Member of Congress



Carlos Curbelo
Member of Congress



Pramila Jayapal
Member of Congress



Niki Tsongas
Member of Congress



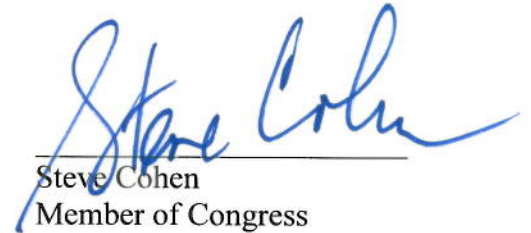
Alan Lowenthal
Member of Congress



Michael E. Capuano
Member of Congress



Suzanne Bonamici
Member of Congress



Steve Cohen
Member of Congress



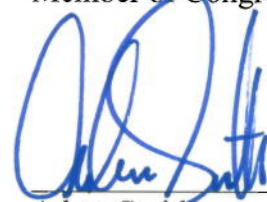
Salud O. Carbajal
Member of Congress



J. Luis Correa
Member of Congress



Dina Titus
Member of Congress



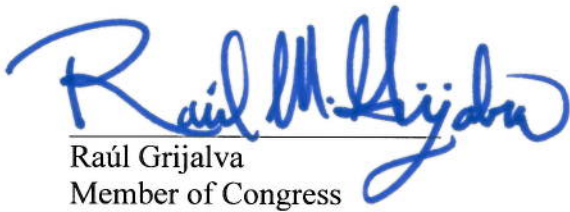
Adam Smith
Member of Congress

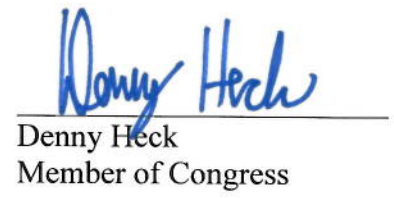


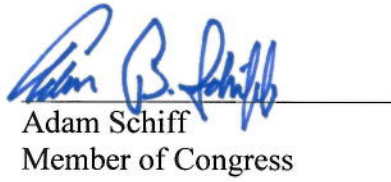
Jerry McNerney
Member of Congress



Mark Takano
Member of Congress


Raúl Grijalva
Member of Congress


Denny Heck
Member of Congress


Adam Schiff
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Zoe Lofgren
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