

United States Senate

WASHINGTON, DC 20510

March 2, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions:

We write to express our concern regarding recent remarks by White House Press Secretary Sean Spicer suggesting the Department of Justice (DOJ) may begin enforcement against states that have legalized marijuana, and ask that you clarify DOJ's policy regarding state marijuana laws. To date, eight states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, and Washington) and the District of Columbia have passed laws allowing for the recreational use of marijuana, 28 states have medical marijuana laws, and 21 states have decriminalized the use of marijuana. These voter-approved laws have been evaluated by Governors and state Attorneys General, rigorously debated by state legislatures and the communities they serve, and implemented through thoughtful processes to ensure the proper regulated production and sale of marijuana.

In 2013, the DOJ issued a memorandum outlining federal marijuana enforcement priorities in light of state marijuana laws (the "Cole Memorandum").¹ The Cole Memorandum explains that where states have "strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and production of marijuana, . . . enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity."² This guidance has provided clarity to states and Americans on the interaction of state and federal laws regarding marijuana use and has allowed the DOJ to focus its law enforcement resources on the greatest threats to public safety and criminal justice, while allowing states to implement marijuana laws as they deem appropriate.

On the campaign trail, then-candidate Trump stated that despite his personal views regarding marijuana use, legalization should be left to the states.³ Last week Mr. Spicer suggested that while President Trump supports medical marijuana, there is "a big difference between that and recreational marijuana," alleging that medical marijuana states "have set forth a process to administer and regulate" that usage. Mr. Spicer also stated that he believed the public would see "greater enforcement" of federal marijuana laws.⁴ While we appreciate the

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

² <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

³ https://www.washingtonpost.com/news/post-politics/wp/2015/10/29/trump-wants-marijuana-legalization-decided-at-the-state-level/?utm_term=.f4d49d23ea8f

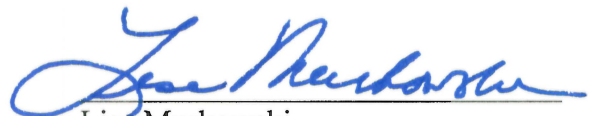
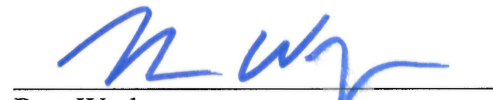
⁴ <http://www.nbcnewyork.com/news/national-international/Expect-Enforcement-of-Marijuana-Laws-Under-Trump-Spicer-414659463.html>

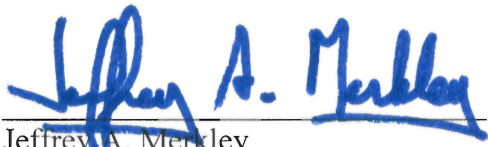
Administration's apparent recognition that state-implemented medical marijuana laws are regulated effectively, we believe the same is true of states that regulate recreational marijuana use, and those that have decriminalized use.

It is essential that states that have implemented any type of practical, effective marijuana policy receive immediate assurance from the DOJ that it will respect the ability of states to enforce thoughtful, sensible drug policies in ways that do not threaten the public's health and safety. This ensures that state infrastructure, including tax revenue, small businesses, and jobs, can be protected; DOJ resources can be used most effectively; and most importantly, that marijuana can be properly regulated to improve public health and safety. We hope that you solicit input from state and local officials to learn about their ongoing efforts and gain their perspectives on this matter. As Attorney General, you have the power to determine the federal government's law enforcement priorities, including how agency resources can be best utilized. We believe that the Cole Memorandum provides a strong framework for effectively utilizing the DOJ's resources and balancing the law enforcement roles of the federal government and the states.

We respectfully request that you uphold the DOJ's existing policy regarding states that have implemented strong and effective regulations for recreational marijuana use and ask that the Cole Memorandum remain in place. It is critical that states can continue to implement these laws under the framework of the Cole Memorandum. In addition, we request that state and local elected officials, and public health and safety officials, be afforded an opportunity to comment on any shift in policy from that expressed in the Cole Memorandum, to avoid disruption of existing regulation and enforcement efforts. We appreciate your immediate attention to this request.

Thank you,

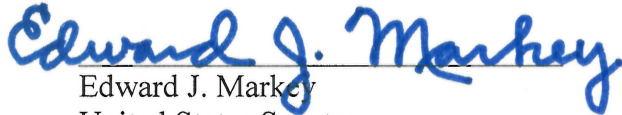

Elizabeth Warren
United States Senator
Lisa Murkowski
United States Senator
Patty Murray
United States Senator
Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



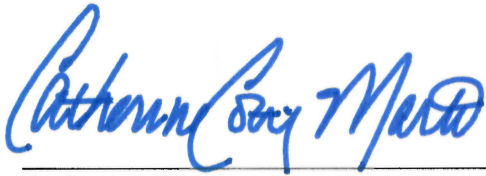
Maria Cantwell
United States Senator



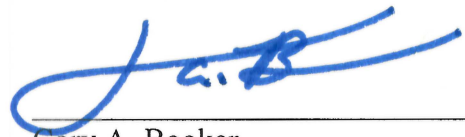
Edward J. Markey
United States Senator



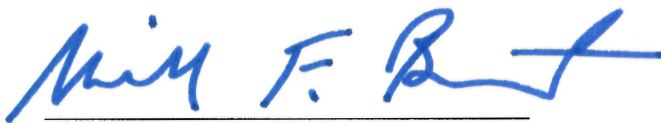
Brian Schatz
United States Senator



Catherine Cortez Masto
United States Senator



Cory A. Booker
United States Senator



Michael F. Bennet
United States Senator