

Congress of the United States
Washington, DC 20515

April 8, 2015

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Holder:

As you know, 35 states have made the production, sale, and use of at least some form of medical marijuana legal under their states' laws, notwithstanding federal law. This number includes twelve states that have enacted measures that permit the use of CBD oils that are illegal under federal law to treat seizure disorders. We write in response to recent statements indicating that the Department of Justice does not believe a spending restriction designed to protect these state medical marijuana laws applies to specific ongoing cases against individuals and businesses engaged in medical marijuana activity, and that the Department will proceed with ongoing litigation that undermines the laws of California and other states that permit medical marijuana.

Specifically, in an *L.A. Times* article titled "Justice Department says it can still prosecute medical marijuana cases," a Department spokesman, Patrick Rodenbush, said that the amendment doesn't apply to cases against individuals or organizations, but merely stops the Department from "impeding the ability of states to carry out their medical marijuana laws."¹

As the authors of the provision in question, we write to inform you that this interpretation of our amendment is emphatically wrong. Rest assured, the purpose of our amendment was to prevent the Department from wasting its limited law enforcement resources on prosecutions and asset forfeiture actions against medical marijuana patients and providers, including businesses that operate legally under state law. In fact, a close look at the Congressional Record of the floor debate of this amendment clearly illustrates the intent of those who sponsored and supported this measure. Even those who argued against the amendment agreed with the proponents' interpretation of their amendment.

Criminal prosecutions, like the recent Kettle Falls Five case in Washington, as well as asset forfeiture actions like those mentioned in the recent *L.A. Times* article against dispensaries in the San Francisco Bay Area, were what motivated us and a majority of our colleagues in the United States House of Representatives to approve this measure and ensure it was codified in the Consolidated and Continuing Appropriations Act late last year. In fact, we can imagine few more efficient and effective ways of "impeding the ability of states to carry out their medical marijuana laws" than prosecuting individuals and organizations acting in accordance with those laws.

¹ "Justice Department says it can still prosecute medical marijuana cases," *L.A. Times*, April 2, 2015. Available at <http://www.latimes.com/nation/nationnow/la-na-nn-medical-marijuana-abusers-20150401-story.html>

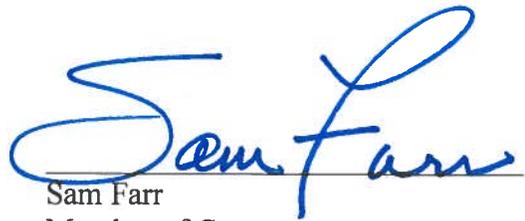
Further, to the extent that there may be questions about whether the facts of these matters or any other specific case constitute violations of state law, we suggest that state law enforcement agencies are best-suited to investigate and determine free from federal interference. As you well know, state authorities handle the vast majority of enforcement of marijuana laws, and states are responsible for implementing and enforcing laws and regulations relating to medical marijuana. The states are therefore in a better position than the Department to resolve these questions.

In closing, we respectfully insist that you bring your Department back into compliance with federal law by ceasing marijuana prosecutions and forfeiture actions against those acting in accordance with state medical marijuana laws.

Sincerely,



Dana Rohrabacher
Member of Congress



Sam Farr
Member of Congress