



September 1, 2017

Dear Members of the House Rules Committee:

On behalf of the thousands of Americans whose views and values are represented by our organizations, we respectfully request that when the House Committee on Rules reports a special rule for any appropriations bill that funds the Justice Department's activities, it make the bipartisan Rohrabacher-Farr Amendment in order. If the Commerce, Justice, and Science Appropriations bill (CJS) is considered on the House floor, the Rohrabacher-Farr Amendment should be made in order as it has in past years. It is likely that the Rohrabacher-Farr Amendment would pass again if a vote were allowed; therefore, it would be an affront to the democratic process if members of the House Rules Committee prevented a vote on this matter.

While on its face the Rohrabacher-Farr Amendment simply prohibits the use of taxpayers' money by federal authorities to prosecute medical marijuana patients or providers in compliance with state-based medical marijuana laws, at its heart it protects our nation's fragile principle of federalism. The right of states to govern matters within the sovereign powers of the state were central during the formation of our democratic republic.

Furthermore, Rohrabacher-Farr has a long-history of support among both House Republicans and Democrats, passing in 2014, 2015, and 2016. The amendment was also included in the Fiscal Year 2017 appropriations legislation signed by President Trump earlier this year. In July, the Senate Appropriations Committee added the amendment to their version of the Commerce, Justice, and Science Appropriation bill by voice vote.

A majority of the Americans now live in states that have legalized medical marijuana and only 14 percent oppose such laws, according to a recent Yahoo/Marist College poll.¹ With broad popular support for them, it's not surprising that Congress would take action to protect these laws from federal interference. The Rohrabacher-Farr amendment does not just reflect public opinion, it also embodies the principles of federalism and dual sovereignty that form the basis of our constitutional order.

At the heart of the matter is the preservation of state powers. Under our Constitution, states are granted broad police powers because the founders understood that states, not the federal government, would be on the front lines of protecting health, safety and the general welfare. As a nation of diverse populations and opinions, state legislatures and local law enforcement must be free to decide how best to use their limited resources to protect public safety, raise funds, and fight crime within their borders. Rohrabacher-Farr would not prevent the federal government from enforcing federal laws criminalizing the sale or use of marijuana. It merely requires the federal government to enforce those laws in a way that respects states' authority to legislate in this area.

¹ Marist College Institute for Public Opinion. (2017). *Weed and the American Family, Yahoo News-Marist Poll*. Retrieved from <http://bit.ly/2xvODF6>.

Even those members of the Rules Committee that oppose Rohrabacher-Farr should support allowing the full House to consider it. To deny a vote on an amendment that merely preserves current law would do a grave disservice to the majority of representatives and their constituents who support it.

The argument that legalizing medical marijuana increases crime is not supported by evidence. In fact, states with well-regulated marijuana laws have seen *decreases* in crime, a reduction of the black market, and fewer deaths and hospitalizations related to opioid abuse.²

An amendment that reflects current law is already in the Senate CJS appropriation bill, and it would be undemocratic to block a vote in the House on this important matter. The will of the American people should be respected, as should the principle of federalism. The Rohrabacher-Farr Amendment should be made in order and the Rules Committee should not block consideration of the amendment when House considers a year end appropriations bill that is specific to CJS or funds the government as a whole for FY 2018.

Sincerely,

Michelle Minton, Senior Fellow, Competitive Enterprise Institute
Norm Singleton, President, Campaign for Liberty
David Williams, President, Taxpayers Protection Alliance
Andrew Langer, President, Institute for Liberty
John Walsh, Senior Associate for Drug Policy and the Andes, Washington Office on Latin America
Arthur Rizer, National Security and Justice Policy Director, R Street Institute
Carrie Wade, Harm Reduction Policy Director, R Street Institute

CC: Speaker Paul Ryan
House Majority Leader Kevin McCarthy
House Minority Leader Nancy Pelosi

² Shi Y. Medical marijuana policies and hospitalizations related to marijuana and opioid pain reliever. *Drug Alcohol Dependence*. 2017 Apr 1;173:144-150. doi: 10.1016/j.drugalcdep.2017.01.006.