



December 5, 2017

The Honorable Paul Ryan  
Speaker of the House  
United States House of Representatives  
H-232 The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Nancy Pelosi  
Minority Leader  
United States House of Representatives  
H-204 The Capitol  
Washington, DC 20515

The Honorable Chuck Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

Dear Speaker Ryan, Leader McConnell, Leader Pelosi, and Leader Schumer:

On behalf of the thousands of Americans whose views and values our organizations represent, we respectfully request that as you consider an end-of-the-year omnibus FY 2018 appropriations bill, you preserve a provision that has had long-standing support in Congress and among the nation's voters which modestly protects those states with legal medical marijuana from federal interference.

On its face, the Rohrabacher-Blumenauer/Leahy Amendment merely prohibits the use of taxpayer money by federal authorities to prosecute medical marijuana patients and providers who are *in compliance* with the laws of their state. At its heart, however, it is a guard for our nation's fragile principle of federalism—the right of the states to govern matters within their borders as their constituents see fit.

The Amendment has a long history of support in Congress, both among Republicans and Democrats, passing as Rohrabacher-Farr in 2014 to protect thirty-two states and being subsequently included in budget deals since. Rohrabacher-Blumenauer/Leahy was even included in the FY 2017 appropriation bill signed by President Trump who, as presidential candidate, asserted support of legal medical marijuana and that when it comes to regulation the matter should be “up to the states.”

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.<sup>1</sup> With broad popular

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

support for them, it's not surprising that Congress would take action to protect these laws from federal interference. In 2015 Congress approved Rohrabacher-Farr by a vote of 242-186, to protect thirty-nine states. This July, the Senate Appropriations Committee added the Leahy Amendment to their version of the Commerce, Justice, and Science appropriations bill by a voice vote which now protects forty-six states. Yet, the House Rules Committee refused to allow a vote on the measure in the House.

Our Constitution wisely limits federal power and leaves most issues of law enforcement to the individual states. 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. What works for the state of New York may not be appropriate for the people of Texas. Rohrabacher-Blumenauer/Leahy 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.

As a coalition of groups supporting free market solutions and the protection of essential Constitutional principles, we strongly urge you to respect our nation's federalist structure, patients' right to decide on their own treatment, and good order by including Rohrabacher-Blumenauer/Leahy in the FY 2018 omnibus appropriations bill. Specifically, we urge that the following language, adopted by the Senate CJS Committee, be included in the final negotiated budget package:

None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any such State or jurisdiction from implementing a law that authorizes the use, distribution, possession, or cultivation of medical marijuana.

Sincerely,

Michelle Minton, Senior Fellow  
Competitive Enterprise Institute

Norman Singleton, President  
Campaign for Liberty

Brian Garst, Vice President  
Center for Freedom and Prosperity

Andrew Langer, President  
Institute for Liberty

Don Murphy, Director of Conservative Outreach  
Marijuana Policy Project

David Williams, President  
Taxpayer's Protection Alliance