



June 7, 2018

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

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

The Honorable Chuck Grassley  
Chairman  
United States Senate, Judiciary Committee  
135 Hart Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
Ranking Member  
United States Senate, Judiciary Committee  
331 Hart Senate Office Building  
Washington, DC 20510

Dear Leader McConnell, Leader Schumer, Chairman Grassley, and Senator Feinstein:

On behalf of the many of Americans whose views and values our organizations represent, **we respectfully urge you to support the bipartisan Strengthening the Tenth Amendment Through Entrusting States Act (STATES Act)**. Sponsored by Senators Cory Gardner (R-CO) and Elizabeth Warren (D-MA), the bill amends the Controlled Substance Act (21 U.S.C. 801 et seq.) to protect those individuals and businesses in compliance with state marijuana laws and regulations from federal interference. At its heart, the Act does not require Congress to answer the question of whether marijuana should be legalized. Rather, it answers the question of which unit of government in our federalist system is better equipped to decide. We all agree that this is a question best left to the states.

The STATES Act maintains federal laws criminalizing the illicit drug trade but would protect law-abiding citizens and preserve our nation's fragile principle of federalism—the right of the states to govern matters within their borders as their constituents see fit.

Currently, twenty-nine states and several U.S. territories have legalized the medical use of marijuana. Among those, nine states and the District of Columbia have also legalized recreational use of marijuana by adults. These updates to state law merely reflect the changing opinion of American voters across the political and ideological spectrum. In fact, the issue is one of the least divisive in our nation. According to a 2017 Gallup poll, a majority of voters in all political categories favor legalization:<sup>1</sup>

51 percent of Republicans,

72 percent of Democrats, and

67 percent of Independents

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<sup>1</sup> Justin McCarthy, "Record-High Support for Legalizing Marijuana Use in U.S." *Gallup*, October 25, 2017. <http://news.gallup.com/poll/221018/record-high-support-legalizing-marijuana.aspx?>

Even among Republican voters, who are least favorable toward marijuana legalization, 64 percent oppose federal interference, believing the decision ought to be left to the states, according to a recent CBS News poll.<sup>2</sup>

For the last several years through the annual appropriations process, Congress has enacted a rider prohibiting the Justice Department from enforcing the CSA against those in compliance with state medical marijuana laws. However, Congress has not moved authorizing language harmonizing federal and state law.

Though we vary in our opinions on marijuana legalization, the signatories to this letter are in strong accord when it comes to the matter of the level of government to which this question should be left. **We believe the STATES Act appropriately addresses the conflict between state and federal marijuana laws without asking Congress to take a stance on whether marijuana should be legalized**—Congress need only get out of the way of state legislatures and their voters, who are best positioned to decide questions about marijuana legalization. As noted, the undersigned groups believe this right must be restored to the states.

Our Constitution wisely limits federal power and leaves most issues of law enforcement to the individual states. Given that we are 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 health and safety and direct resources toward those priorities. What works for the state of Colorado may not be appropriate for the people of Alabama and vice versa. The STATES Act 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 and individuals supporting free market solutions and the protection of essential Constitutional principles, we strongly urge you to respect our nation's federalist structure by approving the STATES Act.

Sincerely,

Michelle Minton, Senior Fellow  
Competitive Enterprise Institute

Grover Norquist, President  
Americans for Tax Reform

Norm Singleton, President  
Campaign for Liberty

Andrew Langer, President  
Institute for Liberty

Neal Levine, Chairman  
New Federalism Fund

Ilya Somin, Professor of Law  
Scalia Law School, George Mason University

David Williams, President  
Taxpayers Protection Alliance

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<sup>2</sup> Jennifer De Pinto, Fred Backus, Kabir Khanna and Anthony Salvanto, "Marijuana legalization support at all-time high," *CBS News*, April 20, 2018. <https://www.cbsnews.com/news/support-for-marijuana-legalization-at-all-time-high>