

1310 L Street, NW, 7th Floor
Washington, DC 20005
cei.org

202 331 1010 *main*
202 331 0640 *fax*



June 19, 2019

The Honorable Nancy Pelosi
Speaker
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Steny Hoyer
Majority Leader
1705 Longworth House Office Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable José Serrano
Committee Chairman, Commerce, Justice,
Science, and Related Agencies
Appropriations
2354 Rayburn HOB
Washington, DC 20515

Dear Speaker Pelosi, Leader Hoyer, Representative McCarthy, and Chairman Serrano:

On behalf of the many of Americans whose views and values our organizations represent, **we respectfully urge you to support the bipartisan amendment to the CJS Appropriations Act offered by Reps. Blumenauer (D-OR) and McClintock (R-CA). While the amendment may appear to simply prohibit the use of taxpayers' money by federal authorities to prosecute marijuana providers and users in compliance with state-based 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.**

Similar amendments preventing federal interference in state-based medical marijuana laws have enjoyed a long-history of support among both House Republicans and Democrats since 2014. Since then, all but two states have legalized or decriminalized marijuana in some form, properly adapting state regulations to the opinions and needs of constituents. While Congress is currently considering proposals to resolve the existing conflict between federal and state marijuana laws, such resolution may still be many years away. Until Congress settles on such a resolution, the Blumenauer-McClintock amendment is a sensible means of both maintaining federal laws that criminalize illicit drug trade, while also respecting the will of the states and their law-abiding constituents.

Currently, thirty-three states, the District of Columbia, and several U.S. territories have legalized the medical use of marijuana. Among those, ten 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:

51 percent of Republicans,

72 percent of Democrats, and

67 percent of Independents.

There is even greater levels of support for keeping the federal government out of state-based marijuana legalization. According to a 2017 CBS News poll, 64 percent of Republican voters opposed the federal government trying to stop marijuana sales or use in those states that have legalized it (76 percent and 72 percent of Democratic and Independent users agreed, respectively).

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: with the states. For several years Congress through the appropriations process has enacted a rider prohibiting the Justice Department from enforcing the Controlled Substances Act against those in compliance with state medical marijuana laws. However, Congress has not moved authorizing language harmonizing federal and state law. We believe the Blumenauer-McClintock amendment is an appropriate interim measure until Congress can enact legislation harmonizing federal and state law.

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. Blumenauer- McClintock 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 and approve the Blumenauer-McClintock amendment.

Sincerely,

Michelle Minton, Senior Fellow
Competitive Enterprise Institute

Grover Norquist, President
Americans for Tax Reform

Andrew Langer, President
Institute for Liberty

Norman Singleton, President
Campaign for Liberty

Arthur Rizer, National Security and Justice
Policy Director
R Street Institute

David Williams, President
Taxpayer Protection Alliance

Ilya Somin, Professor of Law
George Mason University