

**Congress of the United States**  
Washington, DC 20510

January 25, 2018

The Honorable Donald J. Trump  
President  
The White House  
1600 Pennsylvania Ave NW  
Washington, D.C. 20510

Dear President Trump:

We write with urgent concern regarding the recent steps taken by the Department of Justice (DOJ) to disrupt state efforts to implement their own marijuana enforcement policies. To date, nine states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington) and the District of Columbia have passed laws allowing for the recreational adult use of marijuana. Dozens more have passed laws decriminalizing marijuana, or allowing for medicinal use that provides evidence-based treatment options for veterans, children, and patients suffering a variety of conditions including chronic pain, epilepsy and terminal illness.

These state laws, many of which are voter-approved, have been carefully reviewed and thoughtfully implemented in communities across the country. The intent of these laws has been simple: follow the will of the voters and provide common sense, responsible regulations for marijuana that balance public health and safety needs with limited criminal justice resources. Previously, the DOJ has operated under guidance (known as the “Cole Memorandum”) providing that in states with “strong and effective regulatory and enforcement systems,” marijuana enforcement would be managed at the state and local level.<sup>1</sup> The Tenth Amendment to the U.S. Constitution constrains the role federal government has in intrastate policy. Rescinding the Cole Memo upends the careful balance struck between the federal and state governments on marijuana enforcement.

Earlier this month, Attorney General Jeff Sessions rescinded the Cole Memorandum – a move that puts jobs, small businesses, state infrastructure, consumers, minorities, and patients at risk. This action has the potential to unravel efforts to build sensible drug policies that encourage economic development as we are finally moving away from antiquated practices that have hurt disadvantaged communities. These new policies have instead helped eliminate the black market sale of marijuana and allowed law enforcement to focus on real threats to public health and safety. Attorney General Sessions replaced the Cole Memorandum with a new memorandum that provides “prosecutorial discretion” to U.S. Attorneys and states that “marijuana activity is a serious crime.”<sup>2</sup> This new guidance will have a chilling effect across the country in states that

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<sup>1</sup> <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

<sup>2</sup> [https://www.justice.gov/opa/press-release/file/1022196/download?utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/opa/press-release/file/1022196/download?utm_medium=email&utm_source=govdelivery)

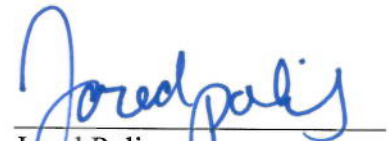
have worked tirelessly to implement voter-approved laws, creating legal and economic uncertainty.

As a candidate, you stated: “I really believe we should leave [marijuana] up to the states”<sup>3</sup> and that “it’s got to be a state decision.”<sup>4</sup> We trust that you still hold this belief, and we request that you urge the Attorney General to reinstate the Cole Memorandum. This step would create a pathway to a more comprehensive marijuana policy that respects state interests and prerogatives. On behalf of the communities we represent, we hope you appreciate the critical nature of this issue and take immediate action.

Sincerely,



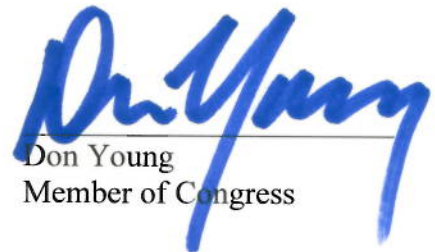
Elizabeth Warren  
United States Senator



Jared Polis  
Member of Congress




Earl Blumenauer  
Member of Congress



Don Young  
Member of Congress



Dana Rohrabacher  
Member of Congress



Barbara Lee  
Member of Congress



Matt Gaetz  
Member of Congress



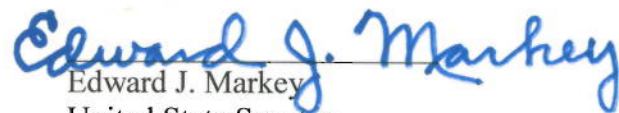
Kirsten Gillibrand  
United States Senator

<sup>3</sup> [https://www.washingtonpost.com/news/post-politics/wp/2015/10/29/trump-wants-marijuana-legalization-decided-at-the-state-level/?utm\\_term=.25b2d2b38138&wpisrc=nl\\_daily202&wpmm=1](https://www.washingtonpost.com/news/post-politics/wp/2015/10/29/trump-wants-marijuana-legalization-decided-at-the-state-level/?utm_term=.25b2d2b38138&wpisrc=nl_daily202&wpmm=1)

<sup>4</sup> <http://detroit.cbslocal.com/2016/03/08/donald-trump-on-wwj-7-things-to-know-before-casting-your-ballot/>



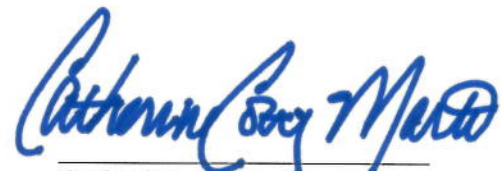
Ron Wyden  
United States Senator



Edward J. Markey  
United State Senator



Brian Schatz  
United States Senator



Catherine Cortez Masto  
United States Senator



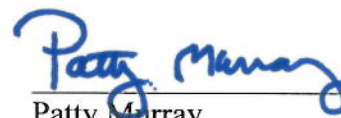
Jeffery A. Merkley  
United States Senator



Maria Cantwell  
United States Senator



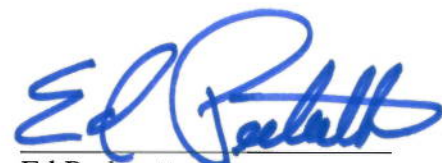
Cory A. Booker  
United States Senator



Patty Murray  
United States Senator



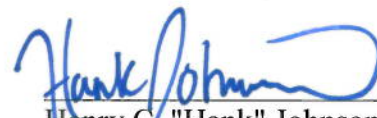
Tulsi Gabbard  
Member of Congress



Ed Perlmutter  
Member of Congress



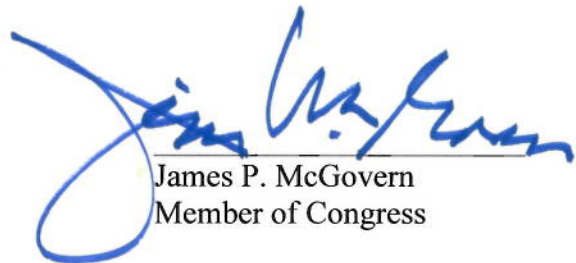
Peter DeFazio  
Member of Congress



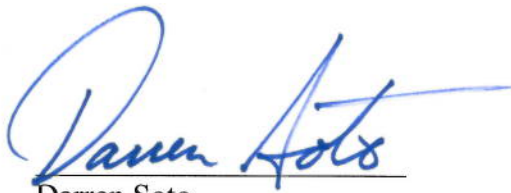
Henry C. "Hank" Johnson, Jr.  
Member of Congress



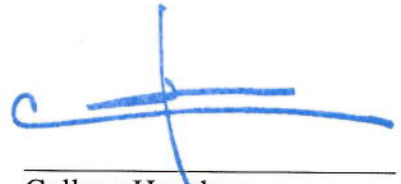
Eleanor Holmes Norton  
Member of Congress



James P. McGovern  
Member of Congress



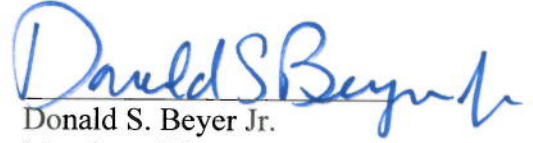
Darren Soto  
Member of Congress



Colleen Hanabusa  
Member of Congress



Jacky Rosen  
Member of Congress



Donald S. Beyer Jr.  
Member of Congress



Jan Schakowsky  
Member of Congress



Scott H. Peters  
Member of Congress



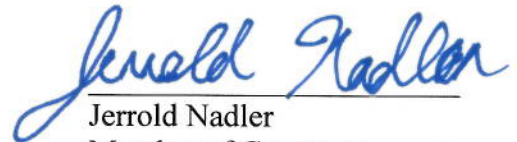
Ted W. Lieu  
Member of Congress



Brad Sherman  
Member of Congress



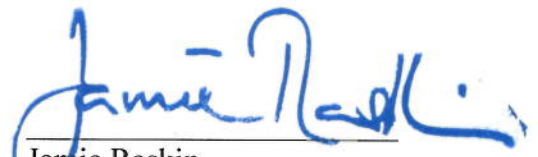
Jared Huffman  
Member of Congress



Jerrold Nadler  
Member of Congress



Ro Khanna  
Member of Congress



Jamie Raskin  
Member of Congress



Seth Moulton  
Member of Congress



Diana DeGette  
Member of Congress



Mark Pocan  
Member of Congress



Carlos Curbelo  
Member of Congress



Pramila Jayapal  
Member of Congress



Niki Tsongas  
Member of Congress



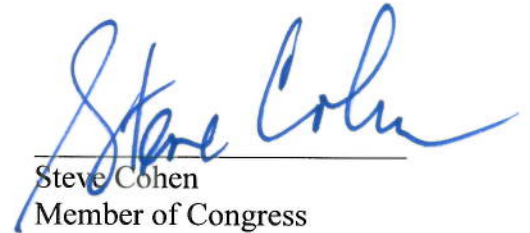
Alan Lowenthal  
Member of Congress



Michael E. Capuano  
Member of Congress



Suzanne Bonamici  
Member of Congress



Steve Cohen  
Member of Congress



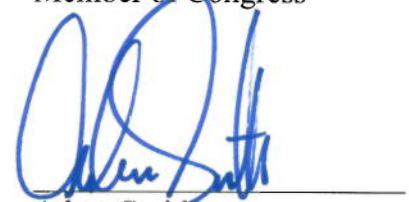
Salud O. Carbajal  
Member of Congress



J. Luis Correa  
Member of Congress



Dina Titus  
Member of Congress



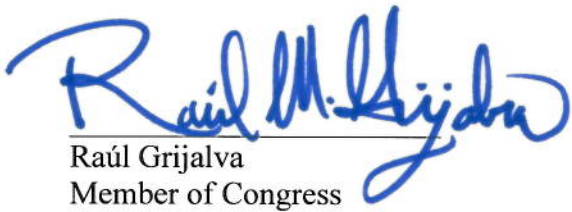
Adam Smith  
Member of Congress

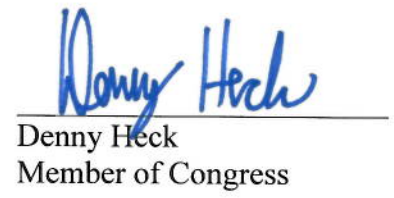


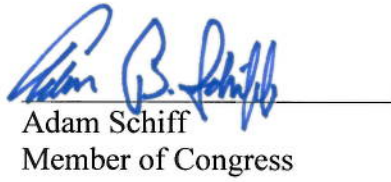
Jerry McNerney  
Member of Congress



Mark Takano  
Member of Congress

  
Raúl Grijalva  
Member of Congress

  
Denny Heck  
Member of Congress

  
Adam Schiff  
Member of Congress

  
Zoe Lofgren  
Member of Congress