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.¹ 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Earlier this month, Attorney General Jeff Sessions rescinded the Cole Memorandum – a move that puts jobs, small businesses, state infrastructure, consumers, minorities, and patients at risk.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.”² This new guidance will have a chilling effect across the country in states that

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¹ [https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf](https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf)
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” and that “it’s got to be a state decision.” 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

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4 http://detroit.cbslocal.com/2016/03/08/donald-trump-on-wwj-7-things-to-know-before-casting-your-ballot/
Darren Soto  
Member of Congress

Jacky Rosen  
Member of Congress

Jan Schakowsky  
Member of Congress

Ted W. Lieu  
Member of Congress

Jared Huffman  
Member of Congress

Ro Khanna  
Member of Congress

Seth Moulton  
Member of Congress

Colleen Hanabusa  
Member of Congress

Donald S. Beyer Jr.  
Member of Congress

Scott H. Peters  
Member of Congress

Brad Sherman  
Member of Congress

Jerrold Nadler  
Member of Congress

Jamie Raskin  
Member of Congress

Diana DeGette  
Member of Congress
Raul Grijalva  
Member of Congress  

Denny Heck  
Member of Congress  

Adam Schiff  
Member of Congress  

Zoe Lofgren  
Member of Congress