

United States Senate

SENATE CAUCUS ON
INTERNATIONAL NARCOTICS CONTROL
HART SENATE OFFICE BUILDING, ROOM 818-C
WASHINGTON, DC 20510

January 6, 2015

The Honorable Eric Holder
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Holder:

As the co-chairs of the Senate Caucus on International Narcotics Control, we are writing to express our concern that: 1) changes to some state marijuana laws may jeopardize our country's compliance with the United Nations Conventions on Narcotics ("U.N. Conventions") and damage our standing as an international leader on drug control issues; and 2) the long term impact of these laws are not being adequately monitored.

As you know, Colorado, Washington, Oregon and Alaska have legalized the production, distribution, possession, and use of marijuana for recreational purposes, while the District of Columbia approved its possession, use, and production. These laws are in direct conflict with our obligations under the U.N. Conventions, which require state parties – including the United States and virtually all other members of the United Nations – to limit the production, distribution, possession, and use of marijuana to scientific and medical purposes.

The Department of Justice's decision to permit these state laws to take effect has put the United States in the difficult position of defending its compliance with the treaties. Moreover, we are already seeing signs that the United States' position as a global leader on drug control issues has been weakened by this decision. For example, a State Department official recently called for a "flexible interpretation" of the U.N. Conventions and tolerance of other countries' drug control policies, even those in violation of the U.N. Conventions.¹

¹ Recently, the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs described what he referred to as the "four pillars" of U.S. international drug policy: (1) respecting the existing U.N. Conventions; (2) accepting flexible interpretation of the U.N. Conventions; (3) tolerating different national drug policies; and (4)

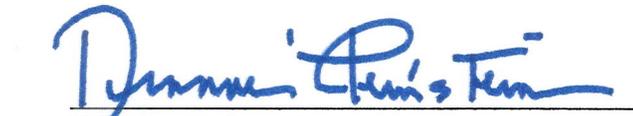
Perhaps in part due to concerns about our treaty obligations, in August 2013, the Department of Justice issued a memorandum delineating eight priority areas to guide its enforcement of federal law in states that legalized marijuana (“the Cole Memorandum”).² The memorandum further explained that if state enforcement efforts are not sufficiently robust, “the federal government may seek to challenge the regulatory structure itself.”³

However, it is our understanding that *no one* at the Department of Justice has initiated a centralized effort to measure the overall effect of these laws by systematically compiling data on each of the priority enforcement areas. Without this information, the federal government will likely be unable to determine the effectiveness of its policy, and other states may implement similar laws without a clear understanding of their overall impacts.

Therefore, we respectfully request that you provide the Caucus with a plan for the Department of Justice to compile data on each of the priority enforcement areas in the Cole Memorandum that is disaggregated by state and comparable over time, so that data before and after the legalization of marijuana can be compared. This information should also be made available to the public. Please provide this plan to us by no later than February 15, 2015.

We very much appreciate your timely response to the above request. We hope that we can work together to mitigate the negative effects of these state laws and ensure that the United States retains its credibility as a global leader on international drug control policy.

Sincerely,


Dianne Feinstein
Chairman


Charles Grassley
Co-Chairman

combating and resisting criminal organizations. *See* William R. Brownfield, Asst. Sec’y, Bureau of Int’l Narcotics and Law Enforcement Affairs, U.S. Dep’t of State, Briefing on Trends in Global Drug Policy (Oct. 9, 2014) (transcript available at <http://fpc.state.gov/232813.htm>).

² Memorandum from the Deputy Att’y Gen. on Guidance Regarding Marijuana Enforcement to U.S. Att’ys (Aug. 29, 2013) (available at <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>).

³ *Id.* at 2.