



March 4, 2013

Dear Senators Leahy and Grassley:

We, the undersigned, strongly support the continued enforcement of federal law prohibiting the cultivation, distribution, sale, possession, and use of marijuana – a dangerous and addictive drug which already has severe harmful effects on American society.

We also respectfully request your Committee at its March 6 hearing to encourage Attorney General Eric Holder to adhere to long-standing federal law and policy in this regard, and to vigorously enforce the Controlled Substances Act (CSA).

All nine former DEA Administrators wrote to Attorney General Holder to ask him to comment on what steps would be taken by the Department of Justice to enforce federal law in the event that a ballot initiative in California to legalize marijuana was passed.

In a letter dated October 13, 2010 (which is attached), Attorney General Holder responded by saying:

“[R]egardless of the passage of this or similar legislation, the Department of Justice will remain firmly committed to enforcing the Controlled Substances Act (CSA) in all states. Prosecution of those who manufacture, distribute, or possess any illegal drugs – including marijuana – and the disruption of drug trafficking organizations is a core priority of the Department. Accordingly, we will vigorously enforce the CSA against those individuals and organization that possess, manufacture, or distribute marijuana for recreational use, even if such activities are permitted under state law.”

Our nation’s laws and international commitments under the federal CSA and as a signatory to the Single Convention on Narcotic Drugs, 1961 and the United Nations Convention Against Illicit Traffic in Narcotic and Psychotropic Substances, 1988 remain effective and unchanged.

We concerned individuals and organizations listed below urge the committee to pose the following questions to Attorney General Holder:

- 1. Why isn’t the Department of Justice enforcing the Controlled Substances Act in Colorado and Washington? Do you still agree that under the Supremacy Clause, Article VI, clause 2 of the U.S. Constitution, and long- and well-established U.S. Supreme Court precedent, federal law preempts state law when there is a conflict between the two, as confirmed in your letter of October 13,**

2010 addressed to the Former Administrators of the Drug Enforcement Administration?

2. What is being done to honor our international drug control treaty obligations which require the United States as a nation to enforce the law prohibiting the distribution, sale and cultivation of marijuana?

Keeping marijuana illegal is a treaty obligation under the 1961 International Convention on Narcotic Drugs and supported by the two other Conventions: the 1971 Convention on Psychotropic Drugs and the 1988 Anti-Trafficking Convention. The United States was a prime mover of these multilateral treaties and largely responsible for signature ratification by virtually every other country in the world. The President of the International Narcotics Control Board (INCB) has already protested the initiatives in Colorado and Washington. (A copy of that press release is also attached.)

The treaty conflict has not gone unnoticed by Mexico and other Latin American leaders. Mexico's President, Felipe Calderon, declared that the United States has "no moral authority" to insist that other countries enforce drug laws if two states in our nation legalize marijuana.

Marijuana is not a harmless substance, nor is it a useful medicine. Regular use of marijuana compromises the ability to learn and to remember information by impairing the ability to focus, sustain, and shift attention. Long term use reduces the ability to organize and integrate complex information.

THC is the psychoactive ingredient in marijuana. Today, according to the University of Mississippi, National Center for Natural Products Research, Potency Monitoring Project, average THC levels of DEA seizures are 13.7%; a very significant increase from the 70's when the THC potency was between 1.5-3%. The increased potency of marijuana is leading to dramatic increases in admissions to emergency rooms and to drug treatment programs.

Research has proven that marijuana is addictive. It is the number one reason why children are admitted to substance abuse treatment in the United States and is second, behind alcohol, for adult treatment admissions.

As for the canard that marijuana is a legitimate medicine, the overwhelming consensus of the accredited medical and scientific communities declares that it is not. In fact, the U.S. Food and Drug Administration (FDA) says that smoked marijuana has no legitimate medicinal value *and* that numerous alternatives that are more effective, better-tested, *and* FDA-approved are available.

The impact of legalized marijuana does not only affect Washington and Colorado. Marijuana originating in Colorado already has been found in 23 other states, according to the Rocky Mountain High Intensity Drug Trafficking Area. Officials in several states are expressing great concern about - and frustration with - the costs their states are incurring because of the marijuana now trafficked so easily and plentifully outside of Colorado's

borders. This clearly underscores the Interstate Commerce Clause's Constitutional basis for federal intervention and preemption!

Marijuana significantly impacts our environment, school scores and drop-out rates, accident and vehicle fatality rates, employee productivity, healthcare and treatment costs, and the potential for escalation to further illicit drug use and addiction

Sound drug policy must be rooted in evidence-based science, not driven by special interest groups who are looking to profit at the expense of our nation's public health and safety.

We appreciate your consideration of our concerns and our recommendations for questions to be posed to Attorney General Holder. We encourage you to contact us through our communications representative, Lana Beck at 727-828-0211, ext. 102, or lbeck@dfaf.org, if you have any questions and/or if we can be of any further assistance. Our nation urgently needs action from Attorney General Holder to ensure that federal marijuana laws are enforced, federal preemption is asserted, and our obligations under international drug treaties are honored.

Sincerely,

Ambassador (ret) Melvyn Levitsky
Professor of International Policy and Practice, Gerald R. Ford School of Public Policy,
University of Michigan
Former Assistant Secretary of State for International Narcotics Matters (1989-1994)
(George H.W. Bush Administration)
Member, International Narcotics Control Board (2003-2012)
Former US Ambassador to Bulgaria (Reagan Administration)
Former US Ambassador to Brazil (Clinton Administration)

General Barry McCaffrey
Former Director of The White House Office of National Drug Control Policy (Clinton
Administration)
General, United States Army (ret)

John P. Walters
Former Director of The White House Office of National Drug Control Policy (GW Bush
Administration)

Robert L. DuPont, M.D.
President, Institute for Behavior and Health, Inc.
Founding Director, National Institute on Drug Abuse (Nixon, Ford, and Carter
Administrations)
Former Director, Office of Drug Abuse Policy in the White House (Nixon and Ford
Administrations)

Carlton E. Turner, Ph.D., D.Sc.
Former Director of Office of Drug Abuse Policy in the White House
Deputy Assistant to the President with Cabinet Rank (Reagan Administration)

Judge Robert C. Bonner
Former U.S. Federal Judge for the Central District of California (GHW Bush Administration)
Former Commissioner of U.S. Customs (2001-05) (G.W. Bush Administration)
Former Administrator, U.S. Drug Enforcement Administration (1990-93) (GHW Bush Administration)
Former U.S. Attorney for Central District of California (Reagan Administration)

Karen Tandy
Former Administrator, U.S. Drug Enforcement Administration (2003-07) (GW Bush Administration)

Asa Hutchinson
Former Administrator, U.S. Drug Enforcement Administration (2001-03) (GW Bush Administration)
Former Member, U.S. Congress
Former U.S. Attorney, Western District of Arkansas

Donnie Marshall
Former Administrator, U.S. Drug Enforcement Administration (2000-01) (Clinton Administration)

Thomas A. Constantine
Former Administrator, U.S. Drug Enforcement Administration (1994-99) (Clinton Administration)

Jack Lawn
Former Administrator, U.S. Drug Enforcement Administration (1985-90) (Reagan Administration)

Francis Mullen
Former Administrator, U.S. Drug Enforcement Administration (1981-1985) (Reagan Administration)

Peter B. Bensinger
Former Administrator, U.S. Drug Enforcement Administration (1976-81) (Ford, Carter, and Reagan Administrations)

John Bartels
Former Administrator, U.S. Drug Enforcement Administration (1973-75) (Nixon and Ford Administrations)

Bertha K Madras, PhD

Professor of Psychobiology
Department of Psychiatry
Harvard Medical School
Former Deputy Director, Demand Reduction, The White House Office of National Drug Control Policy (GW Bush Administration)

Kevin A. Sabet, Ph.D., M.Sc.
Co-Founder, Project SAM (Smart Approaches to Marijuana)
Director, Drug Policy Institute, University of Florida
Assistant Professor, College of Medicine, University of Florida
Former Senior Drug Policy Advisor, The White House Office of National Drug Control Policy (2003-2004; 2009-2011) (Clinton, GW Bush, and Obama Administrations)

Reverend Anthony Evans
President
National Black Church Initiative

Representative Toni Boucher
Connecticut House of Representatives

American Society of Addiction Medicine
Benevolent & Protective Order of Elks
Brattleboro Area Prevention Coalition (VT)
Californians for Drug Free Youth
Coalition for a Drug Free California
Colorado Drug Investigators Association
Community Anti-Drug Coalitions of America
Drug Free America Foundation, Inc.
Drug Free Business (WA)
Drug Free Projects Coalition
Drug Free Rancho Cucamonga
Drug Free Schools of New York
Educating Voices, Inc.
Inland Valley Drug Free Community Coalition
Institute for a Drug-Free Workplace
Institute on Global Drug Policy
International Faith Based Coalition
International Scientific and Medical Forum on Drug Abuse
International Task Force on Strategic Drug Policy
Keep AZ Drug Free
National Black Religious Broadcasters
National Council on Alcoholism and Drug Dependence, Inc.
National Drug-Free Workplace Alliance
Oregonians Against the Legalization of Marijuana
SADD AZ
Save Our Society From Drugs

Smart Colorado
Students Taking Action Not Drugs
The Council on Alcohol and Drugs, Inc.
The FreeStyle Foundation
Upland Parents Against Drugs
Westminster Area Community Awareness Action Team

cc: Senator Orrin Hatch
Senator Jeff Sessions
Senator Lindsey Graham
Senator John Cornyn
Senator Mike Lee
Senator Ted Cruz
Senator Jeff Flake
Senator Dianne Feinstein
Senator Charles Schumer
Senator Richard Durbin
Senator Sheldon Whitehouse
Senator Amy Klobuchar
Senator Al Franken
Senator Chris Coons
Senator Richard Blumenthal
Senator Mazie Hirono
Vice President Joseph Biden
Gil Kerlikowske, Director, White House Office of National Drug Control Policy
U.S. Attorney John Walsh, District of Colorado
Colorado Governor John Hickenlooper
U.S. Attorney Michael Ormsby, Eastern District of Washington
U.S. Attorney Jenny A. Durkan, Western District of Washington
Washington Governor Jay Inslee