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Dear Senator or Representative:

We the undersigned conservatives and libertarians urge you to consider refashioning the current federal regulation of marijuana to enable each State to dictate its own marijuana policy. *We are not recommending marijuana legalization.* **This proposal defers to States' rights in areas traditionally reserved to the States — for example, marriage, adoption, gambling, or criminal justice — but does not require any state to adopt a particular policy.** The federal government would retain involvement to prevent sabotage to a State's approach by prohibiting the transportation of marijuana into its jurisdiction in violation of the laws thereof.

The prevailing approach is flawed by a “one size fits all” mandate and chronic federal-state conflicts. The recommended alternative, in contrast, would have the twin jurisdictions work in harmony as they do in the regulation of alcohol. The alternative promises to hamper the finances of Mexican drug cartels (which thrive on the illegal marijuana trade) and the havoc they wreak on more than 230 American cities. See *The Washington Post*, “*Cartels Face an Economic Battle: U.S. Marijuana Growers Cutting Into Profits of Mexican Traffickers*” (October 7, 2009, A1). The alternative would free federal law enforcement resources for the more urgent tasks of thwarting, apprehending, and prosecuting international terrorists or murderers.

At present, the federal government categorically prohibits marijuana possession or use throughout the nation, even in circumstances where state law does not. The Supreme Court sustained the constitutionality of the federal prohibition in the Controlled Substances Act by a 6-3 majority in *Gonzales v. Raich* (2005). But as a matter of States' rights, regulating marijuana and alcohol seem indistinguishable; and, alcohol policy has been entrusted to the States since the repeal of Prohibition in 1933. In both cases, the issue is eminently suitable for the various State jurisdictions to decide based on their distinctive cultures or mores and experience with different regulatory strategies. Alaska, for instance, for decades authorized possession of less than four ounces of marijuana in the home in the name of privacy — the individual's right to be left alone. Republican Vice Presidential candidate Sarah Palin related to *The Anchorage Daily News* in 2006 that she had legally smoked marijuana under Alaskan law.

The federal role in regulating marijuana, as with alcohol, should be in banning the importation or transportation of the drug into any State in violation of its laws. (The import or export of marijuana from the United States would also remain illegal).

In sum, we strongly recommend redesigning the regulation of marijuana guided by the time-honored policy of cooperative federalism. We are eager to work with you to draft an implementing statute.

Sincerely,

Bruce Fein

Bob Barr, Former Member of Congress

Doug Bandow, Former Special Assistant to President Ronald Reagan

Dane Von Breichenruchardt, President, U.S. Bill of Rights Foundation

Tom DeWeese, President, American Policy Center

Michael D. Ostrolenk, National Director, Liberty Coalition

John Whitehead, President, Rutherford Institute

Howard Wooldridge, Drug Policy Specialist, Citizens Opposing Prohibition

Jim Babka, President, DownsizeDC.org, Inc.

Grover Norquist, President, Americans for Tax Reform

cc: Gil Kerlikowske, Director
White House Office of National Drug Control Policy
Eric Holder, Attorney General
Robert Mueller, Director, Federal Bureau of Investigation