

Conflicts Between State and Federal Marijuana Laws

Written by Grassley Press

Wednesday, 11 September 2013 14:44

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The letters Ranking Member Grassley inserted into the hearing record are attached.

Prepared Statement of Chuck Grassley of Iowa

Ranking Member, Senate Judiciary Committee

Hearing on "Conflicts between State and Federal Marijuana Laws"

Tuesday, September 10, 2013

Mr. Chairman, thank you for holding today's hearing on the conflict between federal and state laws on marijuana.

Since Congress passed the Controlled Substances Act, the cultivation, trafficking, sale and

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use of marijuana have been illegal under federal law. Marijuana's continued presence on this statute's list of illegal substances isn't based on a whim. It's based on what science tells us about this dangerous and addictive drug. There's a process that exists to move drugs on and off that list. But the scientific standard to do that hasn't yet been met for marijuana.

Marijuana isn't only illegal under laws passed by Congress. It is illegal under international law as well. The United States and over 180 nations have signed the Single Convention on Narcotic Drugs. This treaty requires the United States to limit the distribution and use of certain drugs, including marijuana, for exclusively scientific and medical use. It's something this country gave its word to do. And it's a commitment that our country and many others have benefitted from through improved public health.

Yet in 2012, Colorado and Washington decided to be the first jurisdictions in the world to legalize the cultivation, trafficking, sale and recreational use of marijuana.

These laws flatly contradict federal law. Moreover, these laws have nothing to do with the controversy about whether marijuana has an appropriate medical use. Some experts fear they will create a Big Marijuana industry, including a "Starbucks of marijuana," that will damage public health. And it seems unlikely that we'll be able to confine that industry's effects to adults, and those within Colorado and Washington.

And the response of the Department of Justice isn't to sue to strike down the laws, or to prosecute illegal drug traffickers, but just to let these states do it.

These policies do not seem to be compatible with the responsibility Justice Department officials have to faithfully discharge their duties. And they may be a violation of our treaty obligations. Prosecutorial discretion is one thing. But giving the green light to an entire industry predicated on breaking federal law is another.

These policies are another example of the Administration ignoring laws that it views as inconvenient, or that it just doesn't like. Immigration law, Obamacare deadlines -- the list is long, and it hardly needs repeating.

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But what's really striking in this case is that this Department of Justice is so quick to challenge state laws when it doesn't like or want to enforce them. States that change their voting laws to require an ID? See you in court. States that try to secure their borders when the federal government won't? Expect a lawsuit. But if some folks want to start an industry dedicated to breaking federal law? Well, then the Department's position is to wait and see how it all works out.

But we already have a good idea how it will work out, and the answer is badly. Take Colorado as an example. Since it legalized and attempted to regulate medical marijuana, what have they seen? From 2006 to 2011, a 114 percent increase in driving fatalities involving drivers testing positive for marijuana. Comparing 2007 through 2009 with 2010 through 2012, a 37 percent increase in drug-related suspensions and expulsions from Colorado schools. A sharp increase in marijuana exposures to young children, many resulting in trips to poison control centers or hospitals. And in the words of Colorado's Attorney General, the state is becoming "a significant exporter of marijuana to the rest of the country."

The statistics on this point are shocking, but not surprising, given simple economics. From 2005 to 2012, there was a 407 percent increase in Colorado marijuana interdiction seizures that were destined for other states. In 2012 alone, there were interdictions in Colorado bound for 37 different states.

One of those states was my home state of Iowa. In 2010, Colorado was the source state for 10 percent of all marijuana interdicted in Iowa. That number grew to 25 percent in 2011, and to 36 percent in 2012. This is all before full legalization in Colorado. What do you think this number will be next year? Is the federal government prepared to pay for the law enforcement costs it is imposing on states like Iowa because it refuses to enforce federal law?

In 2012, the proportion of Iowa juveniles entering substance treatment primarily due to marijuana reached its highest point in 20 years. How many more of Iowa's daughters and sons will go into treatment next year because the Department won't enforce federal law? There is no amount of money that can make Iowa whole for that.

I have a letter from the Director of the Iowa Office of Drug Control Policy to the Attorney General that lays out some of these statistics. The Director requests that the Department reconsider this decision. I ask that it be included in the record.

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Of course, the Department would have known many of these things had it consulted with the folks on the ground before making these decisions. These are people who see the effects of marijuana addiction and abuse every day. I also have here a letter to the Attorney General from many of the major state and local law enforcement organizations in the United States. I ask that it be entered into the record.

I understand representatives of many of these organizations had asked to be consulted in advance of the Department's decision. And they were told that they would be.

However, they wrote, "it is unacceptable that the Department of Justice did not consult our organizations – whose members will be directly impacted – for meaningful input ahead of this important decision. Our organizations were given notice just thirty minutes before the official announcement was made public and were not given the adequate forum ahead of time to express our concerns with the Department's conclusion on this matter. Simply 'checking the box' by alerting law enforcement officials right before a decision is announced is not enough and certainly does not show an understanding of the value the Federal, state, local and tribal law enforcement partnerships bring to the Department of Justice and the public safety discussion."

I agree. The way these law enforcement professionals were treated is quite disturbing.

I also have a letter from all nine of the former heads of the Drug Enforcement Administration that was sent to the Attorney General yesterday. I ask that it be placed in the record as well. These former Administrators were appointed by presidents of both parties. They described themselves as "shocked and dismayed" by the Department's decision. They had also offered to meet with the Attorney General about these issues. But, as they wrote, they "heard nothing" until the Department's announcement that wouldn't challenge these laws. These former officials offer a wealth of knowledge about the law enforcement and public health implications of these decisions. Their treatment by the Department is simply inexplicable.

I am nonetheless grateful that the Deputy Attorney General is here today to explain the Department's decisions. I am hopeful this hearing will be the first step toward reconsidering these misguided policies. Thank you.

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