



May 9, 2012

RE: ACLU Urges YES vote on Rohrabacher-Hinchey-McClintock-Farr
Amendment to H.R. 5326

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Dear Representative,

On behalf of the American Civil Liberties Union, please find attached our vote recommendation for today's anticipated vote on Representatives Rohrabacher-Hinchey-McClintock-Farr Amendment to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act 2013. A recorded vote on this amendment is anticipated on the House floor today.

Please call Legislative Counsel Jesselyn McCurdy with any questions at (202) 675-2307.

Regards,

Laura W. Murphy
Director, Washington Legislative Office

Jesselyn McCurdy
Senior Legislative Counsel

***ACLU Vote Recommendation for Representatives Rohrabacher-Hinchey-McClintock-Farr
Amendment to H.R. 5326, the Commerce, Justice, Science, and Related Agencies
Appropriations Act 2013***

Representatives Rohrabacher-Hinchey-McClintock-Farr Amendment to H.R. 5326 to prohibit the Department of Justice from using federal funds to prevent the implementation of state laws authorizing the use of medical marijuana.

The American Civil Liberties Union recommends a YES vote on the Rohrabacher-Hinchey-McClintock-Farr amendment.

VOTE YES On the Rohrabacher-Hinchey-McClintock-Farr Amendment Because DOJ Is Wasting Resources Focusing Federal Investigations In Medical Marijuana States.

In October 2009, United States Deputy Attorney General David Ogden issued a memorandum to U.S. Attorneys that was widely understood as articulating the Department of Justice's enforcement policies on state medical marijuana laws. The Ogden Memorandum purported to provide "uniform guidance to focus federal investigations and prosecutions on core federal enforcement priorities" in states with medical marijuana laws.

However over the past year, U.S. Attorney communications to government actors in medical marijuana states clearly deviate from the letter and spirit of the Ogden Memorandum by threatening prosecution against those who are in clear and unambiguous compliance with existing state laws providing for the use of medical marijuana. The letter issued by U.S. Attorneys in Washington State, for instance, goes so far as to suggest that the federal government may prosecute state employees whose only participation in marijuana distribution is fulfilling their duties under a state-mandated licensing process.

VOTE YES On The Rohrabacher-Hinchey-McClintock-Farr Amendment Because The New Obama Administration Policy Ignores The Fact That Marijuana Is Currently Providing Relief For Between 750,000 and 1 Million Patients With Serious Illnesses.

In June 2011, the Justice Department issued a new memo to all U.S. Attorneys clarifying the DOJ's position on federal prosecutions of state-sanctioned medical marijuana use. The new DOJ policy states that only medical marijuana patients and caregivers should not be prosecuted on federal marijuana charges. But those who cultivate or distribute marijuana are fair game.

This new policy is a reversal of the one the administration outlined almost three years ago. In 2009, the Obama administration declared that the federal government would no longer bring federal drug-law prosecutions against individuals in compliance with state medical marijuana laws. ***By voting YES on this amendment you are acknowledging the reality that marijuana is currently providing relief for between 750,000 and 1 million patients with serious illnesses like cancer and AIDS in the one-third of states that permit its medical use.***

For more information, please contact Jesselyn McCurdy, ACLU Senior Legislative Counsel, at (202)675-2307 or jmccurdy@dcaclu.org.