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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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December 6, 2012

The Honorable R. Gil Kerlikowske
Director
Office of National Drug Control Policy
Executive Office of the President
Washington, DC 20503

Dear Director Kerlikowske:

Last month, voters in Colorado and Washington chose to legalize personal use of up to one ounce of marijuana and to enact licensing schemes for cultivation and distribution of the drug. As the states move to implement these new laws, marijuana remains a Schedule I controlled substance according to the Federal Government. Production, distribution, and possession of the drug are Federal criminal offenses punishable by imprisonment.

The Senate Judiciary Committee has a significant interest in the effect of these developments on Federal drug control policy. How does the Office of National Drug Control Policy intend to prioritize Federal resources, and what recommendations are you making to the Department of Justice and other agencies in light of the choice by citizens of Colorado and Washington to legalize personal use of small amounts of marijuana? What assurance can and will the administration give to state officials involved in the licensing of marijuana retailers that they will not face Federal criminal penalties for carrying out duties assigned to them under state law?

Legislative options exist to resolve the differences between Federal and state law in this area and end the uncertainty that residents of Colorado and Washington now face. One option would be to amend the Federal Controlled Substances Act to allow possession of up to one ounce of marijuana, at least in jurisdictions where it is legal under state law. In order to give these options full consideration, the Committee needs to understand how the administration intends to respond to the decision of the voters in Colorado and Washington. I look forward to hearing your thoughts on this matter.

Sincerely,

/s/

PATRICK LEAHY
Chairman