



# Americans Against Legalizing Marijuana

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February 14, 2020

Scott Riplinger, Legislative Director  
Senator Mike Crapo  
239 Dirksen Senate Office Building  
Washington, DC 20510

## **Re: Response to information request for the SAFE Banking Act.**

Dear Mr. Riplinger

We are physicians, scientists, parents, attorneys, educators and researchers from the health policy communities, reaching out to you for help. Our nation is in urgent need of public leadership on marijuana. Our country has acknowledged the opioid and vaping epidemic and needs to acknowledge the marijuana epidemic due to its legalization and commercialization.

Please accept this as a response to Senator Crapo's request for information about the health and public welfare issues regarding the SAFE Banking Act. We are very glad that he is giving this a thoughtful approach and seeking information. We appreciate that he is looking out for our children.

Many other leaders have been disappointing in their lack of leadership on this issue, for many have absorbed misinformation without asking for the counterbalancing information derived from the biomedical community. The public is uninformed concerning the effects of marijuana.

## **This Is Not a States' Rights Issue**

Senator Crapo wanted information about state rights in interstate commerce and banking for institutions who operate in multiple states with different state rules. There are some claims that the states and banks have a "states' right" to do what they are doing with marijuana and that they just need guidance from the federal government on how to do it right. If they "do it right" then they should be allowed to bank and to exponentially expand the commercial sales of marijuana.

This approach will cause great harm to our nation and our children. Attached as Exhibit 1 is our letter from distinguished researchers and physicians to the US Surgeon General providing the latest research about the many harms of marijuana. These harms will only increase if the federal government allows this illegal and dangerous industry to flourish. There is no way to “do it right” without causing more harm. The harms documented in our letter include damage to:

1. Mental Health - Psychosis
2. Mental Ability
3. Cardiac Health
4. Risks of Cancer
5. Use by Pregnant Women and resulting damage to the unborn
6. Opiate use
7. Damage to children
8. Violence
9. DUI

There is also the issue of damage to the environment (see our attached Petition in Exhibit 2)

### **There Is No States’ Right Under the US Constitution to Commercialize Marijuana**

The states have no right under the Commerce Clause to the US Constitution to promote or permit the sale of marijuana in interstate commerce. It violates the Constitution and the federal laws such as the Controlled Substances Act (CSA) that were passed in accordance with the Constitution. So says the US Supreme Court and the many federal courts that have considered this “states’ right.” [1]

Why have the courts said this? The Congressional findings in the Controlled Substances Act provide the Commerce Clause and international treaty legal justification for the CSA. [2] The sections we have placed in bold pertain to marijuana commercialization.

21 U.S.C.A. 801 Congressional findings and declarations: controlled substances

The Congress makes the following findings and declarations:

- (1) Many of the drugs included within this subchapter have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people. (this applies to those cannabis medicines approved by the FDA - all other have not proven to be safe and effective and may be dangerous. CBD causes liver damage.)**
- (2) The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.**

