

# Letter to Top Trump Officials on Marijuana Legalization and the “State’s Rights” Approach

From David G. Evans, Esq., Senior Counsel, Cannabis Industry Victims Educating Litigators (CIVEL)

Sent: 8/23/2019 8:06:05 AM Eastern Standard Time

Subject: **FROM DAVE EVANS WHY IS ONDCP SUPPORTING "STATES' RIGHT" ON MARIJUANA?**

<https://www.marijuanamoment.net/white-house-drug-officials-say-legal-marijuana-is-up-to-states/>

We are very disappointed in you. Turning marijuana over to the states is the same as turning it over to the marijuana industry. It appears you are ducking your responsibility. The Surgeon General gets it and SAMHSA gets it. You of all people should get it.

You are dooming kids and their families to lives of addiction, mental illness, violence and suicide. See the attached.

You are wrong on the law. Marijuana advocates promote the myth that marijuana regulation is a “states’ rights” issue. This is not true. The Supreme Court ruled twice that federal law preempts state marijuana laws and that this is a federal matter. United States v. Oakland Cannabis Buyers’ Cooperative, 532 US 483 (2001); Gonzales v. Raich, 545 U.S.1 (2005). It is indisputable that state marijuana laws do not supersede federal laws that criminalize the possession of marijuana. United States v. Hicks, 722 F.Supp.2d 829 (E.D. Mich. 2010). Justice Gorsuch has held that federal marijuana laws were within Congress's constitutional authority to regulate interstate commerce and the federal laws did not violate the 10th Amendment (states’ rights). United States of America v. Rutherford. 472 Fed.Appx. 863 (CA 10 2012).

The states are doing a terrible job of regulating marijuana. See the attached paper that was submitted to the FDA: **“The Failures of the States to Regulate Marijuana. Studies Show That Marijuana Products Have High Levels of Contaminants Including Pesticides, Fungus, Heavy Metals and Solvents”**

The states are dominated by the marijuana industry. Can't you see that?

It sounds like you will support the States Act.

The STATES Act:

Fully legalizes high potency marijuana products at the federal level by amending the Controlled Substances Act to exempt any production and sale of marijuana that is in accordance with state or tribal law. If a state says it is legal - then the federal law will no longer apply.

Gives the marijuana industry investors such Altria (Philip Morris) full access to investors.

The marijuana industry will be able to deduct the cost of advertising and other expenses by exempting them from 280E of the IRS Code.

THE REASONS YOU AND CONGRESS SHOULD OPPOSE THIS ARE:

The bill gives a tax break to businesses for promoting and increasing the use of drugs during an addiction and opioid crisis.

The bill will fully legalize every pot product including high potency pot concentrates (up to 99% THC), candies, drinks, foods and vapes.

The bill will legalize advertising of pot products, including on television and social media (legal substances are difficult to restrict under the 1st Amendment; tobacco and alcohol restrictions are largely the result of lawsuit settlements or voluntary agreements).

The bill gives cover to cartels and black market exports - with no penalties for spillover effects into states that haven't legalized.

The bill will provide the marijuana industry with a complete giveaway: the bill they wrote and have spent millions lobbying for (a drop in the bucket compared to the billions they will make) has nothing to address social justice or to recoup the public health costs everyone else will bear.

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