



LAW ENFORCEMENT AGAINST PROHIBITION

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January 23, 2012

Dear U.S. Attorney John Walsh:

As fellow law-enforcement colleagues vitally interested in the health and well-being of children, we must respectfully register our fundamental objection to your recent issuance of 23 letters threatening state-legal Colorado Medical Marijuana Centers and their landlords with civil, criminal and forfeiture sanctions. That you would justify this action on the basis of the locations in question being too close to schools for your liking (compliance with state and local law notwithstanding) is ironic and highlights the failure of the very federal marijuana prohibition policy that underlies the threats in your letter, as we'll explain.

Certainly, you must be aware that the voters of Colorado and the Colorado legislature – like the voters and lawmakers of 16 other states – have made it abundantly clear that marijuana is medicine for many people and for many ailments, and that its use and provision to patients should be allowed under the law.

Almost two years ago, in a bipartisan fashion, the Colorado Senate and House of Representatives enacted a strict dual licensing system for Medical Marijuana Centers that requires a license by the local and state government. All the businesses you have targeted are operating with approval from their local governments and the state of Colorado.

For you to join maverick prosecutors in California, Montana, Rhode Island, Washington and other states in going out of your way to short-circuit the will of the people and their elected representatives and to place obstacles between patients and their medicine is short-sighted and inimical to the public health, safety and welfare. Your actions bring law-enforcement into disrepute with the spoken will of the voters and their state representatives.

No law prohibits the location of a physician's office, hospital or pharmacy within 1,000 feet of a school. So, why would you exercise your prosecutorial discretion in such a way so as to make life more difficult for certain patients and their caregivers in Colorado? It's not as if these actions will do anything to reduce the illegal trade in marijuana – near schools or otherwise. Expect quite the opposite.

Those of us who have been working on the front lines to enforce – and reform – the drug laws in this country for years have frequently heard about medical marijuana patients who had to hit the streets to find the doctor-recommended medicine they needed. The medical marijuana centers in Colorado have provided patients like this a safe alternative and have *reduced* marijuana distribution on the streets. You are doing a disservice to the state of Colorado by using your discretionary prosecutorial power to undermine state and local regulations in a manner that will likely *increase* the underground distribution of marijuana.

You seek to put medicine outside the reach of sick people in the name of law enforcement and federal legal superiority under the guise of a minimum 1,000-foot separation between a school and medicine.

Instead, please recognize that the longstanding policy of prohibition itself – which we, like you, were once charged with enforcing – has made schools and parks the focal point for drug distribution, drug information and drug requisition.

We can blame marijuana prohibition for the fact that the federal Monitoring the Future study found that a whopping 82% of high school seniors say that it would be “fairly easy” or “very easy” to get their hands on marijuana. Sixty-nine percent of tenth graders report the same thing. Prohibition-empowered drug dealers within our schools are responsible, not licensed and regulated dispensaries. Studies from Brown University and elsewhere show that state medical marijuana laws have not led to increases in teenage marijuana use rates compared to states without legal medical marijuana. Any federal actions to expand the reach of marijuana prohibition and close down Medical Marijuana Centers in Colorado will not be good for public safety, they won’t be good for kids and they certainly won’t help patients.

Prosecutorial discretion is broad but not without limits, such as good reason, thoughtfulness, judgment and a rational relationship to the public health, safety and welfare, not to mention the will of the people of the State of Colorado. Please consider the full consequences of following through on your recent letters before any further action by your office on this matter.

Sincerely,



Neill Franklin
Executive Director
Law Enforcement Against Prohibition



Leonard Frieling
Former Municipal Court Judge, Lafayette, Colorado
Practicing Criminal Defense Attorney, Boulder, Colorado

Tony Ryan
Retired Lieutenant Police Officer, Denver Colorado