

RUBEN J. KIHUEN

4TH DISTRICT, NEVADA

WASHINGTON OFFICE  
313 CANNON HOUSE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-9894

NORTH LAS VEGAS OFFICE  
2250 N LAS VEGAS BLVD., SUITE 500  
NORTH LAS VEGAS, NV 89030  
(702) 963-9360



COMMITTEE ON FINANCIAL SERVICES

SUBCOMMITTEE ON HOUSING AND INSURANCE

SUBCOMMITTEE ON TERRORISM AND ILLICIT FINANCE

Congress of the United States  
House of Representatives  
Washington, DC 20515

June 30, 2017

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Sessions,

As you may know, starting on July 1, 2017, adults over 21 years of age will be able to legally purchase and possess marijuana under Nevada state law. Given that marijuana is still illegal under federal law, I ask that you continue to recognize the precedent set under President Obama's Department of Justice (DOJ) and avoid prosecuting individuals and firms operating legally under state law for marijuana related offenses.

Last November the voters of Nevada approved a ballot initiative legalizing the possession and use of marijuana for recreational purposes in the state by a considerable margin. The ballot initiative puts some common sense restrictions on how much marijuana an individual can possess and under what circumstances its use would still be illegal. Local governments have worked to put in place regulations that match the needs of their individual communities, and continue to tweak and refine these regulations to ensure that recreational marijuana sales are approached in a manner that protects the safety of our communities and allows for the free flow of commerce.

The August 2013 memorandum issued by then-Deputy Attorney General James M. Cole updating the DOJ's priorities with respect to enforcement of the Controlled Substances Act (CSA) has provided states with needed certainty as more and more states across the country legalized the use of marijuana for medicinal and recreational purposes. This memorandum makes it abundantly clear that though marijuana may remain illegal under the CSA, it would not be a priority of the DOJ to prosecute related crimes. In fact, the memo specifically says that the DOJ should continue to rely on local law enforcement to enforce laws related to marijuana, especially in states with "strong and effective regulatory and enforcement systems." I believe that the system put in place in Nevada is sufficiently rigorous that deference should be given by the DOJ to Nevada state law.

I believe that as public officials we have the solemn duty of ensuring that the will of the people

we answer to is dutifully upheld. I understand that you do not support the legalization of marijuana for any purpose, however I believe it is incumbent on you to respect the wishes of the more than 600,000 Nevadans who voted in favor of legalization. I ask that you continue the DOJ policy of not prosecuting marijuana related cases where the alleged crime is legal under state law.

Sincerely,

A handwritten signature in blue ink, consisting of stylized, overlapping strokes that form the letters 'R' and 'K'.

RUBEN J. KIHUEN  
Member of Congress