



Former DEA heads unite against California plan to legalize marijuana

From **Paul Courson**, CNN

STORY HIGHLIGHTS

- Proposition 19 is billed as a way to raise revenue and cut the cost of enforcement
- All former DEA chiefs urge the Justice Department to block the proposition if it is approved
- Letter: "Keeping drugs illegal reduces their availability and lessens willingness to use them"

Washington (CNN) -- California's proposal to legalize marijuana has provoked every former director of the U.S. Drug Enforcement Administration to join in urging the White House to block the proposition if it is approved on the November ballot.

Proposition 19 is billed as a measure to raise revenue and cut the costs of enforcement. An analysis by the California attorney general's office cites "additional revenues from taxes, assessments, and fees from marijuana-related activities allowed under this measure."

But former DEA Administrator Peter Bensinger disputed the premise, telling reporters Monday it will not increase revenue since "anybody that sells marijuana and then pays tax is going to declare themselves a violator of federal law" and subject to prosecution.

Bensinger and the eight other people who have led the DEA since its founding in 1973 wrote a letter to U.S. Attorney General Eric Holder, urging him to use the federal "supremacy clause" to pre-empt such lawmaking by state and local jurisdictions.

The Justice Department recently used such a pre-emption to persuade a court to strike down Arizona's immigration law. Bensinger acknowledged that his group had not heard a response from Justice Department officials to the letter dated August 24.

"All of us are very gravely concerned with Proposition 19," he said, "which if passed would legalize the distribution, sale and cultivation of marijuana in direct conflict with the Controlled Substances Act, federal law, and treaty obligations approved by the U.S. Congress."

Monday afternoon, the Justice Department released a statement saying, "The federal government is committed to enforcement of the Controlled Substances Act and the Department of Justice will continue to focus its enforcement resources on significant traffickers of illegal drugs, including marijuana, in all states. It is premature to speculate what steps we would take in the event that California passes its ballot measure."

In their letter to Holder, the former DEA officials cited the Obama administration's National Drug Control Strategy, which says in part, "Keeping drugs illegal reduces their availability and lessens willingness to use them."

Bensinger, who served in the Ford, Carter and Reagan administrations, said despite recent sentiment in at least 10 states to deregulate marijuana, society has gained from policies that crack down on illicit drug use.

When he took office in 1976, he said, "there were shops, paraphernalia shops all over the United States, selling bongos and all sorts of pipes. There was widespread drug abuse."

But he said with the passage of the Paraphernalia Act, and measures against the once-popular drug PCP, or "angel dust," there was a substantial decline in reported cases of illicit drug use.

As written for voters to decide in November, California's Proposition 19 would "legalize the possession and cultivation of limited amounts of marijuana for personal use by individuals age 21 or older, and authorize various commercial marijuana-related activities under certain conditions." The proposal acknowledges that the "activities would continue to be prohibited under federal law," but says "it is not known to what extent" federal enforcement would take place.

The analysis by the state attorney general noted a Justice Department announcement in March that the Obama administration would not prosecute the suppliers and users of marijuana for medicinal purposes, as approved by California voters in 1996.

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