

January 9, 2017

Chairman Chuck Grassley
Senate Judiciary Committee
United States Senate

Ranking Member Dianne Feinstein
Senate Judiciary Committee
United States Senate

Dear Chairman Grassley and Ranking Member Feinstein,

The Drug Policy Alliance urges you to reject the nomination of Jeff Sessions for Attorney General. His record suggests he will use his power as Attorney General to undermine state marijuana laws he disagrees with, including undermining the laws of 15 states represented by members of the Judiciary Committee. Sessions also strongly opposes criminal justice reform, and if confirmed as Attorney General would likely be a major obstacle to passing bipartisan sentencing reform and civil asset forfeiture reform.

29 states have enacted a medical marijuana law (including ten states represented by members of the Judiciary Committee).¹ An additional 16 states, including six states represented by members of the Judiciary Committee, have legalized CBD oils,² a non-psychoactive component of marijuana that has shown effectiveness in managing epileptic seizures that afflict children. Eight states have voted to legalize, tax, and regulate marijuana like alcohol, including California.³

Jeff Sessions has said “[good people don’t smoke marijuana](#)”, disparaging the tens of millions of Americans who have used marijuana, including the last three presidents. He has criticized the Justice Department’s guidance respecting state marijuana laws, and even opposes marijuana for medical use. If confirmed as Attorney General [Sessions could increase marijuana arrests and prosecutions](#), threaten state officials, and undermine the ability of local agencies to regulate marijuana.

¹ Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington.

² Alabama, Delaware, Florida, Georgia, Iowa, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin.

³ Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Washington.



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While Senator Sessions played a significant role in passing the 2010 Fair Sentencing Act (and we praised his role at the time) Sessions [usually opposes sentencing and criminal justice reform](#). He was the chief opponent of 2016 bipartisan efforts to reduce sentences for drug offenses. He has been critical of the Justice Department's guidelines around sentencing that were designed to limit harsh sentencing and reserve mandatory minimums for major offenders.

Sessions also opposes ["any" reform of civil asset forfeiture](#), a process that allows government agencies to seize money and property without having to charge anyone with a crime. The proceeds usually line the agency's budget. It is very likely that forfeiture reform would have passed Congress last year if it wasn't for behind-the-scenes opposition from the Obama Justice Department. The Obama Justice Department also tried to lobby state legislatures not to pass forfeiture reform (most notably California). Sessions would likely continue DOJ opposition to sensible reform.

Over the last decade a bipartisan consensus has emerged that drug use should be treated more as a health issue and less as a criminal justice issue. Unfortunately, Sessions still favors hardline drug law enforcement approaches over emphasizing treatment and rehabilitation. He will likely escalate the failed war on drugs, at the expense of sensible reforms.

In recent years, dozens of states have reformed their marijuana laws. Dozens of states have also enacted sentencing reforms, including California, Delaware, Illinois, Louisiana, Nebraska, North Carolina, South Carolina, Texas and Utah. In the last year alone, California, Florida, Montana and New Mexico reformed their asset forfeiture laws. Jeff Sessions is a threat to this progress.

The power of the Attorney General is vast, and largely unchecked. The Attorney General sets the Justice Department's priorities, influences the type of cases U.S. Attorneys bring and don't bring, controls the flow of grants and forfeiture revenue to local and state law enforcement agencies, and puts pressure on policymakers. Jeff Sessions could use this power to undermine state authority and oppose federal reforms. The Judiciary Committee should reject him.

Sincerely,

Bill Piper
Senior Director, National Affairs
Drug Policy Alliance