



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
BILL LOCKYER
ATTORNEY GENERAL

September 6, 2002

Via Facsimile (202) 308-6777 & (202) 307-4540 and First-Class U.S. Mail

The Honorable John Ashcroft
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Asa Hutchinson
Administrator
Drug Enforcement Administration
U.S. Department of Justice
700 Army Navy Drive
Arlington, VA 22202

Dear Attorney General Ashcroft and Mr. Hutchinson:

This week's federal Drug Enforcement Administration raid on the Santa Cruz collective known as the Wo/Men's Alliance for Medical Marijuana is a disheartening addition to a growing list of provocative and intrusive incidents of harassment by the DEA in California. The apparent decision by the DEA to put any kind of priority on such raids demonstrates a lack of good judgment and seriously threatens to wreck the historic productive partnership of the DEA and California's state and local law enforcement, undermining our efforts to fight dangerous drugs and the major narco-terrorist organizations that manufacture and distribute them.

A medicinal marijuana provider such as the Santa Cruz collective represents little danger to the public and is certainly not a concern which would warrant diverting scarce federal resources away from the fight against domestic methamphetamine production, heroin distribution or international terrorism, to cite just a few far more worthy priorities. Moreover, at a time when you and your Administration are publicly advocating open communication and information

The Honorable John Ashcroft
Asa Hutchinson, Administrator
September 6, 2002
Page 2

sharing among all levels of law enforcement, it appears that the raids against medicinal marijuana providers are too often being carried out with the disdain for and refusal to consult with local law enforcement.

I must also question the ethical basis for the DEA's policy when these raids are being executed without apparent regard for the likelihood of successful prosecution. Whether or not the U.S. Attorney decides to file in the Santa Cruz case, my department is aware of other recent DEA-initiated raids involving as few as six marijuana plants in which no charges were ever filed, and no convictions were obtained. Conversations with DEA representatives in California have made it clear that the DEA's strategic policy is to conduct these raids as punitive expeditions, whether or not a crime can be successfully prosecuted.

The decision to continue federal raids on medicinal marijuana providers when there is no evidence that the operation is actually engaged in illicit commercial distribution is wasteful, unwise and surprisingly insensitive when it comes to listening to Californians who have made clear their support for medicinal marijuana at the ballot box. While I am acutely aware that federal law conflicts with California's on this subject and needs to be reconciled, surely an Administration with a proper sense of balance, proportion and respect for states' rights could and should reconsider the DEA's policy and redirect its resources to concentrate fully on the priorities we share: the destruction of criminal narcotics organizations, the interruption of commerce in drugs far more dangerous than marijuana and choking the flow of drug money to terrorists.

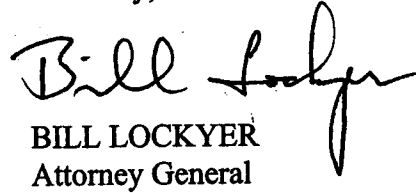
If the federal government wants to place more emphasis on reducing the quantity of marijuana available for illicit commerce and recreational use, I can suggest an alternative with which the DEA is already quite familiar: during the last three years, my department's statewide Campaign Against Marijuana Planting (CAMP) program has taken record amounts of illegal marijuana out of production in California. By targeting large-scale drug trafficking operations, we have removed billions of dollars of illegal marijuana that was headed for sale on our streets, not to sick patients. While we have enjoyed unprecedented success with CAMP, I am certain we could be even more effective if the DEA increased its financial commitment to CAMP, perhaps by the same amount it is now spending on raids which have the effect of targeting the state's seriously ill residents, rather than criminal organizations.

I respectfully request and urge that you meet with me and with other California state and local law enforcement leaders, including sheriffs, chiefs of police and district attorneys, as soon as possible, to review the approach to dealing with medicinal marijuana and to consider more realistic and reasonable alternatives in California.

The Honorable John Ashcroft
Asa Hutchinson, Administrator
September 6, 2002
Page 3

Thank you for your careful consideration of this matter.

Sincerely,


BILL LOCKYER
Attorney General