



U.S. DEPARTMENT OF JUSTICE

John F. Walsh

*United States Attorney
District of Colorado*

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March 20, 2012

Stanley Garnett, District Attorney
20th Judicial District
Boulder County Justice Center
1777 6th Street P.O. Box 471
Boulder, CO 80306

Dear Mr. Garnett:

I have received your letter of March 13, 2012 regarding this office's enforcement of federal law prohibiting the sale and distribution of marijuana. Although I welcome the opportunity for continued dialogue on this complex issue, I respectfully disagree with the position your letter outlines.

Federal law unambiguously prohibits all sale and distribution of marijuana. In light of "medical marijuana" laws passed in several states, however, the Department of Justice has given U.S. Attorneys around the country guidance as to the appropriate use of federal law enforcement resources with respect to prosecution of persons using marijuana for medical purposes on the advice of a physician, and their immediate caregivers. In the now well-known *Ogden* and *Cole* memos, the Department leaves enforcement discretion with U.S. Attorney's Offices around the country, counsels that prosecution of persons using marijuana for medical purposes and their immediate caregivers is not ordinarily the best use of federal law enforcement resources, and then reemphasizes that investigation and prosecution of marijuana trafficking remains a priority of the Department, particularly where federal interests require it.

One of those overriding interests – not just for the federal government, but for Colorado government and for local government – is the protection of children and young people from drugs and drug abuse, very much including marijuana abuse. In the second half of 2010 and in 2011, Colorado saw an explosion in the number of marijuana dispensaries, with dozens opening close to schools. This office has reviewed information from many sources, including our public schools, as well as hospitals and medical professionals, that shows an alarming and substantial spike in marijuana abuse by children and young people during that same period.

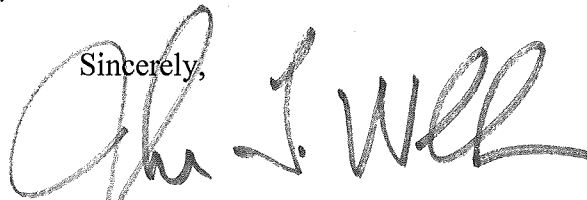
When this disturbing information came to the attention of this office, we concluded that our responsibility – as federal law enforcement officials, and also as Coloradans living in the very Colorado communities impacted by these alarming trends – required a response. As a result, as part of our overall enforcement efforts against marijuana trafficking, this office has undertaken a focused program to enforce federal laws against drug trafficking near our schools. Under that program, we are sending warning letters to every marijuana dispensary we identify that is operating within 1,000 feet of a school. (I should emphasize that this program is only one part of this office’s overall enforcement effort, and does not create by implication a safe harbor for marijuana dispensaries or marijuana cultivation in other locations.) Those letters give dispensaries operating within 1,000 feet of a school a 45-day warning period within which to cease operations or face enforcement action, including but not limited to civil asset forfeiture of the properties involved. As a result of the first set of over 20 letters sent in January, all the dispensaries warned closed voluntarily, and no federal forfeiture or other litigation proved necessary.

This office will continue this program until all marijuana dispensaries in Colorado operating within 1,000 feet of a school have been warned and have ceased operations. To be clear, this program is not at the direction of Washington, D.C., but at my direction as U.S. Attorney and as a Coloradan, exercising the discretion that the Department of Justice has left local U.S. Attorneys to take local circumstances into account in determining how best to address the enforcement of federal laws against marijuana trafficking.

I believe that enforcing federal law to protect our children and young people from drug abuse is not only a legitimate use of federal resources, but a core responsibility for me and this office – and I believe that is our duty as Coloradans as well. That view has only been confirmed by the outpouring of thanks and appreciation this office has received from Coloradans in affected communities for our program to close marijuana dispensaries near schools.

The District Attorney’s Office for the 20th Judicial District and the United States Attorney’s Office have a long history of cooperation on law enforcement matters, and I look forward to continuing that cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Walsh". The signature is fluid and cursive, with the first name "John" being particularly prominent.

JOHN F. WALSH
United States Attorney

JFW/je