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Opening Statement

Rep. Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

Subcommittee on Government Operations

Hearing on "Mixed Signals: The Administration's Policy on Marijuana"

February 4, 2014

Thank you, Mr. Chairman, for holding today's hearing. And thank you, Deputy Director Botticelli, for testifying before the Subcommittee.

This is a very difficult issue, and there is a wide range of views on whether to legalize marijuana. This is also a quickly changing issue, and the positions of conservatives and progressives alike are evolving as we learn from the experiences of states with legalization initiatives.

According to a Gallup poll taken in October, 58% of the American people favor the legalization of marijuana. Over the past eight years, 20 states and the District of Columbia have passed laws permitting the use of marijuana for medical conditions. And in 2012, Colorado and Washington chose to legalize, tax, and regulate limited amounts of marijuana for recreational use.

I believe the purpose of today's hearing is worthwhile: to review the position of federal agencies with respect to states that are legalizing marijuana both for medicinal purposes and recreational use.

The Office of National Drug Control Policy serves a critical role in balancing our nation's drug-control efforts by coordinating government-wide public health and safety initiatives that address drug use and its consequences in our communities.

In addition, the Department of Justice is charged with enforcing the federal Controlled Substances Act, and it issued guidance to prosecutors in August on marijuana enforcement.

Mr. Chairman, I am thankful that ONDCP is here today, but I believe this hearing would have been more informative with the Justice Department at the table. I know our offices worked together to try to find a mutually acceptable date, and your decision to move forward today with

ONDCP alone is your prerogative. I hope we can continue to work together in a bipartisan way to get the viewpoints of the other agencies involved.

Personally, I share your concerns about the negative health effects of marijuana, particularly on the youth in my district and across the country. Even when it is used for medicinal purposes, people should understand very clearly that smoking marijuana is dangerous to their lungs and heart, and it results in a wide range of negative health effects.

Apart from health concerns, however, I also have serious questions about the disparate impact of the federal government's enforcement policies on minorities. After reviewing the FBI Uniform Crime Reports and state databases, one article found: "Police arrest Blacks for marijuana possession at higher rates than Whites in every state and nearly every city and county, despite the two races using marijuana at equal rates."

My home state of Maryland has similar disparities in enforcement. In October, the American Civil Liberties Union issued a report finding that "police arrest Blacks for marijuana possession at higher rates than Whites in every county in Maryland," accounting for "58 percent of arrests for marijuana possession."

These disparities have a real impact on people's lives, their families, and their communities. An arrest for even the smallest amount of marijuana can disqualify a person for public housing, student financial aid, or even employment. These are the exact opportunities that so many low income individuals need to lift themselves out of poverty.

I think the President was exactly right when he said last week:

Middle-class kids don't get locked up for smoking pot, and poor kids do. And African-American kids and Latino kids are more likely to be poor and less likely to have the resources and the support to avoid unduly harsh penalties.

For these reasons, Maryland has chosen to decrease criminal penalties to 90 days for possession of marijuana in small amounts. It also required courts to consider a defendant's use of medical marijuana as an affirmative defense, and it permitted research on medical marijuana.

Mr. Chairman, I previously served as the Ranking Member of the Subcommittee on Criminal Justice and Drug Policy, so I understand that there are various components to this debate. As we work our way through them, I pledge to continue offering any assistance I can to evaluate this issue in a careful and bipartisan manner.

Thank you again for organizing this hearing.