

LOIS CAPPS  
23RD DISTRICT, CALIFORNIA

1110 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0522  
(202) 225-3601

COMMITTEE ON  
ENERGY AND COMMERCE

COMMITTEE ON  
NATURAL RESOURCES



## Congress of the United States House of Representatives

February 13, 2009

The Honorable Eric Holder  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Dear Attorney General Holder:

Congratulations on your confirmation as our nation's Attorney General. I look forward to working with you to reestablish the Justice Department as our country's preeminent guarantor of civil rights and effective law enforcement.

It has been brought to my attention that on January 7, 2009, in the waning days of the Bush Administration, the U.S. Attorney for the Central District of California sent letters to owners of property where medical cannabis dispensing collectives in Santa Barbara operate. These letters threatened the owners with forfeiture proceedings against their property if no action is taken to evict the dispensing collectives within 45-days from the date of the letter.

On behalf of my constituents, I am writing to request the Department of Justice, Office of the United States Attorney, immediately suspend any and all enforcement actions against said property owners in California who lease space to medical cannabis dispensing collectives in accordance with state laws. Such a suspension would allow for a much needed and comprehensive review of Justice Department policy in this area.

I am deeply concerned that these letters violate the spirit of a recent statement from White House spokesperson Nick Shapiro reaffirming President Obama's repeated pledge that federal resources should not be used to circumvent state medical marijuana laws [see "*Bush holdovers at DEA continue pot raids*", *The Washington Times*, A1, February 5, 2009].

Since the U.S. Supreme Court's decision in *Gonzales v. Raich* – which did not invalidate state medical cannabis laws – local jurisdictions in California have been working to implement state laws to curb abuse and carefully regulate and control the distribution of medical cannabis to authorized individuals in their communities. The City of Santa Barbara, located in my Congressional District, has established a Medical Marijuana Dispensary Ordinance, which became effective on April 24, 2008. Many of the collectives targeted for eviction in my district by operate in accordance with local regulations, state law and the California Attorney General's guidelines.

DISTRICT OFFICES:

- 1411 MARSH STREET, SUITE 205  
SAN LUIS OBISPO, CA 93401  
(805) 546-8348
- 101 WEST ANAPAMU STREET, SUITE C  
SANTA BARBARA, CA 93101  
(805) 730-1710
- 2675 NORTH VENTURA ROAD, SUITE 105  
PORT HUENEME, CA 93041  
(805) 985-6807

Given the time-sensitivity of this matter, I am urging the Department of Justice, Office of the United States Attorney, to act swiftly to suspend the enforcement threats against the property owners in California who are in compliance with local and state law. Thank you for consideration of this important issue. I look forward to your response.

Sincerely,



**LOIS CAPPS**

**Member of Congress**

cc: ***P. Greg Parham***, Special Assistant United States Attorney, Asset Forfeiture Section,  
Central District of California  
***Michele Leonhart***, Deputy Administrator, Drug Enforcement Administration  
***Rahm Emanuel***, White House Chief of Staff, Executive Office of the President