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*Education and promoting effective laws to reduce Driving Under the Influence of Drugs (DUID) – A scientifically - based perspective from DUID Victims.*

February 16, 2018

Senator Cory Gardner  
Suite SR-354  
Senate Russell Office Building  
Washington, DC 20510

Dear Senator Gardner;

Thank you for your letter of February 16, defending your support of the marijuana industry.

AG Sessions' rescission of the Cole memorandum was not an infringement of states' rights because states have no rights to override Federal laws enumerated in the Constitution. Although drug policy is not specifically enumerated in the Constitution, the Supreme Court ruled in *Gonzales vs Raich* 545 U.S. 1(2005) that under the Commerce Clause of the Constitution, Congress may criminalize what Colorado has chosen to legalize. That is why I disagree with your belief that the federal government should respect the decision of Colorado voters.

That is also why I insist that you were wrong in demanding assurances from AG Sessions that he would not enforce the law, AG Sessions was wrong in agreeing that he would not enforce the law, and you are wrong to insist that he comply with a faulty promise.

I recall President Trump saying he believed that marijuana legalization should be left up to the states. Politicians say things like that to get elected. But neither his belief nor yours supplant either laws passed by Congress or rulings of the Supreme Court. That's not just my opinion, it's Constitutional law.

Contrary to your statement that Colorado is "deep in the heart of the laboratory" and Governor Hickenlooper's claim that Colorado is engaged in a "grand experiment," Colorado is not "experimenting" with marijuana legalization. I learned in eighth grade general science class that any valid scientific experiment requires that input variables be controlled and outcomes be measured and properly reported. Colorado does neither:

- The Department of Revenue reported that less than half of the marijuana consumed in 2014 was coming from licensed drug dealers, the balance

coming from the gray market or the black market<sup>1</sup>. That does not constitute control of input variables.

- No one can say with a straight face that Colorado is measuring the outcomes of its decision to legalize marijuana:
  - Colorado does not record and report instances of Driving Under the Influence caused by marijuana. This is a primary outcome of any marijuana legalization experiment. Colorado's HB17-1315 is a first step to correct some of this data dearth, and when its first report issues later this year, it will begin coverage with calendar year 2016, so there can be no before and after comparisons.
  - There are no measurements of marijuana addictions of either adults or youth. Some marijuana addicts are being treated at the University of Colorado, some use private treatment groups, and some addicts go out of state for treatment.
  - There are few measurements of medical interventions due to marijuana. Those that are recorded, such as marijuana-caused poison center visits and marijuana-caused emergency room admissions were incorrectly reported by the Governor and Colorado's Attorney General in their letter to AG Sessions last August. Their incorrect reports supported the marijuana industry.

You claim that you will keep my thoughts in mind. That's not what I'm asking for. I'm asking for you to reverse your position in support of an illegal and harmful marijuana industry. Follow the law and the Constitution. Protect the safety of our citizens. Use common sense. You were elected to serve Colorado voters, not the marijuana lobby.

Sincerely,



Ed Wood  
President, DUID Victim Voices

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<sup>1</sup> Per MED 2014 report, adult usage is 121 metric tons, underage usage 32 metric tons, visitor usage 8.9 metric tons, "legal" sales 77 metric tons. Assuming all visitor purchases come from "legal" drug dealers, that's  $68/(121+32)=44\%$  from "legal" drug dealers. If visitors use both "legal" and black/gray market sources, then it's  $77/(121+32+9)=48\%$  from "legal" drug dealers.