

**HOLD: For Release on October 15, 2010 at Press Conference**

**PRESS STATEMENT OF FORMER DEA ADMINISTRATORS ROBERT C. BONNER  
AND PETER BENSINGER**

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**FORMER DEA HEADS MAKE PUBLIC LETTER OF U.S. ATTORNEY GENERAL  
REGARDING THE U.S. JUSTICE DEPARTMENT'S POSITION ON PROP 19**

Robert C. Bonner and Peter Bensinger, former heads of the U.S. Drug Enforcement Administration (DEA), are making public today a letter of U.S. Attorney General Eric Holder responding to the concerns expressed by all nine former Administrators of the DEA to the Attorney General regarding Proposition 19, the proposed initiative on the ballot in California in November. A copy of Attorney General Holder's letter, dated October 13, 2010, to the nine former heads of the DEA is attached. Also attached is the letter from all the former heads of DEA to Attorney General Holder, dated August 24, 2010.

Robert C. Bonner stated:

"Attorney General Holder's letter to the former heads of the DEA is strong and could not be clearer. The U.S. Department of Justice opposes Proposition 19, and if it passes, the Department of Justice will 'vigorously enforce' in California the federal law which makes it a crime to cultivate, distribute and sell marijuana. Attorney General Holder's letter is proof that the United States Constitution and federal law still counts".

Peter Bensinger stated:

"Attorney General Holder is to be congratulated on making the Justice Department's position clear and for removing any doubt as to what the Department of Justice's position would be if Proposition 19 passed. This is important to protect the families, children, communities and businesses not only in California, but in other states and foreign countries who may be wondering where the US Government stands. The Attorney General's message is clear: 'the Department of Justice is firmly committed to enforcing the [federal] Controlled Substances Act . . . and prosecuting those who manufacture, distribute , or possess any illegal drugs-including marijuana... ' This is truly a significant moment in stopping marijuana, which is illegal, from becoming an acceptable drug in America."

Bonner added: "There has been a great deal of confusion regarding what would happen if Proposition 19 passed. *First*, there is the belief by some that Prop 19 only

legalizes personal use or possession for personal use of marijuana. It does a lot more than that. Prop 19 would legalize under California law the commercial production, distribution and sale of marijuana. Mere possession of marijuana for personal use was decriminalized in California more than 30 years ago. It has not been a crime to possess marijuana for personal use in California since 1972. It is only a citable infraction, much like a traffic ticket. We don't need Prop 19 to decriminalize marijuana possession for personal use; that's already been done.

"*Second*, there is the myth that if Prop 19 passes the federal government will not enforce federal laws that prohibit the cultivation, distribution and sale of marijuana. But Attorney General Holder's letter makes plain that this is not the case. The federal laws making it unlawful to cultivate, distribute and sell marijuana will be "vigorously enforced". The fact is that Prop 19, if it were to pass, would be in conflict with federal law, and under the Supremacy Clause of the U.S. Constitution (that says that federal laws prevail over and trump conflicting state laws), Prop 19 would be null and void.

"The *third* myth is that Prop 19 will raise taxes for the State of California and/or for cash-strapped municipalities of our state. Nothing could be further from the truth. Since federal law makes it a serious crime to sell and distribute marijuana, I am confident that nobody is going to be reporting and paying taxes to California cities or the State. They would be admitting to committing a federal felony if they did."

Peter Bensinger added: "The message of Attorney General Holder makes it clear, California communities will be able to avoid the incredible damage to health and safety that would result from this initiative, there will not be any tax benefit to the state, there will not be drug dealers operating openly on our streets and protected growing areas. This will prevent an invasion of out of state buyers of marijuana, and drug cartels are on notice that selling marijuana is not above the law. We will not have states going off on their own to try to subvert action taken by the United States Congress."

*Mr. Bonner was the head of the Drug Enforcement Administration from 1990 through 1993. He also was the United States Attorney (1984-88) and a U.S. District Judge for the Central District of California, as well as Commissioner of U.S. Customs and Border Protection (2001-05). Mr. Bensinger headed the Drug Enforcement Administration from 1976 until 1981. Mr. Bonner and Mr. Bensinger both served under Republican and Democratic presidents; Bonner under Presidents Bush #1 and Clinton, and Bensinger under Presidents Ford and Carter.*

Attachments:

U.S. Attorney General Eric Holder's letter dated October 13, 2010 to all former Administrators of the DEA

Letter of all former Administrators of the DEA to Attorney General Holder dated August 24, 2010