

## **Protect and Defend the Voters of California Decisions to Allow for the Medical and Adult-use of Marijuana by Nullification through Non-cooperation**

**Whereas,** in 1996 the voters of California passed Prop. 215 allowing for the use of marijuana when recommended by a physician and in 2016 passed Prop. 64 legalizing the use of marijuana by all-adults 21 and over and have set-up state and local government regulated distribution systems for marijuana, and

**Whereas,** California's legalization of marijuana conflicts with the federally enacted Controlled Substances Act which lists marijuana as a schedule one drug which is defined as "drugs with no currently accepted medical use and a high potential for abuse" and which enacts severe penalties for violations including life in prison without parole, and in *Prigg v. Pennsylvania* (1842), *New York v. United States* (1992) and in *Printz v. United States* (1997), the U.S. Supreme Court ruled that states cannot be compelled to enforce federal law and, as written by Justice Sandra Day O'Connor, Congress may not simply "commandeer the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program" and that in *Independent Business v. Sebelius* (2012), the Court held that the federal government cannot compel states to enforce federal law by threatening to withhold funding for programs already in place and that allowing Congress to essentially punish states that refused to go along violates constitutional separation of powers,

**Therefore be it resolved,** by the Riverside County Democratic Central Committee that the California legislature immediately pass a law that will "*prohibit a state or local agency from taking certain actions without a court order signed by a judge, including using agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial marijuana or medical cannabis activity that is authorized by law in the State of California and transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement*" and that a copy of this resolution be sent to all Riverside County Democratic state assembly and senate members, and

**Be it further resolved,** by the Riverside County Democratic Central Committee that state Attorney General Xavier Becerra take all pre-emptive and legal measures to achieve nullification of federal marijuana prohibition laws through noncooperation and to create impediments to enforcing and implementing federal laws prohibiting the use and distribution of marijuana as permitted under California state law and that a copy of this resolution be sent to him.

**Author: Lanny Swerdlow, RN LNC AD:42**

**Passed by RCDCC 04/10/17**

