

**PORTLAND MAIN OFFICE**  
1000 SW Third Avenue, Suite 600  
Portland, Oregon 97204  
(503) 727-1000  
[www.usdoj.gov/usao/or](http://www.usdoj.gov/usao/or)



**EUGENE BRANCH**  
405 E 8th Avenue, Suite 2400  
Eugene, Oregon 97401  
(541) 465-6771

Billy J. Williams  
United States Attorney  
Bill.Williams@usdoj.gov  
(503) 727-1000  
*Reply to Portland Office*

**U.S. DEPARTMENT OF JUSTICE**  
United States Attorney's Office  
District of Oregon  
Billy J. Williams, United States Attorney

**MEDFORD BRANCH**  
310 West Sixth Street  
Medford, Oregon 97501  
(541) 776-3564

May 18, 2018

**FROM: THE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON**

**SUBJECT: PRIORITIES IN ENFORCEMENT OF FEDERAL LAWS INVOLVING MARIJUANA IN THE DISTRICT OF OREGON**

On January 4, 2018, Attorney General Jefferson Sessions, III, rescinded previous Justice Department guidance related to enforcement of federal marijuana laws. U.S. Attorneys around the country were instructed to determine marijuana enforcement policy in light of the specific circumstances in their individual districts. Because Oregon, under state law, previously legalized marijuana, this change raised questions regarding how our District intended to exercise its discretion in marijuana enforcement under the federal Controlled Substances Act. That act prohibits the cultivation, possession, and distribution of marijuana.

In response, and to provide an opportunity to hear and learn from the diverse range of Oregonian viewpoints, I convened a Marijuana Summit on February 2, 2018. The summit was attended by more than 130 people from nearly 70 organizations and represented a wide cross-section of interests and perspectives bearing on federal marijuana enforcement in our state. Among those in attendance were the Governor of Oregon, representatives from 14 U.S. Attorney's Offices, and Oregon congressional delegation staff. The Summit featured presentations by State officials, including the Governor's Marijuana Policy Advisor and Criminal Justice Commission, as well as representatives of the Association of Oregon Counties, Oregon-Idaho High-Intensity Drug Trafficking Area (HIDTA), Federal Bureau of Investigation, Drug Enforcement Administration, Oregon Cannabis Association, affected landowners, banking industry, medical community, and leadership from tribal nations.

Although the views expressed at the Summit were often divergent, the group found consensus in three principal areas. First, there is urgent need for more comprehensive and accurate data on the scope and effect of marijuana production and distribution in Oregon. Second, too few resources are devoted to enforcement and oversight of the State's marijuana regulatory regime. Third, there can be no doubt that there is significant overproduction of marijuana in Oregon. As a result, a thriving black market is exporting marijuana across the country, including to states that have not legalized marijuana under their state laws.

# PRIORITIES IN ENFORCEMENT OF FEDERAL LAWS INVOLVING MARIJUANA IN THE DISTRICT OF OREGON

Page 2

May 18, 2018

---

## Overarching Principles

As the primary federal law enforcement official in Oregon, I will not make broad proclamations of blanket immunity from prosecution to those who violate federal law. When I became the U.S. Attorney for this District, I swore to uphold the rule of law in this state, and I take that responsibility extremely seriously; indeed, all of my actions in this job derive from that solemn pledge. The U.S. Constitution is the source for the rule of law in our nation, and two of its bedrock principles direct my deliberations on this subject. The first is that federal law is the supreme law of the land. Second, Congress determines the content of that federal law. The fact that a State may pass a law that conflicts with, or reflects a different policy from federal law cannot nullify these principles or shield an activity from federal prosecution regardless of whether the substance of the law addresses marijuana, environmental protection, or any other subject.

At the same time, our office's resources are finite. By necessity, we must use appropriate discretion before prosecuting any federal case. This has several implications for purposes of the present guidance. It means, for example, that we will strategically consider and use available civil law enforcement mechanisms in conjunction with or as an alternative to criminal prosecution in appropriate cases. Such options include asset forfeiture, civil litigation, and administrative enforcement. Next, we will continue to efficiently leverage federal resources by closely coordinating with our partners in state, tribal, and local governments around the state. As an example, our office is currently participating with the Oregon State Police's Northwest and Southwest Regional Marijuana Teams and we regularly confer with local law enforcement agencies around the state to address and support their marijuana enforcement concerns. Lastly, it means we will focus our enforcement efforts on federal violations implicating one or more of the priority elements of this guidance.

Finally, consistent with the Attorney General's direction, we will apply this guidance in a manner consistent with well-established principles the Justice Department and our office has employed for many years. As noted in the Attorney General's memorandum, these principles include "federal law enforcement priorities set by the Attorney General, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community." Such principles ensure that enforcement of federal law is fair, equally administered, and not influenced by any personal biases or feelings that any of our Assistant U.S. Attorneys or I may have about particular laws, including those involving marijuana.

# PRIORITIES IN ENFORCEMENT OF FEDERAL LAWS INVOLVING MARIJUANA IN THE DISTRICT OF OREGON

Page 3

May 18, 2018

---

## Five Federal Enforcement Priorities

### **The Importance of Effective Partnerships**

As a preliminary matter, I am fully committed to continuing the long tradition in Oregon of carrying out law enforcement in close coordination with our partners at the State, Tribal, and local levels, including all Oregon Sheriffs and municipal police departments. I am committed to working in coordination with Oregon officials to address the issues the state marijuana law has engendered. I am encouraged that the Oregon Legislature recently enacted SB1544. That legislation establishes an Illegal Marijuana Market Enforcement Grant Program to help local governments and their law enforcement agencies combat unlawful marijuana cultivation with \$9 million in state funding over the next six years. We will also continue to leverage federal resources in conjunction with those of our state, tribal, and local law enforcement partners to achieve the most efficient results possible using the latest and best data. At the same time, however, and especially to the extent major enforcement or state regulatory oversight gaps persist, we will not hesitate to act as the law and facts warrant. In so doing, we will focus our resources primarily on situations involving one or more of the following priorities

#### **Priority 1: Overproduction and Interstate Trafficking**

We will prioritize enforcement of federal marijuana violations that have national or interstate implications, particularly when the Oregon-based criminal activity adversely affects states that have not legalized marijuana. This will be a top priority until overproduction that feeds exportation of marijuana across Oregon's borders stops. Notably, since broader legalization took effect in 2015, large quantities of marijuana from Oregon have been seized in 30 states, most of which continue to prohibit marijuana.

#### **Priority 2: Protecting Oregon's Children**

We will prioritize enforcement of federal marijuana violations that threaten public health, with particular emphasis on the access to marijuana by minors. This priority is consistent with state law, which strictly limits marijuana use to those 21 years of age and older. More can and must be done to ensure that both state and federal law are upheld in this regard, and I look forward to working with the Governor and our state law enforcement partners to ensure this occurs. The need to gather more data is particularly acute on this front, as numerous educational and social-services officials report significant increases in use by young people in their communities. We can, and must, do better by our youth.

## PRIORITIES IN ENFORCEMENT OF FEDERAL LAWS INVOLVING MARIJUANA IN THE DISTRICT OF OREGON

Page 4

May 18, 2018

---

### **Priority 3: Violence, Firearms, or other Public Safety Threats**

We will prioritize enforcement of federal marijuana violations that involve or pose a substantial risk of violence or other threats to public safety in our communities, especially those involving firearms. During the Summit, I heard landowners describe feeling intimidated by marijuana producers, some of whom were armed. Federal marijuana violations associated with violence are of particular concern given that the protection of public safety is our paramount objective. Another public safety concern is the illegal manufacture of butane hash oil resulting in dangerous explosions and fires. Federal prosecutors throughout the district will continue to bring appropriate cases under federal law that fall within these public safety concerns.

### **Priority 4: Organized Crime**

We will prioritize enforcement of federal marijuana violations that serve to fuel other criminal activity, especially through racketeering and the involvement of organized crime. Regardless of the underlying criminal offense involved, groups acting in concert to violate the law on an ongoing basis pose a particularly grave threat to the communities in which they operate. This includes not only violent crimes, but also non-violent criminal activity, such as federal income tax evasion or systematic money laundering to evade detection of illegal proceeds.

### **Priority 5: Protecting Federal Lands, Natural Resources, & Oregon's Environment**

We will prioritize enforcement of federal marijuana violations that have serious adverse effects on federal land or natural resources, including water, air, and listed species. The United States has a fundamental interest in protecting its property and natural resources. This priority also reflects the appreciation Oregonians share for our public lands, and our longstanding dedication to its appropriate conservation for current and future generations. Examples falling within this priority include cultivating marijuana on federally managed lands, using unlawful pesticides that pose a threat to human health, wildlife, and our environment, or using large amounts of water for grow operations without proper authorization. Oregon's livability transcends the interests of any one industry.