

Good afternoon. I want to thank the Chair for the honor of the invitation to participate in this panel, my esteemed colleagues for their valuable contributions, and the audience for its attendance and attention. Thank you.

Two weeks ago, the citizens of the states of Oregon and Alaska followed Washington and Colorado in passing laws licensing and regulating the commercial production and distribution of cannabis. The citizens of our nation's capital, Washington, D.C., legalized production and possession for personal use. Twenty-two states plus Washington, D.C. allow voters to pass laws via direct democracy at the ballot box. California, which most certainly will take up the question of cannabis legalization and regulation in 2016, is among them.

California is the most populous state in our nation, with a population of more than 38 million, or 1 out of every 8 Americans. Its neighbors to the north, Oregon, Washington, and Alaska, all have legalized and regulated cannabis. Its neighbor to the south is Mexico, from which millions of tons of cannabis have flowed and crossed California lands to meet demand in the east. By June of 2016, California's cannabis initiative will have been certified to the ballot, and the debate regarding the impact of that state becoming a legal, domestic supplier of cannabis, while the citizens of Mexico continue to suffer from the failures of outdated drug policies, will be in full swing.

We had a preview of that debate in 2010, when California Proposition 19 was on the ballot. However, much has changed since then. In 2010, U.S. Attorney General Eric Holder rattled the sabre of federal law enforcement just before the vote. Proposition 19 failed, but only by four points. Meanwhile, support for cannabis legalization continued to increase nationwide. When the citizens of Washington State and Colorado voted in 2012, the Department of Justice stayed silent, as it did again two weeks ago when the people of Oregon, Alaska, and Washington, D.C. cast their ballots. The world will be paying attention to the cannabis discussion happening within the United Nations General Assembly Special Session on the World Drug Problem, which perhaps ought to be considered a Special Session on the World's Drug *Policy* Problems.

That problem was recently described by United States Assistant Secretary of State William Brownfield at a media briefing following his October 9 remarks before the Third Committee of the United Nations' Economic and Social Council. In his words, "The conventions were written more than 50 years ago. We are allowed to interpret them so long as our interpretation is still consistent with our universal desire to reduce the *misuse* and *abuse* of harmful products throughout the world." I think it is important to note his choice of the words "misuse" and "abuse" as opposed to the broader term "use."

Only nine percent of adult cannabis users will develop dependence, and the symptoms and withdrawal syndrome associated with cannabis

dependence are relatively mild. The damage caused by the violent criminal organizations that profit from cannabis's prohibited status, on the other hand, is extreme.

Combatting that violence is one of the four pillars Mr. Brownfield argues ought to guide the international community's consideration of drug policy on the road to the UNGASS 2016: first, respect the conventions; second, allow flexible interpretation in light of world developments since their adoption; third, tolerate individual member states' experimentation with new approaches; and fourth, remain committed to combatting the criminal organizations that deploy violence to defend their market shares.

We lawyers may quibble with the legal interpretation of the conventions offered by the United States through Mr. Brown, but it would be a serious mistake and missed opportunity to ignore the broader political implications. The federalist structure of our nation, combined with the power of the ballot initiative and the traditional role of the states, as opposed to the national government, as the primary enforcers of our drug laws, means that reform is happening from the ground up.

The people of the United States will move much faster than their Congress. I submit to you that President Obama's Administration recognizes this fact and is creating political space for the people, via their individual states, to express their will in a way that Congress

ultimately will be forced to acknowledge and address. At the same time, the Administration is creating space, via the State Department, for other signatories to the conventions to move in new directions they determine to offer greater promise of promoting public health and citizen security than the current prohibitionist model.

In short, the door to reform is open. The question is whether other nations will step through, or whether the UNGASS 2016 will be a missed opportunity to explore the boundaries of political flexibility that could allow individual member states to ameliorate the current suffering of their citizens being caused by outdated policies. Such work would be an important achievement and milestone toward broader, genuine consensus about the desire and need to reform the conventions.

Thank you.