
From: Gross, Charles R. (SMO)
Sent: Thursday, November 18, 2010 1:32 PM
To: Joseph E. Sandler
Subject: RE: Policy re Industrial Hemp

Mr. Sandler:

I was asked to respond to your e-mail to Lisa Ellman about a meeting with OLP concerning the commercial cultivation of industrial hemp. These issues are more directly in my portfolio than Lisa's. I appreciate your clients' persistence in seeking a meeting (a request that has been conveyed to us more than once), and I regret that our response has been somewhat delayed. We have given a good deal of thought to the request, and have concluded that a meeting of the sort you have suggested is not likely to be productive. I'm sure this is disappointing, but we do not want to either raise your clients' hopes or waste their time. I hope you understand.

Sincerely,

Charles R. Gross
Senior Counsel
U.S. Dept. of Justice, OLP
950 Pennsylvania Avenue, NW, Room 4245
Washington, DC 20530

From: Joseph E. Sandler
Sent: Wednesday, November 17, 2010 4:28 PM
To: Ellman, Lisa (SMO)
Subject: Policy re Industrial Hemp

Lisa--

Hope you are doing well. I raised this with Spencer just before he left but did not hear back. For a number of years I have represented two organizations that have advocated for legalizing the farming of industrial hemp in the U.S. (VoteHemp & Hemp Indus. Assoc.) In a nutshell, the industrial hemp plant is NOT marijuana; it is the NON-drug version of the marijuana plant and is actually useless as a drug. Hemp stalk, fiber, seed and oil are legal under federal law and are used for a wide variety of commercial purposes; but because the plant itself is unlawful under the Controlled Substances Act, these plant is grown in Canada and other foreign countries and the parts are imported into the U.S. –to the great frustration of US farmers.

A few years ago the State of North Dakota passed a state law for the licensing and regulation of farming of industrial hemp in the state, and some licenses have been issued. But of course no farmer will use a state license for fear of prosecution by DEA. Last November the state's senior officials—Governor

(now Senator-elect) John Hoeven (R-ND) , Attorney General Wayne Stenehjem (R-ND), Speaker of the state House David Monson (R) and the Agriculture Commissioner – contacted Asst AG Breuer’s office about the possibility of a policy stance like that the Administration has adopted for medical marijuana—i.e., that as a matter of prosecutorial discretion DOJ would not prosecute farmers licensed under state law. Breuer’s office told them to contact Spencer, which they did, seeking a meeting with Spencer to discuss that issue. A copy of that letter is attached for ready reference. Also attached is a brief fact sheet laying out the background for this suggestion.

OLP then wrote the Ag Commissioner back in January of this year saying simply that you had referred the matter to DEA, which is puzzling since this is clearly a DOJ policy matter that the Assistant AG had clearly indicated has been delegated to OLP for review.

Is it possible that someone in OLP itself would be willing to meet for a few minutes with the North Dakota officials and VoteHemp representatives to hear them out on this issue? If so if you could let me know who it would be appropriate for them to contact, in your office, it would be appreciated.

Thanks very much,

Joe

Joseph E Sandler
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STATE OF NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
600 E BOULEVARD AVE, DEPT 602
BISMARCK, ND 58505-0020

DOUG GOEHRING
COMMISSIONER

November 16, 2009

Spencer Overton
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530-0001

Dear Deputy Attorney General Overton:

As elected officials of the state of North Dakota we respectfully request your time and attention to the matter of industrial hemp production in our state. We would like to meet with you concerning the department's policy with respect to cultivation of this crop.

Since 1997 the North Dakota Legislature has passed legislation in support of the commercial production of industrial hemp. In 2007 the North Dakota Department of Agriculture issued the nation's first industrial hemp licenses under state authority. The state's two licensed farmers are unwilling to proceed with growing industrial hemp since they could be prosecuted by your agency under the Controlled Substances Act. In North Dakota we license the cultivation of industrial hemp to prevent anything other than lawful hemp fiber, stalk, oil, and non-viable seed from leaving a farmer's property, ensuring that no unlawful use or diversion can take place.

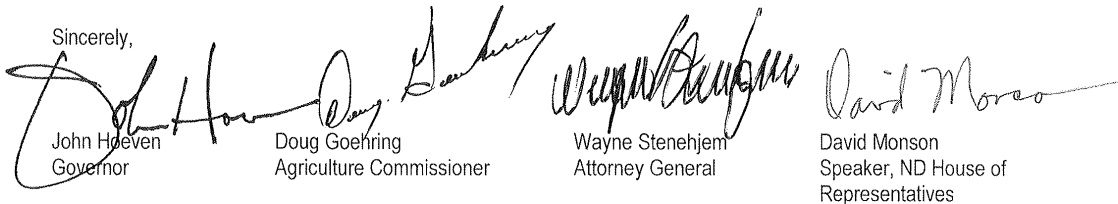
A study conducted by North Dakota State University indicates that industrial hemp has potential as an alternate rotation crop. North Dakota is also moving forward with an industrial hemp research program under agreement with the Drug Enforcement Administration. Based on our confidence in the state licensing program and the fact that industrial hemp production presents no potential for diversion to illegitimate purposes, we believe that North Dakota farmers should have the opportunity to enter the industrial hemp market.

Industrial hemp is not marijuana and does not need to be regulated under the Controlled Substance Act. While the administration has recently softened its enforcement stance regarding the unlawful use of marijuana for medical purposes, North Dakota's licensed hemp growers are barred from supplying our domestic market with a product their licensed Canadian counterparts have unfettered access to.

We ask for your help in clarifying the definition which would allow producers in our state to grow industrial hemp as a cash crop.

We would appreciate the opportunity to meet with you to discuss this matter at the earliest possible time. If you have any questions, please contact Judy Carlson at 701-328-4997.

Sincerely,



John Hoeven
Governor

Doug Goehring
Agriculture Commissioner

Wayne Stenehjem
Attorney General

David Monson
Speaker, ND House of
Representatives