

Assas

Session: Septembre 2019

Année d'étude : Deuxième année de licence droit

Discipline : *Anglais 1er semestre*
(Unité d'Enseignements Complémentaires 1)

Titulaires du cours : **Mme Géraldine GADBIN-GEORGE**

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Durée : 1h30

Documents autorisés : AUCUN

I. Complete the following sentences, adding between 10 and 25 words. Use only one sentence (20 points).

1. Unlike open primaries...
2. Unless a candidate...
3. Because the Articles of Confederation...
4. According to the 10th Amendment...
5. The Supreme Court has jurisdiction...

II. Choose ONE of the following topics and write an essay in approximately 250 words (+/- 10%) (50 points).

1. Is the American President elected democratically?
2. What do you think of the fact that the federal executive and legislative have the power to nominate the members of the federal judiciary?

III. Read the following document and answer each of the questions below (approximately 10 lines/100 words for EACH question). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT (30 points in total; 10 points per question).

Jeff Sessions' latest memo pushes prosecutors to seek the death penalty against big drug dealers. That could include legal marijuana business owners.

Little-known federal law makes it possible to execute people who grow more than 60,000 marijuana plants

By John Ingold | *The Denver Post*, March 22, 2018

To the litany of challenges facing Colorado's state-licensed marijuana business owners, add another one: The federal government could — but probably won't — try to execute them.

This week, U.S. Attorney General Jeff Sessions sent a memo to the nation's federal prosecutors urging them to seek the death penalty in cases involving large-scale drug traffickers. The memo points to an existing but little-known federal law that already allows for such a punishment.

Sessions' memo talks largely about opioids, but federal law contains no such drug-specific limitation on prosecutors' power. Trace the law's meandering route through federal statutes and you'll come to this conclusion: Anyone convicted of cultivating more than 60,000 marijuana plants or possessing more than 60,000 kilograms of a substance that contains marijuana could face death as a punishment.

So, did Sessions just greenlight using the death penalty against the nation's largest marijuana business owners?

"I think it's still very theoretical," said Sam Kamin, a University of Denver law professor who specializes in marijuana law and in the death penalty. "I don't think anyone thinks the federal government is going to seek the death penalty against a state-licensed business. But what it highlights is this enormous disconnect with federal and state law."

Aaron Smith, the executive director of the National Cannabis Industry Association, similarly dismissed the possibility of executions for marijuana business moguls, even if it is technically possible under the law.

The Washington Post's Christopher Ingraham was among the first to notice the latest Sessions memo's potential impact on licensed marijuana businesses, which, while legal under their states' laws, are criminal drug traffickers under federal law.

But Smith and Kamin said they and others familiar with the fine intricacies of marijuana law have known about the death penalty provision for a while. They questioned whether it would hold up¹ under a Supreme Court challenge.

The key to the law is the quantity of plants an operation cultivates — 60,000, double what is needed for federal prosecutors to seek a lifetime prison sentence. Colorado's biggest marijuana businesses are secretive when it comes to how many plants they are growing at one time; state regulators won't release that data for individual businesses.

But asked how many businesses have more than 60,000 plants in their warehouses and greenhouses, Smith said, "There are many."

In June, the last month for which this data is available, there were nearly 1 million marijuana plants under cultivation by Colorado's state-licensed cannabis businesses. In California, one of the biggest dispensaries is building out a farm it expects will grow 100,000 plants at a time. And Smith said laws in states that have more recently adopted legal marijuana but limit the number of sales licenses available have probably increased the number of super-sized pot grows in the country.

So, while marijuana business owners think their imminent capital prosecutions are unlikely, they're not exactly joking about it either.

Kristi Kelly, the executive director of the Colorado-based Marijuana Industry Group, said her organization has been closely watching Sessions and his policy shifts. Although Sessions has pulled back more explicit protection for cannabis businesses that are operating in compliance with their states' laws, a lot of discretion is still left up to local U.S. attorneys to decide whether they want to file charges against a marijuana company.

Absent obvious violations of state law, federal prosecutors in Colorado have been fairly hands-off with the industry. And Colorado U.S. Attorney Bob Troyer said in January that nothing had changed in his office's marijuana enforcement priorities since President Donald Trump took office.

¹ To hold up = to survive

For Kelly, that means businesses should continue to follow state law in good faith and not freak out — unless they receive more information suggesting that they should. (...)

Questions

1. What provision of federal law does Sessions's memo focus on? Who would it apply to?
2. Is there cause for concern for marijuana businesses?
3. Discuss the underlined sentence.