

Congress of the United States
House of Representatives
Washington, DC 20515-990

Dear Director Peredo,

I write to memorialize our recent conversations concerning the seizure of products by Guam Customs and Quarantine (CQA). In our prior communications you stated plainly that the decision by CQA to deny release of Cannabidiol (CBD) product was a result of a directive from the Guam Department of Public Health (DPHSS). In particular, DPHSS was concerned with THC levels in said products, as well as labeling concerns from the Food and Drug Administration (FDA).

As expressed to you in our conversations, and further expressed to the Director of DPHSS, CQS is withholding products that present third party laboratory testing from their distributors that clearly address both THC and labeling concerns to validate their release from CQA. I wrote to the Director of DPHSS (Attachment 1) concerning this issue, particularly as it relates to civil rights concerns and the Constitutional search and seizure violations this may reflect. A copy of this letter was forwarded to your office.

The Director of DPHSS replied in writing (Attachment 2) indicating that they DID NOT request CQA continue holding these products under these pretenses, and I forwarded this letter to you after a conversation we had attempting to remedy this concern. To date, these same products remain withheld by CQA, notwithstanding recent media stories (Attachment 3) portraying the rationale for such withholding under these same circumstances that the documented response from DPHSS expresses to the contrary.

As such, I am compelled to write to your office for clarity as to why CQA continues to retain these products despite documentation to the contrary, and further continues to express to the media the same rationale despite the clarification so provided.

I request your expeditious response in writing. Search and seizure is a serious issue that must be protected for legitimate reasons, and likewise the rights of citizens must also be protected to ensure integrity of the process. In particular I would like an explanation as to why Attachment 2 dated June 14, 2019, and Attachment 3 dated July 9, 2019 are blatantly inconsistent, and thus appear to be a clear area of concern.

This correspondence will be forwarded to the U.S. District Attorney and the Guam Attorney General for their awareness. Our Territory must always be above extrajudicial reproach to protect our credibility with federal law enforcement and the courts.

Much Respect,

Michael F.Q. San Nicolas
Member of Congress
Guam

Cc: Honorable Shawn N. Anderson, United States Attorney
Honorable Leevin Camacho, Attorney General