

U.S. v. Safehouse, et al., Appeal No. 20-1422

Amicus Briefs filed in Support and Opposition to Safehouse in the U.S. 3rd Circuit (5/21/20 - 7/6/20)

IN SUPPORT

GROUP	SIGNATORY	LAW FIRM	COUNSEL	SYNOPSIS
National, State, and Local Public Health and Medical Organizations (15)	AIDS United	Drug Policy Alliance	Lindsay LaSalle	The public health and medical organization brief provides an overview of the scientific and medical literature documenting the individual and public health benefits of supervised consumption sites, including preventing fatal drug overdoses, reducing transmission of infectious disease, and providing a bridge to substance use treatment and argues that supervised consumption sites further the intents and purposes of the federal Controlled Substances Act. Amici include national, state, and local professional associations representing schools of public health and academics, public health government officials, physicians, nurses, social workers, and drug treatment specialists as well as national public health, infectious disease, and harm reduction organizations.
	American Medical Association	Brotman Law	Ellen Brotman	
	AMERSA (Association for Multidisciplinary Education and Research in Substance Use and Addiction)			
	Association of Schools and Programs of Public Health			
	California Society of Addiction Medicine			
	Drug Policy Alliance			
	Foundation for AIDS Research (amfAR)			
	Harm Reduction Coalition			
	NASTAD (National Association of State and Territorial AIDS Directors)			
	Network for Public Health			
	Pennsylvania Medical Society			
	Philadelphia County Medical Society			
	Positive Women's Network			
	Treatment Action Group			
	Vital Strategies			
Homeless Service Providers (5)	Homeless Advocacy Project	Law Office of Michael LiPuma	Michael LiPuma	Amici Curiae are homeless services providers in the Philadelphia area providing perspective on the intersection of homelessness and the overdose crisis.
	Pathways to Housing PA	Tucker Law Group	Jessica Rickabaugh	
	Catholic Worker Free Clinic	Homeless Advocacy Project	Michele Levy	
	Bethesda Project		Patricia A. Malley	
	St. Francis Inn		Alexandra Muolo	
			Michael Taub	
			Margaret Retz	

Multi-states (10)	District of Columbia California Delaware Illinois Michigan Minnesota New Mexico Oregon Vermont Virginia	Office of the Attorney General for the District of Columbia	Karl A. Racine, Attorney General for the District of Columbia Loren L. Alikhan, Solicitor General for the District of Columbia Caroline S. Van Zile, Principal Deputy Solicitor General Carl J. Schifferle, Deputy Solicitor General	The District of Columbia, joined by a broad coalition of states, filed an amicus brief defending States' ability to enact innovative public health policies to address the opioid crisis.
Neighborhood Opinions (3)	Dr. Alexis Roth Dr. Steve Lankenau 5th Square	Buchanan Ingersoll & Rooney PC	Michael J. Engle Jared L. Pickell Elissa Kerr	Brief of public health researchers and Political Action Committee demonstrating local community support for Overdose Prevention Sites.
Religious Leaders in the Philadelphia Community and Beyond (13)	Pastor Adarrel Omar Fisher, M.S. (Making Others Righteous Prison Ministry) Bishop Ernest McNear (True Gospel Tabernacle) Reverend Lin Crowe Philadelphia Area Representative (The Navigators & Kingdom Care Reentry Network) Rabbi Eli Freedman (Congregation Rodeph Shalom) Reverend Dr. Chris Kimmenez, Psy D (Founder and President, Recovery Christian Center Urban CDC, & Interim Pastor, Lombard Central Presbyterian Church) Reverend Laura Colee (Head Pastor, Broad Street Ministry) Reverend Kevin W. Jagoe (Minister, BuxMont Unitarian Universalist) Reverend Fritz E. Fowler (University Lutheran Church) Reverend Winnie Varghese (Trinity Church Wall Street)	Akin Gump Strauss Hauer & Feld Cozen O'Connor	Mira E. Baylson Dianne B. Elderkin Devin S. Sikes Andrew Schlossberg	Amici curiae are religious leaders in the Philadelphia community and beyond whose religious beliefs align with Safehouse's mission to protect the lives of those at risk by offering medically supervised overdose prevention.

	<p>Rabbi John L. Rosove (Senior Rabbi & Immediate Past National Chair for the Association of Reform Zionists of America)</p> <p>Professor Sonia Waters (Princeton Theological Seminary)</p> <p>Reverend Alexander E. Sharp (Executive Director, Clergy for a New Drug Policy)</p> <p>Reverend Dr. Calenthia Dowdy (Director of Faith Initiatives, Philadelphia FIGHT Community Health Centers)</p>			
City of Philadelphia (2)	<p>Mayor Jim Kenney</p> <p>Health Commissioner Dr. Thomas Farley</p>	<p>City of Philadelphia Law Department</p>	<p>Marcel Pratt</p> <p>Jennifer MacNaughton</p>	<p>The amicus brief on behalf of the Philadelphia Mayor Jim Kenney and Health Commissioner Dr. Thomas Farley details how Overdose Prevention Sites are a needed element of Philadelphia's response to the opioid crisis.</p>
Philadelphia-Area Community Organizations (9)	<p>Action Wellness</p> <p>ACT UP Philadelphia</p> <p>LGBT Elder Initiative</p> <p>Philadelphia FIGHT</p> <p>Pennsylvania Harm Reduction Coalition</p> <p>Prevention Point Philadelphia</p> <p>Sero Project</p> <p>SOL Collective</p> <p>William Way LGBT Community Center</p>	<p>Greenberg Traurig, LLP</p>	<p>Jessica Natali</p> <p>Brian T. Feeney</p> <p>Kevin W. Rethore</p>	<p>Amici are grassroots organizations based in the Philadelphia area, experienced with the broad spectrum of people directly impacted by the overdose crisis. Amici have observed firsthand how harm reduction strategies are far more likely to reduce deaths and lead to treatment for opioid users.</p>
American Civil Liberties Union and CATO (3)	<p>ACLU National</p> <p>ACLU Pennsylvania</p> <p>CATO Institute</p>	<p>American Civil Liberties Union</p> <p>Cato Institute</p>	<p>Trevor Burrus</p> <p>Clark M. Neily III</p> <p>Ezekiel R. Edwards</p> <p>Mary Catherine Roper</p>	<p>The federal government set the stage for the opioid crisis with a century of prohibitionist policies and now seeks to encroach on the authority granted by the US Constitution of states and cities to create local policies regarding the health and welfare of their populations.</p>
Friends and Family of Victims of Opioid Addiction (9)	<p>Dr. Bonnie Milas</p> <p>Cara Moser</p> <p>Louis Natali, Esq.</p> <p>Katy Otto</p> <p>Marissa Perrone</p> <p>Rosalind Pichardo</p> <p>Carol Rostucher</p> <p>Elise Schiller</p> <p>Daniel Urevick-Ackelsberg, Esq</p>	<p>Cozen O'Connor</p>	<p>Thomas A. Decker</p> <p>Hayes A. Hunt</p> <p>Jeffrey M. Monhait</p> <p>Haryle Kaldis</p> <p>Anna Will Kentz</p> <p>Thomas A. Leonard IV</p>	<p>This Brief addresses the impact of opioid addiction on the loved ones of those suffering from this cruel disease, and how an overdose prevention site such as Safehouse can prevent others from experiencing the tragedy of losing a friend or family member to addiction.</p>

<p>Current and Former Prosecutors, Law Enforcement Leaders, and Former Department of Justice Officials and Leaders (85)</p>	<p>Roy L. Austin Former Deputy Assistant to the President for Urban Affairs, Justice and Opportunity, White House Domestic Policy Council Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice</p> <p>Aramis Ayala State Attorney Ninth Judicial Circuit, FL</p> <p>Chiraag Bains Former Trial Attorney, Criminal Section, Civil Rights Division, U.S. Department of Justice Former Senior Counsel to the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice</p> <p>Diana Becton District Attorney (Contra Costa County, CA)</p> <p>Wesley Bell Prosecuting Attorney (St. Louis County, MO)</p>	<p>Hangley Aronchick Segal Pudlin & Schiller</p> <p>Wilmer Cutler Pickering Hale and Dorr</p>	<p>Daniel Segal Matthew A. Hamermesh</p> <p>Mark C. Fleming</p> <p>Tasha J. Bahal</p> <p>Nicholas R. Werle</p> <p>Simon B. Kress</p>	<p>Amici are 85 current and former prosecutors and law enforcement officials from around the nation, and former U.S. Department of Justice ("DOJ") leaders with expertise in prosecution, policing, and cooperative federal-state law enforcement activities. "As law enforcement and criminal justice leaders, amici's objective is to maintain public safety; saving lives and promoting health is as central to that mission as preventing and prosecuting crime. Local governments must have the leeway to address the opioid crisis through proven methods that minimize the need for confrontational encounters between police and citizens, especially in this time of pandemic and tension between communities and law enforcement.</p>
	<p>Buta Biberaj Commonwealth's Attorney (Loudoun County, VA)</p> <p>Sherry Boston District Attorney (DeKalb County, GA)</p> <p>Chesa Boudin District Attorney (City and County of San Francisco, CA)</p> <p>Joseph Brann Chief (Ret.) (Hayward Police Department, CA)</p> <p>Kenyen Brown Former U.S. Attorney (Southern District of Alabama)</p> <p>Jim Bueermann Chief (Ret.) (Redlands Police Department, CA)</p> <p>Chris Burbank Chief (Ret.) (Salt Lake City Police Department, UT) Vice President (Law Enforcement Strategy Center for Policing Equity)</p> <p>A. Bates Butler Former U.S. Attorney (District of Arizona)</p>			

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	<p>Thomas P. Sullivan Former U.S. Attorney (Northern District of Illinois)</p> <p>Thomas W. Synan Jr. Chief (Newtown Police Department, OH)</p> <p>Betty Taylor Chief (Ret.) (Winfield Police Department, MO)</p> <p>Jennifer Tejada Chief (Emeryville Police Department, CA)</p> <p>Steve Tompkins Sheriff (Suffolk County, MA)</p> <p>Raúl Torrez District Attorney (Bernalillo County, NM)</p> <p>Cyrus R. Vance District Attorney (New York County, NY)</p> <p>Peter Volkmann Police Commissioner (City of Hudson, NY)</p> <p>Mike Ward Chief (Ret.) (Alexandria Police Department, KY)</p> <p>Andrew H. Warren State Attorney (13th Judicial Circuit, FL)</p> <p>Aisha N. Braveboy State's Attorney (Prince George's County, MD)</p> <p>Dave Clegg District Attorney (Ulster County, NY) Dave Clegg District Attorney (Ulster County, NY)</p> <p>Rachael Rollins District Attorney (Suffolk County, MA)</p> <p>Eric Gonzalez District Attorney (Kings County, NY)</p>			
Constitutional Law Scholar and Commerce Clause Expert (1)	Randy Barnett (Georgetown University Constitutional Law and Commerce Clause Expert)	Welsh & Recker, Pc Pillsbury Winthrop Shaw Pittman LLP	Catherine M. Recker Amy B. Carver Thomas V. Loran III Nida Vidutis	Section 856(a)(2) is facially unconstitutional: it regulates activity performed "without compensation," exceeding Congress's enumerated and delegated powers under the Commerce and Necessary and Proper Clauses.
Multi-cities (5)	King County, WA New York, NY San Francisco, CA Seattle, WA Pittsburgh, PA	Hogan Lovells US LLP	Joseph T. Spoerl Virginia A. Gibson Stephen A. Loney, Jr. Alexander B. Bowerman	Amici recognize that overdose-prevention sites are an evidence-based medical intervention that can be a critical tool in combatting opioid addiction. The DOJ presses an interpretation of the Controlled Substances Act that goes beyond any past application of the statute and is fundamentally incompatible with the text, design, and purpose of the statute, and the judgment of public health authorities everywhere.

IN OPPOSITION				
GROUP	SIGNATORY	LAW FIRM	COUNSEL	SYNOPSIS
Drug Policy Scholars and Former Government Officials (10)	William J. Bennett (Former Director, Office of National Drug Control Policy (1989-1990))	Consovoy McCarthy PLLC	Jeffrey M. Harris (Counsel of Record) Tiffany H. Bates	
	John P. Walters (Former Director, Office of National Drug Control Policy (2001-2009))			
	Robert C. Bonner (Former U.S. District Judge, U.S. District Court for the Central District of California; Former Commissioner, Customs and Border Protection (2001- 2003); Former Administrator, Drug Enforcement Administration (1990- 1993))			
	Peter B. Bensinger (Former Administrator, Drug Enforcement Administration (1976- 1981))			
	John C. Lawn (Former Administrator, Drug Enforcement Administration (1985- 1990))			
	Karen P. Tandy (Former Administrator, Drug Enforcement Administration (2003- 2007); Former Associate Deputy Attorney General (1999- 2003))			
	Michele M. Leonhart (Former Administrator, Drug Enforcement Administration (2010- 2015))			
	Dr. Robert DuPont, M.D. (Former Director, National Institute on Drug Abuse (1973-1978); White House Drug Policy Advisor (1973-1977); President, Institute for Behavior and Health, Inc. (1978-Present))			

	<p>Bertha K. Madras, Ph.D. (Former Deputy Director, Demand Reduction, Office of National Drug Control Policy (2006-2009); Professor, Dept. of Psychiatry, McLean Hospital, Harvard Medical School)</p> <p>Andrea Barthwell, M.D. (Former Deputy Director for Demand Reduction, Office of National Drug Control Policy (2001-2004); Past President, American Society of Addiction Medicine; Director, Two Dreams; Chair of the Board, Foundation for Opioid Response Effort)</p>			
The Republican Caucus of the Pennsylvania House of Representatives and the Republican Caucus of the Senate of Pennsylvania (4)	<p>Rep. Rodney A Corey (Pa. 69742)</p> <p>Rep. James G. Mann (Pa. 85810)</p> <p>Senator Crystal H. Clark (Pa. 91069)</p> <p>Senator Michael C. Gerdes (Pa. 88390)</p>	<p>Office of Chief Counsel (Republican Caucus; Pennsylvania House of Representatives)</p> <p>Office of General Counsel (Senate of Pennsylvania)</p>		
Members of Congress (11)	<p>Senator Pat Toomey (Pa.)</p> <p>Representative Brian Fitzpatrick (Pa.)</p> <p>Senator Tom Cotton (Ark.)</p> <p>Representative John Joyce (Pa.)</p> <p>Representative Fred Keller (Pa.)</p> <p>Representative Mike Kelly (Pa.)</p> <p>Representative Daniel P. Meuser (Pa.)</p> <p>Representative Scott Perry (Pa.)</p> <p>Representative Guy Reschenthaler (Pa.)</p> <p>Representative Lloyd Smucker (Pa.)</p> <p>Representative Glenn Thompson (Pa.)</p>	<p>Jones Day</p>	<p>John M. Gore (Counsel of Record)</p> <p>Anthony J. Dick</p> <p>John P. Vivian</p>	

Neighborhood Civic Associations and the Fraternal Order of Police Lodge 5 (21)		Dechert LLP	Michael H. McGinley (Counsel of Record)	
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	East Passyunk Avenue Business Improvement District (EPABID)		Steven B. Feirson	
	Fraternal Order of Police, Lodge 5 (FOP)		Justin M. Romeo	
	Friends of Marconi Park		Theodore E. Yale	
	Friends of Penrose			
	Girard Estate Area Residents (GEAR)			
	Harrowgate Civic Association (HCA)			
	Holme Circle Civic Association (HCCA)			
	Juniata Park Civic Association (JPCA)			
	Kensington Independent Civic Association (KICA)			
	Lower Moyamensing Civic Association (LoMo)			
	Morrell Park Town Watch (MPTW)			
	Packer Park Civic Association (PPCA)			
	Parkwood Area Civic Association			
	Port Richmond On Patrol And Civic (PROPAC)			
	Somerton Civic Association			
	South Broad Street Neighborhood Association (SBSNA)			
	South Philadelphia Business Association (SPBA)			
	South Philadelphia Communities Civic Association (SPCCA)			
	South Port Richmond Civic Association (SOPO)			
	West Torresdale/Morrell Park Civic Association			