

# JOSEPH A. BONDY, PLLC

JOSEPH A. BONDY

43 West 43rd Street  
Suite 379  
New York, NY 10036  
(212) 219-3572  
[Josephbondy@mac.com](mailto:Josephbondy@mac.com)  
[www.josephbondy.com](http://www.josephbondy.com)

June 23, 2026

VIA ELECTRONIC FILING AND EMAIL:

([ECF-NPRM@dea.gov](mailto:ECF-NPRM@dea.gov))

The Honorable Derek C. Julius  
Chief Administrative Law Judge  
Drug Enforcement Administration  
Office of Administrative Law Judges  
8701 Morrissette Drive  
Springfield, VA 22152

Re: *Schedules of Controlled Substances: Proposed Rescheduling of Marijuana, DEA Docket No. 1362; Hearing Docket No. 26-96 — Request of Marijuana Moment for Public and Press Access Consistent with DEA's Prior Livestreaming Directive in This Rulemaking*

Dear Chief Judge Julius:

I write as counsel to Marijuana Moment LLC (hereinafter “Marijuana Moment”), an independent news organization that has closely covered federal cannabis policy and every material stage of the pending marijuana rescheduling process, including the HHS recommendation, DOJ’s proposed rule, the prior ALJ proceedings, related litigation, and responses from state officials and members of Congress. *See Declaration of Thomas Angell ¶¶ 2–5.*

Marijuana Moment respectfully asks the Tribunal to modify the access provisions of the Preliminary Order, or to obtain such action from the Administrator as may be necessary, to provide the same meaningful public and press access DEA previously directed for hearing proceedings in this rulemaking: livestreaming.

The request is narrow. Marijuana Moment does not seek to participate as a party, present evidence, examine witnesses, submit proposed findings, or alter the merits schedule. Nor does it take any position in this request on any pending request to participate, motion for reconsideration, request for certification for interlocutory appeal, continuance request, or substantive rescheduling position filed by any party, proposed participant, or interested person.

Marijuana Moment seeks only contemporaneous public and press access to an administrative hearing of recognized national public interest.

DEA has already recognized that such access is appropriate in this rulemaking. In the prior iteration of this rescheduling proceeding, the DEA Administrator expressly directed livestreaming because of “the public interest in this matter” and DEA’s “commitment to conducting a transparent proceeding.” Ex. A, Attachment 2. The Administrator invoked DEA’s authority under 21 C.F.R. § 1307.03 to waive 21 C.F.R. § 1316.52 to the extent necessary to permit livestreaming. *Id.* The prior preliminary order likewise recognized that, because courtroom capacity was limited, livestreaming would allow those physically outside the courtroom to observe the proceedings. Ex. A at 4 n.11.

That prior determination was correct. The public-interest rationale for contemporaneous access has not diminished. If DEA believes safety, witness-management, or operational concerns now require a more restrictive access regime, those concerns should be identified and addressed through narrow conditions rather than a categorical ban.

Marijuana Moment’s need for livestream access is practical, not abstract. Its readers rely on it to cover federal cannabis policy as events unfold. As reflected in the accompanying declaration from its editor and publisher, Marijuana Moment received approximately 4.1 million pageviews and 2.3 million unique visitors in May 2026, and its reporting is regularly cited or shared by federal officials, governors, members of Congress, state lawmakers, and other public officials. Angell Decl. ¶¶ 4–5. For a substantial public audience seeking serious coverage of federal cannabis policy, Marijuana Moment is an important channel through which public understanding of this proceeding occurs.

Limited physical seating in Arlington is not a meaningful substitute for livestreaming. Marijuana Moment, like many members of the press and public who follow federal cannabis policy nationally, cannot rely on a handful of available seats as a practical means of observing and reporting on the hearing. That is precisely why DEA’s prior livestreaming directive mattered: it allowed those physically outside the courtroom to observe the proceeding without disrupting the hearing, burdening security, or conferring party status on anyone.

The present Preliminary Order reaches the opposite result from DEA’s prior access approach in this same rulemaking. It recognizes that “[n]ational public interest in this issue predicates towards a policy of transparency,” but then limits attendance to available seating, provides that “[n]o overflow seating will be provided,” and states that the hearing “will not be televised, livestreamed, or broadcasted in any way.” Ex. B at 8. Respectfully, that substantial departure should not stand without a reasoned explanation and consideration of the very access mechanism DEA previously directed.

In a proceeding of this public significance, and in light of DEA’s prior livestreaming directive, a public hearing is not meaningfully public if access depends on the happenstance of

limited physical attendance. Delayed access to transcripts is no substitute for contemporaneous observation. The press reports events as they unfold. The public evaluates government action in real time. And in a proceeding of this magnitude, transparency is not a courtesy. It is a safeguard.

Marijuana Moment therefore respectfully requests that the Tribunal modify the Preliminary Order, or request such action from the Administrator as may be necessary, to provide livestream access to the hearing on terms comparable to those previously directed by DEA in this rulemaking.

Marijuana Moment does not object to reasonable security rules, decorum requirements or restrictions necessary to protect the orderly conduct of the hearing. Those interests can be fully protected while preserving livestream access. DEA previously determined as much, and it has not yet explained why a materially more restrictive regime is warranted now.

To the extent the Tribunal or DEA believes livestreaming is now inappropriate despite DEA's prior directive in this rulemaking, Marijuana Moment respectfully requests a written explanation identifying the specific basis for that conclusion, including why the public-interest and transparency considerations that previously warranted livestreaming are outweighed here.

The hearing begins June 29. Journalists and members of the public need to know before then whether they may observe it in a meaningful way. Marijuana Moment therefore respectfully requests a ruling or written response by 12:00 p.m. ET on June 25, 2026.

Nothing in this request waives Marijuana Moment's rights, claims, remedies, or objections, all of which are expressly reserved.

Respectfully submitted,



Joseph A. Bondy

JOSEPH A. BONDY, PLLC

*Counsel for Marijuana Moment*

cc: Terrance C. "Terry" Cole, Administrator, Drug Enforcement Administration,  
DEA Government Mailbox, [dea.registration.litigation@dea.gov]

Exhibit A: October 31, 2024 Preliminary Order, Hearing Docket No. 24-44, with Administrator's Livestream Letter attached.

Exhibit B: June 18, 2026 Preliminary Order, Hearing Docket No. 26-96.

UNITED STATES DEPARTMENT OF JUSTICE  
Drug Enforcement Administration

X

In the Matter of  
Schedules of Controlled Substances:  
Proposed Rescheduling of Marijuana

DEA Docket No. 1362  
Hearing Docket No. 26-96

DECLARATION OF  
THOMAS ANGELL

X

I, THOMAS ANGELL, hereby declare under penalties of perjury as follows:

1. I am the editor and publisher of Marijuana Moment LLC (hereinafter “Marijuana Moment”). I submit this declaration in support of Marijuana Moment’s request for livestream access to the upcoming DEA marijuana rescheduling hearing.
2. Marijuana Moment is an independent news organization focused on cannabis law, policy, politics, science, and regulation. It has closely covered the federal marijuana rescheduling process at every material stage, including the HHS recommendation, DOJ’s proposed rule, the prior ALJ proceedings, related litigation, and reactions from state officials and members of Congress.
3. Marijuana Moment’s audience relies on its reporting to follow federal cannabis policy developments in real time. That is especially true for the upcoming DEA hearing, which concerns a matter of substantial national importance and public interest.
4. In May 2026, Marijuana Moment received approximately 4.1 million pageviews and 2.3 million unique visitors, according to Google Analytics.
5. Marijuana Moment’s reporting is regularly cited, shared, or relied upon by federal officials, governors, members of Congress, state lawmakers, and other public officials. Marijuana Moment

also regularly publishes cannabis-policy op-eds submitted by current and former elected officials.

6. Marijuana Moment cannot rely on limited physical seating at the DEA Hearing Facility as a meaningful means of observing and reporting on the hearing. Livestream access is necessary for Marijuana Moment to cover the hearing as it unfolds for its readers and the broader public.

7. Marijuana Moment does not seek to participate as a party in the hearing. It seeks only the ability to observe and report on the proceeding in real time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 23, 2026  
Brooklyn, New York

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Thomas Angell