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June 25, 2026

(VIA EMAIL: [NPRM@DEA.gov](mailto:NPRM@DEA.gov))  
Attn: Administrator Terrance C. “Terry” Cole  
Drug Enforcement Administration  
8701 Morrisette Drive  
Springfield, VA 22152

*Re: Request of Marijuana Moment for Restoration of DEA’s Prior Livestream Access  
in the Marijuana Rescheduling Rule-making, Docket No. DEA-1362*

Dear Administrator Cole:

I write as counsel to Marijuana Moment, an independent news organization that has closely covered federal cannabis policy and the pending marijuana rescheduling process.

Marijuana Moment initially submitted a request for livestream access to the Presiding Officer. Following the June 23, 2026 Standing Order Regarding Communication from Non-Parties, which indicates that nonparty submissions will not be considered by the Tribunal, Marijuana Moment does not ask the Tribunal to consider that request. Nor does Marijuana Moment seek reconsideration of the Standing Order. Instead, Marijuana Moment directs this request to you because the prior livestreaming directive in this rulemaking was issued by the DEA Administrator.

This is not a submission to the Administrative Law Judge, not a motion in the hearing, not a request for party status, and not a request to participate in the proceeding. Marijuana Moment does not seek to present evidence, examine witnesses, submit findings, alter the hearing schedule, or address the merits of rescheduling. It seeks only restoration of the public livestream access DEA previously directed in this rulemaking.

DEA has already determined that livestream access is appropriate here. In the prior iteration of this marijuana rescheduling proceeding, the DEA Administrator expressly directed livestreaming “throughout the hearing proceedings” because of “the public interest in this matter” and DEA’s “commitment to conducting a transparent proceeding.” Ex. A at 2,

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 preliminary order recognized that livestreaming would allow those physically outside the courtroom to observe the proceedings despite limited courtroom capacity. *Id.* at 4 n.11.

The same public-interest rationale applies now. The present hearing is a formal, on-the-record proceeding under 21 U.S.C. § 811(a), 5 U.S.C. §§ 556 and 557, and DEA's hearing regulations. The current Preliminary Order recognizes that "[n]ational public interest in this issue predicates towards a policy of transparency," but then provides only limited in-person attendance, no overflow seating, and no television, livestream, or broadcast access. Ex. B at 8. DEA's June 25 press release likewise acknowledges that the hearing will be open to the public and media only "in a limited capacity" and states that, "[g]iven national public interest and our commitment to transparency," DEA will publish a finalized and corrected transcript after the proceedings. Ex. D.

Marijuana Moment recognizes that DEA may impose neutral RSVP and capacity limits for in-person attendance. It also recognizes that public access principles do not categorically require livestreaming of every public administrative hearing. But that is not the issue here. The issue is that DEA previously determined that livestreaming was the appropriate means of providing meaningful contemporaneous access in this same rulemaking, and DEA has not explained why the same public-interest and transparency considerations now warrant a materially more restrictive access regime.

A final transcript is useful, but it is not a substitute for livestream access. Livestreaming allows the public and press to observe the hearing as it unfolds, without vying for admittance, crowding the courtroom or affecting the proceeding. Once a transcript is reviewed, corrected, and released several weeks after the testimony has been given, the opportunity for real-time observation, timely reporting, and informed public response has already passed.

Nor is limited physical attendance in Arlington a meaningful substitute for livestream access. DEA's June 25 press release requires news media wishing to attend to RSVP by 10:00 a.m. on June 26, and states that, due to limited capacity, RSVPs will be accepted on a first-come, first-served basis. Ex. D. Marijuana Moment is not able to cover this national proceeding by relying on a limited in-person seat in Arlington; and, in any event, a limited number of available seats cannot provide meaningful access for the national press and public audience following this rulemaking. That is precisely why DEA's prior livestreaming directive mattered: it allowed those outside the courtroom to observe without disrupting the hearing, burdening security, or conferring party status on anyone.

Marijuana Moment's need for livestream access is actual, not abstract. Its readers rely on it to cover federal cannabis policy as events unfold. As reflected in the accompanying Declaration of Thomas Angell, 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. Ex. E ¶¶ 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.

The governing legal principles favor a reasoned explanation for DEA’s departure from its prior access determination. Public access to adjudicatory proceedings serves structural values of accountability, public confidence, and informed public discussion. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986). Those principles have force in trial-like administrative proceedings of public consequence. *See New York Civil Liberties Union v. New York City Transit Authority*, 684 F.3d 286, 298–99 (2d Cir. 2012). Marijuana Moment does not contend that those authorities create an absolute right to livestreaming. But here, DEA itself previously selected livestreaming as the access mechanism for this rulemaking, and agencies are expected to provide a reasoned explanation when they depart from a prior position. *See FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016).

Marijuana Moment respectfully requests that DEA restore livestream access for the upcoming hearing on terms comparable to those previously directed in this rulemaking, subject to reasonable security, decorum, no-recording, and no-rebroadcast conditions.

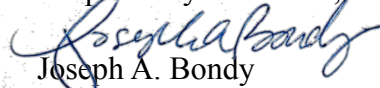
This narrow request would not burden the hearing, confer party status, permit any nonparty to address the Tribunal, or interfere with the orderly presentation of evidence. It would simply permit the public and press to observe, in real time, a federal administrative hearing of recognized national importance.

To the extent 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.

Because the hearing begins June 29, and because DEA’s June 25 press release requires media RSVPs by June 26, Marijuana Moment respectfully requests a written response as soon as practicable.

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: DEA Office of Chief Counsel / DEA Government Mailbox  
DEA Public Affairs

Enclosures:

Exhibit A — October 31, 2024 Preliminary Order, Hearing Docket No. 24-44, with Administrator's livestreaming directive

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

Exhibit C — June 23, 2026 Standing Order Regarding Communication from Non-Parties

Exhibit D — June 25, 2026 DEA Press Release, "DEA Hearing on Proposed Marijuana Rescheduling Begins June 29"

Exhibit E — Declaration of Thomas Angell