

Congress of the United States
Washington, DC 20515

December 2, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

We write to urgently request an update on the February 18, 2021 letter signed by 35 members of Congress and led by Reps. Blumenauer and Lee requesting you pardon all federal non-violent cannabis convictions.¹ Many remain behind bars due to racially discriminatory cannabis policies and continue to accrue criminal fees. To begin rectifying the damage done by these discriminatorily implemented policies and reunite families before the holidays, we reiterate our ask that you use your executive authority to pardon all individuals convicted of nonviolent cannabis offenses, whether formerly or currently incarcerated. We further write to specify that all federal criminal fines and fees be cancelled for all nonviolent cannabis offenses.

Many Americans do not believe we should take a punitive approach to marijuana and have already benefited significantly from efforts to loosen or eliminate cannabis regulations at the local or state level. A recent Pew Research Center report on American sentiment towards marijuana showed overwhelming support for legalization with 91% of respondents supporting legalization for medical or recreational use.² In total, 27 states and the District of Columbia have decriminalized small amounts of marijuana and 36 states along with 4 territories have legalized the medical use of cannabis products.³ The data has shown that legalization did not lead to a substantial rise in crime, traffic injuries or fatalities. Instead, data shows legalization results in considerable economic benefits.⁴ However, only 5.7% of marijuana business owners are Latinx and only 4.3% are Black while 81% are white, showing the communities targeted by discriminatory cannabis laws have not commensurately benefited from legalization.⁵ As the American public continues to voice its pro-legalization position, it's important that the Black and brown communities most directly harmed by past and current cannabis laws are able to directly

¹ https://blumenauer.house.gov/sites/blumenauer.house.gov/files/Cannabis%20Pardon%20Letter_2.18.21.pdf

² <https://www.pewresearch.org/fact-tank/2021/04/16/americans-overwhelmingly-say-marijuana-should-be-legal-for-recreational-or-medical-use/>

³ <https://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx>

⁴ <https://www.npr.org/sections/money/2021/03/16/976265525/the-data-on-legalizing-weed>

⁵ <https://www.cnn.com/2021/07/01/in-billion-dollar-cannabis-market-racial-inequity-persists-despite-legalization.html>

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benefit from legalization efforts, which includes small business opportunities. In addition to economic development opportunities, timely legalization could help save lives and stem the continuing opioid crisis in our nation. For many Americans, their first encounter with opioids comes from seeking prescription medicine for chronic pain relief. The medicinal benefits of marijuana would be worth further consideration with the potential to both save lives and create thousands of jobs.⁶

Criminal justice fines and fees have also historically had a racially discriminatory impact on local communities. Many local governments have grown increasingly financially dependent on fines and fees to balance their budgets. One study found that more than 600 U.S. jurisdictions relied on fees for more than 10% of their general fund revenues with fees accounting for over 20% of revenues in over 280 of those jurisdictions.⁷ Communities of color as well as the poor disproportionately suffer the costs of these fines because the jurisdictions most financially dependent on punitive municipal funding have higher than average African American and Latinx populations.⁸ In 2010, individuals involved with the criminal justice system owed over \$50 billion in total - money effectively extracted from communities of color that could otherwise facilitate economic growth.⁹ The federal government has a moral responsibility to stand against this system of structural racism and incentivize municipalities to follow suit.

Congress must act to reimagine our nation's cannabis policies, but we firmly believe that you have the power to take decisive action to begin this necessary work. Since Reps. Blumenauer and Lee sent their last letter, the House Judiciary Committee marked up Chairman Nadler's re-introduced *Marijuana Opportunity Reinvestment and Expungement Act (MORE) Act* to decriminalize cannabis and establish a process to expunge the records of those with prior convictions. While this bill would make considerable progress towards overhauling American cannabis policies, you maintain the unilateral power to take transformative important action by issuing a blanket pardon of all non-violent federal cannabis offenses. Just as previous presidents have used executive authority to issue blanket pardons consistent with our values that benefit the American people, this is an opportunity for you to uphold commitments made during the campaign and revitalize communities across the country. Mass incarceration has disproportionately harmed Black and brown communities and its impact can be felt everywhere. Every non-violent offender given the opportunity to return home can create a positive ripple

⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6777788/>

⁷ <https://www.governing.com/archive/gov-addicted-to-fines.html>

⁸ https://www.usccr.gov/files/pubs/2017/Statutory_Enforcement_Report2017.pdf

⁹ <https://johnjayrec.nyc/wp-content/uploads/2014/08/debtpenalty.pdf>

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effect by reuniting families, connecting people to work opportunities, and beginning the road to healing from the harm these policies continue to inflict.

Therefore, we again urge you to utilize your power to pardon all individuals convicted of nonviolent cannabis offenses and cancel all related federal fines and fees, so that we can reunite families and communities in time for the winter holidays.

Thank you for your consideration of this critical issue.

Sincerely,



Jamaal Bowman, Ed.D
Member of Congress
Congressional Cannabis Caucus Member



Earl Blumenauer
Member of Congress
Congressional Cannabis Caucus Co-Chair



Barbara Lee
Member of Congress
Congressional Cannabis Caucus Co-Chair