

# Congress of the United States

Washington, DC 20515

March 13, 2024

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

Dear President Biden,

We urge you to grant clemency to the many individuals currently incarcerated in federal prison for nonviolent marijuana offenses. The continued incarceration of these individuals continues the racist legacy of the War on Drugs, contradicts the current societal and legal trends regarding marijuana, and represents an unnecessary burden on our morals and justice system.

For decades, unfair cannabis policies have led to unjust incarcerations and worsened racial disparities in the criminal justice system, with people of color representing a disproportionate rate of marijuana arrests. The continuation of the outdated cannabis prohibition would represent a miscarriage of justice impacting all Americans. Today, it is clearer than ever that the American people are demanding an end to outdated cannabis laws. Now, 38 states, the District of Columbia, Guam, the Northern Mariana Islands and the U.S. Virgin Islands have legalized medicinal cannabis, and 24 states, the District of Columbia, Guam, the Northern Mariana Islands and the U.S. Virgin Islands have enacted adult-use policies.

Following the public's lead, the U.S. House of Representatives twice passed the Marijuana Opportunity, Reinvestment, and Expungement (MORE) Act to ensure that these programs work as intended and the revenue generated can be reinvested into the communities most harmed under criminalization. The bill also provides for resentencing and expungement of marijuana offenses.

Until the day Congress sends you a marijuana reform bill to sign, you have a unique ability to lead on criminal justice reform and provide immediate relief to thousands of Americans. As a presidential candidate, you promised to decriminalize marijuana, free people incarcerated for marijuana offenses, and expunge criminal records ("completely zeroed out"). We applaud your Administration for working to "correct our country's failed approach to marijuana," and, among other things, we commend your general pardon for previous federal offenses of simple marijuana possession, attempted simple possession, and marijuana use.

Unfortunately, none of the previous pardons released a single person from federal prison for marijuana offenses. Federal courts sentence only a couple hundred simple marijuana possession cases each year,<sup>1</sup> and no one sentenced for simple possession is in federal prison.<sup>2</sup> The general pardon also failed to provide much relief to those haunted by criminal records – the bulk of federal marijuana cases involve felony offenses, which, unlike the misdemeanors you pardoned, impose serious civil disabilities (*e.g.*, disenfranchisement) and crippling collateral consequences (*e.g.*, barriers to employment, housing, and education).

It is critical to expand clemency opportunities for those still caught up in discriminatory enforcement of marijuana prohibition. Today, federal incarceration for marijuana offenses is done in spite of the transformation in marijuana laws

<sup>1</sup> [https://www.uscc.gov/sites/default/files/pdf/news/press-releases-and-news-advisories/news-advisories/20221012\\_Updated-News-Advisory-Data-Analysis.pdf](https://www.uscc.gov/sites/default/files/pdf/news/press-releases-and-news-advisories/news-advisories/20221012_Updated-News-Advisory-Data-Analysis.pdf).

<sup>2</sup> <https://www.uscc.gov/research/research-reports/weighing-impact-simple-possession-marijuana>.

across the nation. Three-quarters of Americans now live in jurisdictions where marijuana is legally available. In reality, both Congress (through annual appropriation riders and bills to end prohibition) and the Administration (via Justice Department policy and administrative rescheduling) have abandoned the idea that marijuana must be completely prohibited coast-to-coast by the federal government.

It is inconsistent for the federal government to keep punishing individuals for violating a ban that it does not actually support and that an overwhelming majority of Americans oppose on a bipartisan basis. Here are a couple of clemency applicants who help illustrate the urgent need for your intervention:

- **Jerry Haymon** is a 30-year-old Black man from Clovis, California, who received a mandatory 10-year sentence for marijuana distribution. Jerry was a two-way football star in high school who went on to play defensive back in college, where he was majoring in economics (and even made the Dean's List one semester). Prior to his arrest in 2017, Jerry was looking to try out for professional football. At sentencing, the trial judge regretfully noted that his hands were tied by federal mandatory minimum prison terms for marijuana.
- **Danny Trevino** is a 51-year-old Hispanic-American businessman and father of three, who is currently serving a 15 ½-year sentence for owning and operating a Michigan marijuana dispensary under that state's medical marijuana laws. Federal drug enforcement waited to charge the case until the "Cole memo" was rescinded, which led to Danny's conviction and imprisonment despite the legal murkiness around federal and state marijuana law, including Congress's prohibition against Justice Department funds being used to prosecute medical marijuana cases.

Jerry and Danny represent just a fraction of those who languish in prison for acts that are no longer considered crimes in many states, and for which there's now a broad societal consensus that previous policies were unduly punitive and inconsistent with marijuana's actual risks.

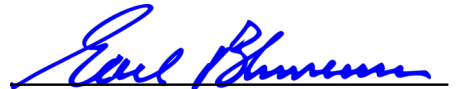
We ask that you commute the federal prison sentences of all individuals who are incarcerated for nonviolent marijuana offenses. We also call upon you to pardon such offenses for people who already live peacefully in free society and to support federal legislation to expunge marijuana offenses. In doing so, you would be helping to fulfill the promises you've made, while also meaningfully improving people's lives and building upon the historic statement made by your previous general pardon.

Thank you for your consideration of this critical matter.

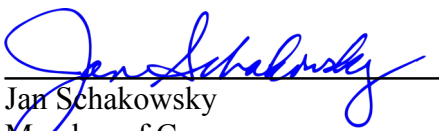
Sincerely,



Barbara Lee  
Member of Congress



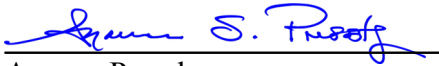
Earl Blumenauer  
Member of Congress



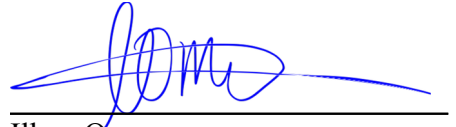
Jan Schakowsky  
Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress




Ayanna Pressley  
Member of Congress



Ilhan Omar  
Member of Congress



Henry C. "Hank" Johnson, Jr.  
Member of Congress



Dan Goldman  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



Katie Porter  
Member of Congress



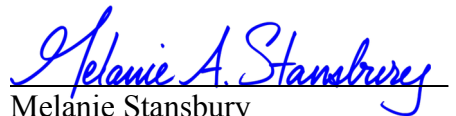
Rashida Tlaib  
Member of Congress



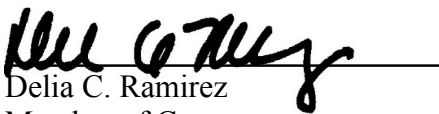
Bonnie Watson Coleman  
Member of Congress



Jamaal Bowman, Ed.D.  
Member of Congress



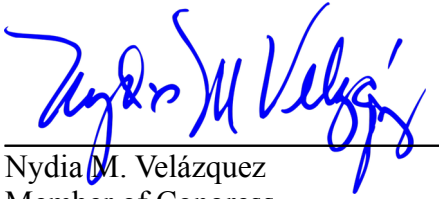
Melanie Stansbury  
Member of Congress



Delia C. Ramirez  
Member of Congress




Stacey E. Plaskett  
Member of Congress



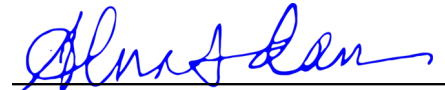
Nydia M. Velázquez  
Member of Congress



Cori Bush  
Member of Congress



Robert Garcia  
Member of Congress



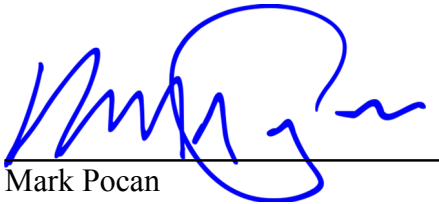
Alma S. Adams, Ph.D.  
Member of Congress



James P. McGovern  
Member of Congress



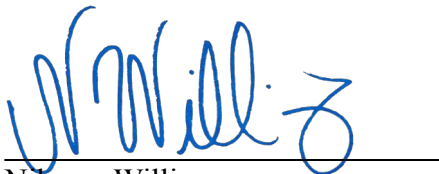
Raúl M. Grijalva  
Member of Congress



Mark Pocan  
Member of Congress



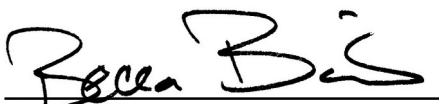
Jesús G. "Chuy" García  
Member of Congress



Nikema Williams  
Member of Congress



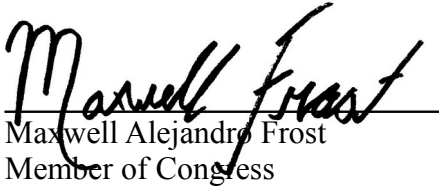
Danny K. Davis  
Member of Congress

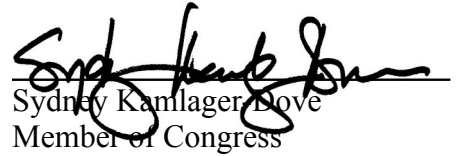


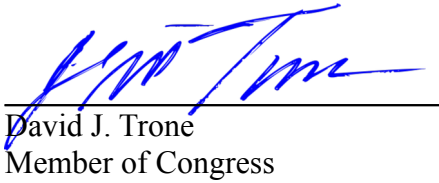
Becca Balint  
Member of Congress

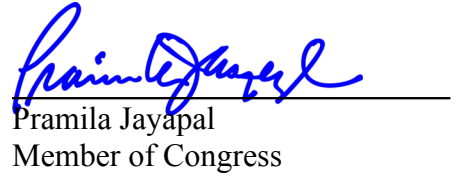


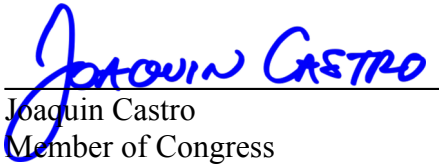
Shri Thanedar  
Member of Congress

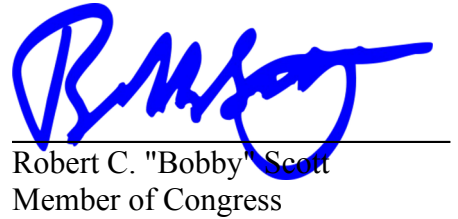
  
Maxwell Alejandro Frost  
Member of Congress

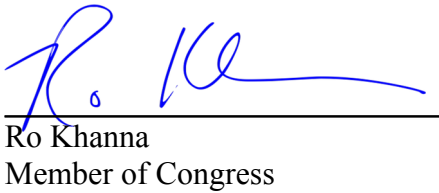
  
Sydney Kamlager Dowe  
Member of Congress

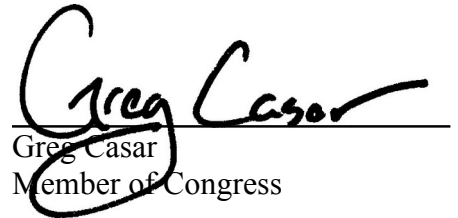
  
David J. Trone  
Member of Congress

  
Pramila Jayapal  
Member of Congress

  
Joaquin Castro  
Member of Congress

  
Robert C. "Bobby" Scott  
Member of Congress

  
Ro Khanna  
Member of Congress

  
Greg Casar  
Member of Congress