

Congress of the United States
Washington, DC 20515

February 18, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20200

Dear President Biden,

Today, it is clearer than ever that the American people are demanding an end to outdated cannabis laws. Last November, Americans in five very different states voted overwhelmingly to liberalize their cannabis policies. Now, 36 states have legalized medicinal cannabis and 15 have enacted adult-use policies. Following the lead of voters, the House of Representatives passed the Marijuana Opportunity, Reinvestment, and Expungement (MORE) Act to ensure that these programs work as intended and that the revenue generated can be reinvested into the communities most harmed under criminalization.

But until the day that 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.

During your previous tenure at the White House, President Obama understood that decades of harsh and discriminatory federal drug laws unfairly trapped minority individuals and communities in cycles of despair. That is why he used the tools of justice to grant clemency for 1,927 individuals convicted of federal crimes. Most of these individuals had been convicted on drug charges and would not have been sentenced so harshly, if at all, under today's standards.

Your Administration has the power to expand on this legacy and issue a general pardon to all former federal, non-violent cannabis offenders in the U.S and trigger resentencing for all those who remain federally incarcerated on non-violent, cannabis-only offenses for activity now legal under state laws.

This is not a partisan issue; every President since George H.W. Bush has exercised their pardoning power for cannabis offenses. There is legal and scholarly support for the use of a blanket pardon on the War on Drugs. In *Pardon Us: Systematic Presidential Pardons*, Charles Shanor and Marc Miller wrote: "*One of the most common uses of systematic pardons in U.S. history has been to heal the wounds of war at home. For many years in the United States, we have been engaged in a war on drugs. Whatever the judgments of history about the virtue, the wisdom, or the success of this war, it is has produced some laws and some sentences that are widely perceived to be unwise and unfair.*"

By following the example of President Carter, who issued a blanket pardon for those who were convicted of violating the Military Selective Service Act by draft-evasion acts or omissions committed between August 4, 1964 and March 28, 1973, you could begin the process of “winning the peace” in the War on Drugs by ending it and working to make whole those who have been harmed.

For decades, discriminatory cannabis policies have perpetuated yet another form of systemic racism in America. A report issued in 2020 by the ACLU concluded, “Black people are 3.64 times more likely than white people to be arrested for marijuana possession, notwithstanding comparable usage rates.” The authors continued, “In every single state, Black people were more likely to be arrested for marijuana possession, and in some states, Black people were up to six, eight, or almost ten times more likely to be arrested. In 31 states, racial disparities were actually larger in 2018 than they were in 2010.”

For generations, the United States’ marijuana policies have been morally and intellectually misguided. As Reverend Martin Luther King Jr. said, “The time is always right to do what is right.”

During your campaign you committed that you would “automatically expunge all past marijuana convictions for use and possession.” Therefore, we urge you to grant executive clemency for all non-violent cannabis offenders. We look forward to working with you and the incoming Attorney General on quickly making this a reality.

Sincerely,



Earl Blumenauer
Member of Congress



Barbara Lee
Member of Congress

CC: Rosalind Sargent-Burns, Acting Pardon Attorney

/s/

Nydia M. Velázquez
Member of Congress

/s/

Adriano Espaillat
Member of Congress

/s/

Bonnie Watson Coleman
Member of Congress

/s/

James P. McGovern
Member of Congress

/s/

Jan Schakowsky
Member of Congress

/s/

Jesús G. "Chuy" García
Member of Congress

/s/

Eleanor Holmes Norton
Member of Congress

/s/

Alexandria Ocasio-Cortez
Member of Congress

/s/

Rashida Tlaib
Member of Congress

/s/

Danny K Davis
Member of Congress

/s/

Alan Lowenthal
Member of Congress

/s/

Alcee L. Hastings
Member of Congress

/s/

David Trone
Member of Congress

/s/

Mark Pocan
Member of Congress

/s/

Carolyn B. Maloney
Member of Congress

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Peter Welch
Member of Congress

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Dwight Evans
Member of Congress

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Ilhan Omar
Member of Congress

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Ayanna Pressley
Member of Congress

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Jared Huffman
Member of Congress

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Pramila Jayapal
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Ed Perlmutter
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Mondaire Jones
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Zoe Lofgren
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Ro Khanna
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J. Luis Correa
Member of Congress

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Brenda L. Lawrence
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Raúl Grijalva
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Charlie Crist
Member of Congress

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Jerrold Nadler
Member of Congress

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Dean Phillips
Member of Congress

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Jamaal Bowman, Ed.D
Member of Congress

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Steven Horsford
Member of Congress

/s/

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

/s/

Jake Auchincloss
Member of Congress