



November 19, 2019

**VOTE YES ON H.R. 3884, THE MARIJUANA OPPORTUNITY REINVESTMENT  
& EXPUNGEMENT (MORE) ACT**

Dear Representative:

On behalf of the Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we urge you to vote yes on [H.R. 3884](#), the Marijuana Opportunity Reinvestment and Expungement (MORE) Act. We commend the House Judiciary Committee for holding a hearing on the MORE Act this summer and for the decision by House Judiciary Chairman Nadler to mark up the bill. The MORE Act is bipartisan legislation supported by the [Marijuana Justice Coalition](#) as well as more than [100](#) national and state organizations that all urge the House of Representatives to swiftly advance comprehensive marijuana policy that addresses criminal justice reform, racial justice, and equity.

The MORE Act addresses the equity and criminal justice reform consequences of the failed War on Drugs. It removes marijuana from the Controlled Substances Act. This provision alone will enable states to set their own regulatory policies without threat of federal interference, open up the ability to conduct much needed research on marijuana, and allow veterans to access medical marijuana without consequence through the U.S. Department of Veterans Affairs, in addition to a slew of other benefits that will follow de-scheduling.

Most importantly, the MORE Act takes significant steps to right the wrongs of marijuana criminalization. It includes federal expungement and resentencing for previous marijuana offenses. It prevents the denial of public benefits due to an individual's marijuana use or previous conviction. The MORE Act also protects noncitizens from deportation or denial of citizenship due to marijuana use or a previous conviction. Lastly, it establishes a Trust Fund, paid for by a modest 5 percent tax on the industry, which will create various grant programs. The grant programs include funding dedicated to helping socially and economically disadvantaged people enter the industry; and a community reinvestment fund meant to funnel money into communities disproportionately harmed by marijuana enforcement, which would fund services targeting reentry, youth development, workforce development, substance misuse treatment, and other services.

**I. The MORE Act Will Impact Communities of Color because Punishment for Cannabis Use Historically and Currently has Been Disproportionately Burdensome for These Groups.**

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American Association of  
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Kimberly Churches  
AAUW  
Kristen Clarke  
Lawyers' Committee for  
Civil Rights Under Law  
Lily Eskelsen Garcia  
National Education Association  
Fatima Goss Graves  
National Women's Law Center  
Chad Griffin  
Human Rights Campaign  
Mary Kay Henry  
Service Employees International Union  
Sherrilyn Ifill  
NAACP Legal Defense and  
Educational Fund, Inc.  
David H. Inoue  
Japanese American Citizens League  
Gary Jones  
International Union, UAW  
Derrick Johnson  
NAACP  
Virginia Kase  
League of Women Voters of the  
United States  
Michael B. Keegan  
People for the American Way  
Samer E. Khalaf  
American-Arab  
Anti-Discrimination Committee  
Marc Morial  
National Urban League  
Janet Murguía  
UnidosUS  
Debra L. Ness  
National Partnership for  
Women & Families  
Rabbi Jonah Pesner  
Religious Action Center  
Of Reform Judaism  
Lisa Rice  
National Fair Housing Alliance  
Anthony Romero  
American Civil Liberties Union  
Ahnivake Rose  
National Congress of American Indians  
Richard L. Trumka  
AFL-CIO  
Toni Van Pelt  
National Organization for Women  
Randi Weingarten  
American Federation of Teachers  
John C. Yang  
Asian Americans Advancing Justice |  
AAJC

Policy and Enforcement  
Committee Chair  
Michael Lieberman  
Anti-Defamation League  
President & CEO  
Vanita Gupta

Overincarceration and racial disparities created by the enforcement of cannabis laws are still a significant issue in the United States. The MORE Act is intended to rectify these harms. The continued enforcement of cannabis prohibition laws results in more than 600,000 arrests annually, disproportionately impacting people of color. These cannabis arrests continue to punish low-level street dealers and users more severely than the high-level members of drug organizations.<sup>1</sup> On average, Blacks are more 3.73 times more likely to be arrested for possession of cannabis than Whites.<sup>2</sup> This is the case despite studies that indicate Blacks only use cannabis at 1.3 times the rate of Whites.<sup>3</sup> Further, in addition to disproportionate arrest rates, people of color have been historically targeted by discriminatory sentencing practices. On average, Black men receive drug sentences that are 13.1 percent longer than sentences imposed for White men, and Latinos are nearly 6.5 times more likely to receive a federal sentence for cannabis possession than non-Hispanic Whites. For example, in 2013, simple cannabis possession was the fourth most common cause of deportation for all offenses and the most common cause of deportation for drug law violations.

## **II. The MORE Act Can Positively Impact the Economic and Social Fabric of Communities of Color and the Country at Large.**

Discriminatory drug enforcement has created structural barriers to building economic wealth.<sup>4</sup> While people of color suffer the disparate burden of the punishment for cannabis violations, the economic benefits predominantly flow to others. Currently, it is estimated that less than one percent of the cannabis industry is owned or operated by people of color.<sup>5</sup> Therefore, any meaningful cannabis reform legislation must be developed using a racial justice lens, and the MORE Act does that. The War on Drugs and cannabis criminalization have caused economic devastation and led to the perpetuation of poverty in America, especially for communities of color.

The MORE Act is also likely to result in cost savings and tax benefits for federal and state governments. The total amount that cannabis prohibition costs states and the federal government each year by pursuing cannabis offenses is an estimated \$4 billion.<sup>6</sup> Legalizing cannabis use and possession would save money by eliminating associated law enforcement and court filing fees, as demonstrated by the savings experienced by states that have already legalized cannabis. Studies have found that crime dropped in each state after legalization.<sup>7</sup> Some proponents for legalization of cannabis argue that reform can eliminate hostile interactions and even improve community trust with law enforcement to ultimately decrease

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<sup>1</sup> King, Ryan and Mauer, Marc. "A 25-Year Quagmire: The War on Drugs and its Impact on American Society." *The Sentencing Project*. September 1, 2007. Pgs. 12-13. <https://www.sentencingproject.org/publications/a-25-year-quagmire-the-war-on-drugs-and-its-impact-on-american-society/>

<sup>2</sup> "Criminal Law Reform." *ACLU*. 2018. <https://www.aclu.org/issues/criminal-law-reform>

<sup>3</sup> *Ibid.*

<sup>4</sup> Using Marijuana Revenue to Create Jobs, Center for American Progress, May 2019, <https://www.americanprogress.org/issues/criminal-justice/reports/2019/05/20/470031/using-marijuana-revenue-create-jobs/>

<sup>5</sup> *Ibid.*

<sup>6</sup> Statement of Principles on Federal Marijuana Reform, The Marijuana Justice Coalition, [http://www.drugpolicy.org/sites/default/files/mjc-principles\\_0.pdf](http://www.drugpolicy.org/sites/default/files/mjc-principles_0.pdf)

<sup>7</sup> From Prohibition to Progress: A Status Report on Marijuana Legalization, Drug Policy Alliance. Jan. 2018. <http://www.drugpolicy.org/legalization-status-report>

violence, increase the solving of more violent crimes, and positively affect reentry outcomes.<sup>8</sup> Furthermore, governments would be able to regulate and tax the industry, generating revenue and shifting limited law enforcement resources toward issues that present more of a threat to public safety.

### **III. The MORE Act Will Eliminate Barriers to Access to Public Benefits.**

Arresting and incarcerating individuals for cannabis leads to serious consequences that affect the person who was convicted, their family, and society as a whole. People convicted of felony cannabis offenses suffer from the same, if not worse, consequences as those convicted of non-felony level “violent” crimes. Federal law requires that the states revoke the driver’s license of a person who was convicted of any felony for at least six months, and permits states to revoke their license for even longer.<sup>9</sup> Under federal law and under the law of 31 states, people with felony convictions are not allowed to participate in jury service,<sup>10</sup> and many states restrict their voting rights.<sup>11</sup> Individuals with felony convictions also experience limited access to employment opportunities, and often struggle to find a job after release.<sup>12</sup> When coupled with current efforts to increase work requirements for government assistance with basic need, reentry becomes even more complicated for already vulnerable individuals impacted by drug convictions.

Lifting federal bans that disproportionately affect low-income communities and persons of color would help to reduce racial disparities in reentry. People convicted of drug offenses, including cannabis offenses, are often targeted under criminal law and subject to exclusions that do not impact other people returning to their communities after a period of incarceration. They face barriers to actively participating in their children’s lives (i.e. prohibitions against volunteering at schools or chaperoning field trips). Impacted individuals are often ineligible for certain public benefits, such as Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF,) based on the jurisdiction in which they live. Impacted individuals also many not be able to access affordable public housing and can be prohibited from receiving public education loans. Cannabis reform can also lead to the development of community services and provide additional wraparound services to impacted individuals.

### **IV. The MORE Act Will Increase Equity in a Society Shaped by Racial Discrimination in the Criminal Justice System.**

The Leadership Conference supports the complete removal of federal penalties for the use and possession of cannabis, including recreational and medicinal cannabis, as well as provisions that focus on reparative

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<sup>8</sup> Jaeger, Kyle, Legalizing Marijuana Helps Police Solve Other crimes, New Study Shows, Marijuana Movement, Jul. 2018, <https://www.marijuanamoment.net/legalizing-marijuana-helps-police-solve-other-crimes-new-study-shows/>

<sup>9</sup> 23 U.S. Code § 159.

<sup>10</sup> “Every 25 Seconds the Human Toll on Criminalizing Drug Use in the United States.” *ACLU and Human Rights Watch*. October 2016. Pg. 156. [https://www.aclu.org/sites/default/files/field\\_document/usdrug1016\\_web.pdf](https://www.aclu.org/sites/default/files/field_document/usdrug1016_web.pdf)

<sup>11</sup> *Ibid.* Pgs. 150-51.

<sup>12</sup> “‘Ban the Box’ is a Fair Chance For Workers With Records.” *National Employment Law Project*. Aug. 2017. <https://s27147.pcdn.co/wp-content/uploads/Ban-the-Box-Fair-Chance-Fact-Sheet.pdf>

justice and removal of cannabis from the Controlled Substances Act. Public sentiment supports legalization: a majority of American voters — 68 percent — are in support of cannabis reform, according to a 2018 Center for American Progress and GBAO Strategies poll.<sup>13</sup> Additionally, 73 percent of American voters support the automatic sealing of marijuana offenses.<sup>14</sup> More importantly, ending prohibition would eliminate any racial disparities resulting from cannabis-related arrests and convictions and would likely help decrease the overall number of incarcerated persons of color. Federal reform would also result in the dismantling of federal collateral consequences in education, employment, and housing that disproportionately harm communities of color and low-income communities. Several states have already legalized cannabis, including Alaska, Illinois, Maine, Michigan, Nevada, Vermont, Washington, Washington, D.C., California, Colorado, Massachusetts, and Oregon.

The MORE Act will also increase equity within the legal cannabis marketplace and provide industry access to people of color. This country must reckon with its legacy of racial and ethnic injustices, including the disproportionate collateral consequences of 80 years of cannabis prohibition enforcement that now limits participation in the industry. Both disproportionate arrest and conviction rates have made it particularly difficult for people of color to enter the legal cannabis marketplace. The communities that have been most harmed by cannabis prohibition are benefiting the least from the legal cannabis marketplace. One way to increase equity within the cannabis industry is to provide loans and capital for cannabis businesses to individuals who are disproportionately impacted minority small business owners.

The MORE Act will assist individuals who were formerly incarcerated or have prior drug law violations and criminal convictions. Creating a process that will provide the expungement or sealing of criminal records for cannabis offenses and eliminating broad felony restrictions for licensing will benefit these individuals, as well as individuals who are currently on parole or under any probationary agreement, for cannabis offenses. The MORE Act also establishes resentencing for individuals serving sentences for cannabis convictions and redesignates penalties for persons previously convicted of cannabis-related crimes for which the penalties have been reduced or removed. This provision should also apply to those currently under parole, probation, state supervision, or released on bail awaiting trial.

Meaningful cannabis reform like the MORE Act provides opportunities where tax revenue from cannabis sales can be reinvested in communities that have been most affected by cannabis arrests and the War on Drugs. Tax revenues should also be used to establish a special fund to provide small business investments to support people of color entering the legal cannabis industry. Moreover, the MORE Act allows profits made through the cannabis industry through grant programs to support local jurisdictions and community leaders in developing programs in order to serve impacted individuals with job training, reentry services, expungement expenses, public libraries, community centers, programs, opportunities dedicated to youth, and health education programs.

## V. Conclusion

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<sup>13</sup> Center for American Progress. Voters Across Party Line Support Clean Slate Legislation. <https://www.americanprogress.org/issues/criminal-justice/news/2018/06/20/451624/voters-across-party-lines-support-clean-slate-legislation/>

<sup>14</sup> *Ibid.*



We strongly urge you to vote yes on the MORE Act and to be a part of this historic opportunity to address the decades of harm faced by communities of color and low-income communities due to failed marijuana policies. We urge you to advance cannabis drug reforms that finally respect the civil and human rights of all communities. We look forward to the MORE Act being voted out of committee. Thank you for your thoughtful consideration of this matter. If you have any questions, please do not hesitate to contact Sakira Cook, Program Director, Justice Reform, [cook@civilrights.org](mailto:cook@civilrights.org) or (202) 263-2894.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanita Gupta". The signature is fluid and cursive.

Vanita Gupta  
President and CEO