



March 31, 2022

Vote YES on the Marijuana Opportunity Reinvestment and Expungement (MORE) Act

Dear Representative,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil and human rights of all people in the United States, and the ACLU, which for over 100 years has been our nation's guardian of liberty, we write to communicate our strong support of the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, H.R. 3617, and encourage you to vote "yes" on this legislation. The Leadership Conference and the ACLU plan to score your vote in our voting records for the 117th Congress.

Last June marked the 50th anniversary of the so-called War on Drugs. Over the past five decades, U.S. criminal-legal system policies, especially drug policies, have contributed to an increase in incarceration rates that are unprecedented in our country's history and unmatched globally, with nearly two million people currently incarcerated in U.S. prisons and jails.¹ Additionally, the War on Drugs has led to over-policing of communities of color; the enactment of mandatory minimum sentencing laws, including for drug offenses; cost the country \$1 trillion; and failed to improve public safety.² Instead, we have a mass incarceration and criminalization crisis that has devastated those ensnared in the criminal-legal system and their families and disproportionately harmed Black, Brown, Indigenous, and low-income communities.

In particular, enforcement of marijuana laws perpetuated by the War on Drugs has resulted in overincarceration and racial disparities. Marijuana prohibition results in 545,602 arrests annually, with a disproportionate effect on communities of color, especially Black and Brown people.³ Black people are 3.64 times more likely to be arrested for possession of marijuana than White people, despite studies indicating that the usage rate between the two groups is nearly the same,⁴ and nearly 80 percent of people in federal prison — and almost 60 percent of people in state prison — for drug offenses are Black or Latino.⁵

Criminalization has a lasting impact, as a drug conviction record limits an individual's ability to work, find housing, and provide for their families and their future. For example, individuals with a past felony

¹ Sawyer, Wendy and Peter Wagner. "Mass Incarceration: The Whole Pie 2022." Prison Policy Initiative. March 14, 2022. <https://www.prisonpolicy.org/reports/pie2022.html>.

² Center for American Progress. "Ending the War on Drugs: By the Numbers." June 27, 2018. <https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/>.

³ FBI, 2019 Crime in the United States. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019>.

⁴ American Civil Liberties Union. A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform. 2020. <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>.

⁵ Drug Policy Alliance. "Race and the Drug War." Last visited March 28, 2022. <https://drugpolicy.org/issues/race-and-drug-war>.

drug conviction are subject to a lifetime ban from receiving Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) benefits.⁶ This ban undermines the efforts of those striving to transition successfully into the community and support their families.⁷ Moreover, marijuana criminalization drives family separation, as marijuana possession serves as a basis for deportation. In addition, Black, Latino, and Indigenous people have been overwhelmingly shut out of the regulated marijuana marketplace due to financial barriers and past drug convictions barring entry to the market, even though they have been disproportionately affected by cannabis criminalization. Currently, estimates show that less than one percent of the marijuana industry is owned or operated by people of color.⁸

Two years ago, the House made history by passing the MORE Act, marking the first time a full chamber of Congress has taken up and voted favorably for a marijuana descheduling bill.⁹ At that time, the ACLU, The Leadership Conference, and more than 100 national and state organizations collectively urged the House of Representatives to advance this comprehensive marijuana justice bill that advances criminal justice, racial justice, and social equity. Today, the stakes are even greater: The police murder of George Floyd shined a light on discriminatory law enforcement practices; the pandemic aggravated economic insecurity; and COVID-19 infected and took lives at a higher rate in jails and prisons than in the general population. Decriminalizing marijuana continues to represent a necessary first step toward repairing the harms caused by our over-criminalization policies. The public agrees, as 65 percent of voters support ending the War on Drugs. Your vote to pass the MORE Act is critical to ensure an effective and equitable way forward.¹⁰

The MORE Act addresses the collateral consequences of federal marijuana criminalization — including the disproportionate impact of marijuana laws on Black and Brown communities — and takes steps to ensure the legal marketplace is diverse and inclusive of individuals adversely affected by prohibition. The legislation begins by removing, or descheduling, marijuana from the Controlled Substances Act. Decriminalizing marijuana at the federal level will enable states to set their own regulatory policies without threat of federal interference. This facet of the bill is especially important given that 17 states have legalized adult use of marijuana, and 36 states and the District of Columbia have legalized the use of medical marijuana.¹¹ Descheduling also protects noncitizens from deportation and allows them to work in

⁶ 21 USC § 862a.

⁷ See Letter from The Leadership Conference and other organizations to President Biden RE: Repealing the lifetime ban for individuals with a felony drug conviction from SNAP/TANF.

⁸ Center for American Progress. Using Marijuana Revenue to Create Jobs. May 2019.

<https://www.americanprogress.org/issues/criminal-justice/reports/2019/05/20/470031/using-marijuana-revenue-create-jobs/>.

⁹ Lozano, Alicia Victoria, “House passes historic bill to decriminalize cannabis.” *NBC News*. Dec. 4, 2020.

<https://www.nbcnews.com/politics/congress/congress-takes-historic-bill-decriminalize-cannabis-n1249905>.

¹⁰ American Civil Liberties Union, “On 50th Anniversary Of “War on Drugs,” Poll Shows Majority of Voters Support Ending Criminal Penalties for Drug Possession, Think Drug War is a Failure.” June 9, 2021.

<https://www.aclu.org/press-releases/50th-anniversary-war-drugs-poll-shows-majority-voters-support-ending-criminal>.

¹¹ Nat’l Conference of State Legislatures. Cannabis Overview. April 28, 2021. <https://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx>.

marijuana marketplaces that are legal under state law.¹² The bill also prevents the government from using past marijuana use as justification to deny individuals federal benefits like SNAP and TANF, student financial aid, or security clearances needed to obtain government jobs. Additionally, the five percent federal excise tax on marijuana sales at the manufacturer level will fund social services and technical assistance to the Small Business Administration for communities most harmed by the War on Drugs. This tax revenue will support local jurisdictions and community leaders in developing programs to serve impacted individuals with job training, reentry services, expungement expenses, public libraries, community centers and programs, as well as opportunities dedicated to youth and health education programs.

The MORE Act is needed now more than ever before. The bill will reduce mass incarceration by expunging federal cannabis convictions and shrink the jail and prison populations, which will support efforts to mitigate the spread of COVID-19. Passage of the bill will tear down employment barriers for individuals with cannabis convictions and generate hundreds of thousands of new jobs by expanding the industry and investing in affected communities. Ending federal criminalization of marijuana will finally allow state marijuana regulatory programs to flourish, generating crucial new revenue for states and localities.

The MORE Act represents a historic opportunity to address the decades of harm perpetrated by federal marijuana criminalization on communities of color and low-income communities. Now is the time for the House to pass the MORE Act once again. We strongly encourage you to vote in favor of this bill and oppose any amendments that will diminish the impact and opportunity this legislation provides. If you have any questions, please contact Sakira Cook, senior director, justice program, The Leadership Conference at cook@civilrights.org or Aamra Ahmad, senior policy counsel, justice division, ACLU, at aahmad@aclu.org.

Sincerely,

American Civil Liberties Union

The Leadership Conference on Civil and Human Rights

¹² Human Rights Watch. A Price Too High. Jun. 16, 2015. <https://www.hrw.org/report/2015/06/16/price-too-high/us-families-torn-apart-deportations-drug-offenses>.