

February 15, 2021

President Joseph Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

**RE:** Pardon for All Non-Violent Cannabis Offenders

Dear Mr. President:

Thank you for taking a strong leadership position in support of criminal justice reform in the United States. The protests and civil unrest that dominated the news following the murder of George Floyd revealed historic levels of mistrust and eagerness for bold new leadership. Our system is in urgent need of reform, and we appreciate the goals outlined by your administration.

President Biden, we urge you to clearly demonstrate your commitment to criminal justice reform by immediately issuing a general pardon to all former federal, non-violent cannabis offenders in the U.S. In addition, all those who are federally incarcerated on non-violent, cannabis-only offenses for activity now legal under state laws should be pardoned and their related sentences commuted.<sup>1</sup> Cannabis prohibition ruins lives, wastes resources, and is opposed by a large majority of Americans. Two out of every three states in the U.S. have abandoned the federal government's blanket prohibition and now provide safe and regulated access to cannabis for adults and/or those with qualifying medical conditions. And Illinois Gov. J.B. Pritzker has showcased the important role of clemency in achieving justice and equity with cannabis reforms through his recent work pardoning or expunging nearly half a million prior cannabis convictions.

Criminal histories related to cannabis can be particularly harmful for individuals, despite the change in laws in many states. Convictions can seriously limit job opportunities, housing, and educational options. Long after a person has gone through the legal system, the baggage of the war on marijuana continues to undermine that person's life and diminish their prospects. It is past time for the harm to stop.

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<sup>1</sup> For instance, Luke Scarmazzo owned and operated a *medical* cannabis dispensary in Modesto, CA with his friend Ricardo Montes from 2004-2006 pursuant to California's Compassionate Use Act of 1996. Although other medical marijuana dispensaries operated throughout California at the time, Luke and Ricardo were prosecuted in federal court, and in 2008 they were sentenced to over 20 years in prison. In January 2017, after serving nine years, Ricardo had his sentence commuted by the President. Luke wasn't as fortunate. Without explanation, his petition for commutation was denied. This form of random-selection clemency needs to be replaced with a principled, active, and meaningful program that better fits modern America. While the cannabis trade became a legal business for many under state law, others were targeted for the same activity by federal agents. Luke was an entrepreneur who followed state law and fulfilled a market for medical marijuana but became a victim of a patchwork set of laws, often applied unevenly. You now have the power to correct a serious injustice carried forward by prior administrations.

In November 2019, during a Democratic Primary Debate, you stated: “I think we should decriminalize marijuana, period. And I think everyone – anyone who has a record – should be let out of jail, their records expunged, be completely zeroed out.”<sup>2</sup> You now are in a position to do just that through a categorical pardon grant. Such grants are hardly unprecedented. Presidents from both political parties have taken such action when circumstances warranted it. In 1974, President Ford signed a proclamation granting conditional pardons to the Selective Service Act violators who did not leave the United States. In 1977, President Carter issued categorical pardons to all Selective Service Act violators as a way to put the war and divisions it caused in the past.<sup>3</sup>

While the war on cannabis impacts individuals of all races, a disproportionate number who enter the criminal justice system are people of color. On your first day in office, you signed an executive order rightly stating that, “Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.” Today, the long-term harm of cannabis prohibition in communities of color throughout the country is profound. As we look to solutions to provide healing, the dangerous policing tactics that were developed to execute the war on marijuana, including no-knock warrants and other aggressive tactics, shock the nation and have led us to historic levels of mistrust. When a large majority of Americans no longer believe cannabis should be illegal, aggressive enforcement tactics quickly lose support. A general pardon of all former and current federal non-violent cannabis offenders would be the kind of grand, ambitious, and impactful action that would effectively signal to marginalized communities that their suffering is seen and that the government seeks to remedy their harms.

We appreciate that the Biden-Sanders Task Force recommendations speak to these issues, and we recognize that expungement is an important part of the healing process. We ask you to clearly send—through a general clemency—a powerful message that our country is truly taking a new course on criminal justice policy and practice.

Thank you for your leadership position as our nation begins to address criminal and social justice reform.

Sincerely,

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**Erik Altieri**  
National Organization for the Reform of  
Marijuana Laws (NORML)

**Weldon Angelos**  
Project Mission Green/The Weldon Project

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<sup>2</sup> Biden, Democratic Primary Debate, Nov. 20, 2019; <https://www.nbcnews.com/politics/2020-election/read-democratic-debate-transcript-november-20-2019-n1088186>. Similar sentiments were recently echoed by Senate Majority Leader Chuck Schumer. *See e.g.*, Kyle Jaeger, *Chuck Schumer Lists Marijuana As A Priority In First Post-Election Cannabis Comments*, MARIJUANA MOMENT, Jan. 26, 2021.

<sup>3</sup> *See* Proclamation 4483, also known as Granting Pardon for Violations of the Selective Service Act.

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