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AAJC

Interim President & CEO
Wade Henderson

June 4, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi, Majority Leader Hoyer, and Minority Leader McCarthy,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, we write to communicate our strong support of the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, H.R. 3617, and urge you to bring this bill to the House floor for a vote in June of 2021.

The MORE Act is bipartisan legislation supported by the [Marijuana Justice Coalition](#), of which The Leadership Conference is a part. Since first convening in 2018, the Marijuana Justice Coalition has worked tirelessly to advance the MORE Act – the most sweeping piece of marijuana reform ever considered by the U.S. Congress. In 2019, shortly after the bill's introduction in the last Congress, more than [100](#) national and state organizations collectively urged the House of Representatives to swiftly advance this comprehensive marijuana justice policy that addresses justice reform, racial justice, and equity.

Last year, 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.¹ Since that time, the circumstances of this past year have made the War on Drugs even more untenable and amplified the voices of those demanding transformation in our criminal-legal system. In the face of a growing national dialogue on discriminatory law enforcement practices, including the disproportionate policing of drug use in communities of color, transforming our criminal-legal system and redressing its harms is more relevant and more pressing than ever before. Marijuana reform represents a modest but necessary first step toward that transformation and toward repairing the harm wrought by the War on Drugs. The MORE Act remains the most effective and equitable way forward.

¹ 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>.

Overincarceration and racial disparities created by the enforcement of marijuana laws remain significant issues in the United States. These prohibitions result in 600,000 arrests annually, with a disproportionate effect on communities of color.² 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.³ The enforcement of these laws burdens individuals with drug conviction records that affect their ability to work, find housing, and provide for their families and their future. For example, individuals with a past felony drug conviction are subject to a lifetime ban from receiving Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) benefits.⁴ This ban undermines the efforts of those striving to transition successfully into the community and support their families.⁵ Further, as marijuana possession can result in deportation, marijuana criminalization remains a driver of family separation in the immigration system.⁶ Additionally, although Black, Latino, and Indigenous people have been disproportionately affected by cannabis criminalization, they have been shut out of the regulated marijuana marketplace, due to financial barriers and past drug convictions barring entry to the market. Currently, it is estimated that less than one percent of the marijuana industry is owned or operated by people of color.⁷

The MORE Act addresses the collateral consequences of federal marijuana criminalization and takes steps to ensure the legal marketplace is diverse and inclusive of individuals most adversely affected by prohibition. The legislation begins by removing, or descheduling, marijuana from the Controlled Substances Act. This provision alone will have a significant impact, as it will decriminalize marijuana at the federal level while enabling 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.⁸ Descheduling also protects noncitizens from immigration consequences due to marijuana activity, including noncitizens working in state-legal marijuana marketplaces. The bill also prevents the government from denying an individual federal benefits like SNAP and TANF, student financial aid, or security clearances needed to obtain government jobs because of marijuana use. Additionally, with a five percent federal excise tax on marijuana sales at the manufacturer level, the MORE Act would fund social services in communities most harmed by the War on Drugs as well as Small Business Administration support and technical assistance for impacted communities. This tax revenue will support local jurisdictions and community leaders in developing programs to serve impacted individuals with job

² FBI, 2019 Crime in the United States. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019>.

³ 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>.

⁴ 21 USC § 862a. <https://www.law.cornell.edu/uscode/text/21/862a>.

⁵ 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.

⁶ 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>.

⁷ 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/>.

⁸ Nat'l Conference of State Legislatures. Cannabis Overview. April 28, 2021. <https://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx>.

training, reentry services, expungement expenses, public libraries, community centers, programs, opportunities dedicated to youth, and health education programs. Furthermore, unlike last year's version of the MORE Act, H.R. 3617 does not exclude individuals with marijuana convictions from engaging in the federal permitting process for operating within the marijuana industry. This change is a significant improvement from last year's bill and will be a key factor in alleviating inequities in this burgeoning marketplace.

The MORE Act also takes significant steps to right the wrongs of decades of federal marijuana criminalization by providing for the expungement and resentencing of marijuana offenses. Unfortunately, the bill does not provide equitable relief for all who experienced harm from these prohibitions. The legislation explicitly exempts those who have received a 'kingpin' sentencing enhancement relating to a marijuana conviction from expungement eligibility. This exclusion undermines the purpose of the bill and continues to perpetuate the War on Drugs. Congress should amend the bill to make those with such convictions eligible for expungement within five years, assuming there have been no new convictions in the intervening time. Such a change will stay true to the intent of the bill and provide relief to those caught up in draconian enforcement efforts.

The MORE Act is needed now more than ever before. The bill will strike a blow at mass incarceration by reducing the number of people who are incarcerated, alleviating health challenges posed by COVID-19. Passage of the bill will also help ameliorate economic hardship caused by COVID-19 by minimizing barriers to employment due to prior justice-system involvement and generating hundreds of thousands of new jobs through expanding the industry and investing in affected communities.⁹ Additionally, ending the federal criminalization of marijuana will 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 urge House leadership to support the passage of the bill and schedule the bill for a vote in June. If you have any questions, please contact Sakira Cook, senior director, Justice Program, at cook@civilrights.org.

Sincerely,



Wade Henderson
Interim President and CEO

Cc:
Rep. Jerry Nadler, Chair, House Judiciary Committee

⁹ 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/>.



Rep. Frank Pallone, Chair, House Energy & Commerce Committee
Rep. David Scott, Chair, House Agricultural Committee
Rep. Bobby Scott, Chair, House Education & Labor Committee
Rep. Richard Neal, Chair, House Ways & Means Committee
Rep. Raúl M. Grijalva, Chair, Natural Resources Committee
Rep. Carolyn Maloney, Chair, House Oversight & Reform Committee
Rep. Nydia Velázquez, Chair, House Small Business Committee