

Statement of Principles on Federal Marijuana Reform

THE MARIJUANA JUSTICE COALITION



Center for American Progress



The Leadership Conference
on Civil & Human Rights



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

For decades, marijuana prohibition has devastated the lives of millions and disrupted the economic and social fabric of communities. The continued enforcement of marijuana prohibition laws results in over 600,000 arrests annually, disproportionately impacting people of color who are on average almost 4 times more likely to be arrested for marijuana possession than their white counterparts, despite equal rates of use across race.¹ Additionally, simple marijuana possession was the fourth most common cause of deportation for any offense and the most common cause of deportation for drug law violations.²

An ever-growing majority of American voters—68% percent—support marijuana legalization, according to a 2018 Center for American Progress and GBA Strategies poll.³ Even higher, 73% of American voters support the automatic sealing of marijuana offenses.⁴

The nation has moved beyond the question of ‘should we legalize marijuana?’, and is now grappling with ‘how do we legalize?’ Thirty-three states plus the District of Columbia have adopted laws allowing legal access to medical marijuana with 10 states plus the District of Columbia allowing legal access to recreational marijuana.⁵ Nationwide, the communities that have been most harmed by marijuana prohibition are benefitting the least from the legal marijuana marketplace.

Individuals who have suffered from the impact of a marijuana arrest or conviction are still languishing from the thousands of unique collateral consequences of over-enforcement of marijuana laws—collateral consequences that include difficulty securing or maintaining employment, housing, federal financial aid, nutritional assistance, the ability to vote, a valid driver’s license, and harsh immigration-related consequences for noncitizens.⁶

Despite the fact that the harms of marijuana prohibition have not been borne equally across the nation and across specific populations, people of color are woefully underrepresented in the marijuana industry.⁷ Historically disproportionate and racially biased arrests and convictions make it particularly difficult for Black and Brown people to enter the legal marijuana marketplace, as most states bar these individuals from participating because of their record. The Administration recently threatened that it will deny naturalization to lawful permanent residents, the great majority of whom are people of color, if they are employed in the industry.⁸ Other barriers include exorbitant licensing fees and the need for large amounts of capital before gaining a license.

Ending prohibition on the federal level presents a unique and desperately needed opportunity to rightfully frame legalization as an issue of criminal justice reform, equity, racial justice, economic justice, and empowerment, particularly for communities most targeted by over-enforcement of marijuana laws.

As Congress considers the end of marijuana prohibition, the Marijuana Justice Coalition believes that any legislation that moves forward in Congress should be comprehensive. The provisions set forth below are agreed upon by the undersigned criminal justice, drug policy, civil rights, and anti-poverty groups as principles that should be considered as a part of any moving marijuana reform efforts in Congress:

- **Descheduling marijuana, as maintaining marijuana on the Controlled Substances Act serves to preserve federal criminalization and enforcement.**
- **Criminal justice reform provisions (e.g. expungement, resentencing).**
- **Provisions eliminating barriers to access to public benefits (e.g. nutrition assistance, public housing, etc.) and other collateral consequences related to an individual’s marijuana use or previous arrest or conviction.**
- **Provisions eliminating unnecessarily discriminatory elements for marijuana use, arrests and convictions, including drug testing for public benefits or marijuana use as a reason for separating children from their biological families in the child welfare system.⁹**
- **Provisions that ensure that marijuana use or participation in the marijuana industry does not impact the immigration status of noncitizens nor their ability to naturalize.**
- **Marijuana tax revenue be directed to local units of government and community-based organizations to reinvest in individuals and communities most impacted by the war on drugs, particularly through programming that helps eliminate the collateral harms of marijuana prohibition, especially for individuals with systemic and structural barriers to employment and/or living in high-poverty communities.**
- **Marijuana tax revenue be directed to support entrepreneurs from communities directly impacted by the war on drugs with a process to provide them with the requisite capital to develop cannabis businesses, and encourage emerging licensing programs to be inclusive and reflective of their communities.**

Signed by the members of the Marijuana Justice Coalition:

ACLU • Center for American Progress • Center for Law and Social Policy •
 Drug Policy Alliance • Human Rights Watch • Immigrant Legal Resource Center •
 Leadership Conference on Civil & Human Rights • NORML • Students for Sensible Drug Policy •
 Washington Lawyers Committee for Civil Rights and Urban Affairs



1 • Federal Bureau of Investigations: Uniformed Crime Reporting. “2017 Crime in the United States.” <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested>; American Civil Liberties Union. Report: The War on Marijuana in Black and White. June 2013. <https://www.aclu.org/report/report-war-marijuana-black-and-white>

2 • Drug Policy Alliance. The Drug War and Mass Deportation. February 2016. https://www.drugpolicy.org/sites/default/files/DPA%20Fact%20Sheet_The%20Drug%20War%20and%20Mass%20Deportation_%28Feb.%202016%29.pdf

3 • 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/>

4 • 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/>

5 • National Organization for the reform of Marijuana Laws. “State Laws: Medical Marijuana” <https://norml.org/legal/medical-marijuana-2>; Leafly. “Where is Cannabis Legal?” <https://www.leafly.com/news/cannabis-101/medical-recreational-cannabis-legal-states>

6 • Berson, Sarah. National Institute of Justice. “Beyond the Sentence – Understanding Collateral Consequences.” <https://www.nij.gov/journals/272/Pages/collateral-consequences.aspx>

7 • Clarke, Kristen. USA Today. “Cannabis industry shouldn’t expand until we fix marijuana’s racial inequities, injustices.” <https://www.usatoday.com/story/opinion/2019/02/22/marijuana-legalization-exposes-cannabis-industry-racial-injustice-incarceration-minorities-column/2836449002/>

8 • Amendment effective April 19, 2019 to United States Customs and Immigration Services Policy Manual, Volume 12, Chapter 5, Part C.2, at <https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5>, effective April 19, 2019 (“[C]ertain conduct involving marijuana, which is in violation of the CSA, continues to constitute a conditional bar to GMC for naturalization eligibility, even where such activity is not a criminal offense under state law ... For example, possession of marijuana for recreational or medical purposes or employment in the marijuana industry may constitute conduct that violates federal controlled substance laws.”).

9 • Emma Ketteringham. New York Daily News. “Families torn apart over pot: As N.Y. moves to legalize marijuana, it must fix agonizing disparities that take children from black and brown mothers and fathers.” <https://www.nydailynews.com/opinion/ny-oped-families-ripped-apart-over-pot-20190508-qtrnmuyztzfr7let4vxjga7zm-story.html>