

CONGRESSIONAL TESTIMONY

Marijuana Laws in America: Racial Justice and the Need for Reform
Testimony before Subcommittee on Crime, Terrorism and Homeland Security
Committee on the Judiciary
United States House of Representatives
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On behalf of the National Cannabis Roundtable (NCR), I appreciate the opportunity to submit written testimony for the Subcommittee on Crime, Terrorism and Homeland Security's historic hearing on the need for comprehensive cannabis reform. NCR applauds the subcommittee's leadership in addressing the long-simmering conflict between federal law and laws in forty-seven states, the District of Columbia and several US territories with regard to the use of cannabis. We are particularly gratified by the subcommittee's acknowledgement of social and racial injustices perpetuated by the inclusion of cannabis as a Schedule I drug in the Controlled Substances Act.

NCR promotes common sense federal regulation, tax equality and financial services reform for regulated cannabis businesses by advocating for changes to federal law that acknowledge states' rights to regulate and manage cannabis policy. We are proud to be part of a growing debate about how to transform and modernize our national cannabis policy safely, thoughtfully and comprehensively.

NCR's membership represents every aspect of the cannabis supply chain, including growers, processors, retailers, wellness centers, investors, entrepreneurs and publicly traded companies.

Our members have an established commercial presence in 23 states, including the District of Columbia, serving more than 172 million Americans.

In the last decade, 47 states have enacted comprehensive medical cannabis regimes, laws permitting full adult cannabis consumption, or laws otherwise decriminalizing some aspect of cannabis access or use. As this subcommittee is aware, cannabis is now a robust and sophisticated industry in 33 states, and there is broad popular support for ending prohibition. Sixty-two percent of Americans favor comprehensively regulated cannabis for medical and adult consumption, and 93 percent of Americans favor regulated access to cannabis for medical purposes. Based on these trends – and as the title of this hearing suggests – congressional action appears increasingly inevitable. It is now a matter of identifying the best legislative approach.

As NCR joins in the chorus calling for reform of the nation's cannabis policies, it is critical to move forward without further delay. Each day, hundreds of individuals are arrested for cannabis offenses, a disproportionate majority of whom are African American and Latinx. In 2017, the most recent year with a complete data set available, the FBI reported that there were over

659,000 arrests for cannabis offenses.¹ Unfortunately, those arrests are continuing, and the individuals who continue to be adversely impacted by the war on drugs cannot wait for the perfect piece of legislation to emerge.

For better or worse, legislation in Washington moves slowly. However, over the last two decades, states have developed cannabis policies that reduce criminal penalties, address the malignancies of the drug war and set up flourishing industries. States have developed mandatory expungement programs and have awarded licenses - and established access to capital - for those impacted by cannabis prohibition, as well as created robust medical cannabis programs for patients in need. If anything, the development of cannabis policies in states has shown that one size does not fit all. States vary widely in their geographic, socioeconomic and political differences, and have developed policies that make sense for their residents.

Recognizing this progress, a reasonable first step towards reconciling the conflict between state and federal laws would be adoption of the Strengthening the Tenth Amendment Through Entrusting States (STATES) Act. The STATES Act recognizes the reform efforts that states have already implemented and will act as a foundation for further drug reform. By removing the federal government from the equation, states can have full discretion over their police powers granted to them under the 10th Amendment. As we have seen, when cannabis prosecutions are not a priority, states can focus their limited resources on reducing violent crime - and increasing clearances of non-drug related offenses - ultimately making communities safer. The STATES Act would ensure that individual states can continue to regulate cannabis use in the manner deemed appropriate by their constituents. States in which majorities favor legalization would be permitted to do so, and states that prefer a slower approach – including those committed to prohibition solely because of existing federal policy – would be allowed to choose their own path. Unsurprisingly, this commonsense approach enjoys the broadest bipartisan and public support of any of the federal cannabis reform proposals. It also has the clearest path to passage in both chambers. Accordingly, we urge the House Committee on the Judiciary to take up the STATES Act for consideration.

While passage of the STATES Act is an important first step as it removes the threat of federal prosecution for those complying with state law, we acknowledge that it will not be enough. Tens of millions of lives have been upended by the war on drugs, especially when it comes to cannabis. While legalization has brought tremendous social and economic benefits in several states, we recognize that few of those benefits have gone to those individuals and communities harmed by decades of prohibition.

The National Cannabis Roundtable stands ready to work with the subcommittee – and with social and racial justice advocates – to craft additional legislation to address past injustices and ensure that the growing cannabis industry benefits all those who wish to participate.

Criminal justice reform and cannabis reform are issues that transcend party lines. As we work toward viable solutions, we must balance the critical need for near-term progress with the long-term goal of correcting the injustices of the past. Tangible incremental reform is obtainable.

¹ U.S. DEP'T OF JUSTICE, UNIVERSAL CRIME REPORT 2017, (2018), *available at* <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested>.

Passage of the STATES Act is something we can do *right now* to benefit tens of millions of Americans that want safe and legal access to cannabis. As the cannabis industry matures, it can - *and should* - play a leading role in redressing past wrongs. But it can only do so if it is given a chance to prosper. The STATES Act will provide that chance.

The momentum for cannabis reform is undeniable. Even the most ardent opponents recognize the dramatic shift in public opinion. The question now for most federal lawmakers is not whether we must harmonize federal and state laws regarding cannabis reform, rather what legislative mechanisms are the most pragmatic - and politically achievable – for addressing the gross criminal and social injustices that have been caused by our current federal drug policy.

We applaud the subcommittee for holding today's hearing and look forward to working with Members of Congress to ameliorate the issues created by the federal government's policy of prohibition.