

November 13, 2019

**The Honorable Nita Lowey**  
Chairwoman  
Committee on Appropriations  
H-307, the Capitol Building  
Washington, DC 20515

**The Honorable Richard Shelby**  
Chairman  
Committee on Appropriations  
S-128, the Capitol Building  
Washington, DC 20510

**The Honorable Kay Granger**  
Ranking Member  
Committee on Appropriations  
H-307, the Capitol Building  
Washington, DC 20515

**Honorable Patrick Leahy**  
Vice Chairman  
Committee on Appropriations  
133 Dirksen Senate Office Building  
Washington, DC 20515

**The Honorable Mike Quigley**  
Chairman, Subcommittee on Financial  
Services & General Government  
2000 Rayburn House Office Building  
Washington, DC 20515

**The Honorable Chris Coons**  
Ranking Member, Subcommittee on  
Financial Services & General Government  
125 Hart Senate Office Building  
Washington, DC 20515

**The Honorable Tom Graves**  
Ranking Member, Subcommittee on  
Financial Services & General Government  
1016 Longworth House Office Building  
Washington, DC 20515

**The Honorable John Kennedy**  
Chairman, Subcommittee on Financial  
Services & General Government  
133 Dirksen Senate Office Building  
Washington, DC 20515

cc: The Honorable Members of the U.S. House and Senate Financial Services and General Government Subcommittees

**Re: Remove the rider blocking the District of Columbia from regulating marijuana and protecting its residents**

Dear Members of Congress,

On behalf of the undersigned criminal justice reform, liberty, and drug policy organizations, we write to urge you to remove the Congressional budget rider that has prohibited the District of Columbia from establishing a regulatory framework for the sale and taxation of marijuana. The District of Columbia is one of a dozen jurisdictions that have voted to legalize marijuana for adult use. Yet, the District is the only jurisdiction that cannot regulate marijuana sales. Congress and the Department of Justice have allowed other states like Alaska, Colorado, Oregon, Washington, and California, among others, to exercise their sovereign right to set policy and function as laboratories of democracy; the District of Columbia should be allowed to use local taxpayers' funds to support local needs as well.

Residents of the District of Columbia voted to legalize marijuana for adult use in 2014 with 71% voter support. However, every year since then, Congress has included an appropriations rider to prohibit D.C. from using funds to create a regulatory system for marijuana. FY 2015, FY2016, FY 2017, FY2018, and FY2019 FSGG Appropriation Acts, as well as the FY2020 Senate FSGG bill have all included language that maintain this prohibition. It is critical that Congress support D.C.'s right to home rule and the ability to spend local tax dollars as they deem fit, especially in regard to the regulation and taxation of marijuana. We are requesting the Appropriations conferees amend the current rider (section 809(b) of Title VIII) by striking language that limits D.C.'s local authority on this matter.

Current law has interfered with the District's efforts to regulate marijuana, which has impacted public safety.<sup>i</sup> Indeed, Delroy Burton, chairman of the D.C. Fraternal Order of Police, said a regulated market would have "pulled the teeth out of the illegal drug trade" eventually wiping out the violence associated with it.<sup>ii</sup> Without the ability to regulate marijuana sales, the grey market for marijuana flourishes despite the need and want of the District leadership and residents alike to establish a regulatory model. Such a model would free up law enforcement resources to focus on reducing violent crime. It would also allow legitimate entrepreneurs to start businesses, create jobs and spur economic development.

There has been tremendous progress regarding marijuana reform on both the federal and state level. Both in Congress and nationally, the public conversation has shifted from "should we legalize marijuana?" to "how should we legalize marijuana?" A October 2019 Gallop poll reports that 66% of Americans support marijuana legalization, including 51% of Republicans.<sup>iii</sup> In July, the House Judiciary Committee held a landmark hearing on the necessity of comprehensive marijuana reform.<sup>iv</sup>

The District of Columbia's initiative was an important step toward reducing racial disparities in the criminal justice system and improve police-community relations. A 2013 report found that nine out of 10 drug arrests in Washington D.C. were of African Americans from 2009-2011.<sup>v</sup> Marijuana law violations was the lead category of drug arrests with simple possession representing 6 out of 10 drug arrests.<sup>vi</sup> Despite equal rates of use, African Americans in the District disproportionately carried the brunt of marijuana criminalization and overenforcement. Residents of the District voted to regulate marijuana in light of these disparities.

There are more than 700,000 residents living in the District of Columbia; Congress should follow the spirit of the Home Rule Act, and allow them to set their own local laws. It is time for Congress to support the District of Columbia's right to self-determination and lift the rider prohibiting them from regulating marijuana.

Thank you for the opportunity to submit this letter. Please contact Queen Adesuyi, Policy Manager at the Drug Policy Alliance, with any questions, at [gadesuyi@drugpolicy.org](mailto:gadesuyi@drugpolicy.org) or 202-683-2982.

Sincerely,

**ACLU of the District of Columbia • Campaign for Liberty • Center for Law and Social Policy •  
Competitive Enterprise Institute • CURE (Citizens United for Rehabilitation of Errants) • Drug Policy Alliance •  
Health in Justice Action Lab • Northwestern University School of Law • Law Enforcement Action Partnership •  
The Leadership Conference on Civil and Human Rights • National Cannabis Industry Association •  
National Employment Law Project • NORML • R Street Institute • The Sentencing Project •  
StoptheDrugWar.org • Students for Sensible Drug Policy • Washington Office on Latin America (WOLA)**



<sup>i</sup> "People in D.C.'s Increasingly Dangerous Marijuana Gray Market Want Change." *Washington City Paper*.

<https://www.washingtoncitypaper.com/news/city-desk/article/21089133/people-in-dcs-increasingly-dangerous-marijuana-gray-market-want-change>

<sup>ii</sup> Cox, John Woodrow. "How D.C. pot legalization has become 'the dealer protection act of 2015'" *The Washington Post*. May 17, 2015.

[https://www.washingtonpost.com/local/how-dc-pot-legalization-has-become-the-dealer-protection-act-of-2015/2015/05/17/5cbcd730-f28d-11e4-b2f3-af5479e6bbdd\\_story.html](https://www.washingtonpost.com/local/how-dc-pot-legalization-has-become-the-dealer-protection-act-of-2015/2015/05/17/5cbcd730-f28d-11e4-b2f3-af5479e6bbdd_story.html)

<sup>iii</sup> Gallup, "U.S. Support for Legal Marijuana Steady in Past Year," October 23, 2019, available at <https://news.gallup.com/poll/267698/support-legal-marijuana-steady-past-year.aspx>

<sup>iv</sup> "Marijuana Laws in America: Racial Justice and the Need for Reform." U.S House Committee on the Judiciary.

<https://judiciary.house.gov/legislation/hearings/marijuana-laws-america-racial-justice-and-need-reform>

<sup>v</sup> Washington Lawyers' Committee for Civil Rights and Urban Affairs, *Racial Disparities in Arrests in the District of Columbia, 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital* (Washington, D.C.; July 2013), [http://www.washlaw.org/pdf/wlc\\_report\\_racial\\_disparities.pdf](http://www.washlaw.org/pdf/wlc_report_racial_disparities.pdf)

<sup>vi</sup> Ibid.