

December 4, 2020

Speaker Nancy Pelosi
H-107, The Capitol
Washington, DC 20515

House Majority Leader Steny Hoyer
235 Cannon HOB
Washington, DC 20515



House Minority Leader Kevin McCarthy
H-204, The Capitol
Washington, DC 20515

Re: Vote YES on the MORE Act (H.R. 3884) and NO on the Motion to Recommit

Dear Speaker Pelosi, Majority Leader Hoyer, Minority Leader McCarthy, and Honorable Members of the U.S. House of Representatives,

We write today to urge you to vote YES on the Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2019 (H.R. 3884) when it comes to the House floor this week and NO on the Motion to Recommit. The Drug Policy Alliance (DPA) is a national organization that advocates for drug policies that are grounded in science, compassion, health, and human rights, with a core mission to reduce the harms associated with drug use and punitive drug laws. The MORE Act addresses the collateral consequences of federal marijuana criminalization and takes steps to ensure the legal marketplace is diverse and inclusive.

Last year in November 2019, the House Judiciary Committee made history when it passed the MORE Act, becoming the first Congressional body to vote favorably for a marijuana descheduling bill. Since then, the bill has amassed 120 House co-sponsors, including a strong contingent of House Leadership. This bill has also gained a wide range of support from various constituencies, including civil rights groups, individuals directly impacted by the criminal legal system, researchers, public health professionals, law enforcement and regulators of marijuana programs across the country, among others. Indeed, law enforcement leaders endorsed the MORE Act, penning a letter in August of this year explaining that responsible regulation and control of marijuana will be more beneficial to society than prohibiting and criminalizing it, underscoring marijuana decriminalization would help build trust between law enforcement and the communities they serve.¹

The MORE Act would declassify marijuana as a controlled substance under federal law, expunge marijuana convictions and reduce marijuana sentences. It would place an initial five percent² federal excise tax on marijuana sales at the manufacturer level in order to fund programming and services in communities adversely impacted by marijuana prohibition and to promote a diverse and inclusive marketplace. The MORE Act will help alleviate public health challenges caused by COVID-19 in jails and prisons by reducing the number of people who have contact with the criminal legal system and correctional facilities. Passage of the bill will help ameliorate economic hardship caused by COVID-19 as the bill takes steps to minimize barriers to employment resulting from prior criminal history and will help generate new jobs. The provisions found in the MORE Act are common sense solutions to many of the problems plaguing our country right now. In fact, past polling indicates that this bill enjoys bipartisan support with a majority of voters supporting the bill's provisions.³

¹ Fair and Just Prosecution and Law Enforcement Action Partnership, Aug. 19, 2020, <https://fairandjustprosecution.org/wp-content/uploads/2020/08/LEAP-FJP-MORE-Act-Letter.pdf>.

² This tax rate will graduate to 8% over five years.

³ Data for Progress, Fair and Just Prosecution, and The Justice Collaborative Institute, Nov. 23, 2020, https://tjcinstitute.com/wp-content/uploads/2020/08/the_case_for_comprehensive_marijuana_reform.pdf.

This historic House vote on the MORE Act will come on the heels of an election where five states—Montana, Arizona, South Dakota, Mississippi, and New Jersey—had marijuana reform on the ballot and each voted to loosen their marijuana laws. This resounding vote in favor of marijuana reform demonstrates what we have been saying: marijuana legalization is a winning issue with the electorate. After last month’s election, 35 states plus the District of Columbia now have laws that allow legal access to medical marijuana and 15 states plus the District of Columbia now allow legal access to marijuana for adult use. A recent Gallup poll shows that a record number of U.S. adults—68%—now support marijuana legalization.⁴ Despite the popularity of marijuana legalization, the continued enforcement of marijuana prohibition laws is responsible for more than half a million arrests in the U.S. every year.⁵ The MORE Act seeks to end the federal criminalization of marijuana and align the public’s view with federal law, while allowing individual states to decide the course they want to take on marijuana.

Notwithstanding our support for passing the MORE Act in the House this Congress, we want to be explicit that we do not support the new provisions that were added to the bill as part of the Rules Committee process. Specifically, we oppose the following:

- provisions that attempt to exclude people with cannabis convictions from the federal permitting process;
- criminal penalties for failure to comply with the tax code;
- language that carves out eligibility for resentencing and expungement relief pursuant to the bill, narrowing this relief to only nonviolent marijuana offenses and excluding individuals labeled as “kingpins” from expungement relief;
- limiting the definition of individuals most adversely impacted by the War on Drugs from those who have been impacted by general drug prohibition to individuals (and their families) who have been arrested or convicted specifically for cannabis offenses; and
- language that continues to allow federal employers to test employees for marijuana.

We have communicated our concerns with this language to relevant staff and have secured commitments to revisit this language in the next Congress. We urge House Members to take these concerns and commitments seriously as we look to pass another version of the MORE Act in the next Congress.

The time to end federal marijuana prohibition is long overdue. **We hope that you will be part of making history and vote in favor of the MORE Act.** For more information about anything contained in this letter, please contact me at mperez@drugpolicy.org.

Sincerely,

Maritza Perez

Director, National Affairs

Drug Policy Alliance

⁴ GALLUP, Nov. 9, 2020, <https://news.gallup.com/poll/323582/support-legal-marijuana-inches-new-high.aspx>.

⁵ FBI Uniform Crime Report, 2019, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/persons-arrested>.