

Congress of the United States
Washington, DC 20515

November 14, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden,

We write to commend you on your administration's decision to pardon thousands of people convicted of marijuana possession under federal law and to review how marijuana is classified in the United States. The decision is an essential step for our country's promise of justice for all. Therefore, it is of utmost importance that the Administration pardon *all* simple marijuana possession offenses – regardless of immigration status.

Using the power of the pardon is a constitutional imperative and a critical tool in rectifying the compounding racial injustices of draconian drug policies. However, continuing to deport immigrants for simple marijuana possession will only exacerbate racial disparities, traumatize families and communities vital to this country's fabric, and create ineffective legal regimes at taxpayers' expense. This is especially true given the racial disparities that exist for Black migrants. Not only are black individuals four times as likely to be arrested for marijuana possession, but a 2021 study found that Black immigrants in ICE detention were also more likely to be detained and up to six times as likely to be placed in solitary confinement.¹

Since becoming a crime in the 1970s, marijuana possession has upended too many lives, families, and communities for conduct many states no longer prohibit. Even in states that have legalized medicinal marijuana, non-citizens cannot receive medicinal marijuana without facing potential deportation.² A study conducted by Syracuse University found that, between 2003 and 2018, over 45,000 people were deported nationwide for simple marijuana possession.³

After decades of the failed war on drugs and the countless lives and families it ruined, our country must begin repairing those harms. Granting pardons to all simple marijuana possession offenses – regardless of immigration status – demonstrates genuine compassion while ensuring

¹ Ghabra, R. (2022, September 19). Black immigrants face unique challenges. Human Rights First. Retrieved October 7, 2022, from <https://humanrightsfirst.org/library/black-immigrants-face-unique-challenges/>

² Immigrant Legal Resource Center (2021, May 21). Warning for immigrants about medical and legalized marijuana. ILRC. Retrieved October 7, 2022, from <https://www.ilrc.org/warning-immigrants-about-medical-and-legalized-marijuana>

³ Modine, H. (2022, October 7). *What Biden's pardon for marijuana convictions means for immigrants*. Boundless. Retrieved October 7, 2022, from [https://www.boundless.com/blog/biden-marijuana-pardon-immigration/#:~:text=For%20now%2C%20cannabis%20possession%20is%20a%20deportable%20offense.&text=From%202003%20to%20August%202018,\(TRAC\)%20at%20Syracuse%20University.](https://www.boundless.com/blog/biden-marijuana-pardon-immigration/#:~:text=For%20now%2C%20cannabis%20possession%20is%20a%20deportable%20offense.&text=From%202003%20to%20August%202018,(TRAC)%20at%20Syracuse%20University.)

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that our country continues to mitigate the inhumane and ineffective drudge policies that have ravaged communities of color for so long.

However, for immigrants whose lives have been upended for simple marijuana possession, a pardon is only the first step in allowing them to rebuild their lives. That is why we also urge you to prioritize decriminalizing and descheduling marijuana and reopening the immigration cases of those who were deported for marijuana-related offenses. These actions would restore the lives and dignity of thousands of migrants who were deported for conduct that is now legal in varying capacities across 41 states.⁴ Additionally, following these actions would allow those same people to return to their families and lives in the United States.

We applaud the work that your administration has done in centering marginalized communities and their needs as you consider executive actions and the power of the pardon. We urge you to extend these efforts to include immigrants so that they might have the same opportunities that you have extended to others.

Sincerely,



Alexandria Ocasio-Cortez
Member of Congress



Ilhan Omar
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Barbara Lee
Member of Congress



Jan Schakowsky
Member of Congress



Adriano Espaillat
Member of Congress



Eleanor Holmes Norton
Member of Congress



Dwight Evans
Member of Congress



Juan Vargas
Member of Congress

⁴ Garcia, A., & Hanson, K. (2022, September 12). State Medical Cannabis Laws. Retrieved October 13, 2022, from <https://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

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