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Opening Statement of Chairman Jamie Raskin Hearing on “Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level” November 15, 2022

Thank you to our witnesses for being here for this important hearing.

Last month, President Biden announced that he was issuing a blanket pardon to people who had been convicted of simple possession of marijuana under federal law, and he said that his Administration will review the scheduling of marijuana under the Controlled Substances Act.

I applaud his announcement as an important and key first step in rectifying the many social injuries that have been inflicted on communities and our people across the country by the “War on Marijuana.”

But it is just a first step, and we already know what the next step should be. Cannabis must be decriminalized at the federal level, as a matter of basic justice in the country, and I would say, to vindicate the anti-prohibition principle that’s in our Constitution. We tried prohibition of liquor, and all it did was lead to the growth of organized crime in the country. It pitted the government against the people, it eroded respect for the law as all of the prohibition laws were being honored only in the breach, and it basically set the society at war against itself. And we’ve seen the exact same thing with marijuana prohibition. It’s not that marijuana is great for everybody in all circumstances, and I certainly discourage my kids from smoking marijuana or drinking alcohol. But the point is that the “War against Marijuana” has ruined so many lives in our country, and we can do a lot better by treating all of these as public health questions and regulatory questions rather than questions of crime and putting people behind bars.

Decriminalizing cannabis would benefit a lot of communities, including especially people of color, individuals incarcerated for non-violent offenses, veterans, and federal employees. It will also benefit the small businesses operating in states where cannabis has already been legalized by providing access to banking services—they will no longer have to operate on a cash only basis which is obviously dangerous and makes them ready targets for criminal gangs.

We have already seen the benefits of decriminalizing in the states. As of May 27, 2022, nineteen states, two territories, and the District of Columbia (DC) where we sit today have enacted measures to regulate cannabis for adult non-medical use. They’ve accepted and embraced the anti-prohibition principle that’s in our Constitution.

In addition, thirty-seven states, three territories, and Washington, DC—the vast majority of the country—allow the use of medical marijuana. What an extraordinary outbreak of common sense in America.

Despite efforts to legalize and decriminalize cannabis possession at the state level, cannabis arrests remain widespread. Marijuana arrests account for 43% of all drug arrests. Nine-in-ten of those arrests are for simple possession. However, states that have reformed their cannabis laws have seen markedly fewer arrests between 2010-2018.

Regardless of the status of legalization, racial disparities in cannabis arrests continue to persist nationwide, although Black and white people use cannabis at roughly the same rates. In fact, Black people are nearly four times as likely to be arrested for marijuana possession as white citizens are.

In many states, these arrests can have life-altering consequences—parents may lose their children in court proceedings; disabled and low-income recipients of public assistance may lose healthcare; families can be evicted from public housing; and finding a job can be difficult or outright impossible for people who have a marijuana conviction on their resume. Black and Brown people disproportionately face these repercussions evidencing the systemic problems in the criminal justice system.

Decriminalizing cannabis help to relieve these disparities. Allowing automatic expungement for non-violent marijuana arrests and convictions would quickly help to reverse much of the damage being caused by the War on Drugs.

It would also benefit the thousands of veterans who suffer from chronic pain and post traumatic stress disorder. Under current law, the VA is unable to prescribe medical marijuana to its patients, instead having to rely on traditional pharmaceuticals and opioids, and we know the dangers of opioids.

Furthermore, decriminalization would benefit the approximately 2.1 million federal civilian employees, and countless applicants for government jobs. Even in the states where it has been fully legalized, federal employees and applicants are still vulnerable to being fired or rejected from their jobs even for having used a medical marijuana prescription in a state where that's lawful. We should not be denying our constituents the opportunity to serve in federal office simply because they have used marijuana, as a majority of the country records that it has

In addition, the federal cannabis prohibition hinders the operation of above-board cannabis companies and undermines communities' economic integrity due to lack of access to formal banking. It also leaves cannabis companies vulnerable to theft and burglary because they are forced to deal in an all-cash market.

Moreover, entry into the industry is effectively much more difficult for historically disempowered groups—women and minorities—compared to more resourced competitors who dominate in this space. Legalization at the federal level is a step that must be taken economically, for the public health and for social equity for everyone in the country.

To achieve true equity, marijuana should be descheduled and removed from the Controlled Substances Act scheduled categories altogether. The House has already passed the MORE Act this Congress. I call on our Senate counterparts to do the same and to end the absurd prohibition on marijuana in the 21st century.

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