

# **Senators Warren, Sanders, Markey, and Gillibrand Urge Administration to Deschedule Cannabis and Pardon Nonviolent Cannabis Offenders**

U.S. Senators Elizabeth Warren (D-Mass.) and Bernie Sanders (I-Vt.) led Senators Kirsten Gillibrand (D-N.Y.), Ed Markey (D-Mass.), Cory Booker (D-N.J.), and Ron Wyden (D-Ore.) to send a letter to President Biden, Attorney General Merrick Garland, and Health and Human Services (HHS) Secretary Xavier Becerra, following up on previous requests that the administration use its authority to deschedule cannabis and pardon non-violent cannabis-related offenders.

“We commend the administration’s recent pardons and commutations of 78 people, including nine with non-violent cannabis-related offenses,” said the lawmakers. “However, much more has to be done to address the racist and harmful legacy of cannabis policies on Black and Brown communities.”

In November 2021, Senators Warren and Markey sent a letter to the President asking him to use constitutional authority to pardon all individuals convicted of non-violent cannabis-related offenses, whether formerly or currently incarcerated. To date, the administration has not responded to this letter, and it is estimated that over 40,000 individuals are still incarcerated for cannabis-related offenses.

A month earlier, Senators Warren and Booker wrote to Attorney General Garland urging him to begin the process of declassifying cannabis as a Schedule I drug. In April 2022, six months after the first letter, the Department of Justice

(DOJ) answered with an inadequate half-page response, noting the Department of Health and Human Services' (HHS) determination that "cannabis has not been proven in scientific studies to be a safe and effective treatment for any disease or condition" and disregarding the DOJ's clear authority under the Controlled Substances Act (CSA) to begin the descheduling process and act independently of HHS's outdated and flawed determination conducted under a previous administration.

In the letter, the Senators point out that there is widespread public support for cannabis legalization, and the American Nurses Association, American Public Health Association, American Academy of Family Physicians, and New England Journal of Medicine have all endorsed the legalization of cannabis for medicinal use.

The Senators argued for more to be done to address the racist and harmful legacy of cannabis policies on Black and Brown communities. Black individuals are nearly four times as likely to be arrested for possession of cannabis, and in some states, this statistic jumps to almost 10 times more likely.

"The administration's failure to coordinate a timely review of its cannabis policy is harming thousands of Americans, slowing research, and depriving Americans of their ability to use marijuana for medical or other purposes," concluded the lawmakers. "We ask that the administration act quickly to rectify this decade long injustice harming individuals, especially Black and Brown communities."

Senator Warren has long fought to reform cannabis policy and seek justice for individuals currently and formerly incarcerated for cannabis-related offenses:

- In November 2021, Senators Warren, Markey, and Merkley sent a letter to President Biden urging him to use his authority to pardon all individuals convicted of federal non-violent

## cannabis offenses

- In October 2021, Senators Warren and Booker urged Attorney General Merrick Garland to decriminalize cannabis by removing the drug from the Federal controlled substances list
- In March 2021, Senators Warren, Merkley, and Daines cosponsored the bipartisan Secure and Fair Enforcement (SAFE) Banking Act to ensure that legal cannabis businesses have access to critical banking services.
- During each of the last two congresses, Senator Warren and former Senator Cory Gardner introduced bipartisan legislation that would remove participation in the state-legal cannabis industry from the list of activities that automatically bar naturalization.