

September 17, 2019

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Majority Leader Hoyer:

We write to express our concern about plans to schedule a vote in the U.S. House of Representatives on H.R. 1595, the "Secure and Fair Enforcement Banking Act of 2019" ("the banking bill").ⁱ We are concerned that if the House approves this bill, it will undermine broader and more inclusive efforts to reform our country's marijuana laws.

The Congress has a unique opportunity to address the myriad injustices created by this nation's marijuana laws. For decades, people of color have suffered under harsh and racially-biased marijuana laws. Although marijuana use is equal between whites and Blacks, Blacks are 3.73 times more likely to be arrested for marijuana offenses.ⁱⁱ Despite many states legalizing marijuana, arrests have increased, with one arrest every 48 seconds.ⁱⁱⁱ Against this backdrop, we urge Congress to address the issue of marijuana prohibition holistically and inclusively, with timely Committee and Floor consideration of H.R.3884 – the Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2019.^{iv} Marijuana legislation must first address the equity and criminal justice reform consequences of prohibition.

The banking bill does not address marijuana reform holistically. Instead, it narrowly addresses the issues of banking and improved access to financial services, measures that would benefit the marijuana industry, not communities who have felt the brunt of prohibition. To be clear, we recognize the challenges facing marijuana businesses that lack access to financial services. However, we believe it is a mistake to move this issue forward while many of the other consequences of marijuana prohibition remain unresolved. The banking bill does not solve the underlying problems of marijuana prohibition - namely, that many people of color have been saddled with criminal records for a substance that is now legal in many states, and that communities have been shut out of the emerging and booming marijuana industry.^v Just before recess, the House Judiciary Committee held a historic hearing on these very issues and the Chairman introduced the MORE Act shortly thereafter.^{vi}

Since the start of the 116th Congress, we have expressed concern to House Leadership, the House Financial Services Committee, and member offices, that if the banking bill moved to the Floor before broader reform, it would jeopardize comprehensive marijuana reform. Therefore, we have pushed for a conversation among advocates, Committee leadership, and House Leadership to formulate a plan for moving marijuana legislation in a way that is comprehensive and does not result in carve-outs for the industry and leave behind impacted communities.

We ask that you delay any vote on the banking bill until agreement has been reached around broader marijuana reform.

We look forward to meeting to discuss this further. Thank you for considering our concerns.

Regards,

American Civil Liberties Union • Center for American Progress • Drug Policy Alliance • Human Rights Watch • JustLeadershipUSA • Lawyers' Committee for Civil Rights Under Law • The Leadership Conference on Civil and Human Rights



Cc. Chairman Maxine Waters and Representative Ed Perlmutter

ⁱ Jaeger, Kyle. "Marijuana Banking Bill Will Get A Full House Floor Vote This Month" *Marijuana Moment*. September 13, 2019. <https://www.marijuanamoment.net/marijuana-banking-bill-will-get-a-full-house-floor-vote-this-month-sources-say/>

ⁱⁱ American Civil Liberties Union. "Report: The War on Marijuana in Black and White." <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>

ⁱⁱⁱ Angell, Tom. "Marijuana Arrests Are Increasing Despite Legalization, New FBI Data Shows." *Forbes*. <https://www.forbes.com/sites/tomangell/2018/09/24/marijuana-arrests-are-increasing-despite-legalization-new-fbi-data-shows/#150c5ce4c4b3>

^{iv} HR. 3884 – Marijuana Opportunity Reinvestment and Expungement Act of 2019. *Congress.gov* <https://www.congress.gov/bill/116th-congress/house-bill/3884?s=1&r=4>

^v Schachter, Aaron. "Growing Marijuana Industry Struggles to Attract Employees of Color." *NPR*. <https://www.npr.org/2019/02/21/695999248/growing-marijuana-industry-struggles-to-attract-employees-of-color>

^{vi} LaVito, Angelica. "Nadler, Harris to introduce bill decriminalizing pot, expunge marijuana convictions." *CNBC*. <https://www.cnbc.com/2019/07/22/nadler-harris-to-introduce-bill-decriminalizing-pot-expunge-prior-convictions.html>