

June 8, 2021

**The Honorable Rosa DeLauro**  
Chairwoman  
Committee on Appropriations  
H-307, The Capitol Building  
Washington, DC 20515

**The Honorable Patrick Leahy**  
Chairman  
Committee on Appropriations  
S-128, The Capitol Building  
Washington, DC 20510

**The Honorable Kay Granger**  
Ranking Member  
Committee on Appropriations  
1036 Longworth House Office Building  
Washington, DC 20515

**The Honorable Richard Shelby**  
Vice Chairman  
Committee on Appropriations  
S-128, The Capitol Building  
Washington, DC 20515

**The Honorable Mike Quigley**  
Chairman, Subcommittee on Financial  
Services & General Government  
2000 Rayburn House Office Building  
Washington, DC 20515

**The Honorable Cindy Hyde-Smith**  
Ranking Member, Subcommittee on  
Financial Services & General Government  
S-128, The Capitol Building  
Washington, DC 20515

**The Honorable Steve Womack**  
Ranking Member, Subcommittee on  
Financial Services & General Government  
1036 Longworth House Office Building  
Washington, DC 20515

**The Honorable Chris Van Hollen**  
Chairman, Subcommittee on Financial  
Services & General Government  
S-128, The Capitol Building  
Washington, DC 20515

cc: The Members of the U.S. House and Senate Financial Services and General Government Subcommittees

**Re: Remove the rider blocking the District of Columbia from regulating marijuana and protecting its residents**

Dear Members of Congress,

On behalf of the undersigned criminal justice reform, liberty, and drug policy organizations, we write to urge you to remove the Congressional budget rider that has prohibited the District of Columbia from establishing a regulatory framework for the sale and taxation of marijuana. The District of Columbia is one of seventeen jurisdictions that has voted to legalize marijuana for adult use. Yet, because the District is not a State, it is the only jurisdiction that cannot regulate marijuana sales. Congress and the Department of Justice have allowed other states like Alaska, Colorado, Oregon, Washington, and California, among others, to exercise their sovereign right to set policy and function as laboratories of democracy; the District of Columbia should be allowed to use local taxpayers' funds to support local needs as well.

Residents of the District of Columbia voted to legalize marijuana for adult use in 2014 with nearly 65% voter support. However, every year since then, Congress has included an appropriations rider to prohibit D.C. from using funds to create a regulatory system for marijuana. FY2015, FY2016, FY 2017, FY2018, and FY2019 FSGG Appropriation Acts, as well as the FY2020 and FY2021 Senate FSGG bills all included language that maintain this prohibition. It is critical that Congress support D.C.'s right to home rule and the ability to spend local tax dollars as the District deems fit, especially in regard to the regulation and taxation of marijuana. We are requesting that Congress amend the current rider (section 809(b) of Title VIII) by striking language that limits D.C.'s local authority on this matter.

Current law has interfered with the District's efforts to regulate marijuana, which has impacted public safety.<sup>i</sup> Indeed, Delroy Burton, the former chairman of the D.C. Fraternal Order of Police, said a regulated market would have "pulled the teeth out of the illegal drug trade" eventually wiping out the violence associated with it.<sup>ii</sup> Without the ability to regulate marijuana sales, the grey market for marijuana flourishes despite the need and want of the District leadership and residents alike to establish a regulatory model. Such a model would free up law enforcement resources to focus on reducing violent crime. It would also allow legitimate entrepreneurs to start businesses, create jobs and spur economic development in the District.

There has been tremendous progress regarding marijuana reform on both the federal and state level. Both in Congress and nationally, the public conversation has shifted from "should we legalize marijuana?" to "how should we legalize marijuana?" From 2000 to 2019, the share of Americans saying marijuana should be legal more than doubled.<sup>iii</sup> A November 2020 Gallup poll reports that 68% of Americans support marijuana legalization, including 48% of Republicans.<sup>iv</sup> In the midst of the COVID-19 pandemic, seven states around the nation embraced comprehensive marijuana reform, legalizing or approving marijuana for medical or adult-use.<sup>v</sup>

The District of Columbia's initiative was an important step toward reducing racial disparities in the criminal justice system. A 2013 report found that nine out of 10 drug arrests in Washington D.C. were of African Americans from 2009-2011.<sup>vi</sup> Marijuana law violations are the lead category of drug arrests with simple possession representing six out of 10 drug arrests.<sup>vii</sup> Despite equal rates of use, African Americans in the District disproportionately carried the brunt of marijuana criminalization and over enforcement.<sup>viii</sup> Residents of the District voted to regulate marijuana in light of these disparities. There are more than 700,000 residents living in the District of Columbia; Congress should follow the spirit of the Home Rule Act, and allow them to set their own local laws. It is time for Congress to support the District of Columbia's right to self-determination and lift the rider prohibiting them from regulating marijuana.

Thank you for the opportunity to submit this letter. Please contact Queen Adesuyi, Policy Manager at the Drug Policy Alliance, with any questions, at [gadesuyi@drugpolicy.org](mailto:gadesuyi@drugpolicy.org) or 202-810-1481.

Sincerely,

**ACLU of the District of Columbia**  
**American Civil Liberties Union**  
**Anacostia Coordinating Council**  
**Bud Appetit**  
**Center for Disability Rights**  
**Charm City Care Connection**  
**Competitive Enterprise Institute**  
**CURE-DC**  
**The Daniel Initiative**  
**DC Cannabis Business Association**  
**DC Caucus For Returning Citizens**  
**DC DanceSafe**  
**DC Justice Lab**  
**DC Marijuana Justice (DCMJ)**  
**DC NORML**  
**DC Vote**  
**Doctors for Cannabis Regulation**  
**Dr. Bronner's**  
**Drug Policy Alliance**  
**Health Care for the Homeless**  
**Health in Justice Action Lab**  
**HIPS**

**Interfaith Action for Human Rights**  
**International CURE**  
**Jane's List Political Action Committee**  
**Law Enforcement Action Partnership**  
**The Leadership Conference on Civil and Human Rights**  
**National Association of Social Workers**  
**National Cannabis Industry Association**  
**National Employment Law Project**  
**Neighbors United for DC Statehood**  
**NORML**  
**Our Revolution**  
**Plant Medicine Coalition**  
**Public Justice Center**  
**R Street Institute**  
**The Sentencing Project**  
**SPARC**  
**StoptheDrugWar.org**  
**Students for Sensible Drug Policy**  
**The Taifa Group**  
**United Food and Commercial Workers Local 400**  
**Voices for Progress**  
**Washington Office on Latin America (WOLA)**

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<sup>i</sup> "People in D.C.'s Increasingly Dangerous Marijuana Gray Market Want Change." Washington City Paper

<https://www.washingtoncitypaper.com/news/city-desk/article/21089133/people-in-dcs-increasingly-dangerous-marijuana-gray-market-want-change>

<sup>ii</sup> Cox, John Woodrow. "How D.C. pot legalization has become 'the dealer protection act of 2015'" The Washington Post. May 17, 2015.

[https://www.washingtonpost.com/local/how-dc-pot-legalization-has-become-the-dealer-protection-act-of-2015/2015/05/17/5cbcd730-f28d-11e4-b2f3-af5479e6bbdd\\_story.html](https://www.washingtonpost.com/local/how-dc-pot-legalization-has-become-the-dealer-protection-act-of-2015/2015/05/17/5cbcd730-f28d-11e4-b2f3-af5479e6bbdd_story.html)

<sup>iii</sup> Pew Research Center, "Two-thirds of Americans support marijuana legalization," November 14, 2019, available at

<https://www.pewresearch.org/fact-tank/2019/11/14/americans-support-marijuana-legalization/>

<sup>iv</sup> Gallup, "U.S. Support for Legal Marijuana Steady in Past Year," October 23, 2019, available at <https://news.gallup.com/poll/267698/support-legal-marijuana-steady-past-year.aspx>

<sup>v</sup> "Marijuana Laws in America: Racial Justice and the Need for Reform." U.S House Committee on the Judiciary.

<https://judiciary.house.gov/legislation/hearings/marijuana-laws-america-racial-justice-and-need-reform>

<sup>vi</sup> "Marijuana Laws in America: Racial Justice and the Need for Reform." U.S House Committee on the Judiciary.

<https://judiciary.house.gov/legislation/hearings/marijuana-laws-america-racial-justice-and-need-reform>

<sup>vii</sup> Washington Lawyers' Committee for Civil Rights and Urban Affairs, *Racial Disparities in Arrests in the District of Columbia, 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation's Capital* (Washington, D.C.; July 2013),

[http://www.washlaw.org/pdf/wlc\\_report\\_racial\\_disparities.pdf](http://www.washlaw.org/pdf/wlc_report_racial_disparities.pdf)

<sup>viii</sup> Ibid.