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A Captivating Call: Biden's Federal Pardon for Cannabis Possession

Naja Johnson, News Editor

In the United States medicinal marijuana is legal in 37 states, and recreational use of Cannabis is legal in 18 states, whereas in 17 states Cannabis use remains illegal. President Biden issued a proclamation pardoning federal offenses for Cannabis convictions relating to possessions, Oct. 6. Between 1992 and 2021, 6,500 American citizens have been convicted of Cannabis possession under federal law. The federal Cannabis pardon has sparked new questions about how state legislatures and congresses might respond to the pardon and how drug enforcement policies nationwide may be reformed.



Madison Oswalt

Though the legal status of Cannabis remains an evolving issue, recreational use of Cannabis became legal in the state of Washington in 2012. In 2019, Governor Jay Inslee announced that he would grant pardons to anyone convicted of a misdemeanor drug possession offense between 1998 and 2012, and encouraged other states with legalized cannabis to introduce similar pardons. President Biden has called on state governments to implement pardons in their states to advance drug reform efforts by mirroring his administration's federal pardon.

Deborah Ahrens, a law professor and vice dean for intellectual life at Seattle University, has worked with the ACLU's Drug Policy Litigation Project. Ahrens explained that people are rarely incarcerated in federal prison for drug possession charges alone.

"The federal government usually intervenes and prosecutes when there is some sort of drug trafficking involved, typically across state lines," Ahrens said.

However, activists hope that Biden's federal pardon will encourage state judiciary officials to do the same, particularly with pardoning those convicted of possession charges in states where cannabis has since been legalized. Ahrens identified how this pardon may open the door for people who have been targeted by drug enforcement policies and potentially give them a second chance. There is also anticipation surrounding the way congress and other state governments might respond.

"The pardon does promote more security for states like ours and advocates for legislation in congress," Ahrens said.

Though states such as Washington have implemented legalization of cannabis, there is more security and resources made available for people trying to be pardoned. The "War on Drugs" remains a pressing social issue for racial and economic justice advocates, who are looking for significant reform towards drug legislation at the federal level. Ahrens also specified that the pardon works to help people that were incarcerated for minor drug offenses and are not likely to re-offend.

Natalie Kenoyer is the chair of the Cannabis Caucus of College Democrats of America and a fourth-year political science and history at Seattle University who heavily researches matters pertaining to cannabis, such as possession charges. She advocates for improving legislation policies involving marijuana and the legalization of it.

"My goal is to use my law degree to defend those charged with marijuana possession and related marijuana crimes. I hope to work from within the system to change the ways that District Attorneys, judges, and police deal with marijuana cases," Kenoyer said.

Kenoyer also noted the legislative aspect of Cannabis-related crime and conviction. With the Cannabis Caucus of College Democrats of America, she brings awareness to what individuals and legislators can do to reform Cannabis laws in their state.

"I also hope to help advance cannabis policy in other ways, lobbying for more equitable changes to cannabis laws and fully legalizing it in other states. For me right now, this means getting involved in politics, government and policy to prepare myself for this work," Kenoyer said.

Isabella Maffei, a fourth-year political science major, has done work canvassing for Seattle political candidates who support pro-cannabis legalization. She hopes to see changes to Cannabis legalization nationwide.

"Find movements that work around policy to legalize cannabis in states where it isn't legal yet. Federal legalization would help normalize the industry and help ease the national stigma around cannabis use," Maffei wrote in an email to the Spectator.

In his pardon announcement, Biden addressed the racial disparities in the conviction of Cannabis possession, noting that Black and Brown Americans are prosecuted at disproportionately higher rates than White Americans, despite all groups using the substance at an equal rate. Similarly, Kenoyer noted that even in states where Cannabis use is legalized, like Washington, the judicial system still faces problems with racial equity.

"I would like to see a safe and equitable system, and most of all, I want those who have been incarcerated due to the racist war on drugs to be able to live their life again outside of prison," Kenoyer said.