

Congress of the United States  
Washington, DC 20515

March 25, 2021

The Honorable Joseph R. Biden  
President  
The White House  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500

Dear President Biden,

We thank you for your leadership and commitment to bringing the best and most capable people to government and to public service. We applaud you for the steps you've taken to ensure that your administration is reflective of the American people. This includes your early action to clarify that previous cannabis use would not automatically disqualify applicants from employment in your administration. We, however, were dismayed to learn that several White House staffers were reportedly suspended, put on probation, or asked to resign after honestly disclosing past cannabis use.<sup>1</sup> We ask that you clarify your employment suitability policies, remove past cannabis use as a potential disqualifier, and apply these policies with consistency and fairness.

Cannabis is legal for either medical or adult use in 36 states, with more than 50% of the adult population having used cannabis in their lifetimes.<sup>2</sup> This number is bound to rise as states across the country legalize through voter initiatives. Just last year, cannabis was legalized in five new states through ballot initiatives, and many more states are currently working on legislation to legalize cannabis. The American people are demanding a change to punitive and harsh cannabis laws that have always been unequally applied.

In recognition of the growing legality of cannabis across the country, on February 25, 2021, the Acting Director of OPM issued a memorandum entitled, "Assessing the Suitability/Fitness of Applicants or Appointees on the Basis of Marijuana Use; Maintaining a Drug-Free Workplace."<sup>3</sup> This memorandum instructed federal agencies to evaluate past cannabis use disclosed by applicants and appointees on a case-by-case basis, rather than categorically disqualifying applicants for past cannabis use. Separately, your administration signaled that it would waive the

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<sup>1</sup> <https://www.thedailybeast.com/biden-white-house-sandbags-staffers-sidelines-dozens-for-pot-use?ref=scroll>

<sup>2</sup> [http://maristpoll.marist.edu/wp-content/misc/Yahoo%20News/20170417\\_Summary%20Yahoo%20News-Marist%20Poll\\_Weed%20and%20The%20American%20Family.pdf](http://maristpoll.marist.edu/wp-content/misc/Yahoo%20News/20170417_Summary%20Yahoo%20News-Marist%20Poll_Weed%20and%20The%20American%20Family.pdf)

<sup>3</sup> [https://www.chcoc.gov/sites/default/files/Memo\\_Assessing%20Suitability%20on%20Basis%20of%20Marijuana%20Use\\_0.pdf](https://www.chcoc.gov/sites/default/files/Memo_Assessing%20Suitability%20on%20Basis%20of%20Marijuana%20Use_0.pdf)

harsh requirements that prevent some Executive Office appointees with previous cannabis use from receiving certain security clearances.<sup>4</sup>

Furthermore, the existing policies have been applied in inconsistent and unfair ways. Past presidents have admitted to illegal cannabis use, among other drug use, without consequences. President Obama famously told voters, “When I was a kid, I inhaled” drawing a contrast to President Clinton’s half admission to cannabis use.<sup>5</sup> Vice President Harris has admitted to past cannabis use<sup>6</sup> as has Secretary Buttigieg.<sup>7</sup> Those in the upper ranks of your administration won’t face consequences for their cannabis use, and nor should they, but the same standard should be applied across the administration. Repercussions for cannabis use have always been unequal and those with the most power have always faced the fewest consequences. We ask that you don’t allow that pattern to continue within your administration.

While we work to deschedule cannabis legislatively, your administration should act within its power to stop legitimizing unfair cannabis laws. You have previously expressed your commitment to decriminalizing cannabis in acknowledgement that a cannabis conviction or even the stigma of cannabis use can ruin lives and prevent people from voting, gaining employment, and contributing to society. You can meet this moment and help end our failed punitive policy of cannabis prohibition.

Sincerely,



Earl Blumenauer  
Member of Congress



Don Beyer  
Member of Congress



Jared Huffman  
Member of Congress



Mondaire Jones  
Member of Congress



Barbara Lee  
Member of Congress

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<sup>4</sup> <https://www.nbcnews.com/politics/joe-biden/past-marijuana-use-won-t-automatically-disqualify-biden-white-house-n1258917>

<sup>5</sup> <https://www.nytimes.com/2006/10/24/world/americas/24iht-dems.3272493.html>

<sup>6</sup> <https://abcnews.go.com/Politics/kamala-harris-smoked-marijuana-college-calls-legalization/story?id=60992119>

<sup>7</sup> <https://www.chicagotribune.com/politics/elections/ct-pete-buttigieg-marijuana-20191023-a6d3ta725vdsxogm3z5t3d76t4-story.html>

/s/

Joaquin Castro  
Member of Congress

/s/

Steve Cohen  
Member of Congress

/s/

Gerald E. Connolly  
Member of Congress

/s/

Peter A. DeFazio  
Member of Congress

/s/

Theodore E. Deutch  
Member of Congress

/s/

Adriano Espaillat  
Member of Congress

/s/

Dwight Evans  
Member of Congress

/s/

Jesús G. "Chuy" García  
Member of Congress

/s/

Alcee L. Hastings  
Member of Congress

/s/

Pramila Jayapal  
Member of Congress

/s/

Henry C. "Hank" Johnson, Jr.  
Member of Congress

/s/

Ro Khanna  
Member of Congress

/s/

Ted W. Lieu  
Member of Congress

/s/

Alan Lowenthal  
Member of Congress

/s/

James P. McGovern  
Member of Congress

/s/

Eleanor Holmes Norton  
Member of Congress

/s/

Ilhan Omar  
Member of Congress

/s/

Mark Pocan  
Member of Congress

/s/

Ayanna Pressley  
Member of Congress

/s/

Jan Schakowsky  
Member of Congress

/s/

Eric Swalwell  
Member of Congress

/s/

Rashida Tlaib  
Member of Congress

/s/

Nydia M. Velázquez  
Member of Congress

/s/

Bonnie Watson Coleman  
Member of Congress

/s/

Peter Welch  
Member of Congress