

Marijuana Offenses, Incarceration, and Presidential Clemency Considerations (U.S.)

Purpose

This document provides a concise overview of marijuana-related offenses, current enforcement realities, and the lawful authority of the **President of the United States** to grant relief to individuals incarcerated for non-violent marijuana offenses.

Key Statistics

- Over **200,000 marijuana-related arrests** occur annually in the United States
 - Approximately **90% of arrests are for simple possession**
 - Most cases are prosecuted at the **state level**, though federal convictions persist
 - Individuals remain incarcerated for:
 - Non-violent marijuana offenses
 - Distribution-related conduct
 - Legacy convictions under prior, stricter laws
-

Categories of Marijuana Offenses

1. Simple Possession

- Small amounts for personal use
- Historically resulted in fines, probation, or incarceration

2. Possession with Intent / Distribution

- Larger quantities or evidence of sale
- Often charged as felonies with significant penalties

3. Cultivation

- Growing marijuana plants
- Penalties vary based on scale and jurisdiction

4. Conspiracy

- Agreement to participate in marijuana-related activity
 - Can result in enhanced or compounded charges
-

Legal Framework

Marijuana enforcement has historically been shaped by:

- Controlled Substances Act
- Mandatory Minimum Sentencing

These frameworks contributed to **long sentences**, including for non-violent conduct.

Current Reality

- Many states have legalized or decriminalized marijuana
 - Legalization has **not been fully applied retroactively**
 - Some individuals remain incarcerated for conduct that may no longer be criminal in certain jurisdictions
-

Public Health Context

- The United States faces a severe opioid crisis driven by synthetic substances
 - Marijuana is **not associated with fatal overdose**
 - Some research explores cannabis as a **harm-reduction tool**, though it is not a cure for addiction
-

Presidential Authority for Clemency

Legal Basis

The President's clemency authority derives from:

- Article II of the United States Constitution

This includes:

- **Pardons** (forgiveness of offense)
 - **Commutations** (sentence reduction or release)
-

Framework for Executive Action

1. Define Eligibility

- Non-violent offenders
 - Simple possession cases
 - No associated serious criminal conduct
 - Disproportionate or outdated sentences
-

2. Direct Case Review

Coordinate with:

- Office of the Pardon Attorney
- United States Department of Justice

To identify and prioritize eligible individuals

3. Issue Clemency

- Categorical pardons for qualifying individuals
 - Commutations for those currently incarcerated
-

4. Implement Release

Work with:

- Federal Bureau of Prisons

To ensure:

- Timely release
- Accurate record correction

5. Support Reintegration (Recommended)

Encourage access to:

- Employment resources
 - Housing support
 - Community-based programs
-

Reform Considerations

- **Proportional justice:** Align punishment with actual harm
 - **Retroactive relief:** Apply current standards to past convictions
 - **Consistency:** Address gaps between state and federal law
-

Union of Saints Position

The **Union of Saints** supports:

- **Human dignity:** Every individual retains inherent worth
 - **Accountability:** Laws must be applied fairly and responsibly
 - **Proportionality:** Punishment should not exceed the offense
 - **Restoration:** Support reintegration where appropriate
 - **Community protection:** Maintain safety and clear legal boundaries
-

Conclusion

Marijuana enforcement in the United States reflects a **transitional legal landscape**. With approximately **90% of arrests tied to simple possession**, and ongoing incarceration for non-violent offenses, executive clemency provides a lawful and immediate mechanism to address disparities between past enforcement and present standards.

A balanced approach advances:

- Justice
- Public health
- Consistency

- Restoration with accountability
-

The **Union of Saints** affirms that clemency should be extended to individuals serving disproportionate and prolonged sentences for non-violent marijuana offenses, as a matter of justice, proportionality, and human dignity.

The Union of Saints further holds that the process for seeking such relief must be structured in a manner that is clear, accessible, and efficient. Accordingly, it calls for the establishment of a streamlined clemency application system available to incarcerated individuals and their legal representatives, ensuring that review and release are conducted in a timely and just manner, free from unnecessary procedural burden.