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## **OP-ED: Pardons for whiskey, pardons for weed**

By Tobey Oxholm Sep 5, 2023

Should he? Would he? Could he?

These days, there is no way to escape all the talk about whether President Biden should pardon former President Trump, or whether the former president could pardon himself if elected to another term. All of it is just further dividing us at a time when it's so important to be repairing the bridges between us. Strangely enough, uniting us has been the very best use of pardons since the founding of our country.

In fact, it started here.

Two hundred and thirty years ago, as the Washington County community knows so well, there was a rebellion. The cause was the "whiskey tax" – the very first tax imposed by the newly-formed federal government to help pay debts from the Revolutionary War. With supply-chain issues affecting beer and rum, whiskey had become the alcohol of choice, and local farmers were fermenting their grains to make whiskey – a product so prevalent that it was often used instead of currency. The tax hit everyone hard, and it angered veterans who felt it was the kind of "taxation without representation" they had just fought against.

As the Bradford House Historical Society website tells it, "a force of 400 disaffected whiskey rebels, mainly from Washington County" took up arms and destroyed the home of a tax inspector. "The rebellion grew in numbers ... and threatened to spread to other states." President George Washington led a force of 13,000 troops, more than he had commanded during the Revolutionary War, into Western Pennsylvania."

No shots were fired, no lives were lost, and the rebellion was no more. But hard feelings and criminal prosecutions remained. Addressing them a year later, Washington issued the first pardon in the history of our country. In his proclamation, the president forgave any and all crimes committed under federal law. The only exceptions were those

individuals who refused to acknowledge the power of the federal government to tax whiskey. He wanted the country to move on. He said it was the proper thing to do.

For his part, Pennsylvania's first governor, Thomas Mifflin, agreed. He issued a "full, free, and entire pardon ... and remission and release of all fines, forfeitures and penalties consequent thereon" for any and all crimes committed under our state's law. He forgave the rebels in the interests "of peace, harmony and order by the influence of reason and lenity".

The time has come for Gov. Josh Shapiro to follow the lead of our first governor and issue his own general pardon – this one to those who have been convicted of the crimes of possessing and using marijuana.

Over the past 10 years, there's been a growing consensus that marijuana, like whiskey, should be decriminalized, regulated and taxed, and it is not a reason to throw someone in jail. Last year, polls reported that two-thirds of Pennsylvania voters are in favor of allowing its recreational use. But there's been no progress on that front in Harrisburg. Meanwhile, 270,663 marijuana-related crimes were charged in Pennsylvania over those 10 years and there were almost 71,000 convictions.

That's not the worst of it. Even if the crime occurred back in the 1980s or 1990s, even if the offender was 18 at the time and is 40 now, with a family to support, even if it was just the one time, drug convictions are forever. They prohibit people from a long list of jobs that the pandemic taught us are essential, such as health care, child care, elder care, and jobs involving "routine interaction with children," including school bus drivers and custodians. Drug convictions are used all the time as a reason to deny promotions, licenses, loans, housing, and educational opportunities. They make it impossible for parents to volunteer as coaches in their children's sports teams or chaperone field trips.

The only way people with marijuana convictions can get back to work is with a clean record, and that requires a pardon. One year ago, seeing the crisis, then-Gov. Tom Wolf launched a special marijuana pardon project that he hoped would result in pardons for thousands of people before he left office. Over 2,600 applications were submitted. After an enormous investment of time, talent and taxpayer money – as government employees reviewed, processed and investigated, and as the Board of Pardons held individual case reviews and hearings – only 231 people actually received a pardon; the others were told they were still eligible, but some kind of problem with their paperwork meant they had to start over. Just 231 out of tens of thousands. What a waste.

Mifflin had it right: no application form, no one-by-one consideration, no hearings, no votes, just one signature on one proclamation, forgiving everyone all at once.

It's time for Shapiro to call on the pardons board to let him issue a general pardon, once and for all who have been convicted of using marijuana without having caused anyone else any harm. It's time get past our past and release all that potential, to the benefit of all of us.

*Tobey Oxholm, a Wayne County resident, leads the Pennsylvania Association of Pardons Projects, [www.PardonMePA.org](http://www.PardonMePA.org). He helped start the Pardon Project of Washington County, which helps low-income people apply for pardons. For more information, visit [www.summitlegal.org/pardon](http://www.summitlegal.org/pardon).*