

2021 Law School Access to Justice Conference

Fighting Systemic Racism: Law School and Community Partnerships

2C. Marijuana Legalization: Reallocating Funds from the Police

Fareed Hayat: The Senate Majority Leader Stewart-Cousins says this legislation is a momentous first step in addressing the racial disparity caused by the war on drugs that has plagued our state for too long.

This effort was years in the making, and we have finally achieved what many thought was impossible: a bill that legalizes marijuana while standing up for social equity, enhancing education, and protecting public safety.

And finally Assembly Speaker Heastie says passage of this bill will mean not just legalization of marijuana but also investing in education and our community. It brings to an end decades of disproportionately targeting people of color under state and federal drug law.

So, when you hear the people who brought this legislation (and, in the end, signed the legislation and passed it into law), they are addressing three questions that keep coming head on: mass incarceration, funding this carceral state, and, finally, reparations.

I'm going to have our panel introduce themselves. And I would like our panel, in your introduction, to tell a little bit about yourself and your involvement in marijuana legalization or the fight to correct the wrongs of marijuana prosecution. Address one of these questions (or maybe all of them) before we turn to our questions and discuss the bill in more particularity and talk about why it is a step in the direction of defunding police.

So, I'll first turn to Eli Northrup. Please introduce yourself, and then we'll go on to the other panelists.

Eli Northrup: Thank you so much, and I'm happy to be here and part of this discussion with all the other panelists. My name is Eli Northrup. I'm a public defender. I work for the Bronx Defenders.

I've worked at the Bronx Defenders for the last six years, representing people in misdemeanor and felony in Bronx Criminal Court. I've handled many, many marijuana cases. But, in addition to that, I'm a member of the policy team at the Bronx Defenders. So, for the last three years, I've been working on a bunch of different policy initiatives that are relevant to our clients. And one of the first issues that I started working on was marijuana legalization (actually with another panelists, Alice Fontier, who's on this panel as well).

And I'm representing the Bronx Defenders as a member of the Start SMART Coalition, which was a coalition of over 200 organizations statewide that really advocated for the passage of not just marijuana legalization but really marijuana justice and the MRTA, which is the bill that ultimately was passed this year. So I've met with legislators throughout the process. I've been at rallies. I've spoken with journalists to talk about what marijuana justice looks like as opposed to just marijuana legalization. And, in the session this year, there was a note on phone calls to the end, trying to make this bill as good as it could possibly be. So I was involved in sort of the legislative process and advocating for this bill. And I'm happy to be here. Thank you.

Fareed Hayat: Thank you. Welcome. I'll turn to LaMon Bland.

LaMon Bland: Hello, my name is the LaMon Bland. I really thank you all for the opportunity to allow us to be here.

I come with a background as a former attorney. I just recently retired. But I'm also an advocate. I founded an organization called Be Cool Cannabis back in 2017, and it ultimately led to us founding an organization called We Rise to Legalize. I hope that our work at We Rise honors the families and the victims of the war on drugs. And, if you go back to 1971, when the war on drugs was initially declared on American citizens, there were veterans who returned home (like my father who came home different and didn't have the resources) and were brought into a situation where the federal government attacked them and their families.

We Rise is doing this for individuals like Tracy Ryan from CannaKids, who was a parent who had a child that needed cannabis and other

substances and did not have the resources (so they formed organizations) as well as people like Kenyatta Jones, who was an NFL player who played for the Patriots. And we still have texts where he would talk to us about him not being able to function in the NFL. No one was there to help him deal with the debilitating illnesses that came from his career in sports. So We Rise got formed to respond to that, because, in our view, at that time, the current legislators and the current advocacy groups were not focusing on the community.

As it relates to state and federal legislation—particularly New York State's current bill that just passed and the bill that passed in 2014 as well as the MORE Act, which is the federal legislation being put out by Congressman Nadler who's the head of the Judiciary Committee—we believe that it falls far short. These are not good bills. We believe that the state and federal government do not acknowledge fault. They have not addressed the issues of reparations. And we think that there's much more that can be done. And we've attempted and worked. And we want to continue to do more work because we think there's a lot more that can be done. But we appreciate the opportunity, and we thank Columbia and all the people here that have put in the hard work to get this done and continue the debate. And we look forward to continuing to talk. And we hope this can further strengthen relationships and make for better bills in the future.

Fareed Hayat: Thank you, LaMon. Thank you very much. Welcome. Jordan, please share with us.

Jordan Sudol: Hello everyone. Thanks for having me. My name is Jordan Sudol. I am a 3L at CUNY School of Law. I am also a member of FILSAA, a student organization there, which stands for the Formerly Incarcerated Law Students Advocacy Association.

I am also formerly incarcerated, and I have marijuana arrests as both a juvenile and adult. And I'm here to share my personal experiences of what happened and all the collateral consequences as a result of those arrests.

And yeah. Thank you for having me.

Fareed Hayat: Welcome, Jordan. Welcome. So, finally, we'll turn to Alice Fontier. Please share with us.

Alice Fontier: Thanks, Fareed. Hi everyone. I'm happy to be here. My background is in criminal defense, and I am currently the president of the New York State Association of Criminal Defense Lawyers. I'm also the managing director of NDS Harlem. And, for those of you who don't know our organization, we're a holistic public defender in Harlem, providing criminal, civil, immigration, and family defense services to the people in Harlem and the surrounding neighborhoods.

So my role in working towards the passage of MRTA was both working with and supporting Eli in my previous job at the Bronx Defenders, and then also, in the past year, being a much more active member myself of the Start SMART Coalition and, in my role at NDS and NYSACDL, pushing the lobbying efforts. This has been a legislative priority for the state association for years. And so we pushed hard at the end to make sure to rally our members, to get people into lobby days, and to meet with different politicians and get this done.

And, Fareed, in response to your initial question about the reparations and defunding and mass incarceration, I just would say that I think it's important to remember that, across the United States every single year, more than half a million people are arrested and charged with marijuana offenses. That's not a small number. And, obviously, not every single person spends a significant amount of time in prison. But, as I'm sure you know—Jordan was alluding to and you'll hear—even if you get a small possession, you might spend a few days in jail, which is a major imposition obviously. And pretrial incarceration is a huge component of our mass incarceration system as well as the fact that that conviction on your record has enormous consequences, which I know we'll be talking about later.

So while this legalization, as LaMon has pointed out, is not perfect (it doesn't correct all the prior wrongs), in my view, it is a massive step forward in moving towards ending mass incarceration.

Fareed Hayat: All right. Thank you, and welcome as well. So let's talk first exactly what this legislation is so we all can kind of start in the same place. I'll turn to you Eli. What is the new legislation? What is its impact?

Eli Northrup: Right, well, I think, just as an initial matter, I'll give just a little bit of history on the bill (the MRTA, or the Marijuana Regulation and Taxation Act, which is what ultimately passed and is the law in New York right now). That was a proposal set forth by the legislature, by actually Liz Krueger in the senate and Crystal People-Stokes in the assembly. That's a bill that stands apart from what the governor proposed, which is the Cannabis Regulation and Taxation Act, which is the CRTA, which did not go nearly as far as the MRTA in many different areas. So I want to be clear, the MRTA is the law in New York. You might hear those—MRTA, CRTA. I'll be talking about the MRTA—that's the bill.

So what does the bill do? Fareed, as you mentioned, one really important aspect of it is that it dedicates tax revenue to specific areas. Tax revenue doesn't just go into some general fund that the governor can spend how the governor wants. Forty percent of all tax revenue from marijuana will go towards community investment—investment in communities that have been most targeted for marijuana enforcement. And there's a whole board that will determine which communities those are. But the funds will go directly into those communities. Another 40% will go to schools and public education (that's just general public schools) and then 20% to drug treatment, prevention, and education.

So it was really important to those of us advocating for the passage of this bill that the tax revenue be dedicated to certain parts and not in just some general fund. We talked about repairing past harm. That's one aspect of it—actually taking this money and putting it back in communities that were targeted.

The bill also provides for social equity. There's a goal that 50% of the licenses for the new marijuana economy, whether it be production or delivery, go to people in communities that have been targeted and actually people that have marijuana convictions, also veterans. There's a goal that 50% of the licenses for selling marijuana and for producing it go to people in those categories.

It eliminates most criminal penalties for marijuana. It totally does away with Penal Law Chapter 221, which was the old marijuana criminal laws, and it creates a new chapter. Basically, you can possess up to three ounces of marijuana, and it's not a crime at all. You can possess up to 16 ounces—that's a violation. Above that, it starts to become a crime. But it changes drastically the criminal penalties for marijuana.

It also provides for automatic expungement of criminal records. So that's expungement where you don't have to do anything. It happens automatically by virtue of the court system. Anything that is now legal is now expunged. So, like I mentioned before, possession of up to 16 ounces, if you were convicted of that crime, it's expunged automatically. It won't be on your record. That's really important because expungement doesn't exist in New York State outside of marijuana. New York had ceiling laws, but it didn't have expungement laws. So the first expungement laws came into effect in 2019. They were from a marijuana decriminalization bill. This bill, the MRTA, expands those automatic expungement laws.

Now there's a big movement in New York state—and I just want to give a little plug right now, because there's a bill called Clean Slate that's currently pending in front of the legislature, which would really expand expungement to a bunch of other convictions. But marijuana is the first place where we actually see expungement in New York State. So it's automatic expungement. There are other provisions in the penal law that basically say police can't stop or search somebody because of the odor of marijuana alone. And then it addresses collateral consequences in child welfare contexts, in licensing contexts, in housing, in education—it goes as far as it can.

There are some things that New York can't do in terms of collateral consequences because, for example, if somebody lives in federally funded public housing, it's still illegal on a federal level. So there's limits. If somebody has a federal job marijuana still can be limited in those contexts. But, outside of those contexts, it addresses collateral consequences. Somebody can't be violated on probation or parole simply because of marijuana anymore unless it actually has to do with the crime of conviction.

So that's kind of a brief overview of what bill does. And, as LaMon said, it's not a perfect bill. It doesn't go as far as we would like it in certain areas. But I would say it goes further than any other bill in the country. So, in that sense, it was a major victory. And it was much better than the bill that the governor proposed. And we're going to really have to wait and see what the impact is. But the hope is that it will lead to real change in the state.

Fareed Hayat: Thank you for all those details about it, and, of course, in this field there are some amazing stories out there to give the details. As lawyers, we certainly need to be able to advise clients and community (and, as professors, our students) on the use of marijuana and how to use it legally.

I'm going to turn to LaMon and Alice, and I'm going to ask the question of—let's talk about the economics of legalization. How will communities of color be impacted? Why is there a need for equity behind the economic engine that drives marijuana sales and being able to gain financially from marijuana sales for the community?

LaMon Bland: Who would you like to go first? Would you like me?

Fareed Hayat: Yeah, go ahead LaMon.

LaMon Bland: Okay. I think that's a really good question, and I think it really talks a lot about what the bill doesn't do when you start talking about economics. When you're talking about a \$5 billion industry and about a \$400 million tax base a year, you have to put that into context. New York City has a budget which is fourth largest in the nation behind California, the federal government, and New York State. New York City's budget is about \$90 billion. So, when you look at \$400 million a year, you recognize that that's really not a lot.

I think current Comptroller Scott Stringer did a recent review looking at how much money was being spent on incarceration. And, if you look at Rikers Island, for an individual that was being held in Rikers Island for one year, it came out to about \$300,000. What We Rise did—we looked at that and we saw that you could actually put someone in the Plaza Hotel for a year, pay for their private school in

Marymount, and still have money for their families (a subsidy for the mother to raise their children). This isn't a lot of money at all. And that's why we said that the bill is lacking.

The federal government, as well as state governments, need to focus on acknowledging fault and figure out how we can do reparative measures. New York State is the state that started the war on drugs. If you go back to 1968, Governor Rockefeller in his fourth term, after the Rockefeller Brothers Fund came out with the report, began this war on drugs. And it got rolled into the president after Nixon and Vice President Rockefeller and ultimately across the country. And, in the state of New York, they spent billions incarcerating individuals, destroying families, and destroying neighborhoods. And to now say \$400 million is even close—it's not even a drop in the bucket.

You're talking billions of dollars that were spent building prisons in this country. So, when you're talking economics, this \$400 million is nowhere near close to fixing the problem. I think we need to go back to the drawing board, figure out how the state can acknowledge fault, and figure out how we can fund. And I think the resources are there; it's not just the state. A lot of organizations—a lot of endowments and funds—have benefited off prisons and incarceration. Columbia (who is a part of this, and we are very thankful and fortunate to them) has also funded and benefited from investing in prison.

So there's a lot more that needs to be done. I think it's going to come in the range of \$10 to \$15 billion a year. And we're not even close. So there's a lot more that needs to be done.

Fareed Hayat:

I absolutely appreciate that along this concept that reparations are not going to be a quick fix. And it's not something that we can be done with, even if we got the whole \$350 or \$400 billion that's being produced from this. So we appreciate that.

Let's turn to Alice. And, Alice, what's your response to this concept of the economics behind legalization?

Alice Fontier:

So I certainly don't disagree with LaMon in principle. But I do sort of disagree on the point that we should throw this away and start over because we didn't get far enough. In my view, this is an enormous step forward from where we were because marijuana is a major driver of over policing. And over policing is the tool that is used to separate and destroy communities of color. And that includes getting ACS into homes, getting immigration involved—it's not just the arrest; it is the overarching holistic police state.

And marijuana is one of the biggest drivers, in terms of sheer numbers, of involving police in communities. And we've seen it. The police are excellent at shifting their rationale—to continue doing the same thing and shifting their rationale and reasons for doing it. So, for instance, stop and frisk became a real point of contention (and obviously held unconstitutional in the way that it was being enacted by the NYPD). Instead of those street stops happening constantly all day long, for whatever reason they felt like, there was a shift in the way that policing is done—using more technology, putting people into gang databases, and things of that nature. But also the proliferation of body cameras. And so, if you have a body camera that is turned on, what is one thing you can't see? The smell of marijuana. So then, all of a sudden, even though nothing is burning and no marijuana is found, the rationale for a stop is the smell of marijuana.

And so we have to keep taking these tools away because the impact on the community of separating families and putting one third of Black men into custody at some point in their lives—that economic impact is massive. And it is the tool that is used to suppress and oppress communities of color. And until we put stops to that and then start reinvesting in the communities—saying less money for police, more money for education, less money for police, more money for mental health services. Once we start making those investments, we can start climbing out of the hole that we're in. Have we fixed it and now everybody's on an even playing field? Absolutely not. But starting that reinvestment process in the way that the MRTA does, in my view, is incredibly important and, again, a massive step forward.

Fareed Hayat: Alice, you seemed to go right to my next question, so I'm going to just have you throw those words in there. Can you tell us what does it mean to defund the police, and how is marijuana legalization a step toward defunding the police?

Alice Fontier: So I think it's really, really, really important. Anybody watching this, if you take one thing away from me, in conversations that you're having outside of educational bubbles or somewhere else, I want you to repeat to people that defunding the police and abolishing the police are not the same thing. They are two different movements. Defunding the police does not mean zeroing out the police. That is certainly a goal of many people. I'm not arguing against the abolish the police movement. However, when we're talking about defunding the police, really what is generally being talked about is reducing the amount of money that goes to the police and reallocating it into better places.

And the most obvious example is that the majority of calls that come through 911 are not for violent incidents that are in progress where it makes sense for an armed police officer to arrive. That happens about 4% of the time across the nation. The vast majority of 911 calls are because there's been an argument, a disturbance, or somebody is obviously having a mental health issue and needs assistance—very petty things that have already happened. And those are not situations that are best served by military, armed, police-trained, uniformed officers who storm in on force. They tend to escalate situations when what most situations need is de-escalation, medical assistance—something else.

And so we're talking about taking the money away from just uniformed military police and putting it into services where people are trained to react to a situation in a way that is actually helpful instead of in a way that is harmful. The police have two settings: on and off. I show up, and I make an arrest, or I show up, and I leave. That's all they do, and that is generally not helpful. So we're focusing on how you can reallocate funds away from the police and into communities. And it's not just reactionary but proactively too. How do you take money and address the drivers of criminal offenses? What is causing people to end up in a situation where the police are called? And how do you address that need at the front?

So it's a big and complicated movement. But I do think it is important that we're not just saying, "take all the money from the police and abolish them."

Fareed Hayat: Building on your point, I want to return back LaMon. LaMon, is defund the police at odds with abolition, or is it really a step in the right direction?

LaMon Bland: That's a very good question. I'm glad we're having this conversation.

I think the defund the police movement, as well as Black Lives Matter, are all red herrings at this point when you're talking about cannabis reform. We need to make sure that we focus. There is an issue with institutional racism. There is an issue with police misconduct. That is a problem. But I think, in this instance, this is a clear case of state government and the backers in the business industry not taking responsibility for their actions. This is not a problem with the police department. In the police department, they do what their being told. This is a bad policy issue.

And when they're trying to pit a fight between—and I'm not saying anyone on this panel, I'm just saying policymakers are pitting a fight between cannabis advocacy organizations and reformers and the police department. Those are two separate issues. There's an old saying: "either you evolve or you repeat." You're going to find that there's going to be another problem with the police in the future, and they're going to find a new enemy. Speaking for We Rise, there are issues with police, but we believe that this is merely a red herring to pit the wrong persons against one another. The state of New York needs to acknowledge that they are wrong and change their policy.

In the criminal justice system—and there are criminal lawyers here, and I've handled criminal cases myself, and I've been targeted by the Manhattan district attorney and the state and federal government alleging that I was a drug trafficker, and I've had criminal justice experience as a defendant—the first thing that they require you to do in order to move forward is to acknowledge fault. And the state doesn't want to do that. The state wants to put fault

on someone else. But the reason the state doesn't want to acknowledge fault is because they do not want to be liable. The state of New York started this. Particularly the state of New York in the 60s started the war on drugs, and it just spiraled out of control. And cannabis got unfairly included into it. And now it's a problem.

This is not a policing issue. This is a policy issue on the state level, and they need to do something to fix it. We need to sit back down and not try to create a fight and build an agenda off that fight. We need to sit down and really look at what happened. The state needs to acknowledge what they did. We need to go and look at the legislative history and a lot of current supporters of the founders of the CBC. The CBC was ultimately founded after this was done, and we need to look and see what happened and try to fix it. And, if we don't, we'll be repeating this in the next few years. I have a three-year-old daughter. I'm training her right now, so maybe in 20 to 30 years, when they are trying to fight this out again, she'll be in the room fighting. And hopefully she'll be able to pull up these conversations and others that I've had so that the institutional memory is here. The state has made a mistake. They need to acknowledge it, and we all need to work together to fix it.

Fareed Hayat: Thank you. In terms of these consequences, I want to turn to Jordan and talk about the collateral consequences. Talk about your personal experiences, Jordan, and what proactive steps need to be taken. Talk about the consequences the marijuana convictions and even allegations or arrest of marijuana charges.

Jordan Sudol: Sure, thank you.

So, when talking about collateral consequences of marijuana convictions, there's two that I would like to focus on that really have affected me. The first is the whole family dynamic that it ruins. I was raised by a single mother, and, when I was 15, I was arrested for marijuana possession. And as a result, I was sentenced to a 28-day juvenile rehab facility. Now, during that time, my mother's phone got shut off. She had no car. And, three days before completion, I was pulled into the office and told that New York State was going to take custody from my mother and that I had the choice between a group home or foster care. So, three days from thinking I'm going

home to now I am in state custody and a group home—that was what I ultimately chose.

And, two years later, the situation was so untenable in the group home that I ended up running away—all the way from Poughkeepsie, New York to Bergen County, New Jersey with nothing more than the shirt that I had on my back and the shoes on my feet. I was 17 and homeless in the state of New Jersey—all to get away from state custody in New York. And this simply stemmed from a marijuana arrest, as a juvenile nonetheless.

And I know my experience may seem extreme and farfetched but, as somebody that's been through the system, it's really not as crazy as it sounds—how something so simple as a marijuana arrest can really ruin the whole family dynamic, especially as a kid.

And then the other one is employment. So I also have an arrest for marijuana possession as an adult. I was driving. I was pulled over. After a subsequent search, the passenger in the backseat had over a pound of marijuana. Now, because I had pending felony cases, ultimately, I decided to take responsibility for the possession so that the other two guys didn't go to jail. So I was given a three-year sentence for that possession. In the state of New Jersey, I'm sure they spent hundreds of thousands of dollars to prosecute me and house me.

And now I have the ethics committee next year when I apply for the bar that, to be honest, I'm terrified of because I have to sit here now and answer for something that's 15 years old now and something that I really don't even remember much of. But now, next year, I expect to sit in front of this committee and be grilled on something that I don't remember much of. And, if I misspeak or misstep, then I might not be a lawyer.

It's just crazy how long this snowballs on for. And it's affected me for 20 years—all the way going back from the juvenile up until now. So I think the collateral consequences for some are actually quite great.

As far as some of the proactive steps I think we need to take: I think awareness generally, overall the broader view; I think the benefits of what marijuana brings to the table as far as the health and societal benefits; I think the financial ramifications. When I got a restaurant as an adult, I had thousands of dollars in fines. I had my license suspended. I had license restoration fees. This cost me thousands of dollars to try and correct it. And it's extremely hard coming from an urban community and trying to pay this kind of money. It's next to impossible how they make the situation.

And, with the application process, I know New York is doing things to expunge, but New Jersey not so much. And that's where I live. So that's a concern of mine—that something so long ago and something so miniscule can have such a great impact on my life, even though I've shown for so long that I'm not the same person that I was. I still have to stand and answer for all this.

Fareed Hayat:

Very powerful. And I appreciate this analysis about how you were taken out of your home and put in a more compromising position—a more dangerous situation—and whatever impact that had with your life as you continue, and the fact that you must carry it alone. And I feel like that experience, which you've articulated, is really what kind of provokes so much of the community to become active and fight so hard for this kind of legislation.

So I'm going to turn to you, Eli, and I'm going to ask you to talk about this movement that led to marijuana legalization and the steps that organizers have taken, such as community meetings, forums, engaging in elections, and organizing. How effective was it? And what effect did it have on this ultimate legislation?

Eli Northrup:

Right, but I think this is a movement that started with the people really. And it's a movement that was a long time coming in New York State. The MRTA was introduced for the first time in the legislature in 2013. So it wasn't a new bill. And back when it was first introduced, it didn't have the same kind of support that it eventually got.

I think one of the really key things that happened is (and Leah put a link to this article in the chat) that there began to be an

acknowledgement that in New York State, despite the fact that people of all races were using marijuana at equal rates, over 90% of arrests in the city were for people of color. And I think it was over 70% statewide, despite equal usage rates. So there began to become an acknowledgement in the general public that we are not policing these laws evenly. And, if you can't police a law evenly, it shouldn't be on the books.

Now (and LaMon mentioned this before) this is not unique to marijuana. This happens across every criminal law, especially lower-level laws. People of color are disproportionately policed and prosecuted for crimes. So marijuana is just a microcosm. But, because it became more acceptable in the general public, it became a big part of the movement.

Really, the movement started with organizers—VOCAL New York, the Drug Policy Alliance, community organizers across the state—bringing light to these issues, being in the street talking about these issues, bringing them to the legislature. And it built steam. And I think the reason it was ultimately successful is because of how widespread the community was that was supporting marijuana justice and the idea of marijuana justice, community investment, and social equity.

The coalition was a statewide coalition. Marijuana touches on all these different things. It's not just criminal law. It's immigration law and family law. But it also touched on small businesses, farmers, and community activists. It had all these different organizations—groups of people—coming together and saying, "Okay. These are the things that we all stand for together. And we're not going to compromise on these things"

So the Governor, as I mentioned before, first introduced his marijuana legalization proposal, the CRT, in 2019. That was six years after the MRTA had first been proposed. And his bill didn't provide for community investment. It would essentially have taken the money from the tax revenues and said it goes into a general fund the state can use however it wants. His bill didn't provide for automatic expungement of past convictions, in the same way. It also didn't actually provide for full legalization of marijuana. In

certain cases, it actually increased criminal penalties under marijuana being legalized.

So there was a moment where the governor was saying, essentially, "Take this worse off bill and be happy because marijuana will be legalized going forward." And there was a moment where the coalition could have compromised but refused to and said, "No, even if this means waiting longer, we're going to fight for what we know is a better bill—a better situation." And those are really tough conversations. Alice can tell you certain people want to compromise on certain things, it depends on their interest. But the fact that the organizers were able to hold this really diverse—geographically diverse and subject-matter-expertise-diverse—coalition of organizations and people together and stand strong led to, in this year, a much, much better outcome in terms of legislation that actually addresses past harms.

And another big part of this is just politics. The governor's political power changed. After what happened in the spring, it absolutely did. And he saw marijuana legalization as a way to try to improve his own political stature. And so he was the one who ended up coming towards the MRTA, which had been proposed for years. And I'm just saying this in his personal capacity, not because he believed in it, because it was a very political move.

But it was a lesson learned that if you stick to what is the better situation, even if it takes longer, it ends up with a much more robust bill.

So I hope that answers the question. There's so much that went into it; it took years of advocacy. But people showed up. People went to Albany. People marched in the hallways. People showed up in Foley Square. People went to legislators' offices. They explained. Just like Jordan's story, people told their stories. People talked about their experiences and the injustice. And that resonated. And, eventually, it led to this passage of the bill.

Fareed Hayat:

Thank you. LaMon, I'll turn to you because I know you and We Rise did a lot of organizing in Harlem, specifically in the Black community. Can you tell the group about some of the work that

you all did—the people who were involved in organizing and some of their objectives?

LaMon Bland: Yeah, sure. I want to say this: I think that the advocacy community—I believe everyone—has good intentions when they are approaching policy. But, for me, I was an aspiring attorney. I started a law firm in 2014. I wasn't even in the space. I was a former offender. And this mattered to me for several reasons, and I mentioned some of them earlier.

And I have a history in policy. I worked for the general counsel of the city council under Christine Quinn during the Bloomberg administration, so I understand how policy gets done in this state, as well as in the city of New York.

And I think that we saw it as an opportunity for faith-, labor-, and community-based organizations and social justice groups to come together around an issue that mattered. And we felt that this was a mass tort in a sense—that there was some serious damage that had been caused to communities of color. And no one in the policy side had talked about a damage assessment. And I think if there's a tort, you have to first talk about the damages. And there wasn't a conversation about looking at the damages that are being done.

And, if you look at the collateral consequences (I think Eli talked briefly about this earlier), people have lost their housing, lost access to student loans—their families were divided—not to mention opportunity costs, not to mention mental health. So we looked at all of those things, and we recognized that the state had not calculated that. They had not done a calculation of the total costs. And, since that wasn't done, we thought that more had to be done.

And we can go down the list. Mr. Jordan spoke about his issue in New Jersey. (And, if there's any way that I can connect and be helpful in New Jersey, I have some really good relationships there. I would like to be helpful to him.) But that's just one story. You're talking about individuals who came home—whose parents had been waiting for them to return home—and no one was there. Parents had to decide whether to let their children come back home to a housing development. They had to move out or the kid can't

come back. So you have individuals that are homeless. And these were for cannabis convictions. So you're talking about hundreds of thousands of dollars, not to mention the young individuals who had nothing to do with this, who were just being raised in drugs zones, having to choose either a gang or narcotic sales. And, for me, I guess I wasn't strong enough. I chose narcotic sales. And one of my brothers chose it too, and he wasn't as fortunate as me.

So I think that we just have to look at this a little bit more. I think that there was arguably a step in the right direction. I just think there's much more work to be done. There are some serious losses that the community has suffered—even the stories of individuals who they don't even remember, these lost souls. These are some real consequences, and we have to look at them. And I don't think \$400 million is anywhere close to it. There are some serious problems, and we have to figure this out.

Fareed Hayat: Thank you. Alice I'm going to turn to you first. And I'm going to ask the question about lessons learned. And what do we do as next meaningful steps? New York was late in its legalization of marijuana. Why is that so? And was this a more thoughtful process in terms of addressing the needs and not just the organization?

Alice Fontier: So yeah. I think Eli touched on this sort of late in the process as well. I mean there were, by all accounts, the votes to pass marijuana legalization in some form for at least three years prior to it actually passing. But there was a strong coalition saying, "That bill that you're ready to vote on is not good enough. Don't do it. Don't do it. Don't do it."

Somehow, in this panel, I seem to be the counterpoint to LaMon, but I absolutely don't disagree with LaMon. And I think it's really important to have advocates like LaMon and voices from the community saying, "What they're saying is not enough. These are the problems. This is what you actually have to address. You're scratching the surface." because there's the political reality that there are a lot of politicians that look at the bill that got passed and think that it went way too far. And, if we don't have the voices of LaMon and other activists in the community and the people that

have been impacted saying, "What are you talking about?" that balance never happens. You don't move forward at all.

So, in my view, this was ultimately a successful big first step because, as Eli said, a very diverse coalition of advocates stuck together and worked towards a common goal. But there were also voices pushing for this to go much, much, much further than it's even gone. So I think it is critical to remember number one that you don't have to have everybody saying the same thing. As long as you are going in the same direction, it can be very beneficial. And you might not get as far as you wanted to go, but you're making progress as long as that doesn't mean we're now foreclosed from having this discussion forever, which, again, I don't think we are.

I think what has been demonstrated in states that passed marijuana before we did is that crime rates overall go down. There's not an uptick in any of the safety concerns that other people raise every time you talk about legalizing marijuana. State budgets get much closer to being balanced. And, overall, in the states that have done this, you see positive change. And so making that first giant step of legalization puts in place the ability to say, "Here's all the positive. Where's the negative? Let's keep moving. There's more to be done here."

And then the second piece to that is that, of course, there's going to be pushback. And the coalition needs to remember. LaMon should come to every coalition meeting, even if he doesn't officially join, and tell people, "This is why you're not done. Keep paying attention. Keep working." We have to keep our eye on the prize and keep moving things forward. But that's, in my view, where we did well so far.

Fareed Hayat:

I'll just say that I appreciate this space. We are engaged in this conversation on the other side. Oftentimes we allow this conversation to be on just getting the bare minimum. And here on this panel we're actually saying, "Okay, how can we push each other further? Is there more to be had?" And I think that that's an important question.

My last question I would like all of you to address is really: How do we replicate what we've accomplished in this movement? And what do we want more of as it relates to restructuring police, restructuring this carceral state, and moving resources along? Are there other areas where we can take what we've learned and what we've done and move it and say, "Okay, yes we can defund police in this way in terms of immigration and this way in terms of the family system or the carceral family system or other thing"?

So let's walk through the panelists. I think I'll start with you, Jordan. And then we'll just go through and have you all envision, because that's what we're really talking about. Use your imagination to offer up what that would look like.

Jordan Sudol: Wow. That's a really tough question.

Well, I guess what it looks like from my perspective is obviously expungement because these activities are now legal. So I think that, with expungement, there needs to be some kind of system where it's fast and people are able to find employment and housing and all these kinds of resources that they're not able to get with these marijuana convictions on their record, like social programs, welfare, and Section 8. It's crazy that you can have violent offenses on your record and some of these social programs are cool, but, if you have a marijuana charge, you can't get some of these things. I think it's rather ridiculous.

Fareed Hayat: Jordan, what about law school admissions in this space of reimagining? We hear about the jailhouse lawyer—bringing them to the law school doors and making a space for them.

Jordan Sudol: Right. So, when I applied to law school two years ago, there was really nothing on the Internet as far as helping people with convictions to navigate the whole process. There are all different kinds of things now that you have to include in the application statements: addendums, police reports. So, through FILSAA (my student organization), we have a couple of YouTube videos up trying to help people navigate the process and feel free to contact us. And we'll help with the whole application process.

And I think what we really want to work on too is getting in contact with paralegals behind the prison walls and just getting them information and resources because a lot of work can be done behind the walls as well. And I think our organization doesn't want to forget that there are some brilliant minds behind these prison walls that could help further this issue.

Fareed Hayat: Thank you, Jordan. Other panelists, LaMon, Alice, or Eli, in terms of the restructuring and these lessons learned, how do we take it to some of our other areas of development?

LaMon Bland: I want to say something about that if you all will allow me. I remember in 2014—it had to be September 2014—I was sitting around Columbia's campus (and some of our friends and family will acknowledge this), and I sat there (it was a very important time of my life), and I said there and said, "Cannabis is going to be the thing." And my law firm was doing very well. And the Bland family, my law firm, and some private founders (the Bland family put up \$250,000) (some other families who don't want me to say their names and some other organizations) we raised \$1,103,000, and we put it in street. And I'm using this to answer your question. And I'm sitting here now. And I want everyone to go back to this movie. Have you seen it? At the end of Schindler's List, when he was counting the names of the people that he saved (it was like 1000 people), and he was like, "That wasn't enough." He started taking off his jewelry. And he said, "I could have saved two more."

And so what I'm saying to you is: "That wasn't enough." And I did that. And I'm going to my family when I get off this call because I'm going to do \$10 million. I'm going to raise \$10 million because I'm going to show us and the world and the government the real cost. We Rise is going to do a real cost assessment. We've asked the state of New York to do it, and we've asked the Federal Government to do it. We're going to do a cost assessment. We're going to explain to everyone exactly how much the war on drugs cost, particularly to cannabis.

And we'll start with New York because New York started it. And then New York built this model to go around the country. So I'm going to commit. We rise is going to put up \$10 million over the

next five. We're going to figure it out and get it done because it wasn't enough. It's too many sons. I know grandmamas who ain't seen their babies. They were trying to leave so their babies could come home. And their babies are never coming home. And when they do come home, everybody's gone. They're displaced. So I haven't done enough.

And I just got to figure it out now because somebody stood for me and somebody held my mama's hand when my brother didn't come home. And, for me, this is what it is. And we're going to show that these people matter. And cannabis reform, in its current status, is not enough. We Rise is going to put up \$10 million. And we're going to do a damage assessment.

It was 50 years ago on June 19, 1971 that Richard Nixon declared a war on drugs—on Juneteenth. 50 years later on June 19, 2021, you see all the damage that's been done. So, in 2071, my daughters and sons are going to say, "My daddy did something about it. My daddy found out how much it costs, and we're going to hold the government—both the federal government and the state of New York and the Rockefeller family—to task." Not to be aggressive, but we're saying, "Do something about it." If you made a mistake (I've made mistakes), do something about it. Otherwise, it's all in vain because either you evolve or you repeat. And that's what we're going to do. \$10 million—we're doing that.

Fareed Hayat: Thank you very much, LaMon. Thank you very much. Eli.

Eli Northrup: Yeah. In terms of lessons learned from this campaign and how we can take those lessons and push for change in terms of defending the police and other movements, I do think we're at a time in New York (and I hope it's not a just a moment in time, I hope it's the beginning of more of a movement) where progressive change is absolutely possible and politically feasible in a way that it hasn't been.

I attribute a lot of that to what happened last summer: George Floyd's murder and the reaction to it and actually people organizing and marching and having their voice heard. It's changed the dynamic. And politicians are listening to people in this way.

The makeup of the state senate changed. New York now has a democratic, veto-proof majority in the senate, which it didn't have before. So that means that the governor doesn't have as much power as he once did.

If large coalition's come together on important issues, they can get a lot more done than I think they could at any other time in the movement. I think that defunding the police is actually a realistic thing. Taking money away and changing the structures of budget—it's politically realistic. And the more people that join the movement and believe that it's possible, the better chance we have of actually making those changes.

Obviously, the city budgets dictate police forces. So that's not a state issue. So, if you're talking about the NYPD budget, the city council dictates that. Advocating in the city council throughout the budget process this year will influence that. There are also elections that are coming up. There's going to be a new mayor. There's going to be a new DA in Manhattan. A large portion of the city council is going to turn over. And educating yourself about who's running and what they stand for—those things matter because those are the people that decide what happens with the tax money. It's the legislators.

And so I would say that this made me optimistic. What happened with marijuana this year made me optimistic that more changes can come. I don't know if people paid attention to the repeal of 50-a, which happened last summer. But that was a law that really shielded police disciplinary records from becoming public. The police fought against it. The DAs fought against it. And, for years, they've been able to kill it. And then, last year, it actually happened. So the police don't have the power that they once did. Prosecutors don't have the power that they once did.

So I do think that that things are possible now that didn't seem possible before. I think we should be aware of that and push for broader change. Like LaMon is saying, "Push for things that we didn't think were even ever feasible before," because they may

happen. Things have a chance of happening this year that didn't happen in New York before.

Fareed Hayat: So, before we close out for any questions from the audience, I'll just turn to Alice to quickly offer any suggestions or thoughts that she may have on how to move this movement of defunding from marijuana to other areas.

Alice Frontier: Well, I would just echo everything that's already been said.

But I will also say that, with the war on drugs, we keep talking about it and saying, "And now we have marijuana." But drugs is a lot bigger category than that. And, when we talk about collateral consequences, there's exceptions for small levels of marijuana. You can have like one possession of marijuana and not get deported. If you're not using it in a way that is harmful to your children, they are supposed to not take your kids away. None of that is true for other drugs. For possession of a small quantity of like cocaine, you'll lose your children, you'll get deported, you will never get another school loan, you will go to prison. Those are the things that are really truly destroying families and communities.

And I think we have the responsibility to address the wider war on drugs, and I don't think it is a liberal dream. It is actually starting to happen. Possession of a small amount of personal-use heroin is legal in Oregon now. It's not a concept that is so far off. And I think we should really be looking at the entire war on drugs and ending it completely.

Fareed Hayat: All right. Wonderful. Thank you. Thank you very much. I appreciate all that participated in the panel.

I'd like to turn to the audience. We only have a couple minutes, but any questions (please raise your hand) of any of the panelists? Or any statements that may need to be made or that you would like to make?

Okay. So I guess we'll end it there.

And we appreciate all of the participants, all the panelists, and all the people who joined us here today to talk about this. And, again, I think it's an amazing space that we can talk about. Yes, this is what's been accomplished. But yes, this is how we envision pushing them along.

And we're okay with using these terms that make some people feel uncomfortable. We're okay talking about ending mass incarceration, defunding the police, and, where I'm standing, abolishment of the entire system. So thank you very much.