



POLITICS / OPINION

Marijuana law must address race impact of War on Drugs

Pending bill reintroduces regressive policies that voters rejected



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IN NOVEMBER, MASSACHUSETTS voters chose to move our state's drug policy into the 21st century by rejecting the failed War on Drugs and becoming the first state in the Eastern half of the country to legalize cannabis. Now, the Legislature is considering a bill which would reintroduce some of the same regressive principles that voters clearly rejected.

It is vitally important that Massachusetts's omnibus cannabis legislation be altered to preserve the will of the voters and the progress made in November. From the very beginning, the War on Drugs was a cynical political tactic to target communities of color.

Any room for doubt about this was removed last year, when Dan Baum, writing in *Harper's* about the War on Drugs, quoted from a 1994 interview he conducted with Nixon aide John Ehrlichman:

“The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”

That lie successfully devastated communities of color for a generation, and we as a country are only beginning to repair the damage done. In November, the voters of Massachusetts agreed to do their part. Question 4 was not just about marijuana legalization. The measure explicitly spelled out that cannabis industry regulations in Massachusetts should “promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement.”

Our state Legislature is considering a bill that would alter the new voter-approved marijuana regulations. Specifically, the legislation creates barriers to people with non-violent offenses related to drug sales owning or working in a cannabis business or participating in the state Cannabis Control Commission. This allows the racial imbalances created by cannabis prohibition and its enforcement to ripple into the era of legalization. To ensure equity throughout the cannabis regulatory and economic systems, the following changes and additions need to be made to the omnibus cannabis legislation before it is passed:

- Reinstatement of the language, passed by voters, requiring the cannabis commission to develop “Procedures and policies to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.” The current House bill merely recommends that this happen with no binding language.
- Strike language that prohibits those, and their “associates,” with non-violent civil and criminal penalties from marijuana sales (unless to minors) from serving on the Cannabis Control Commission, as a commission employee, or from owning or working in a cannabis industry company *and* include this explicit protection: “Notwithstanding any other section of this bill, no person shall be denied a cannabis license or otherwise barred from participating in the industry based on a previous cannabis arrest, conviction, or infraction, unless it involved sales to a minor.” Again, this provision is necessary to end the racially skewed injustices brought on by the War on Drugs.
- Require that at least one member of the cannabis commission represent communities disproportionately impacted by the war on drugs.
- Require the Cannabis Control Commission to collect and report race and ethnicity data, and develop goals, policies and procedures relative to minority business enterprise.
- Fund police training, job placement, and reentry training programs, as well as investment in communities disproportionately harmed by the war on drugs.
- Mandate public education campaigns on adult and youth cannabis use.

These are common sense provisions that acknowledge and seek to move past an ugly history. This is not a departure from consensus or the will of the voters. Massachusetts voted for a measure that will make a powerful, positive impact on communities impacted by the War on Drugs. Now it is time for our elected officials to help move the citizens’ decision to fruition.

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