

THE BROOKINGS INSTITUTION

WEBINAR

CANNABIS REFORM AS A PATHWAY TO RACIAL JUSTICE AND OPPORTUNITY

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P R O C E E D I N G S

MR. HUDAK: Good afternoon everyone and welcome to the Brookings Institution and today's event titled, "Cannabis Reform as a Pathway to Racial Justice and Opportunity." My name is John Hudak and I'm a senior fellow here in Governance Studies at The Brookings Institution, and the deputy director of the Center for Effective Public Management. It's my pleasure to host today's event and conversation.

Before we start, I would encourage you to be part of the conversation. We will answer some audience questions in the last 10 or 15 minutes of today's program. You can send your questions along by emailing them to events@Brookings.edu, or by tweeting them to us using #Legalization.

It's also my honor to welcome three distinguished panelists to discuss this issue. Tiffany Jeffers is associate professor of law and practice at the Georgetown University Law Center. She previously served as a prosecutor in the city of Baltimore.

Natasha Mejia is a policy analyst at the National Institute for Criminal Justice Reform. She previously served as a research associate at the Columbia Justice Labs Probation and Parole Reform Project, and Youth Justice Initiative.

And Rashawn Ray, who is the David M. Rubenstein fellow in Governance Studies here at Brookings and is professor of sociology at the University of Maryland. Thank you all for joining us today for what I'm sure is going to be really engaging conversation.

Today marks one year since George Floyd's murder. And it's impossible to have a conversation about racial justice, police reform, criminal justice reform, and drug policy without noting how much his death has served as a crystallizing moment in American society and how it shined a brighter light on systemic issues plaguing our country. George Floyd, Breonna Taylor, Ahmaud Arbery, are just a few of the thousands of names, many that we don't know as a society or recognize, whose lives and deaths have driven a movement and sparked a broader outcry for justice and change around racial equity, police reform, criminal justice reform, drug reform, women's rights, LGBTQ rights, among a variety of other topics.

Each of these is significantly complex areas of policy. Each is an area policy that government at the federal, state, local, and tribal levels have let Americans down for centuries. We will

talk about one part of this broad set of issues today and one that I think is often disconnected in the public eye from racial justice and opportunity, and that's cannabis reform. As states have reformed their laws around medical and adult use cannabis, the experience with regard to the attention being paid to the discriminatory foundation and enforcement of the drug war has been mixed.

Despite 18 states and the District of Columbia having legalized adult use cannabis, there are still more than a half-million arrests for cannabis offenses every year with more than 90% of those arrests being for possession. These arrests and the systematic discrimination and enforcement have wreaked havoc on millions of Americans lives for generations, disproportionately in communities of color. And that's where I'd like to start the conversation with our panel today.

Again, welcome each of you. Can you talk -- can you each talk a bit about the long-term and ongoing effects of the war on drugs? Especially given the geographic and demographic targeting of drug enforcement. And also, I would like to give each of you a moment if you like to reflect on George Floyd's murder and what we've seen throughout our country in the past year. I think now would be a great time to do that.

Tiffany, would you like to start?

MS. JEFFERS: Sure. Thank you, John. And thank you to The Brookings Institution for having me here today. It's my honor to sit on this panel and have a discussion about this really important issue. Beginning by thinking and honoring and remembering a year ago when George Floyd was murdered in the streets, it's important that we take time to remember his life, his legacy, and everything that his death has done and will continue to do in our country. But it's also important to think about what policy has resulted as a -- is on the table as a result of his murder, the George Floyd Policing Act, which our legislature is currently considering.

Things like Black Lives Matter and federal policing legislation were not status quo. They weren't in vogue over a year ago. So I think it's kismet that our conversation today about the legalization of cannabis is on the heels of George Floyd's murder and the anniversary of his death because again, years ago the legalization of cannabis was not a broad conversation for public consumption. So I think this is powerful, powerful policy that we are on the heels of right now.

And thinking about your original question, John, cannabis touches so many areas of

American society and controlled substances holistically in thinking about the way drugs were framed and controlled substances were framed as being part of a war, a war on drugs. What we did, what the contradict, what the legislature and government did in calling in the world drugs and framing it and criminalizing substance use and distribution was created pockets of war zones in this country.

And so when you went to the streets of predominately Black and Brown cities, it felt like an actual war zone because these substances were criminalized. And when you criminalize something it becomes a sort of a hot topic, a hot item. And without it being legal, different individuals, different parts of the community were fighting for control to be able to sell and distribute these substances.

And so when we think about calling it a war and creating war zones in Black and Brown communities, the devastating effects were not just related to incarceration of users and distributors, it touched every area of our community when we think about education, the healthcare system, housing, finances. So is not just the war on drugs focused on criminalizing use and distribution. It was a war against Black and Brown communities holistically.

MR. HUDAK: Tiffany, thanks.

Natasha, would you like to go next?

MS. MAJIA: Yeah, sure. I think in addition to what -- all that Tiffany mentioned, which was really spot on, is that a lot of these policies are upheld with policing and the targeting of Black and Brown people and the criminalization of these substances. And so I think in light of what happened with George Floyd, as what we are seeing across the nation, is a call to action in reforming, dismantling, and defunding police as an institution. So I think that's an ongoing conversation and it needs to continue to be focused on reinvesting in the communities that have been most targeted by this war on drugs that are been upheld by policing.

Yeah. So I will stop there. Tiffany said a lot of great things and I will pass it to Rashawn

MR. HUDAK: Rashawn?

MR. RAY: Yeah. I mean, I think Tiffany and Natasha said it all really well. I mean, cannabis reform is linked to police reform. And as we think about and reflect on the murder of George Floyd, which happened a year ago today, part of what we know is that when it comes to people of color, particularly Black men, these low level offenses like say smelling something as a probable cause, often

times viewed as a pathway to other ways in which use of force is used and people's Fourth Amendment rights are often times violated.

When I think about cannabis and also thinking about George Floyd, because, I mean, his murder and the events surrounding his murder all link to the sort of things that we are talking about today, about who is viewed as a drug user and an addict versus a drug dealer and a gangster. And particularly when we talk about Black men, not just Black men, but Black teenagers, that Black males at one point in time, 75% of Black males that were incarcerated were incarcerated for low-level drug crimes, many of which dealt with cannabis.

And so as we move forward, and I know this is what we are going to be talking about today, but really cannabis has followed a pathway or could -- apparently is following a pathway that we could augment where wealth creation is starting to operate similar to what happened with alcohol after prohibition where -- particularly when we starting about the various ways that cannabis is used the great wealth and he was being left out of that pipeline.

So not only are we talking about incarceration, we are also talking about wealth creation. We are also talking about the ways that people in schools, as we heard earlier, or often times profiled around drug usage and how all of a sudden that might derail their career and their young lives.

So it's a series of things that are wrapped up in this conversation today. And I think it's time we -- John, that you have this conversation today, given the one-year mark of George Floyd.

MR. HUDAK: Thanks everyone.

Tiffany, I want to come back to you and drill down a little bit on both -- part of your comments and some of the work that you do, some of the great work that you do. You focus a portion of your research on youth arrests. And I think this is an issue that really flies under the radar and a lot of corners of the cannabis legalization debate. In every state that has passed cannabis legalization, the age -- the minimum age for purchase and use is 21. That leaves a group of individuals who we would consider adults, 18, 19, and 20-year-olds, more vulnerable still to the criminal justice system.

Even in states that have decriminalized cannabis, 16 and 17-year-olds and younger are often times treated differently and still face criminal charges if they are caught possessing cannabis in a manner different than if they are adults caught possessing cannabis. Can you talk a little bit about the

challenges that exist in our system where youth are both treated differently even in the wave of legal reforms and how those challenges stay with them throughout life?

MS. JEFFERS: Sure. I think that's a really great segue into thinking about cannabis reform broadly, not just how it impacts adults, but how it's going to impact youth. One thing that was difficult when I was a prosecutor was Maryland, at the time I was practicing, was going through the process of decriminalizing cannabis. So is also important to remember the differences in terminology, the difference between decriminalization and legalization. So Maryland wasn't making cannabis legal, but it was going to be decriminalized. There was going to be an associated fine after possessing a certain amount.

But again, none of that applied to juveniles. So I would be the process of charging 17-year-old Black youth, Black boys particularly, while 18-year-old, and 21-year-old white men in Baltimore City were able to get certificates or permits to begin the process of selling marijuana legally. So thinking about the disparity and how this offense transitioned from decriminalization to legalization, but is still negatively -- there still negative consequences for juveniles, not just negative consequences. These consequences actually impact their freedom, their liberty, because they can be incarcerated for possessing marijuana, for distributing marijuana.

This is primarily in the public school system. You'll see prosecution of marijuana possession primarily in majority Black public schools, but it's not commensurate with the illicit drug use that's happening in private schools where we know that there is significant prescription drug and cocaine use in the private school system. That's not prosecuted. It's really dealt with below, under the radar. There are no charges usually brought for those offenses.

But when a Black juvenile is in the system for marijuana it's no different than them being in the system for a carjacking or an armed robbery. And it's treated the same. This offense that is actually decriminalized and legal in some places is treated as a crime for these individuals, for these young people.

And while we can say that the system, juvenile systems are focused on rehabilitation, it's more punitive in nature. It's more punitive in scope because their rights are limited. They are supervised by a probation officer, by juvenile probation officer. They can again be incarcerated. It's not jail, but for

all intents and purposes it mimics what incarceration looks like for adults.

So that is nonsensical to think about 16, 17-year-olds and then 18-year-olds would be in the adult system. They would actually be convicted of a crime in the adult system because if we legalize at age 21, you've got 18, 19, 20-year-olds were still going to be -- these offenses will still be criminalized for those individuals. So it's important as we are having these conversations and opening the door to legalization that we think about how this is going to impact juveniles and how the system needs to shift to regulate in a more prohibitory -- or what's the word I'm looking for? In a rehabilitative model for juveniles.

And another thing I want to say -- I'm sorry if I'm taking a ton of time on this, but I think it's really important. A lot of our juvenile youths is to treat undiagnosed mental health issues. So these kids are using marijuana as a method for treatment. They're not using it solely recreationally because a lot of times there are mental health resources in the schools, in these neighborhoods.

These individuals, these kids are undiagnosed with learning disabilities, with mental health diagnoses. And this is the one tool that they have to sort of treat their illnesses. And it's not regulated. It can't help them in the way they believe it can help them because it's not diagnosed through a doctor. There is no regulation of it.

But it's important to think about why these kids are in this game, sort of in this marijuana game. Why are they using? Why are they distributing? Some are distributing because they earn money. They want to eat. They have to work and this is the work that they can find.

So it's important to think again, holistically and broadly as we begin having these conversations, specifically about how legalization at 21 is still going to negatively impact really 17 to 20-year-olds.

MR. HUDAK: Natasha, I know you've done work in this area as well on juvenile justice. And as a social worker you've seen these types of experiences firsthand. Could you add to that conversation a bit?

MS. MAJIA: Yeah, absolutely. I think this definitely goes hand-in-hand with a lot of the juvenile justice reform initiatives that are taking place. California right now is in the process of closing down their -- the youth prison. The kids are going to be all taking care of at the community or at the county levels.

One of the -- there are sort of two things that I'm thinking about. Is that reinvestment into the communities is so important. Diverting youth out of the system entirely is also incredibly important so that kids aren't harmed by incarceration and all that comes with youth incarceration or even just being supervised on probation.

One of the things that the National Institute for Criminal Justice Reform has done, it's created a youth diversion program. So we've partnered with Oakland Police Department who gives us referrals for youth who have committed sort of lower-level offenses and even some more serious offenses, and are completely that burden from the probation department entirely.

And then when they come to our program, they are held accountable by sitting in a conference with a board of community members who have also been impacted by the system, by policing, by incarceration, by the effects of the war on drugs essentially. And they are -- they come up with a plan to help sort of rehabilitate. And then they are offered services throughout the community. So there has to be this -- we have to steer the direction outside of probation, outside of systems, and really focus on culturally relevant, problem informed, developmentally appropriate practices that increase protective factors. And it really has to be community-based.

So I think that part of decriminalization definitely has to take place for the youth. But then it does leave this gap for the transitional age group who are 18, considered adult, and not provided the opportunity that the younger youth are. So I think we need to really focus on that decriminalization aspect and steering people away from the system that perpetuates more harm.

MR. HUDAK: Natasha, that's a great point. And you're talking about a program in California that deals with juvenile justice across the board, but of course juvenile justice issues related to cannabis. And I think it touches nicely on the point that Tiffany was making that California is five years out from legalization and they're still needing to make these improvements because the legalization initiative that passed there in 2016 didn't complete the change that is needed.

And I think in my work I talk all the time about how some people in the community think that legalization is crossing the finish line. Legalization is crossing the starting line. It is the first step towards resolving what is institutionalized systems that are damaging communities across the country. And those, in some cases, piecemeal additional steps to right all of the problems are going to be

necessary because I can say, that first step of legalization just is not enough to have people throw their hands up and say, well, we fixed it. Let's move on to another issue.

MS. MAJIA: I will say additionally that for Prop 64 that legalized cannabis in California, a lot of -- so the tax money is going into -- there is a program that the tax money goes into to foster sort of these community-based supports for communities. But a lot of the tax money goes towards policing, which is also a huge issue. So we need to really focus on that reinvestment, as I said before.

MR. HUDAK: Great. That brings me nicely to my next question. It's a question I've been wanting to ask, but it also appears nicely with a question that we received online from Charlene Dukes from the Dukes Group. And I would like to encourage our viewers, if you're interested in posing questions, please email them to events@Brookings.edu or Tweet them at us using hashtag legalization.

And I will start with you Rashawn with this question. There's been tremendous economic fallout from the war on drugs that I think is often times overlooked. Billions in funding directed to law enforcement, most of the time towards low-level drug offenses, as Natasha was just saying. So too are the missed economic opportunities and wealth building opportunities for those who are arrested and convicted of drug related crimes, and for their families who are impacted by their incarceration or by having a record that follows them for life.

How can the Biden administration address some of the -- this economic fallout even if full-scale, national cannabis legalization is not part of the administration's agenda?

MR. RAY: Yeah. I mean, that's a great question. I think first, I think President Biden himself can come out with an executive order addressing this. And then in that, articulating why he is aiming to do that, which is highlighting all of the disparities that we are talking about here, particularly the racial disparities and that 18 to 21-year-old gap.

I think the other thing when we start talking about wealth, Natasha said something really important when she started discussing tax funding and where it goes. And in this question it highlights that. What we know in Evanston, Illinois for example, one of the things they've aimed to do is take a small percentage, when I say small, a very small percentage, of the tax revenue from cannabis sales and they've created a reparations program for individuals who are impacted by housing discrimination in Evanston. They are providing small grants, \$25,000 for a down payment, or a housing revitalization

grant.

And while, obviously, we could talk about the limits of that, and Andre Perry and I have written about that in a few different ways, I think what's important to highlight here is innovation around that to create wealth. And what we're hearing is that it's not solely about the money that's made, but also what happens with the tax revenue that can be used to reduce the racial wealth gap, but to also provide opportunities, entrepreneurship opportunities, educational opportunities, work opportunities.

So as we think about moving forward, and we know that Biden is really pushing an infrastructure bill. Well look, this should be also part of that process in terms of thinking about the innovations that could come with aiming to create jobs for people in a new market, because once again, we see a new wealth building avenue where the people who have been disproportionately impacted by it in a negative way are also being left out of the equation when it comes to being able to create it in a positive way.

And sure, there are always going to be a few examples, but overall, this is an opportunity even federally to take some of that funding and to create programs that can actually be invested in local communities in ways that can really build up communities that have been most hit by the war on drugs, particularly with these lower level offenses related to cannabis.

MR. HUDAK: That's a great point Rashawn. I think one of the challenges, one of the big challenges that exists in the spaces the stigma around having a past -- a drug offense. And even if you have record expungement, even if you band the box, people can find things online. If you are convicted of a crime in one state and it's expunged, those issues can still follow you to other states.

And it's one of those issues that is a real struggle, but I think a national level position from President Biden, from Congress that really signals the importance of breaking down that stigma, that getting caught with a joint when you're 18 years old does not make you a bad person. It does not mean that you can't be a productive member of society. It doesn't mean that you can't be an honest employee in a business.

We've all done work on the criminal justice system in a variety of ways. And a lot of times what you see is the places where that stigma is broken down the most are businesses that are owned by the formerly incarcerated who are willing to take that chance on someone. And typically, they have really

good luck in finding good people who are willing to work hard despite their criminal justice record. And to be able to do that, to elevate that in the national conversation is going to be a huge part of that economic rehabilitation, and restoring faith in the people and the communities that are been targeted by the world drugs for so long.

I wanted to give Natasha a moment.

Yeah, Tiffany?

MS. JEFFERS: Yes. Sure. Sorry to jump in, John, but I wanted to build what you and Rashawn were just focused on as it relates to President Biden and his administration. But first, I just wanted to touch on one thing, John. A lot of people don't know that even with an expunged conviction, or record expungement, that doesn't expunge the police arrest report. So those are two separate processes and often times people that have expunged their record go out to the world thinking that everything is sealed, thing is gone, and then lo and behold the police report finds its way to the internet or individuals, employers are able to find information about the arrest itself, if not the conviction or the expunged offense. So that's really important to think about moving forward as we're considering the legalization of cannabis, how those arrests will play into moving -- someone being able to move forward in their life.

But I also wanted to talk about how this administration, the federal government as well as governors, have been incentivizing COVID vaccinations. And so is there -- this is not a completely fleshed out idea, but is there a way where we can link incentivizing so that reparations type of funding to communities that have been most impacted by the war on drugs, the criminalization of marijuana and cannabis? Is there a way to incentivize individuals that have been most harmed? And corporations, businesses that can do something to help those individuals, school systems that cannot call police for cannabis on campus? What's a way policy-wise speaking that we can think broadly about how these reforms and policy can actually be practically implemented in a way that is more results-oriented?

MR. HUDAK: That such a great point, Tiffany. You know, we have a lot of research on social choice theory that would make us know or believe that that type of program would work. And I think exactly what you said, what we are dealing with COVID vaccinations right now, is in practice learning about what social choice theory can mean creating those incentives, delivering those incentives. And for some, COVID vaccinations are a highly politicized issue, something that that skepticism runs

deep.

In the same way, I think it's just such a great idea, Tiffany, in the same way that skepticism of the formerly incarcerated runs very deep for a lot of Americans. And trying to break them out of that, break people out of that, or to give people a chance, is ideal. I think -- you know, Rashawn has written about this as well. One of the benefits we all hope that comes out of the pandemic is shining a light on the types of disparities that exist in the system based on race, based on ethnicity, based on gender, based on the intersection of all of those. And this is, I think one more part of that. If we can learn how to improve the type of delivery of services, the job opportunities for people because of what we learned during the pandemic, it will be some sort of silver lining that comes out of all of this.

MR. RAY: Yeah. I mean, most definitely. I mean, look, when we start talking about what the -- what Congress can do and what the federal government can do, it can deal with expunging records for people who have these types of nonviolent drug offenses related to cannabis. It can also then restore their voting rights. I mean, we know that these are things that have disproportionately impacted people, not just in terms of their criminal record, but also in terms of their ability to participate in democracy.

Then when we start talking about employment, we already know the way that race plays a role in that. And when you add in a criminal record, particularly a felony, but even at times a misdemeanor, we know the way that it can operate.

And I also want to say something about how we started this conversation about the link between policing and cannabis. There is a question when police recruits, or really people who are in the application process, are going through their final phase. So they made it through all the physical stuff that you had to do, all of the other sort of psychological evals, and they are asked at the end of their interview, have they ever used cannabis. Have they ever smoked marijuana?

And interestingly, that question often times weeds out, no pun intended, a lot of people in that process. And it's interesting in how it operates because supposedly it eliminates more Black applicants in white applicants, even though we know that there are -- really aren't racial differences in the usage of that particular type of drug.

And in some cases whites actually use it slightly higher depending on what you're looking at. So it begs the question then is who might be telling the truth and who might not be telling the truth.

This is what I hear from police officers. And I think that's another step is we talk about the link between cannabis reform and police reform, then we can also deal with the ways that inequality is often times covert.

And that's something that I see in studying policing whereas as much as they talk about that they can't increase racial diversity in some areas, that is difficult for them to get really good recruits. Well, you know what, that question seems to be embedded with any quality where someone is told one group of people to tell the truth -- or not to tell the truth while the other group of people were actually telling the truth, and often times, there's racial lines.

MR. HUDAK: Natasha, I want to pivot back a little bit to talk about reentry programs. I know you've done a lot of work around this issue and we know that part of successful drug reform, and part of policies even prior to drug reform have to focus on what's going on in drug war targeted communities. We know that we need to support formerly, and currently incarcerated individuals but also support those in the community who maybe have not been arrested themselves, but are part of family units where one or more people have been.

Can you discuss a little bit about your work in this area and what some of the ideas out there are to help individuals and their communities that have been targeted in this way?

MS. MEJIA: Yeah, sure. So let's see. I think communities need to be the ones to lead what rehabilitation or intervention really looks like. When that has to be completely separate from the systems that are causing those harms. Though it definitely needs to be, also, culturally relevant, problem informed and age-appropriate for youth as well. And it needs to increase the protective factors, so you know, providing education and jobs.

And one thing that is also really beneficial is having folks who have also been impacted by the system to be the ones leading these efforts. So credible messengers and life coaches is also really important. And providing financial stipends for people to engage in programming and that sort of thing. Those are all really important.

Mr. HUDAK: Rashawn, you've talked about and written about the role of communities in this space as well. It's something that you've argued the federal government needs to focus on, but all levels of government, the private sector, et cetera, need to focus on a coordinated effort that involves

community engagement and, as Natasha said, communities advocating for themselves and helping address these issues at the most local of levels. Can you expand on that a bit?

MR. RAY:. Yeah sure. So part of what is happening with this process is we know that, particularly when it comes to cannabis and thinking about reform that is not just something we should think about at the federal level. I mean, obviously we've heard about the work that Natasha is doing in the Bay area. Tiffany has talked about on a different side of the coin, the weight we see it play out in a place like Baltimore.

And part of what this means is that we know, often times right down the street in these cities that people are having significantly different experiences engaging in the same sort of acts. And I think part of what has to happen is we have to atone for that process. And part of what that means is really thinking innovatively about the tax structure, about who gets opportunities to engage in the process from creation to thinking about development and distribution.

And a lot of that can be built -- can start with building our work and educational infrastructure for individuals who have been disproportionately left out of the workforce. And I think at the local level it also comes down to thinking about the businesses that are going to be in certain communities. I mean, if we start to look at places around the country where cannabis businesses are popping up, they often times are not in the neighborhoods that have been disproportionately impacted by these drugs.

So when we start talking about it at the local level, I think this is something that states and cities can do again. You know, I think Evanston is trying to think creatively about it. But I think there are also other avenues that we've heard from Natasha and Tiffany involving how we think about training, how we think about vocational and technical training, how we think about giving people the skill set because they are going to be a myriad of jobs in this particular sector.

And unfortunately, if it's not addressed at the local level, and also at the state level the group most impacted by this historically involving mass incarceration are also going to be left out of the workforce even beyond being entrepreneurs and small business owners.

MR. HUDAK:. Great. Thanks Rashawn, it dovetails nicely into the next set of questions I wanted to talk about. And they built on a lot of the questions that we've gotten from audience members

already. And so as a reminder, in about 10 or so minutes I'm going to transition to questions from the audience. So if you're interested in submitting one, email them to events@brookings.edu, or Tweet them to us using #Legalization.

Home one of the challenges that face post legalization in involves opportunities both inside and outside of the cannabis industry. One of the really serious challenges for entrepreneurs of color, women entrepreneurs, younger people, et cetera is a lack of access to capital. And in some states that there are challenges around employment or ownership opportunities among people who have passed drug convictions, and it's not surprising that with all of that that the cannabis industry has emerged as disproportionately white, disproportionately male, and disproportionately run by people who have achieved wealth and business success prior to entry in the cannabis industry.

But in a lot of ways this is a similar challenge that exist across American commerce. This is not something unique to the cannabis industry, this is something that is the experience of people of color and women in a variety of industries. And so part of addressing this issue is looking at both the short and long-term entrepreneurial undeveloped opportunities that exist. And I think we've talked a bit about that -- about this already today.

Creating those opportunities within the cannabis industry is critically important, but also creating a set of programs within the communities hardest hit that training to future entrepreneurs, that trains people in a variety of other areas of the business. In the cannabis industry, for instance, there's a huge challenge particularly among minority business owners just around compliant in the regulatory setting that is, in some cases, extraordinarily onerous, especially for a small business, or a new business owner.

And so giving those opportunities not just in the industry but in related industries, or even unrelated industries can really create that sort of pipeline of opportunities that exist. It starts at the street level, I think, in dealing with the criminal justice side of it, but it has to expand into a more holistic idea of what we think of by creating opportunities.

I know California has worked on this. Illinois is working on this with some mixed success. States like New York and New Jersey have tried to build programs like this into their new legalization laws that passed this year. I'd like to just sort of throw this out in general, as I said, because this is not an

issue that is just unique to cannabis, but I think it's an issue that is very obvious and clear in the cannabis space.

What can we do to help support the communities that have been harmed for generations by the drug war, that helps lift them up and helps give them some sort of level playing field in the spaceflight cannabis?

MS. JEFFERS:. I'll just jump in. And I think, John, what needs to happen -- yes, the restructuring and community building should be linked to the entrepreneur, entrepreneurial and business opportunities associated with the legalization of cannabis. But I think you also have to look outside of cannabis in thinking about restructuring and rebuilding the communities hit hardest by the war on drugs. And I think about the analogy of a liquor store versus the wine and spirits store. Right?

And so you go into a community where there is a liquor store and you're scared, right? Because liquor stores are bad. But you go into a community where there is a wine and spirits store and you're, like, this is safe. Wine is -- everyone enjoys wine. And so the framing of what these particular stores will look like in the community is going to be important.

Rebranding cannabis is going to be important in communities particularly hit hard by the war on drugs. Just -- it's -- we have to be multifaceted in our approach to restoring communities as we think about legalization. It can't simply be give a recently released individual some cash to start a business in their community and wish them luck. There needs to be a more thorough, comprehensive community building a focus on holistically thinking about how we approach the systemic inequalities that have happened in the housing industry and education and health.

And as Rashawn and Natasha have said, across industries we need to really think holistically about how we can most helpfully impact communities broadly and thinking about legalizing cannabis.

MR. HUDAK:. All right. Thanks for that, Tiffany. It's also a great example of an industry like cannabis and the different sort of lenses by which we experience what's around us. I was at a conference a couple of years ago and someone was talking precisely about that example. And he had spent most of his life in, I believe it was Oakland; in inner city Oakland. And he was in a different city at one point and walked into, like you said, a spirit shop and couldn't believe that he didn't need to be

buzzed in.

And just that experience alone and the collective experience about what entrepreneurship looks like, what it means to be, what entrepreneurial safety is, is so different from community to community. But there's so much overlap between the areas that have been targeted by the drug war and that type of experience relative to, as Rashawn said earlier areas that at the same rate are higher rates, and just understand what entrepreneurship is in such a different experiential way that part of that is part of that training, part of that opportunity building.

It has to be, as Natasha said earlier, something that is culturally sensitive to the communities in which they are operating. And what might work in a city in California may not work in a city in New York, or in Florida, or in North Carolina. And so I think too often in the space we think about one-size-fits-all issues. But one of the real benefits of cannabis legalization as it's played out is that the state level patchwork system that can, not always is, but has the opportunity to have that type of sensitivity of what works in one place and it might not necessarily work in another.

So I'm going to ask one more question. This is a little bit different, but it certainly relates to the issues that were working on, and then I'm going to jump into some audience questions.

There is a lot of concern out there, particularly in the cannabis advocacy community, and I think it's a genuine one, about moving forward. What types of predatory practices can exist around advertising, around marketing, that the cannabis industry may embrace, but also legacy industries that we know have had predatory practices towards communities of color particularly alcohol and tobacco, payday lending, and check-cashing businesses as well.

What do you think is the importance of crafting policies that take into account that historical injustice that has existed? I think too often we think of the historical injustices that have hit these communities focusing around police. But it's also focused around the private sector too, and how we might learn from those past practices to support a better, more honest new industry in cannabis and as outside entrance tried to move into the cannabis space, how to protect against those former practices becoming real?

MS. MEJIA: I think one thing that we need to really ensure before large companies really take over is that the industry really needs to be equitable at its core. Otherwise it's just going to

continue to perpetuate these harms. So I think that a really important thing. I know in California SB-1294 insured cannabis equity programs. So folks who were applying for licenses were able to kind of mitigate the barriers and entry into the system.

But it really just minimized it, it didn't eliminate it. And if we can get towards a really equitable foundation and I think we can grow in a more equitable way. But I think we really need to fix what's happening right now before the industry grows even more so than it is now.

MR. RAY:. Yeah. I mean we talk about equity; I mean regulation is so important, and as we think about the lay of the land across the country. I mean John, you know this better than anyone, given your research. I mean, there are huge differences across states in terms of what's happening. I mean were focusing on California because often times they have been a leader in this space.

But then, there are also other states that have aimed to not even regulate at all. I mean, you can't even really call it the regulation. It's simply aiming to keep it as is because it maintains the status quo for one group of people while providing another group of people who have resources already to be able to get into this again on the ground floor and be able to generate wealth in a way that's excluded from others.

So, I mean, this goes back to the point that we were making about the federal government. Even though a lot of this will be based at the state level, there is a huge role for the federal government to step in and play a role in how we think the equitable regulation and deployment of resources and opportunities, which could easily be part of some of the current programs that are in place for who have opportunities to receive grants for small businesses, four different sorts of licenses that people need.

I mean, there are opportunities to create more equity if we really have the political will to do so.

MR. HUDAK:. All right. I'm going to jump into some audience questions. We have some really good ones that have come through. And I'll throw the question out and anyone who wants to jump on it, please feel free.

The first one is from Jacob Nielson from the Campus Control Commission in Massachusetts, the state's regulatory agency for medical and adult use cannabis. What steps do you

believe need to be taken at the state and federal level so that cannabis reforms focus remains on racial justice and opportunity for communities and individuals that have been disproportionately impacted by the war on drugs?

So this is sort of a message -- policy messaging, political messaging question.

MR. RAY:. Well, I mean -- I think it's a great question. I mean, I think it comes down to thinking through, as we were saying around regulation, but around the messaging part. Honestly, I think we have to follow the money. I mean when you follow the money you see the ways that things are disproportionate. And part of what has to happen is to keep that in alignment. There could be policy that comes in to correct the sort of things that are happening.

Because look, we already know that when it comes to the distribution of resources and that are supposed to be actual that there's so much inequality embedded in the process and that it's going to continue to create that inequality. There has to be an auto correction and I think that's part of what this question is getting at.

When it comes around messaging it's also about thinking -- and I love the way Tiffany put that, thinking about a wine and spirit store versus a liquor store. It also becomes about the type of messaging, the type of billboards, the type of ads that we're going to see around cannabis as it becomes more normalized around the United States. And how you can drive right down the street in Baltimore, or Oakland, or San Francisco and you're going to see completely different types of advertisements to people based on who is living in those communities.

Those are the sort of things that we're going to really have to pay attention to. And again, the private sector also has a role to play here in moving throughout that process, particularly with some of the big brands that have been around when it comes to alcohol, when it comes to tobacco. What is going to be their role with cannabis in terms of aiming to ensure that the messages that are being put out are going to be similar across the board, but also that can provide an important corrective; that part of the reason how we got here is that activists have been working hard to push for drug reform in a way that we know has locked up plenty of Black and Brown people, particularly Black men and young Black boys in a way that it did not for other groups.

And that messaging has to be the central about how we got to this place.

MS. MEJIA: I would also just add, again, I know I said it a few times; is that reinvestment into the communities is so important, and that divestment from police and law enforcement agencies is really important and must be done at a state and local level.

MS. JEFFERS: And I'll just add lastly, the education is actually critical in moving forward because there's so much a bias and stigma associated with cannabis use, and those individuals who have previously been incarcerated. So education about the science behind cannabis along with education about the systemic link between the war on drugs and policing and all of the systemic inequities that we talked about.

It's difficult to just bring a community in from now and tell them you want to legalize cannabis and defund the police without having any educational reform or any educational resources invested into those communities to help them see the systemic link over the many, many decades of how these inequities came to be. So I think a huge push along with the advocacy that's already been going forth, adding and giving significant resources to educating communities about cannabis.

MR. HUDAK: I think that such a great point, Tiffany. It reminds me of a story that I heard from one of the people who helped run the D.C. legalization initiative here in 2014, and it focuses on getting into communities and talking to people about what cannabis reform, what policing reform, what criminal justice reform means.

And I think a lot of people, especially activists in the cannabis space who are white take for granted that Black America, or Brown America will think in a very singular way about this issue. But in D.C., when they were running the initiative what they found was in pre-polling was some of the people most opposed to cannabis reform were older Black women in the District.

And what they realized was that for that group of individuals they saw cannabis as the problem. They assault cannabis is something that was causing damage in their communities. And the education process there was to talk about how cannabis enforcement was causing those problems. And ultimately, that campaign one a lot of votes by working hard to link those two issues, by linking cannabis to broader issues of equity, by broader issues of justice, and not just thinking of it as the substance that might cause challenges.

And so those same disconnects that exist, I think, and white communities in America

exist in different areas of communities of color as well but just not inherently connecting those two issues. And so it takes a lots of work from advocacy organizations, it takes work from government. It takes work from elected officials and other elites, as Natasha was talking about earlier, making sure that messaging is coming from trusted sources is critical in order to get this right.

All right. The next question I have -- sorry, I lost my place. Oh, it's on my screen, that's why. This is from Dave Cooper at the Economic Policy Institute.

What policies can lawmakers put in place to make sure that jobs in the cannabis industry are good paying jobs? Replicating models from big agriculture and low-wage retail will not bring wealth to workers in cannabis. And this is especially important when we're talking about employing the formerly incarcerated and especially younger people of color in this industry.

MR. RAY: Well, I mean, I think that a lot of this comes down to thinking about the minimum wage and how we think about just in general the value of those jobs. I mean, it's been interesting over the past few months, particularly with the battle and this debate about unemployment benefits versus people not going back to work. And it's been interesting looking at the responses of certain companies, essentially showing that they can afford to pay people a living wage.

And I think that the cannabis industry shouldn't be any different in this process. That the value put on these jobs is going to be important. But it's also going to be important to scale up what the various skill sets are needed to produce the products that are out there. And often times, that skill set then mimics the pay grade. And I think that is something that can be scaled up. And when that happens, it's going to become important that people get the training and certification that they need to be able to get the type of job that pays what we think they should be paid.

So there is a process here that's going to happen. And it will probably happen relatively quickly in terms of looking at that. And this is the reason why, as we've been talking about, and Natasha keeps harping on, is such an important point, about the tax revenue and where that goes. That that tax revenue can be used to scale up the skill set, to provide the credentials, that give people the ability to make a higher wage than they otherwise would have. And I think that is going to be really, really important whether you're in the state of California, or in a state in the South.

MR. HUDAK: And I think Rashawn, one of the things I've seen and I've heard from

people working in the industry is that in some parts of the industry I think a big part of this is on the cannabis industry itself to work on this issue. Then one of the challenges is that there is often times a race to the bottom in terms of employment. And so if you can find someone who's willing to work for minimum wage they will come in and they will be a bud tender in a dispensary.

But the reality is the people who you want to be that point of contact, at the point of sale in the cannabis industry is someone who knows a lot about cannabis. That probably means that they've been using and have been around cannabis since before that substance was legal in that state.

And so I have been into cannabis dispensaries and listened to bud tenders speak with customers. And some of them are absolute pros. It's like going into an Apple store and hearing about the technology that's in a computer, or in an iPad. And then, I go into some where people have absolutely no idea what they're talking about. And if you're new consumer, or a novice consumer, that can be really challenging. That can create real problems in terms of how you understand the substance you're getting, where it's legal, how it should be used, et cetera.

And so for the cannabis industry, appreciating the value that people are bringing to the table who, you know, there might not be value on that experience in another industry; there will be absolute value on that industry in the cannabis space. And understanding that paying a little bit of a premium for that is essential for successful business and for customers to return, and for customers to be protected, really, from themselves and their own naïve use; I think is a really important part moving forward.

Tiffany, were you going to say something? It looks like you were moving, and then I sort of cut you off. My apologies.

MS. JEFFERS:. You didn't cut me off, but I was going to say something. I think you can make a cyclical link between the question of how do you ensure that workers earn the money that the big business folks are getting at the top. And I think you can -- so everything we've been talking about, thinking about individuals who have been harmed by the criminalization of cannabis, take those individuals and people in those communities, train them and make this industry mirror and industry like the pharmaceutical industry, in that these are pharmacists, these are masons. These are people that we think that are highly skilled individuals, train them, certify them, and then pay them a living wage, as

Rashawn was saying.

And I think what's happening when we have billion-dollar industries and billionaires is that we need a reframing of the way we think of capitalism. In that it's not that one person gets everything, is that we all can work hard and get something. And when we see capitalism through that lens it's going to be simple.

I don't want to oversimplify things but if we can just have like a reconstruction of our view of capitalism and go back to early civics of working to -- and keeping a portion of what you earn, what you make, what you contribute, then I think it is realistic that individuals who have been initially harmed by the criminalization of cannabis when then, in turn, at the legalization phase and be brought up to where they should be by sort of a reparations system.

MR. HUDAK.: Thanks for that, Tiffany.

And I'm going to wrap up the panel now, actually, where you started in talking about how cannabis reform touches so many different parts of public policy and so many parts about the issues we think about with regards to race, with regards to equity, with regards to opportunity. And I think it's important for all of us as we move through what will be a difficult few years in dealing with these issues, as we look back on the difficult year that we just spent in dealing with these issues, and really decades that we spent dealing with these issues.

It's important to think holistically. It's important to understand that piecemeal solutions can be important, but comprehensive solutions are essential to deal with the variety of different challenges we've talked about today; from youth incarceration to community development to entrepreneurial opportunities, all of these are important. But all of these are pieces to a bigger puzzle toward what, for all of us, is the ultimate goal of a more just, more equitable society.

And so that what happened a year ago today, it happens a lot less, or happens it never because were starting to think about the issues that we need to think about as a society.

I'd like to thank every -- I'd like to thank my panelists, Natasha, Rashawn, and Tiffany for joining for this important conversation today. And I'd like to thank all of you who watched us. And tune into Brookings.edu to read mine and Rashawn's research, the Georgetown Law Center for Tiffany's work, and the National Institute for Criminal Justice Reform to read more from Natasha.

Thanks everyone.

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