



Cannabis Legalization is Criminal Justice Reform

Written by MPP Executive Director Steve Hawkins

Cannabis policy reform is a hot topic in the United States, and it would be hard to find a day when marijuana isn't in the news. The public discussion on legalization often focuses on its financial benefits for state governments, or perhaps on the personal liberties for consumers, or even on the fairness of cannabis prohibition when opioids are widely available.

These are very real concerns, and they help advance the legalization discussion. But they also overlook the most profound change being driven by the cannabis movement, and that is in the area of criminal justice reform. It has already impacted the lives of millions of people, many of whom are people of color. It is these communities that are hit hardest by the failed "war on drugs," and we now have an opportunity to make huge strides in the reform movement. Above all else, this is what motivates me to be a part of this historic work.

Since 1970, when Nixon had it listed as a Schedule I drug under the Controlled Substances Act, cannabis has been at the epicenter of the drug war. The latest FBI statistics show that 90% of the more than 600,000 cannabis arrests each year are for possession, and cannabis comprises nearly half of all drug possession arrests in the country. Behind these numbers are decades of oppressive policing, with African American and Latinx youth systematically targeted for harassment and intimidation. For nearly a half-century, law enforcement has executed its assault on cannabis by treating youth of color across the nation as the enemy. Black and brown youth are routinely thrown up against walls; told to spread their legs and not speak or move; patted down and touched on every part of their bodies; and demeaned and degraded throughout these ordeals. It has to stop.

I saw this firsthand with my own nephews during their formative years in Yonkers, New York. These "stop and frisk" encounters were such an everyday occurrence in their lives and those of their friends that they would mention aggressive policy tactics like these almost in passing, as if it were normal and expected. The police never found cannabis on Joshua and Isaiah. Fortunately, they didn't become part of that 600,000+ statistic of those arrested for possession. Instead, they were part of the even larger group - millions of youth of color - who were traumatized by this oppression. They had their spirits crushed, sense of purpose diminished, and self-esteem eviscerated.

The war on cannabis is used as a weapon against American citizens, minorities in particular, and it is where black and brown lives are first destroyed. It has impacted the mental health of generations, leading some to internalize their oppression in harmful and negative ways. Many never rise to their full potential following their treatment at the hands of government law enforcement. If we are to stop this pattern of degradation and dehumanization, we must end this war by removing the primary weapon of oppression. We do that by legalizing cannabis.

It's already happening, and the results are profound. In many places, cannabis possession is no longer

used, as it has been for decades, as a pretext for an arrest and warrantless search. And it reaches even further. As the cannabis reform movement has gained momentum, voters have become increasingly troubled by the long lasting, residual harm — the massive burden the war on cannabis has placed on lives through criminal histories. For most voters, it no longer makes sense that cannabis is treated as a legal product accessible by adults, yet individuals are still denied housing, an education, or employment because of a history of prior use. This change has opened the door to expungement of criminal records.

Today that door has swung wide open. Where at one time expungement had limited impact, it is now on a scale never seen before. Earlier this decade we may have seen expungements for hundreds or even a few thousand people. We are now learning just how big that scale can go, with Illinois implementing an MPP-drafted legalization law that will expunge close to 740,000 records. California is also expunging hundreds of thousands of records. The state law has been heralded as a breakthrough in criminal justice reform, and now any state considering legalization will also have to plan for expungement. It's a major victory, and I am proud to be a part of this change.

We have yet to unlock the full potential legalization can bring, and I can think of no greater goal than ending this form of oppression, transforming lives, and creating a better approach that learns from the failures of the past. Today the headlines may trumpet revenue, but I believe future generations will look back at this as the time when our criminal justice system finally got off its harmful reliance on and abuse of cannabis and those people who consume it.