



LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS  
U N D E R L A W

March 15, 2019

The Honorable Carl Heastie  
Speaker  
New York State Assembly  
Albany, NY

The Honorable Crystal Peoples-Stokes  
Majority Leader  
New York State Assembly  
Albany, NY

New York State Assembly  
Albany, NY

**SENT VIA EMAIL**

**Re: Support of NY Statewide Marijuana Legalization Tied to Economic Equity**

Dear Speaker Heastie, Majority Leader Peoples-Stokes and Assembly Member:

On behalf of the Lawyers' Committee for Civil Rights Under Law (hereinafter Lawyers' Committee)<sup>1</sup> and the National Action Network,<sup>2</sup> we write to commend and support Speaker Heastie and Majority Leader Peoples-Stokes for fighting to ensure legalization of marijuana in New York State is tied to an economic opportunity program with specific requirements to address racial inequities.

The decriminalization of marijuana has been heralded as a remedy for the harm done to communities of color by the criminalization of marijuana. Unfortunately, state-level decriminalization has resulted in an inequitable system almost exclusively beneficial to wealthy, white investors. While Governor Andrew Cuomo's proposal does include a "social and economic equity plan," it fails to specify if any special consideration is given to people of color

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<sup>1</sup> The Lawyers' Committee is a nonpartisan nonprofit civil rights organization founded in 1963 by the leaders of the American bar, at the request of President John F. Kennedy, to help defend the civil rights of racial minorities and the poor. For over fifty years, the Lawyers' Committee has been at the forefront of many of the most significant cases involving race and national origin discrimination and advocating for policies that address racial inequality.

<sup>2</sup> National Action Network is one of the leading civil rights organizations in the Nation with chapters throughout the entire United States. Founded in 1991 by Reverend Al Sharpton, NAN works within the spirit and tradition of Dr. Martin Luther King, Jr. to promote a modern civil rights agenda that includes the fight for one standard of justice, decency and equal opportunities for all people regardless of race, religion, ethnicity, citizenship, criminal record, economic status, gender, gender expression, or sexuality.

who apply for licenses. In states that have legalized cannabis, only 1% of marijuana dispensaries are owned by African Americans.<sup>3</sup> This is directly tied to states banning people with criminal records—a disproportionate number of whom are people of color—from receiving licenses. Despite marijuana use being roughly equal according to race, African Americans are nearly four times more likely than whites to be arrested for unlawful possession of marijuana. It is imperative that the legalization of marijuana in New York State benefit the economic interests of communities of color by prioritizing the grant of and designating a requisite percentage of licenses for people from communities that have been ravaged by the war on drugs.

The current proposal from Gov. Cuomo would effectively exclude many people of color as it requires applicants have the property, buildings and equipment necessary for their cannabis business already in place. This requirement is an unnecessary financial barrier to African Americans and Hispanics who have historically lacked access to capital and is likely to result in exacerbated racial inequity within the cannabis industry in New York. Those without access to capital are not able to access traditional bank loans to build their business as cannabis is still registered as a Schedule I drug. Last fall, California established a \$10 million fund that cities with cannabis equity programs, like Oakland, can use to help those without capital launch their business.<sup>4</sup> The city of Oakland's equity program currently requires that half of all licenses go to low-income or people with a marijuana-related conviction. It is essential that the licensing process provide an avenue for marginalized people to acquire the requisite capital to develop their cannabis businesses and that a percentage of licenses are designated for them. Additionally, revenue from the cannabis industry should be invested into those marginalized communities to redress the historic economic inequality.

Lastly, Gov. Cuomo's plan to seal the records of some drug-related offenses and to fund substance abuse treatment, while commendable, does not sufficiently remedy the harms done to communities of color as a result of the criminalization of marijuana. Legalization of marijuana in New York should allow for the immediate and automatic expungement of criminal records for all people with convictions for low-level marijuana possession and grant pardons for and release those who remain incarcerated on marijuana-related charges that are no longer criminalized. Individuals with criminal records for marijuana-related charges face significant barriers in our society when trying to secure employment, housing and pursue educational opportunities. Their criminal records limit their economic opportunity and ability to fully reintegrate back into society. Any proposal to legalize marijuana must ensure those individuals receive an appropriate economic remedy and are prioritized for licenses and job opportunities in the cannabis industry.

We commend Speaker Heastie and Majority Leader Peoples-Stokes for standing up for communities of color to ensure the legalization of marijuana in New York State comes with an

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<sup>3</sup> William Douglas & Franco Ordoñez, *Majority Minority: The challenges for people of color in the legal pot business*, Apr. 20, 2018, <https://www.mcclatchydc.com/podcasts/majority-minority/article209437519.html>.

<sup>4</sup> Nisha Balam & Erin Banks Rusby, *Can the State Help Oakland's Equity Program?*, Dec. 12, 2018, East Bay Express <https://www.eastbayexpress.com/oakland/can-the-state-help-oaklands-equity-program/Content?oid=23672657>.

economic equity program that invests in marginalized communities negatively impacted by the criminalization of marijuana. We hope New York State will take this opportunity to avoid the missteps that have characterized the cannabis industry in other states and tie legalized marijuana with economic equity for people of color.

Respectfully submitted,

Kristen Clarke  
President & Executive Director  
Lawyers' Committee for Civil Rights Under Law  
Washington, D.C.

Reverend Al Sharpton  
President & Founder  
National Action Network  
New York, N.Y.