

The New School
**A Letter Proposing the Federal Legalization of the Cultivation, Sale, Possession, and
Recreational Use of Cannabis**

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From: Katrina Butler and Noor Lima Boudakian

Senator Charles E. Schumer
780 Third Avenue, Suite 2301
New York, NY 10017

Dear Senator Schumer,

We write to you to request that you advocate for the legalization of the cultivation, sale, possession, and recreational use of cannabis on a federal level along with the release of all people imprisoned on charges related to cannabis possession, sale, cultivation, or use and the expungement of all criminal records. As cannabis is being legalized on a state-by-state basis, it's clear to see where this method comes up short by forming an inequitable industry, exacerbating racial inequities, worsening the opioid epidemic in states where cannabis remains illegal, and creating new environmental problems. Federal legalization would circumvent these major problems and bring one of the nation's largest and most profitable cash crops under federal jurisdiction. While there is pushback regarding safety concerns and encouraging the use of cannabis, we hope to illustrate to you that federal legalization is a better solution to promote safety and better manage an industry that will continue to grow regardless.

Cannabis is slowly being legalized on a state-by-state basis and it has been clear that it is poised to become a massive industry. The use of cannabis has become more mainstream and major brands have been established in the industry.¹ Major concentrations of power have taken root as large players form trade associations with one another, limiting the competition between them and allowing these companies to sell in multiple states across the U.S.² Cannabis has been subsumed into the pharmaceutical industry, and large companies are the only companies with the legal and financial means to run multi-state operations; meaning that any smaller business who wish to get established in the business will be restrained to performing business in single states and will likely get run out of business by the large multi-state operations.³ The root of this problem can be traced to the state-by-state approach, which unfairly shuts out smaller businesses instead of evening the playing field for all. If we wish to see the beginnings of an industry that

¹ Finance and Operations, October 10, 2019, CannaBusiness, "Competition is increasing in the cannabis industry: How your ERP helps".
<https://www.cannabusinesserp.com/competition-is-increasing-in-the-cannabis-industry-how-your-erp-helps/>

² Lauren Rudick, THE MONOPOLY PROBLEM: STATES' EFFORTS TO LIMIT A CONCENTRATED INDUSTRY, Marijuana Venture: The Journal of Professional Cannabis Growers and Retailers, August 12, 2020, <https://www.marijuanaventure.com/the-monopoly-problem/>

³ Lewis Koski, June 30, 2021, Forbes, "What Would Federal Cannabis Legalization Look Like?"
<https://www.forbes.com/sites/lewiskoski/2021/06/30/what-would-federal-cannabis-legalization-look-like/>

could allow those historically harmed by anti-cannabis legislation to succeed, federal legalization is the only way to go.

Any attempt to legalize cannabis should not create an industry that replicates the same cycles of violence and oppression that the criminalization of cannabis caused in the first place. Black and Hispanic people have been disproportionately punished for the possession and use of cannabis at a rate of almost 8-to-1 in comparison to white people—even though white people tend to use cannabis at a roughly equivalent level.⁴ However, the cannabis industry is overwhelmingly controlled by white men who have access to the funding from banks and venture-capital firms that minority groups have been barred from.⁵ Establishing a business, especially in this industry, can be extremely costly and since cannabis remains federally illegal, entrepreneurs are typically unable to apply for loans from their bank or the Small Business Administration. In states where cannabis is legal, it is often difficult to acquire a license to open a dispensary and often requires vast sums of money to craft a competitive application. Entrance into the industry is biased against Black and brown people while the effects of the War on Drugs linger in their communities to this day. Care should be taken to do whatever possible in order to remedy the inequities and harm caused by many drug enforcement laws. There are many who are still sitting in prison or barred from being able to participate fully in society due to only cannabis-related incidents.⁶ If cannabis is to be made legal to rectify the wrongdoings of the law of this nation, it is absolutely vital to release all those in prison who are there solely due to cannabis and expunge all cannabis-related charges from criminal records. Those affected, more likely to be Black and brown, will then be able to return to their communities and find housing, employment, and apply for loans—all of which they would face significant barriers doing with a criminal record. While there are still many systemic inequities present, this could be a significant step forward in achieving justice for those harmed by the unjust laws that our government has enacted.

In the past few decades, the effects of the opioid epidemic have been catastrophic for people all across the United States. Overdose deaths have been rising as the years go on and in 2018, it was estimated that approximately five people every hour died due to an opioid overdose.⁷ There is no end in sight to the high number of opioid-related deaths as the large pharmaceutical companies that produce them continue to promote their over-prescription. This epidemic has affected all 50 states, yet drug companies will do whatever it takes to protect their exorbitantly-high profits. Luckily, many studies have been conducted that have found cannabis to be a reliable alternative to opioids by improving pain management and actually reducing opioid addiction. The accessibility to cannabis, a far safer, less-addictive, and healthier painkiller, would allow doctors

⁴ Benjamin Mueller, Robert Gebeloff and Sahil Chinoy May 13, 2018, "Surest Way to Face Marijuana Charges in New York: Be Black or Hispanic" <https://www.nytimes.com/2018/05/13/nyregion/marijuana-arrests-nyc-race.html>

⁵ Jeremy Berke and Yeji Jesse Lee, June 30, 2021, "Top executives at the 14 largest cannabis companies are overwhelmingly white men, an Insider analysis shows" <https://www.businessinsider.com/cannabis-industry-diversity-executives-are-white-male-insider-inequity-analysis-shows-2021-6>

⁶ Cassidy McDonald, CBS News, April 9, 2021, "New Yorkers convicted of marijuana misdemeanors lost jobs, licenses and homes. Now, their records will be "automatically expunged."" <https://www.cbsnews.com/news/new-york-marijuana-automatic-expungement/>

⁷ Balázs Kovács, Associate Professor of Organizational Behavior, Written by Dylan Walsh, February 11, 2021, "Can Legalizing Cannabis Curb Deaths from Opioids?" <https://insights.som.yale.edu/insights/can-legalizing-cannabis-curb-deaths-from-opioids>

to write far fewer prescription medications for pain, depression, anxiety, seizures, and nausea and having a dispensary open reduces hospital admissions and deaths caused by opioid abuse by 15-35% in a given area.⁸ The legalization of cannabis could be a very real solution to the opioid addiction that can medically benefit people with a wide range of different conditions and vastly improve their outcomes.

Lastly, the legalization of cannabis on a state-by-state basis has brought many new environmental concerns to light. Currently, while it is still illegal for cannabis growers to transport their product for sale in another state under federal law, the industry is confined to individual states, often leading to vast overproduction in an unpredictable state economy. However, cannabis is an extremely energy-inefficient crop, especially when grown indoors. The overproduction and high energy consumption often lead to massive energy waste when the product goes unconsumed.⁹ Cannabis also requires quite a bit of water, particularly in warmer areas where cannabis can be grown outdoors, and can often drain local water sources to the point that they can no longer sustain aquatic life. It is vital that we manage emissions, energy-usage, and care for our natural resources when we are so close to irreversible climate-catastrophe. Many scientists have already called for studies to be performed in order to set emissions goals and regulations, but the federally illegal nature of cannabis prevents this research from being carried out.¹⁰

After all of the harm the criminalization of cannabis and the War on Drugs has caused, especially to communities of color, it is imperative to act now and legalize the cultivation, sale, possession, and use of cannabis, while releasing all prisoners held on solely cannabis-related charges and expunge their criminal records. The goal should be to create the most ethical and equitable industry possible, and this legislative step would be a viable way to do so. The current method of cannabis legalization has only led to a more inequitable and environmentally-harmful business structure, which we should not allow in good conscience to continue. Additionally, this plan serves the benefit of curbing the destructive opioid epidemic and allows more Americans to take control of their own care. For these reasons, we urge you to consider endorsing this proposal and enact it into law.

Thank you for your time,

Katrina Butler and Noor Lima Boudakian

⁸ Allen Frances, July 20, 2021, "Opioid Companies Lobby Against Medical Marijuana" <https://rehab.com/pro-talk/opioid-companies-lobby-against-medical-marijuana/>

⁹ Natalie Fertig and Gavin Bade, August 10, 2021, "An inconvenient truth (about weed)" <https://www.politico.com/news/2021/08/10/weed-cannabis-legalization-energy-503004>

¹⁰ Jodi Helmer, June 18, 2019, "The Environmental Downside of Cannabis Cultivation". <https://daily.jstor.org/the-environmental-downside-of-cannabis-cultivation/>