

Attorneys' Open Letter to the Vermont Legislature Supporting Cannabis Legalization

To the Honorable Members of the Vermont Legislature:

We are active and retired members of the Vermont Bar and, by way of this open letter, urge you to reform our state's outdated and unjust policies towards cannabis by passing a bill to legalize and regulate its cultivation and sale for adult use in 2017.

The recent successful ballot initiatives legalizing cannabis in Massachusetts and Maine (joining Alaska, California, Colorado, Nevada, Oregon, Washington, and the District of Columbia), as well as Canada's plans to legalize cannabis this coming spring, will have a direct and multifaceted impact on Vermont. It is inevitable that entrepreneurs and businesses in neighboring jurisdictions will establish retail locations as close to Vermont as possible in order to cater to Vermont citizens who wish to be free from the dangers of the unregulated market, as well as the tourists drawn to our state. Rather than watching as cannabis policy is shaped by those around us who do not consider Vermonters' concerns, the Legislature should seize the opportunity to design sensible drug policy that puts the public interest, social justice, and the rule of law at the forefront.

Vermont's current cannabis policy – predominantly criminal prohibition, with civil penalties for minor possession – has created an inconsistent and confusing patchwork of enforcement that varies from county to county and town to town. Despite the “decriminalization” law of 2013, possession of one to two ounces of cannabis remains a misdemeanor, possession of two or more ounces remains a felony, and cultivation of any number of cannabis plants – whether for personal use or for sale – remains a crime punishable with a prison sentence ranging from 6 months to 15 years.

Compounding the social ills concomitant with unduly harsh sentencing, these criminal statutes are unevenly enforced across geographic lines. While some counties view cannabis offenses as minor concerns, others continue to devote significant resources to enforcement. The practical result of our current law is that a citizen of Vermont in possession of cannabis is likely to suffer significantly different consequences for the same actions, depending on where they were geographically located within the state. Regulating possession, cultivation and sale will help end these grossly unjust and potentially unconstitutional disparities.

Further, recent independent analyses of police stop, search and arrest data suggest that the racial disparity found by the ACLU in 2013 (showing that blacks were more than 4 times as likely as whites to be arrested for cannabis possession) is continuing throughout the state. The racially-charged history of cannabis prohibition has been well documented, and the continued demonization of cannabis remains a major contributor to the systemic racial bias plaguing the criminal justice system. Legalization begins to right this historic wrong.

Many of the challenges Vermont faces with respect to cannabis today are a direct byproduct of the failed system of prohibition. These challenges are best addressed through regulation and

taxation, and the beneficial programs those revenues can fund. We cannot afford to wait and watch any longer as other jurisdictions reap the benefits of regulation while we continue to pay for the consequences of prohibition.

Sincerely,

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