

# Blunt Conversations



USP

In the summer of 2018, the New York State Health Department issued a report recommending the legalization of marijuana. This report came after Mayor Bill de Blasio announced that the city would ticket people caught smoking marijuana rather than arrest them.

## How do NYC's changing marijuana laws impact New Yorkers?

## Who profits? Who loses out?

During the 2018-2019 school year, CUP collaborated with Teaching Artist Hugo Rojas, Designer Hrudaya Yanamandala and public high school students from the Bronx School for Law, Government, and Justice (LGJ) to unpack New York City's marijuana policies and the impact on local communities. To investigate, students surveyed members of their community, interviewed stakeholders working on the issue, and used moss to create artwork that explores different sides of the debate.

Students created this booklet to teach others what they learned about how the city's marijuana policies impact New Yorkers, now and in the future.



## What is marijuana?

"Marijuana is a drug ... that's derived from the cannabis plant [which] is psychoactive. It has an impact on mood and consciousness. It impacts your mind [and] it can be used recreationally and medically."

- Alexis Posey, Director of Policy,  
Center for Health Equity,  
NYC Department of Health and Mental Hygiene



## Are there BENEFITS to using marijuana?

### Help with mental health

"You can use marijuana to heal and support people in their... mental health. It also can be used to enjoy yourself, maybe take yourself out of a really uncomfortable situation."

- Alexis Posey

### Medicinal value

"Doctors have used ... marijuana or cannabis and cannabinoid oil to support treatment for people with illnesses."

- Alexis Posey



## Are there DRAWBACKS to using marijuana?

### Potency

"The science actually points very clearly that today's marijuana is much more potent than anything our parents used. It's way more toxic, than we once thought it was. It's connected to mental illness, to drop-outs, car crashes."

- Kevin Sabet, President and CEO,  
Smart Approaches to Marijuana

### Brain development

"When you're younger, your brain is still developing ... There are questions around if a psychoactive substance is good for someone whose brain is still developing."

- Alexis Posey



# Is marijuana legal in New York?

In 1977, New York state decriminalized possession of 25 grams or less of marijuana, and made the penalty a \$100 fine. Medical marijuana has been legal since 2014. Recreational use of marijuana remains illegal in New York. However, things may soon change as lawmakers, community advocates, and business interests call for legalization.

What are the differences between **decriminalization** and **legalization**? How will these decisions impact New Yorkers?



## You can still get arrested.

“Even though the enforcement change that happened with the NYPD ... has led to a 97% drop in arrests, there’s still the possibility for arresting someone for marijuana if they’re on parole or probation.”

- Melissa Moore, Deputy State Director, New York, Drug Policy Alliance

## What is Decriminalization?

“Decriminalization ... removes some, if not all, criminal penalties... So decriminalizing marijuana would mean that up to a certain amount, instead of someone going to jail, they would get a ticket. It’s a ticketable offense.”

- Alexis Posey

## Are their benefits to decriminalization?

“There’s so many people who would never have any interaction with the justice system if it wasn’t for marijuana. And we know that there aren’t these inherent connections to marijuana and bad behavior.”

- Jamaal Jones, Attorney, Criminal Defense Practice, Bronx Defenders

## What are the drawbacks of decriminalization?

“There was a loophole left in the law when [NYC] decriminalized in 1977 [which said] if [marijuana] was in public view then it could be a misdemeanor arrest but it was up to the officer. Under stop-and-frisk when the officer would target a young person, usually a young person of color and say, ‘Hey you have anything in your pockets?’ If they had any [marijuana] then that was a misdemeanor arrest.”

- Melissa Moore

## What is Legalization?

“[Legalization] means taking away the criminal penalties associated with marijuana possession and use, potential cultivation, and sale ... and also establishing a regulated market where there can be retail sales where licenses are granted.”

- Melissa Moore

## What are the benefits to legalization?

“[If we are] trying to keep people safe or reduce youth use and make sure that kids aren’t having access or [trying to] make sure that product isn’t being adulterated by other things like pesticides or other contaminants ... the best way to do that is actually by having a regulated market for this product where you can test it and have some sort of control over what we’re talking about.”

- Melissa Moore

## Are their drawbacks of legalization?

“I would actually argue that legalization makes it worse for criminal justice reform and social justice because actually if it’s legal, people think you can drive with it even though you can’t, people think you can use it in public even though you can’t. They do those things at higher levels and they actually get incarcerated more.”

- Kevin Sabet

50,000  
arrests  
in 2011

20,000  
arrests  
since 2015



## Two different stories



Over 86% of New Yorkers  
arrested for low-level  
marijuana offenses are  
Black and Latinx



Black and Latinx people are  
the main targets of arrests  
even in mostly white  
neighborhoods

## Why are marijuana laws different across the U.S.?

“[The federal government made marijuana] a Schedule 1 drug, which meant that it had absolutely no palliative or medical benefits. [This designation] made it impossible for people to access [marijuana] legally. Which is why states have been enacting their own medical marijuana laws.”

- Alexis Posey

## Is decriminalization enough?

“Just because we’ve gone from 50,000 arrests [in 2011] to [under] 20,000 arrests [annually since 2015], doesn’t mean we’ve fixed the problem, especially when its still 86% of the people arrested are Black and Latinx.”

- Melissa Moore

## Who gets arrested for marijuana possession?

“[In New York City] we find that about 86% of the people who are arrested for marijuana and dealing with these charges are Black and Brown people. That means that a white person really has to go out of their way to be arrested for marijuana. That also means that this whole situation is not necessarily about the marijuana. It still comes back down to race and the way that police officers are policing.”

- Jamaal Jones

## What are the consequences for being arrested for marijuana possession?

“Any time that you’re arrested, there are so many things that can come of that. When a person is arrested they can lose their childcare. They can lose their job because they were arrested. That arrest could affect their future opportunities for taking jobs, or even getting financial aid for school.”

- Jamaal Jones

## Directly Impacted Communities?

Some advocates argue that legalization could benefit the people that are most harmed by arrests for marijuana possession, such as low-income communities of color.



“We’re calling for things like small businesses, tiered licensing structures, equity programs, all of those things are really intentional to carve out a space where you don’t just have another big tobacco situation. Instead we have smaller business that have options for places that have seen so much disinvestment over the years.”

- Melissa Moore



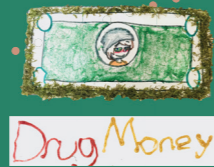
# Who will benefit from legalization?

## Another Big Tobacco and Big Alcohol?

Some people think marijuana could become like tobacco and alcohol companies— corporations and people with power making large amounts of money at the expense of lower income people.

“[Marijuana] is another industry that already rich people are using to get richer.”

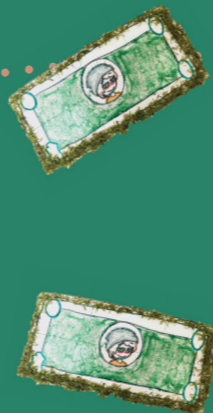
- Kevin Sabet



# WEED 2 SHOP

“The advertising targets lower income folks and addiction is more likely when you don’t have access to things in society: housing, healthcare, education. And those industries know it. [Currently] the biggest company of tobacco in the country, Altria, which used to be called Phillip Morris, they are now in talks to buy a marijuana company... This is about profits for them. We don’t want to see people in prison for marijuana. We don’t want to see people arrested. But we also don’t want the other extreme of glamourizing, commercializing, and promoting pot candy, cookies, gummy bears, waxes, dabs.”

- Kevin Sabet



# Who decides the fate of marijuana in New York?

Changes to New York's marijuana policies can happen at both the city and state level. However, there are many stakeholders that can impact the outcome of this legislation.



# The People



"I think the biggest challenge is ... supporting people in understanding that they have a role in [deciding laws and policies]... I think so many people think it's not for them or have been made to feel that it's not for them... I can think of bills that were really informed because they had citizens and residents involved... And I can think of bills that have gone through that did not have that and the negative impact of that."

- Alexis Posey

# The Marijuana Industry

"The industry is influencing all this [legalization] legislation. They're writing the legislation."

- Kevin Sabet



# How could things be different?



## Clear Arrest Records

"[What we] think is really important ... is some form of retroactivity, which would mean that people that have been convicted for marijuana, or who have marijuana-related convictions or offenses on their record, would have an opportunity to get that wiped clean."

- Jamaal Jones

## Center Communities of Color

"[Legalization] has to be done in a way that centers the communities that were done the most harm under the arrest crusade and also make sure there are opportunities for them to have a meaningful economic role. Building wealth within the communities, reinvesting the actual tax revenue back into the communities that were directly affected and into community based programs."

- Melissa Moore

## Civil Summons

"One concrete policy especially for NYC that we're advocating is not having any sort of criminal summons. It could be a civil issue which is a separate court system and it can't turn into a warrant. A civil summons would be like an open container or something of that nature where you still want to have parameters to be able to control it and still have some level of enforcement, but not have it be something that can create a criminal record."

- Melissa Moore



## Hold the Marijuana Industry Accountable

"[Large marijuana businesses] have a free pass to do whatever they want... If you're a politician that takes money from the marijuana industry, the public has a right to know that. We will continue this role of accountability."

- Kevin Sabet



# Get involved!

"Whenever people from a specific community become leaders and take on roles in their own community, they have a better ability to affect the right kind of change."

- Jamaal Jones



# What do students say?



"I learned that marijuana is controversial around the world and that the issue can be viewed differently by how someone may look at it - depending on their race, social status, and where they live."

- Sharay Black, Student



"If marijuana is legalized, there will be a lot of disagreements about how it should happen and what it should like."

- Adama Bah, Student



"Something that I learned that surprised me would definitely be how the whole marijuana business works. Major producers most often roam free, but the dealers do not."

- Izabella Daley, Student

# Make Your Own Moss Art!

LGJ students used moss to create art on the issue of marijuana legalization. Follow the steps below to create your own living artwork with moss!

## You will need:

Moss	Double-sided tape	Marker
Flour	Scissors	
Water	Cardboard	



## Instructions:



1 Make natural glue

Natural glue keeps moss alive! Mix equal amounts of flour and water. Whisk until you get a smooth paste. Cook over low-medium heat until thick and bubbly.



2 Create a stencil on cardboard



3 Glue small pieces of moss to the stencil



4 Cut out your stencil



5 Attach your moss stencil to a wall with double-sided tape



**The Center for Urban Pedagogy (CUP)** is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement, particularly among historically underrepresented communities.

This project is one of CUP's *Urban Investigations* – project based afterschool programs in which high school students explore fundamental questions about how the city works. Students collaborate with CUP and Teaching Artists to create multimedia teaching tools that reach audiences in the fields of arts and social justice. To learn more about CUP, visit [welcometoCUP.org](http://welcometoCUP.org).

**The Bronx School for Law, Government and Justice (LGJ)** combines law-related studies with real-world learning experiences for students in grades 6-12. To learn more, visit [bronxlgj.org](http://bronxlgj.org).



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Kim Felder

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**Thank you to our interviewees:** Melissa Moore,  
Jamaal Jones, Alexis Posey, Kevin Sabet

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