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COLUMNIST

The Politics of Pot – and New Jersey

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In the beginning, it all seemed so simple: Abolish criminal penalties for possession of small amounts of marijuana for personal use; establish, license and regulate a statewide network of producers and sellers, then sit back, relax and watch the tax dollars roll in.

New Jersey, after all, was an enlightened and progressive state. It has just overwhelmingly elected a progressive governor who campaigned on — among other promises — legalization of marijuana.

Polls generally showed a majority of New Jerseyans supported legalization while organized opposition was scant and scattered. (The Stockton Polling Institute, for instance, showed support 49-44 last Spring).

But, like so many concepts and ideas which appear on paper at least to be popular and whose approval is a foregone conclusion, the pitfalls and obstacles in their path were obscured by the satisfaction of a victory.

Suddenly, what was thought to be on a glide path to Gov. Phil Murphy's desk has encountered turbulence.

From the outset, Newark Democratic State Sen. Ron Rice was a lone voice raised in opposition, arguing that urban communities in particular, already beset by the effects of the illicit drug trade — high crime rate, gun violence, gang warfare, assaults and robberies — would be damaged even further by legalization.

He was joined by members of the clergy who echoed the same arguments.

Now three mayors — Ras Baraka of Newark, Steve Fulop of Jersey City and Ravi Bhalla of Hoboken — have joined the debate in a major way, sending a letter to legislative leaders with an extensive list of demands they insist must be addressed in whatever legislation eventually emerges.

Some are relatively controversy-free, like automatic expungement of arrest records for marijuana possession and even for the release from prison of those serving time for marijuana possession or distribution of any quantity.

Others not so much. Such is always the case when money is involved.

They include:

- *Allow those convicted of possession or distribution to be eligible to obtain a license to sell.
- *Create social impact zones to compensate residents of areas that have been impacted by enforcement of the prohibition while providing that all licenses in those areas be reserved for residents.
- *Mandate programs and funding to train local residents in business practices associated with cannabis sales.
- *Establish local equity ownership in which those affected by the decades-long war on drugs be granted a 50 per cent equity share in the businesses.
- *Provide municipalities with the decision-making authority over the granting of licenses, the number of licenses and the locations of sales facilities.
- *Allocate five per cent of state tax revenue generated in a municipality to that municipality.
- *Dedicate all tax revenue to cities to support workplace development, training, mental health and affordable housing programs.

While this ambitious manifesto doubtless reflects the mayors' fondest wishes and desires, it is also an invitation to negotiating, an opening offer to legislative leaders to reach compromises which take their concerns into account.

It is a demand by the mayors that they be given a seat at the table, believing that if they're not at the table, odds are they're on the menu.

They realize, of course, they will not win each of their points, but at the same time they will not settle for cosmetic fixes or public relations victories. With their high profile participation and with their prestige on the line, the mayors have made it clear they expect a substantive legislative response.

For those legislators committed to or leaning toward legalization, the mayors' demands may seem presumptuous, a usurpation of their prerogative to raise tax money and decide how to spend it, where and on what.

Convincing suburban or rural legislators that the money raised be directed toward urban areas and support programs to benefit them will be a difficult sell.

Moreover, they would be reluctant to buy into a system in which city governments would not only dictate how and where the businesses could operate, but with the local equity ownership provision, effectively block outsider investment.

The mayors, though, make a legitimate point. Communities like theirs have been devastated by the drug trade, costing lives and diverting millions of local tax dollars toward combatting it. Why, they ask, should not those who've suffered the greatest be given top priority in the distribution of funds generated by the legalization of a drug.

They contend as well that minority populations have borne an unjust burden of law enforcement and the criminal justice system, resulting in the imprisonment of individuals of color disproportionate to others.

Baraka and Fulop govern the two largest cities in the state and, with Bhalla, exercise political clout in Democratic vote rich Essex and Hudson counties.

For instance, all or part of Essex contains six legislative districts while Hudson is home to three. Presumably, legislators representing the two counties will side with the mayors and support, in whole or in significant part, their demands.

No doubt, the mayors developed their program with an eye on the enormous potential customer base in neighboring New York. For anyone in the city or its immediate environs, copping legal weed is but a 10-minute PATH trip away. A more lucrative business model would be difficult to construct.

The mayors' letter closes by urging the Legislature "not to rush passage of cannabis legislation, but to take the time necessary to produce a law that will adequately deal with issues of social justice and home rule."

A threat to withhold support of legislators from their counties unless their demands are met? Perhaps. The immediate impact, though, is to upset the timetable tentatively established by Senate President Steve Sweeney (D-Gloucester) for action on a legalization proposal by the end of this month. That seems unlikely at this point.

Gov. Murphy has yet to weigh in on the mayors' letter, but he remains solidly behind legalization and, desiring a high profile legislative victory, may take on the role of broker in reaching a compromise.

Odds are that legalization in some form will be enacted, but it is far short of the optimism that surrounded the idea at the outset. Shouting it from a campaign platform or waving poll results in the air do not substitute for confronting and resolving the hard political realities.

One thing is sure: In New Jersey politics, there's no such thing as a sure thing.

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