

Nicole Leibow

Summer Legal Fellows

Western New England Law School

This past summer I had the great opportunity to be a part of Siena's Summer Legal Fellows where I was able to work under Julie Steiner, Professor of Law at Western New England Law School. Unfortunately, due to the Coronavirus I was unable to physically attend WNE Law School and did everything remotely. However, that did not stop me from having an educationally enriching experience. For the duration of the summer I was researching retroactive legality with regards to cannabis legalization. The focus of this research was to determine how states, which have legalized cannabis recreationally or medically are handling expunging those with prior cannabis convictions. This is extremely important work as those with a cannabis record may be refused housing, jobs, government assistance, and the ability to vote. This research will help those who had minor cannabis offenses be liberated from those past discretions, specifically in states that have legalized cannabis.

Professor Steiner had me start the research process with educating myself on the history of cannabis prohibition. Unsurprisingly, I found that racism was the primary motive for making cannabis illegal. Propaganda in the 1920s influenced politicians to create fear by associating cannabis with negative Mexican stereotypes, as a result cannabis became known as marijuana. This negative stereotype is why our research does not refer to cannabis as marijuana. Professor Steiner and I had some very eye-opening conversations regarding racism within our legislation such as the war on drugs and its contribution to systematic racism within the United States.

My first assignment was to create a spreadsheet with each state, it's legal stance on cannabis, and if they had any expungement programs. At first it was very straight-forward, I was able to find most information on my own by searching the internet. However, I began finding inconsistencies with some states in regard to what expungement initiatives were in statute. After about two weeks of looking through different legislation, I hit a barrier and decided to reach out to the librarians of WNE Law School. I received help from Pat Newcomb and Nicole Belbin. They showed me how to navigate Westlaw, an online legal research service.

I enjoyed navigating through Westlaw, I was learning so much about the inworking's of different laws throughout the country. This included how they were formulated, the common language that was used in them, how laws incorporated precedence from other states, and how to analyze laws most efficiently. With all this access to legislation I started looking at statues from my home state of New Jersey. Last January, I received a ticket for having a pendant hanging from my rearview mirror, which I chose to dispute. Using Westlaw, I looked up the exact statute that stated I could not have anything hanging from my mirror and found that the language in statute did not apply to my case. I presented this information to the prosecutor and his response was that, " I should just pay the ticket because if I brought it to court I was going to lose" and that this was based on case law not statute, which is incorrect. I asked which case, he was not able to tell me the case name nor citation number. This had me thinking about all the times other people were pulled over and improperly ticketed because they did not know their rights. This prompted me to think about how many times black people got pulled over for something as simple as a pendant hanging from their mirror and then got arrested for having a gram or less of cannabis. As mentioned before, a simple arrest for racial minorities can prevent them from basic

human rights such as getting jobs, housing, government assistance, and the ability to vote. Expunging past cannabis records is so important for these people, their lives depend on it. Realizing this intensified my motivation to fight injustices in the system with regards to racial minorities.

At this point in my research I determined if a state had legalized cannabis, if it was medical or recreational, whether or not they had an expungement plan, and if that expungement plan was automatic or if the people had to petition for it. I acquired all this information and put it into the spreadsheet. I kept looking for new information, but I hit a barrier. I reached out to the librarians again to learn new ways to look through Westlaw and found additional sources to add to the spreadsheet, but I soon hit another dead end. Retroactive legality regarding cannabis is a fairly new concept, so there is not a lot of information on the topic.

I was frustrated by this halt, but Professor Steiner reassured me by saying you know you are at the end of your research when all your searches result in the same information. By the end of July, I completed Professor Steiner research. Despite the lack of new information, Professor Steiner and I continued to meet once a week to discuss our opinions on retroactive legality and its relation to current events. During these conversations Professor Steiner was able to open my eyes and shift my thinking in positive ways. She asked me to think about why there is a limit on how many grams of cannabis someone can possess since there is no limit on how much alcohol someone can possess.

Although a lot has been going on in this world in the past eight weeks, I managed to accomplish something that could help those wronged by our justice system. My goal when I first came into this internship was to try and fix racially charged injustices in our system and I feel as

if I was able to accomplish some part of that goal this summer. I hope this research can provide liberation for those who have been most affected by the war on drugs. I am so grateful I had this opportunity to work under Professor Steiner at Western New England Law School. This experience has been extremely educational as well as valuable in showing me the path I want to pursue.