



# CANNABIS ADVOCACY TOOLKIT

An Unprecedented Opportunity to Shape  
Reparations Policy in Maryland



# CONTENTS

**INTRODUCTION ..... 3**

**What Do We Mean by a Reparations Framework? ..... 4**

**How to Construct Your Local Ordinance to Control Allocation of Resources from the Community Repair and Reinvestment Fund ..... 5**

    Key Elements of Advocacy and Construction of Local Ordinances Implementing the Community Repair and Reinvestment Fund ..... 5

        Structure the Ordinance with a Strong Commission..... 5

        The Membership and Structure of the Commission Should Favor Community Control..... 6

        Assess Your Local Government Structure..... 7

        Avoid Funds Being Used as Gap Fillers for Government Agencies ..... 7

**ORGANIZING STRATEGY: Start with Black Civic and Community Organizations ..... 8**

    Examples of Initiatives and Programs to Fund that Align with a Reparations Framework ..... 8

**CHECKLIST..... 9**

**REFERENCE MATERIALS..... 9**

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# INTRODUCTION

The Community Repair and Reinvestment Fund was created by the Maryland General Assembly in 2022. This fund will receive at least 35 percent of the tax revenues from recreational cannabis (marijuana). Each county and Baltimore City will receive a percentage of these funds. That percentage will be determined by that jurisdiction's contribution to statewide cannabis-related arrests over the last 20 years. This formula will likely lead to counties with more Black and Brown residents getting a larger share of those resources.

To implement this program, each jurisdiction is required to pass a local ordinance that will determine the process for allocating the new resources. The provision that created the Fund originated in *SB 692 – the Cannabis Legalization and Reparations for the War on Drugs Act*. This provision was framed in the context of reparations, which has historical roots in the Black freedom struggle in the United States.

The purpose of this toolkit is to provide organizers and advocates in the jurisdictions around the state with an essential framework to develop a local ordinance and advocacy strategy that is aligned with the reparations frame that produced the Fund.

# What Do We Mean by a Reparations Framework?

Reparations are about providing the investments necessary for Black people to be able to build the institutional structures to practice freedom. Black people cannot be a free people if we are dependent on institutions outside of our community for our survival. Black people need an independent ecosystem of institutions that can interact with the larger society from a position of strength and that are not reliant on the benevolence of others outside of the community.

The mainstream media avoids the reparations frame in favor of a liberal mainstream frame. The mainstream liberal approach to reparations reduces the notion of reparations to increased investment in social programs and non-profit direct service providers, which are often controlled by people outside of the community being served and which engage in a dynamic named disaster management.

Disaster management is a term from a Leaders of a Beautiful Struggle essay titled, “Cracker Democracy: The Emergence of the Progressive Mainstream,” that describes the way that mainstream human/social service sector programs and non-profits are providing sustenance-level services to the community. This approach results in short-term harm reduction but maintains the structure of dependence for the community being served to the institutions outside of their community that are providing the services. The dangerous result of the liberal approach is to empower the non-profit industrial complex to expand its control over the institutions that govern Black civic, economic, and political life.

Other states that have legalized recreational cannabis have implemented different approaches to directing resources to communities that have been impacted by the “war on drugs.” Some of them have used the term reparations, and some have not. Evanston, which is a suburb of Chicago, has

established a program that would take cannabis sales and provide funding to support Black people who were looking to purchase a home. In the state of Illinois, a statewide commission was established to give out grants to entities that address re-entry and community needs.

While these are noble efforts to help communities impacted by the “war on drugs,” the approach to using reparations as the basis for allocating recreational cannabis tax revenue is unique to Maryland. This means that advocates and organizers who will do this work should recognize that they are engaged in an unprecedented effort to structure reparations policy in Maryland.

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# How to Construct Your Local Ordinance to Control Allocation of Resources from the Community Repair and Reinvestment Fund

The purpose of this toolkit is to provide a general framework for advocates and community organizers throughout the state of Maryland to construct your local ordinances to control allocation of resources from the Community Repair and Reinvestment Fund. This toolkit identifies key considerations for organizers and advocates in order to effectively advocate for an approach to allocating resources in a way that reflects of the spirit of reparations for the “war on drugs.”

Each county has different government structures and policies, so there is no uniform approach on how to write your local ordinance in a way that aligns with reparations. **Advocates will have to tailor the information provided in this toolkit to your particular county.**

## Key Elements of Advocacy and Construction of Local Ordinances Implementing the Community Repair and Reinvestment Fund

There are a variety of ways to spend the money that will come into the Community Repair and Reinvestment Fund.

The community should treat the task of directing where these resources go as an opportunity to build a more self-sustaining community.

### 1 Structure the Ordinance with a Strong Commission

We recommend that local ordinances establish a commission with members who have rigorous expertise in reparations to maintain the integrity of the historical approach to reparations.

The purpose of this fund is not merely to be a funding source for the non-profit sector but to proactively build Black/community-owned infrastructure that will allow the communities most impacted by the “war on drugs” to practice

self-determination. In other words, reparations are about building the community’s ability to meet its own needs without relying on institutions outside the community.

For example, when the Covid-19 pandemic first hit, there were food shortages, and a lot of relief organizations were giving out food to people who needed it. Hundreds of millions of dollars were pumped into these non-profits that were providing food. The major non-profits that were providing these meals were not owned by the communities that were being fed and were, in essence, building up a food system that increased Black peoples’ dependence on institutions outside of our communities.

Instead, the approach could address our needs for food that in a way aligned with reparations by investing in Black/community-controlled institutions and organizations that are growing

food. This is an investment in the community's ability to feed itself. Organizations like the Black Church Food Security Network or the Black Yield Institute have a program and approach to food sovereignty that will build the community's ability to fulfill its own food needs instead of being reliant on institutions that are beneficiaries of Black peoples' collective dependence on them.

This is why it is so important to establish a local commission that will make determinations about how the money is allocated, with commissioners who have expertise on reparations. This kind of structure will ensure that we make investments that are most aligned with an approach like the Black Church Food Security Network and not like the mainstream relief organizations.

## **2 The Membership and Structure of the Commission Should Favor Community Control**

It is important to look into your county's approach to dealing with the commission in order to establish the highest potential for community control for the commission. Community control is not something that can be mandated legislatively. But the structure of the commission must create meaningful mechanisms for the communities, if effectively organized, to have power to drive the direction of the commission.

For instance, it is not effective to simply have a clause requiring that the community control the commission because the term "community" is subjective. The same concept applies to provisions that require "returning citizens" or "directly impacted" to have specific representation. Representatives of the political status quo will be able to put in place people who represent the community, the formerly incarcerated, the directly impacted, etc., who will do their bidding. Just because someone is Black does not mean they understand the system of white supremacy and all the institutions that it configures. Just because someone is formerly incarcerated does not mean they understand how the system of mass incarceration operates.

Instead, it is effective to structure your local commission to require particular expertise on reparations, and on the impact of the "war on drugs." We also recommend structuring the appointment process in a way that includes public participation in those appointments and votes from the local council. This will avoid the local executive being able to control the appointment process. And it will create a structure that is positively inclined to being influenced by effective community organizing efforts. Overall, the structure of local government in any particular jurisdiction will be important to determine the particular structure of the ordinance that will maximize the potential for community control while also undermining the ability of the government to hijack the resource allocation in service of the political status quo.

Additionally, when you construct your local ordinance, we recommend focusing on the process for how the resources are allocated, instead of compiling the actual list of allocations on the front end. In other words, having an ordinance that lists out items like housing, re-entry, small business development, etc., is less effective to ensure community control than structuring a process through the commission to allow the community to have power over what organizations get funding.

There will likely be a variety of human service providers and non-profits that will position themselves as natural recipients of the local funds. But if you structure a process where a commission with expertise on the "war on drugs" and reparations determines the allocation of resources, the result will be more effective and less politicized when resources are allocated. This will avoid a situation where individual organizations lobby to the local legislature every year for money from this Fund. A commission with the appropriate expertise will be more capable of determining allocations that are aligned with the perspective of reparations for the "war on drugs."

### 3 Assess Your Local Government Structure

It is important to assess whether your local government structure is a strong executive or weak executive system. A strong executive system means that the mayor/county executive has primary control over the local budget, with just oversight from the council. A weak executive structure means that the council has meaningful power to influence the budget. In a weak council system, the HB 837 Community Repair and Reinvestment Fund gives local legislatures power that they do not traditionally have. Some local government officials will express discomfort with this setup because it is at odds with how they are used to operating.

To effectively organize for maximum community control, we recommend that you study how effective commissions are structured, so that you can effectively refute government officials who will recommend that the local ordinance is written to give the executive control of the commission.

### 4 Avoid Funds Being Used as Gap Fillers for Government Agencies

Some approaches to the creation of new state funds are to use the resources to fill budget gaps for government agencies that are considered related to the fund's purpose, such as education and housing.

It is important that the money is administratively roped off from the general fund and is not subject to a budget process where the money can be siphoned off.

It is also important that a fiscal intermediary is identified as the place where the money from the fund is housed in order to avoid the money being commingled with municipal general fund resources. If you do not do this, local government could just use this new revenue to fill budgetary gaps.

## NOTES:

# ORGANIZING STRATEGY: Start with Black Civic and Community Organizations

We recommend that you develop an inventory of Black/Brown civil society, such as community-based organizations, churches, service organizations, and civic/grassroots groups.

The organizing of this effort should be anchored in Black civic and community organizations. There will likely be some ideological variance among these organizations. But where there is often ideological overlap is the desire for Black/community-controlled institutions that provide services to the community. This should be the organizational and ideological foundation of the community organizing that leads to the drafting of your local ordinance.

The basic structure and style of your local commission should be developed first by community-based organizations before it is taken to local government to be drafted. This will be important to ensure that the government does not seek to control the process.

## Examples of Initiatives and Programs to Fund that Align with a Reparations Framework:

- Invest in worker/Black-owned and community-accountable businesses to build infrastructure and hire local residents.
- Invest in community-controlled organizations engaged in healing trauma, particularly using methodologies that are informed by culturally rooted healing practices.
- Technical assistance for building cooperative enterprises that are owned by community members.
- Development of intermediary entities that can drive larger amounts of public dollars to community-based organizations.
- Investments in community-based anti-violence interventions that are rooted in culturally affirming methods.

These are just examples of where your local commission should direct resources. These are the kind of investments that are based on the notion of advancing Black people's collective ability to practice self-determination and to heal the harm that the "war on drugs" has done.

# CHECKLIST

## Establish Your Local Commission

- Ensure it has expertise in reparations to maintain the integrity of the historical approach to reparations.
- Demand an appointment process that includes public participation in those appointments and votes from the local council.
- Focus on a process for how the resources are allocated, instead of compiling the actual list of allocations on the front end.

## Assess the Local Government

- Do your research to determine if the local government has a strong executive or weak executive system.
- Rope off the reparations fund to ensure local government does not use it to fill budgetary gaps.

## Center Local Black Organizations

- Develop an inventory of Black/Brown civil society, such as community-based organizations, churches, service organizations, civic/grassroots groups.
- Make sure your local commission is developed first by community-based organizations before it is taken to local government to be drafted.

# NOTES:

## REFERENCE MATERIALS

- 2022 Regular Session - House Bill 837 Enrolled (page 48-50), <https://mgaleg.maryland.gov/2022RS/bills/hb/hb0837E.pdf>
- Cracker Democracy, Leaders of a Beautiful Struggle, <https://lbsbaltimore.com/cracker-democracy/>
- Reparations for the war on drugs, The Afro, <https://afro.com/reparations-for-the-war-on-drugs/>
- When Baltimore Awakes, Leaders of a Beautiful Struggle, <https://lbsbaltimore.com/wp-content/uploads/When-Baltimore-Awakes.pdf>



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