Amendment 64 Oral History Project Interview

Thursday, March 17, 2016

Brian Vicente, Part 1 of 2

Janet Bishop, Interviewer

JANET BISHOP: This is Janet Bishop, and I'm here today with Brian Vicente continuing our Stories of Amendment 64 Oral History Project. We're down in Denver. It is March 17th, 2016, and I'm at the law offices of Vicente Sederberg. And Brian, thank you so much for agreeing to be an oral history narrator for this project.

BRIAN VICENTE: Sure, my pleasure.

JANET BISHOP: So Brian, as I explained, oral history is a soft science, but it's a very important art in filling in memory and stories of events that happen. And as I explained, sometimes we go backwards in oral history narrations to talk about people and their backgrounds, to place them in a time and place, and how that influences where they are today. So with that all said, with that preamble, could you state your full name for me, date of birth if you want to, and where you were born?

BRIAN VICENTE: Sure Brian Peter Vicente. Was born on October 6, 1976 in Columbus, Ohio.

JANET BISHOP: OK. Thank you. And what are your parents' names, and do you have siblings?

BRIAN VICENTE: I do. So my father is Peter Vicente, my mom is Margaret. I have two brothers, one older and one younger.

JANET BISHOP: OK. Thanks. And what are some of the significant memories you have of your parents, grandparents, or other family members in the community you grew up in? And I ask that to sort of-- were there any influences you had, then, that you think place you now where you are? And obviously I need more coffee.

[LAUGHS]

BRIAN VICENTE: Sure. Yeah. I think I had a nice upbringing. My parents were very interested in fostering education. Both my parents, particularly my dad, grew up very, very poor. And had worked their way up by going to school. And my dad got a PhD. He was first person in his history, his family, to go to college at all, and ultimately view that as a path out of poverty. And they instilled this importance in their sons that education was very important. And giving back to the community was something that they tried to instill in us as well. So yeah, it was nice. I grew
up in Columbus and then when I was in second grade we moved to Cincinnati, and then moving progressively west since then. College in Iowa, now here in Denver.

JANET BISHOP: And, not to leap ahead too far, but you came to Denver for professional reasons, not for educational reasons.

BRIAN VICENTE: I came to Denver-- I moved to Colorado just to be a snowboard bum, actually.

[INTERPOSING VOICES] It's very important to the oral history, I imagine.

JANET BISHOP: So back to your parents and upbringing, so describe the community you grew up in. Was it conservative? Was it liberal? Was it--

BRIAN VICENTE: I would say it was sort of-- it probably trended slightly conservative. I would consider it upper middle class, middle class, neighborhoods. My parents were pretty staunch Democrats, which was different than many of our neighbors, and many of my classmates’ parents, and things like that. And my parents-- we always would watch the nightly news after dinner and they tried to get us engaged in what was going on around the world, news and so forth.

JANET BISHOP: Politics. And was your dad a professor, then, if he got a PhD?

BRIAN VICENTE: You know, he actually was a professor briefly at OSU, Ohio State University, and then became just a clinical psychologist for most of his career.

JANET BISHOP: OK. The Ohio State University.

BRIAN VICENTE: The Ohio State, yeah.

JANET BISHOP: Who were your role models when you were growing up? Were they within your community, or outside of your community? In the media?

JANET BISHOP: Yes, I think my parents certainly were role models, and tried to instill in us the importance of critical thinking, and focusing on education, things like that. And beyond that, I think I was fairly influenced by-- I've always been a big reader and into music as well, often political music and rap and things like that maybe have more of a message than traditional rock and roll, or something. And so I was definitely heavily influenced by reading about Malcom X and Martin Luther King, as well as Public Enemy and these political bands, Rage Against the Machine, were very influential on me and my ultimate political views.

JANET BISHOP: So I was going to ask what bands influenced you, but you already said Public Enemy, Rage Against the Machine.

BRIAN VICENTE: Yeah those were the big ones and those that stuck with me in a way, and I think really this idea of questioning authority, and searching for answers type thing. They were
able to highlight important political events, and also spread broader messages about the fact that the world, maybe, could be a better place, and you should take action to make it such.

JANET BISHOP: Was your community di-- I know parts of Ohio and the rust belt are very ethnically diverse. Was your community diverse in that way?

BRIAN VICENTE: It's interesting when I grew up, I was the only white kid in my class for the first several years of schooling, up through second grade, which was interesting. It was I guess a lower income school that I was brought to, and so that was an interesting experience as a kid. The rest of my schooling was largely in public and private schools that were trended heavily white, and more upper middle class schools.

JANET BISHOP: Was it your request, or did you just-- why did you switch in second grade?

BRIAN VICENTE: My dad got a new job in a different city, so we moved from Columbus to Cincinnati, and bought a house in the suburbs, and the school system there was probably 90% white.

JANET BISHOP: What was your reaction to this?

BRIAN VICENTE: Well, it's hard to say, I was only in the second grade, so I don't know if I had a whole complex understanding of what was going on, but I think I thrived fairly well at that school, and dealt with whatever issues arose there. There certainly was-- I was definitely exposed to racism, in a way, that was unique.

JANET BISHOP: When you were the only white kid.

BRIAN VICENTE: And when I say it, it's not that I was personally subjected to racism. But it was more like dealing with folks that would say bad things about anyone of color, or Jews, and things like that, whereas as coming out of like a majority black school like that just did not compute for me. So it was one of those things, I guess, you just work your way through growing up, and understanding why people have biases and hatred and so forth.

JANET BISHOP: So who were your mentors?

BRIAN VICENTE: You know, I had a couple of teachers that really fostered my creativity in school. Toni Pursell was a woman that I had in this gifted class that I went to for years at the public school. Other than that, I mean it's kind of hard to say. I think my parents were mentors to me, and in some ways my older brother was as well. I didn't really latch on to like Mark McGwire or some of these sports stars as my mentors or heroes.

JANET BISHOP: So you've already talked a bit about your elementary school, or your schools, and before I ask you about high school education, I have several questions. One is, was there any difference between your father and your mother, in terms of encouraging your scholastic pursuits, or in terms of their approach to education, or learning?
BRIAN VICENTE: I would say they were pretty on the same page. They both were very focused on the importance of education. My dad probably, perhaps a little bit more than my mom, but both of them were very much in line, you know? Education's important, and critical thinking is important, and we need to do your best in school.

JANET BISHOP: And this is my librarian archivist question, so many people mention formative books that shaped their childhood experience, so what books did you read? And what were your favorites?

BRIAN VICENTE: Sure. Yeah, I think I would spend a lot of time reading. And my parents would come in and be like, turn off the light, that type of thing, when I was a kid. I'd say the more influential ones were Alex Haley's Roots, I found Malcolm X very influential. Abbie Hoffman's Steal This Book, and other compilations that he put out. Yeah, I'd say those are the ones that spring to mind.

JANET BISHOP: Which is interesting, because you were younger than the boomers you were reading about. So were there contemporaries of yours that were reading the same sort of books? Did you have a peer group that was interested in this, or were you more alone?

BRIAN VICENTE: I'd say I was largely doing it on my own. And those sort of counterculture books appealed to me more than maybe other-- reading Tom Sawyer or what have you. And I had a friend or two that I've remained friends with that I think were into similar books, but I often was just reading them on my own.

JANET BISHOP: Just because they stoked an interest?

BRIAN VICENTE: Yeah, because I found them interesting, and emotional, and exciting worldviews to read about.

JANET BISHOP: So to place this oral history in time, you said you moved. What year were you, in second grade?

BRIAN VICENTE: That would have been, how old are you in your second grade? It was the early '80s.

JANET BISHOP: And do you know when you moved to Columbus, or do you remember?

BRIAN VICENTE: I was going into second grade, so I'd have to [INAUDIBLE] three or something, I don't know.

JANET BISHOP: And did you stay in Columbus through middle school?

BRIAN VICENTE: No. I was born in Columbus, grew up there, and then finished first grade, and then we moved to Cincinnati. That's where I lived the rest of my high school, everything through there.
JANET BISHOP: OK. So what was high school like?

BRIAN VICENTE: High school was interesting. I switched schools. I did two years at the public school, and then I went to a posh private school for the last two years. Which I was very against, but my dad, really, was pushing very hard. I think I was becoming a 16-year-old that was-- my grades were slipping, and I was just getting into a funk, as teenagers will, at the public school. And so he thought, rightfully, that it would be a good kind of change.

And I think it was actually pretty formative for me. At that age you think in your mind, your friends are so important, and your social scene is so important, but this really forced me to jump social scenes, where I knew no one, and try to make friends. And I think it forced me to be a little more outgoing, and ultimately I made a lot of good friends at that school for the final couple of years. Other than that, I mean, I played a lot of soccer, which was great. I always stayed very active, athletically, and did a lot of skateboarding. Went to a lot of music--

JANET BISHOP: So what was the--

BRIAN VICENTE: Concerts.

JANET BISHOP: Excuse me. What was the name of your public high school, and then your posh private school?

BRIAN VICENTE: Yeah Madeira High School was the public school, and then Cincinnati Country Day was the prep school.

JANET BISHOP: A day prep school?

BRIAN VICENTE: Yeah. Correct.

JANET BISHOP: Said by a day preppie.

BRIAN VICENTE: Yeah, there you go.

JANET BISHOP: There you go.

BRIAN VICENTE: You can feel my pain.

JANET BISHOP: I feel it. I had the same experience. My parents decided to take me out of my very liberal hippie school. Put me into a--

BRIAN VICENTE: There you go.

JANET BISHOP: There we go. So your last two years of high school, were you starting to form an idea of where you wanted to go to college, what you wanted to major in, or was that still free-floating?
BRIAN VICENTE: No I believe it was always a foregone conclusion that I would go to college, that was something that was hammered in from a very young age. School continues on after high school. And so I had started to kind of zero in. My parents, my dad in particular, were very big proponents of smaller liberal arts schools, where the classes were smaller, and I guess you get more attention from professors, or what have you. And so I just began looking at smaller, left leaning liberal arts schools.

I also wanted to play soccer, which I did in college, not that I was looking for the best soccer school at all, it was more just looking for a cooler liberal arts school that had a soccer team.

JANET BISHOP: And there's many small liberal arts schools in Ohio.

BRIAN VICENTE: Yeah.

JANET BISHOP: So did you stay in Ohio?

BRIAN VICENTE: No, I actually went to Iowa, to Grinnell College. I think I wanted to get away from my parents a bit. It's about a 10 hour drive. I wanted to get out of Ohio, and see what was going on. And then I visited there, and that school had a very interesting philosophy that really appealed to me, which is, they have what they call self-governance.

So essentially, they don't have a strict set of classes you have to take. They don't have a strict set of rules that guide student behavior, necessarily, and the philosophy they have is that you are an adult now, and you can make decisions about what you want to do. And the school is so academically rigorous that if you make a lot of bad decisions, you're partying too much, or you're not going to class, or whatever, then you're going to flunk out. And so that was the experience I had that just appealed to me. I felt like that world view was something I could latch onto.

JANET BISHOP: So does self-governance mean you create your own majors? How did that operate?

BRIAN VICENTE: So basically there are no real required classes until you had chosen a major. And you had to do so many credits per quarter until you had chosen a major, then you have to take so many classes within that field in order to graduate. I think you could make up your own major, but it was more of a free flowing, as opposed to-- I feel like a lot of public schools, for instance, I guess maybe CSU, you have to take two years of set curriculum before you have the freedom to choose classes that you might find more interesting.

And I don't know about CSU, per se, but that's my guess.

JANET BISHOP: Yeah. The core base.

BRIAN VICENTE: Yeah, the core bases, and we just didn't have to do that. And that appealed to me because I wanted to study things that I found more intellectually stimulating or interesting. And then the fact that I had strong views, then, about the war on drugs, and that people that
choose to use drugs, or live alternative lifestyles, shouldn't be punished or criminalized unless they're hurting other people. And so that played into the self-governance model there.

It wasn't just about academics, is was basically, they didn't care if you use drugs. They didn't care if you drank alcohol on campus, in your room, even though you're 18. They didn't care if you went to the bar and drank. None of that were priorities for the school to impose this doctrine on students. And that I found appealing. I wanted to explore whatever. Have the freedom to try to drink, or do drugs, or not, and I just didn't want this imposing police state over me, like you have at many universities.

JANET BISHOP: For the archival record, what year did you enter Grinnell?

BRIAN VICENTE: '95.

JANET BISHOP: OK. And then a different question. Do you think your readings in Abbie Hoffman, not necessarily Dr. King, but other social protest writers of the '60s influenced your feelings about drug reform then, or how did that come about? Why did you have that when you came to college?

BRIAN VICENTE: Yeah, I think I was of the generation that were spoon fed this DARE doctrine. The fact that drugs are bad, and there's a period at the end of that sentence, and you need to stop asking questions. Right? And that always rubbed me the wrong way, you know? And in some ways it was like our era’s Vietnam, or something, where you just have this war on drugs that, the more you look at it, the more you read about it via Abbie Hoffman, or just in the news, the more it just doesn't make sense.

Economically it's very costly to lock people up for drugs, or arrest them. It impacts people's job prospects, and educational opportunities when they have drug arrests. We're also just putting people in jail. And there's also a lot of-- and I think Dr. King and others played into this, where I had strong feelings that racism was wrong, from a young age. Maybe because I was the only white kid at the black school, but when you look at the war on drugs, it absolutely has a disproportionate impact on people of color. Right?

And so I could empathize with that in some ways. It just seemed wrong. And so in high school I had letters to the editor published in the Cincinnati Enquirer talking about how high school kids shouldn't be drug tested if they want to play sports. Things like maybe other kids think about, or don't think about, but always was something that resonated with me. I think things like drug testing, I just find morally reprehensible, that you are taking someone's bodily fluids, in order to allow them to play sports. Which, in fact, is just making them a better, more well-rounded person.

It seems crazy. The more you look at the war on drugs the more I just became disgusted by it, and I definitely was influenced by reading, and my experiences in that area, and then Grinnell just had this view, we're not going to impose silly rules on you. We're going to let people do what they want to do and that was appealing to me.
JANET BISHOP: And was Iowa a 21 state? This was '85?

BRIAN VICENTE: Oh, yeah. It was 21, yeah, but they just did not care if people drank on campus. Like they just didn't care.

JANET BISHOP: Which is interesting, because I'm slightly older than you, shall we say, but you're alluding to, a little bit, to the-- Nancy Reagan has just passed away. Her role and others in Just Say No, perhaps?

BRIAN VICENTE: Yeah, exactly.

JANET BISHOP: So what you're saying is, the very act of Just Say No made you question why just say no?

BRIAN VICENTE: Exactly. Yeah. It just felt so simplistic, and patronizing, and not based in fact. And that, as a high school kid, I mean, you look at the Truth campaign with cigarettes? It has been very, very effective because it's all about Big Tobacco fooling, and taking advantage of, teens. And that works. Teens don't want to be taken advantage of, they don't want to be lied to, and they can see through that. And I remember we had assemblies at my posh high school that were anti-drug assemblies, and I would raise my hand, and be like, can you just tell us some facts?

We're tired of being told what to think about this topic. Can you explain about the marijuana deaths you're referring to? And they would just be stunned that someone would ask them these questions. Because it just always struck me as being bullshit. Again, I think, as an adult, I'm able to look back and be like, it was bullshit. There's very little fact, and it's all fear-based, and that struck a chord with me.

JANET BISHOP: And did you get in trouble with your teachers at prep school?

BRIAN VICENTE: Not particularly. I think, honestly, some of them were just like, cool, I'm glad someone's talking back on this topic. And not like I was making a giant scene or lighting a joint in protest. It's never really been about personal use for me, necessarily. It's more just about like freedom, and the fact that the war on drugs is ridiculous, and that we need to try to change things that are ridiculous in society.

JANET BISHOP: So you're at Grinnell. You're exploring various areas of scholarship. I'm assuming you do pick a major at Grinnell. It's not like Evergreen, say, in Washington State. How did you pick your major and area of concentration? And what was it?

BRIAN VICENTE: It was psychology. My dad was a psychologist, so I think that was part of my decision, there. Also I found it interesting how are people influenced to make certain decisions? How does brain chemistry work? There's a lot of interesting facets to it. Yeah, I began to view my career path at that time. I had been instilled with this idea from my parents, that you need to try to give back to society, and you shouldn't just go work for Coca-Cola or something,
and you should try to think about different paths. And then I thought being particularly a child psychologist would be really interesting, so that's how I got into that.

JANET BISHOP: So your area of concentration is psychology, and child psychology?

BRIAN VICENTE: Yeah.

JANET BISHOP: And what were your extra-curricular interests? Soccer?

BRIAN VICENTE: Soccer and then playing music. I played drums.

JANET BISHOP: Did you have a band?

BRIAN VICENTE: No just kind of played around.

JANET BISHOP: Fair enough.

BRIAN VICENTE: Not very good at it, but I enjoy it.

JANET BISHOP: So when you were a junior or senior, did you do any internships in psychology, or work with psychologists?

BRIAN VICENTE: A little bit. There wasn't a tremendous amount of experiential opportunities at Grinnell, looking back in terms of interning here or there. It's because it's in a very small town in Iowa. There's 9,000 people, and it's not near anything. I did some clinical stuff, just with professors, working with them. Testing people on campus, or what have you. But not a whole lot of giant internships or anything like that.

JANET BISHOP: So you're a junior, or a senior, where were you at in terms of career, or thinking about career, or did you have an idea?

BRIAN VICENTE: Yeah. I think I was trying-- I had a long term goal of trying to find some sort of a job that would contribute to society in a positive way, but I also, I think, was trying not to get to that long term goal very quickly. I found college actually pretty academically difficult. I did fine, but it was this rigorous, tough school. And so I think I was looking to just relax a bit after college, which sounds kind of crazy now that I look back on it. Yeah, I guess I had not been like, oh I definitely want to do this or that, I'm going directly to grad school, or anything like that. I really wanted to just ponder life a little bit.

JANET BISHOP: So what happened after graduation? In what year did you graduate? Just to place it in time.

BRIAN VICENTE: Sure. 1999 I graduated. I had this idea in my head that I needed to go wherever I went, and give back to that community. So I went back to Cincinnati, where I had largely grown up. Worked at a children's shelter for the summer, and then moved to Colorado to be a snowboard bum and hang out.
JANET BISHOP: OK. So the lure of Colorado was strictly on--

[INTERPOSING VOICES]

--snowboarding potential.

BRIAN VICENTE: Correct. Yeah.

JANET BISHOP: Had you been to Colorado before?

BRIAN VICENTE: I've been here once or twice, just with my family, and it seemed like a really nice place.

JANET BISHOP: As I said to one of my narrators, I think at this law firm, when he was telling me about his post college adventures, what were your parents reaction when you told them you wanted to go to Colorado to snowboard after Grinnell?

BRIAN VICENTE: I think they were fairly supportive. And I think my dad was more of a gunner. He wanted me to go to law school, and I was rebelling against that idea, at that point. And so I think they were generally supportive. They just were like, all right, you've got to get back in school eventually, but we understand that your rationale here, is you would like to go take some time off, or adventure around a little bit, and so they were generally OK with it.

JANET BISHOP: OK. Tell me a bit about this snowboarding year. Was it years, or was it months?

BRIAN VICENTE: Turned into two years, yeah. I know, it--

JANET BISHOP: The two years of snowboarding.

BRIAN VICENTE: It was fantastic. I mean, I'm a believer that, at least for me, having a physical activity is a big part of my being and happiness. And it seemed appropriate to do, and so I worked various jobs, including at a daycare, which I guess fed into my idea that I needed to give back in some ways, when I wasn't snowboarding.

JANET BISHOP: Where were you living, in Colorado?

BRIAN VICENTE: Crested Butte.

JANET BISHOP: OK.

BRIAN VICENTE: So I was there for essentially 18 months. And then I went to New Zealand, and Australia, and traveled around for three months, and then started law school.

JANET BISHOP: So, to ask a question, was your work at the various odd jobs financing your trip to New Zealand?
BRIAN VICENTE: Yeah. Slash financing my snowboard bum lifestyle, which was not very expensive. It was a paycheck-to-paycheck type thing.

JANET BISHOP: So you're in New Zealand, coming back, so what made you stop the snowboarding life?

BRIAN VICENTE: I guess at a certain point it felt a little incomplete, and maybe a little narcissistic or something, to just be focusing on having fun snowboarding all the time, when there are, in fact, problems in the world. And I felt like I could contribute positively. Of course there's problems in Crested Butte, Colorado but it's a little idyllic, and maybe not a great place to make a big impact. So again, my dad was pushing me towards law school, so I ended up-- when I was out there I wasn't just snowboarding all day, I also applied to law school.

And the other thing I was doing there, too, which I found really interesting, was I was helping people apply for grants to build public skateboarding parks. So I had written a grant, which got rejected, to do that at Grinnell, I'm a big skateboarder. But I thought the grant was pretty good. So I found a website called skatepark.org and I sent it to him, and then I met with the guy, and he's like, this is a really cool grant. Can we publish it on our website? And then it took off like fire. It was really interesting. People around the world, literally, were like, can we use your grant to apply in Auckland, New Zealand? Or Japan? And can you help us tweak the language? And so I just did that for fun. For free. To spread my--

JANET BISHOP: So it was like the template for--

BRIAN VICENTE: It was a template. Yeah, it was just like, this is how you ask for money, this is the rough rationale, and this is why it's important for the community, and this is why it's good for youth, so it was basically a template on how to use a grant to get money from local governments. And my understanding is, it was successful in certain, different countries.

JANET BISHOP: It didn't work it Grinnell, it did it work for Crested Butte?

BRIAN VICENTE: They already had a skate park.

JANET BISHOP: Ah.

BRIAN VICENTE: Yeah, so they didn't need it, so it was more just I had produced it when I was living in Crested Butte, sent it back to Grinnell, they rejected it, and then I was like, what am I going to do with this info? And so I got it out in the broader sphere, and it caught on. People were really--

JANET BISHOP: Sort of like giving to society.

BRIAN VICENTE: They found it to be useful. Yeah, so I'd have 10-year-olds that were like, can I use your grant? And I was like, sure. Here you go, you're trying to get something done in Los Angeles? Great. Good luck, buddy. You know? So it was just an interesting sad story.
JANET BISHOP: And did you keep a list of the successful applications?

BRIAN VICENTE: Somewhere, yeah. It's been probably 15 or more years, but it took a fair couple of hours a week I was working on it, during that time.

JANET BISHOP: Interesting. And there's a social justice element to that--

BRIAN VICENTE: Yeah.

JANET BISHOP: --as well.

BRIAN VICENTE: Yeah. I believe so. Yeah. It's like, you got to give people-- how do you keep kids out of trouble? You got to give him something to do. It's not necessarily preaching to them about this or that, but if you give them something to do, particularly after school between four and six, people got to have something to do. If they're able to go to the skateboard, and exercise, that's just better than almost anything else. Like these basketball leagues, and other things, that keep people out of trouble, you know? I believe that to be true, and there is some science to back that up.

JANET BISHOP: So come back from New Zealand, thinking about grad school, law school. Any question about getting a PhD in psychology, say? Or that was--

BRIAN VICENTE: No, my dad was actually not a believer in that. He felt psychology was a dying art in some ways, largely because just of how they were interacting with insurance companies. He did it because he liked working with people and helping. He was a chronic pain specialist so that was his thing. He thought it was worthwhile. But in many ways it was an ongoing battle with insurance companies, and so he wasn't really pushing me in that direction. So now law school seemed to make sense. My older brother had become a lawyer in the meantime, so I just started applying geographically to places I thought I'd want to live, mostly Oregon, Washington, Colorado, and Hawaii.

JANET BISHOP: The cool states.

BRIAN VICENTE: The cool-- yeah. Just nice places to live.

JANET BISHOP: OK. So where did you get in?

BRIAN VICENTE: I got into all the schools. The good thing was University of Denver, which I had no interest in because I was living in small town Colorado, and I guess there's a rivalry between-- everyone thinks Denver's a hellscape or something, until you get here, and it's actually very nice. But I had gotten a full ride scholarship to Denver. Law. So that was--

JANET BISHOP: And the other schools, you mentioned the states, but the other schools were? Maybe University of Washington?
BRIAN VICENTE: University of Washington, University of Oregon, CU, I actually got waitlisted from CU, but then I took the DU offer, University of Hawaii, or Honolulu, Lewis and Clark, and places like that.

JANET BISHOP: So you came to DU. Tell me a bit about your graduate training or law school.

BRIAN VICENTE: Yeah. So I was part of a scholarship program called the Chancellor's Scholarship, which is still in existence, and they give away 10 or 12 of those a year, and so I had this immediate group of-- and it's a public interest scholarship, so people that showed interest in doing public interest work previously, and said they're going to do it for their career, blah blah blah. And so I had an immediate peer group of folks that were ideologically similar to me in terms of what they wanted to use their law degree for.

And I was a little skeptical of other people there because to me, the corporate business world and having a law firm was bad. Working for the man type of thing. So as such, I found law school very interesting. I found it challenging, academically. Areas that I thought would not be interesting at all, like contracts, I actually found really interesting. DU had a focus on experiential learning and internships, which I enjoyed.

I interned with child advocacy work, and public defenders, and these real life experiences that were-- I found it to be very useful and interesting.

JANET BISHOP: And how many people were in your cohort, or how many colleagues were part of this scholarship?

BRIAN VICENTE: There was about 12 of us.

JANET BISHOP: Did you move about as a cohort?

BRIAN VICENTE: More did meetings and social events, and then would work on service projects together, things like that. But we were spread out amongst the different classes, so it's not like we're all in the same class.

JANET BISHOP: Right. Did your drug policy interests follow you to DU, or did you pick that up again later on?

BRIAN VICENTE: No I had always been interested in drug policy, but it really was not, at that time, viewed as a viable career path, in terms of working on drug policy reform. But I was very interested by it. I've always enjoyed kids a lot, so I thought that maybe I wanted to be a child advocacy lawyer, but then I interned doing that, and it was terrible. I didn't like it at all.

JANET BISHOP: Why not?

BRIAN VICENTE: You know, I worked with kids that had been abused and their parents, and the adversarial system, and so it was emotionally trying, but important stuff, but I felt like the adversarial system actually failed. It was all about, I was the lawyer for the child, the parent had
their own lawyer, and my job was to scorch the earth to prevent the parent from re-entering the kids life.

And it just felt to me that there had to be a better way. And I'm not saying what these parents did was justified, in fact it's terrible to beat your child, it's horrible. But does that mean they should lose their parental rights 100%? It just felt a little more nuanced than the system is set up. So I had that learning experience there. And then, in terms of re-igniting my drug policy interests, I worked for a professor that wrote a lot about ballot initiatives, right, and that's how we passed Amendment 64, and I did a lot of work around ballot initiatives.

And so she was like, let's look into marijuana ballot initiatives, these are becoming a thing. And so she fostered my interest. K.K. DuVievier. She's still at the U.

JANET BISHOP: And so what year was this?

BRIAN VICENTE: This would have been about 2003.

JANET BISHOP: OK. Do you think the placement of DU in Colorado, in Denver, made your professor aware of marijuana being, I hate to say up-and-coming, but an up-and-coming issue? If you were in, say, Missouri or Nebraska, some other place, do you think that would have been mentioned to you?

BRIAN VICENTE: Well it's hard to say. I think that definitely could have played a role, but I think her interest was just generally in ballot initiatives as agents of change. So we looked at right-to-die ballot initiatives, which were not on the ballot in Colorado, which were on the ballot in, I think, Washington or Oregon, I forget, and then marijuana, which had been on the ballot in Colorado in the year 2000. So we were one of a handful of medical marijuana states, so perhaps geography made a difference.

But for me it was very interesting, as I got to research and write about the history of marijuana prohibition, which I knew a fair bit about, but it was interesting to learn more about, and read congressional hearings and things like that. I guess that educated my position more, and then I also had the fortunate opportunity to clerk for a federal judge, John Kain. And it's funny he had written-- this is about 2002, 2003, he would write in the Denver Post about the ridiculousness and harmfulness of the war on drugs, and he was a beautiful writer, and for a federal judge to be taking political stances like that, it was considered pretty controversial.

So I started following him around. He would talk, and I would go to his talks, most of his talks, he was a wonderful orator, and then he spoke at the place I was living, and it was a women's luncheon, and I was the only guy there, and so he's like, who are you? I keep seeing you wherever I go. I was like I'm your biggest fan. And, yeah, I talked my way into letting me clerk with him. And clerking for a federal judge is considered a prominent thing to do. Or a prestigious thing to do. Something that wouldn't have interested me if it wasn't for him, right?

So I worked for him and I guess I started to see, and he encouraged my interest, in drug policy reform, as well. So I started to see this as more of potentially, a legitimate career path.
JANET BISHOP: I am wildly digressing, but I note that, hasn't your firm established a scholarship at DU?

BRIAN VICENTE: We have.

JANET BISHOP: We can get to that, but, going to DU, and your experiences with your professor, and other experiences were in part an influence to this?

BRIAN VICENTE: I do. Yes, certainly. At that time, I would not say Colorado was a hub for drug policy reform. I just wouldn't, it is now, but we can talk about why. I think if you talk to a lot of my colleagues about how we got from here to there, I played a big role, but more it was just like, it has always been an area of intellectual interest to me, and to have prominent figures like professors and judges say, you know, you're right. The war on drugs is ridiculous, and harmful, and let's talk about this, or let's write about this. Let's think about what we can do.

JANET BISHOP: So you're about to graduate from law school, and you're going the drug policy route. What firms were you interested in? Where did you go next?

BRIAN VICENTE: I would say--

JANET BISHOP: And what year?

BRIAN VICENTE: Sure. So 2004 was the year I graduated. And there definitely was not a drug policy route. You know what I'm saying? It just had not been done, and in fact, what happened for me-- I had no interest in working for law firms at all. I saw them as evil entities. And I still do to some extent.

JANET BISHOP: And here we sit.

BRIAN VICENTE: And here we sit. Look how far I've fallen. But the gotcha moment for me was a group called the Marijuana Policy Project started advertising that they were looking for someone in Colorado to receive a grant to work on marijuana policy reform. And that to me, was like a sign. It came out when I was looking for a job. Still in school. Shopped that around to some professors, they all said it was career suicide. Terrible idea.

You know, there's no coming back if you work for the Marijuana Policy Project was what they said. Imagine that on your resume. And so that was a little disappointing. And that my parents were not really supportive either. They said, come on, man. Like marijuana reform is a joke. And there's a lot of stigma attached to it, and maybe you should go do something else. But I had felt very strongly about that. And I worked with a couple of attorneys that I got to know, and we applied for a grant funding for the Marijuana Policy Project, and they actually made me a fellow of the MPP, and that launched my career in marijuana work.

JANET BISHOP: Now MPP, it's based in Washington, correct? But because they wanted a Colorado presence, you were able to stay in Denver?
BRIAN VICENTE: No, they shipped me around for a little while. They had two things going on, and it was all because Peter Lewis gave them a bunch of money. Peter Lewis was the founder of Progressive Auto Insurance, and he died a couple years ago. He had been arrested-- he had a fake leg, and so he used marijuana for medical purposes, and had been arrested for doing so. And they just arrested the wrong guy. It radicalized him, and so he devoted millions and millions of dollars to reforming marijuana laws.

And he gave a bunch to MPP at the same time that I had started looking for a job. So one of the things they did was offer state-level organizations money to try to reform marijuana laws in states that were of interest to them, like Colorado. And then they also set up a fellowship program. And so we, essentially, applied for both, and we got both.

JANET BISHOP: And when you say "we?"

BRIAN VICENTE: It was myself, and Sean McAllister, and a woman named Sandy Mullins. Both were young lawyers at the time.

JANET BISHOP: The three of you were thinking of maybe forming a non-law firm partnership?

BRIAN VICENTE: Yeah.

JANET BISHOP: Or was it by coincidence?

BRIAN VICENTE: So basically, the job posting started getting bounced around, the grant availability, and someone connected me with those two, that were working other jobs, but they were interested in marijuana reform. So we all got together and said, let's apply together to start this nonprofit entity called Sensible Colorado, and then also, let’s apply to have Brian be a fellow for MPP, because they're offering both things. And so we got both.

And as such, we set up Sensible Colorado together. It's its own existence, it's a 501c3 organization. So I assisted with that, while they also just had me cruise around and, essentially, was the deputy campaign manager for campaigns to change marijuana laws in Phoenix, and Albuquerque, and Colorado Springs.

JANET BISHOP: So one idea, back to Peter Lewis, this was a medical marijuana issue for him?

BRIAN VICENTE: Yeah. But he also supported legalization.

JANET BISHOP: You've eluded to, and mentioned, that drug reform policy for you, as for many of your other colleagues, was a social justice issue. Were you focused, though, at the time you graduated from law school, on the medical aspects, the recreational aspects? Social justice aspects? All? None?

BRIAN VICENTE: I would say all the above. I didn't know a lot about the medical aspects, I knew that we had a medical marijuana law, but really in the year 2004, when I started doing this
professionally, we had like a couple thousand medical marijuana patients. And no stores. It wasn't anything like it is today, where there's a full blown infrastructure.

So I was just interested in trying to end the war on drugs. And marijuana being the most likely candidate, and the fact there was funding to work on marijuana reform. And that, to me, is one of those flagrantly stupid laws that we have around, is marijuana prohibition. So it seemed like a good, at least, entry point. It was interesting, because we started this nonprofit, Sensible Colorado, and our mission was to tax and regulate marijuana. And then eight years later we, in fact, accomplished our mission. So it's sort of like the rare nonprofit that accomplished its mission. And, like, what do we do?

JANET BISHOP: In a relatively short span of time.

BRIAN VICENTE: Yeah, it felt like a long ground time, but yeah, I guess when you look at the history of marijuana prohibition, about 90 years, we were able to accomplish a lot in that 8-10 year period.

JANET BISHOP: Was there any inclination by you to join NORML or any of the other big groups that were around at the time? With marijuana reform?

BRIAN VICENTE: Sure. MPP felt like, and in fact was, the most professional, buttoned-down organization, in terms of they-- NORML was a little more, and continues to be, just a little more nebulous. And they're not exactly professional reform advocates in the way that MPP is. It's almost more like an educational organization, as opposed to an impact organization.

But certainly, yeah, I would go to meetings of every group that was interested in changing marijuana laws. But NORML was just not active in Colorado in a major way. Then, as I became the MPP guy out here, and was a lawyer that got to know the marijuana laws, I would go and speak to groups of patients and caregivers. There was a lot of stigma, back then, around this. And the only places they would let us meet, for me to speak, were, in fact, public libraries and churches.

I think you guys probably know why-- those are free speech protected zones. Literally, we’d try to get a room the Holiday Inn, and they would be like, nope, can't do an educational discussion here. So I spent a fair amount of time being the guy who would lecture to patients, here's your rights. It will be at the church. And then after that the caregivers and patients would get together in the parking lot and exchange medicine and what have you, but it was pretty cutting-edge stuff back then, because, again, there were no stores.

JANET BISHOP: This was '04?

BRIAN VICENTE: '04, '05, '06 '07, yeah, very prior to these stores coming on board.

JANET BISHOP: OK. So you're talking about three years spent. Were you a fellow from '04 to '07?
BRIAN VICENTE: I was a fellow for nine months. From '04 into '05, and then came on board as the executive director of Sensible Colorado.

JANET BISHOP: OK, so you--

BRIAN VICENTE: Then I stayed here, and just ran that organization for years.

JANET BISHOP: Was there any, other than a logical collegial connection, was there any other connection between MPP and Sensible Colorado, other than the fact you had come from--

BRIAN VICENTE: They were our sole funder.

JANET BISHOP: OK.

BRIAN VICENTE: And we were able to diversify, a little, but they were our sole funder for years and years and years.

JANET BISHOP: And I must ask this, so where does Mason Tvert come into the story?

BRIAN VICENTE: Yeah, now Mason Tvert comes in the story in 2004. When I started working for-- I was a fellow for MPP and I started working in Arizona on a campaign. And Mason had just graduated college and we hired him to work on the campaign. And the campaign was just silly. It was like a visibility campaign. We just carried around signs, maybe Mason told you about this, and tried to influence a congressional race, because the current Congressman was very anti-medical marijuana. So that's when I got to know Mason.

And then that campaign winded down, I moved back here, and Mason had started up SAFER, which I imagine he told you about, and they decided to launch it in Colorado. And we were on friendly terms, I had dinner with his mom and stuff, we were friends at that point, but in some ways they were completely rival organizations. We were two marijuana reform non-profits in a space where essentially no marijuana reform non-profits had ever existed. We were both in Colorado, we were both competing for funding.

And I remember the day he moved in, I went and knocked on his door and I was like, we're going to work together, and we're just going to rise and fall together, and that's all we've done ever since. For me it just made sense. I made $24,000 a year from MPP. I was broke. And he was broke. And we were again, fighting for funding to do the work that we were passionate about, but we just decided to work together, and I think that was one of those key moments that allowed those two organizations, which had the same ultimate mission, but Sensible was more medical oriented, SAFER was all about this messaging, and marijuana versus alcohol. Same goal, we were just able to work on parallel tracks, where I would do law work for them, they would advise me on media things. We collaborate, and we did things, and it really created this synergy that, I think, was very important to reforming marijuana laws here.
JANET BISHOP: Yes, and that's the word that popped into my head. Synergy. And in a creative way. Do you think that this synergy and collaboration added to the success, so to speak, down the road of some of the initiatives in Colorado?

BRIAN VICENTE: Undoubtedly. Yeah, undoubtedly. Mason just is one of the smartest, most skilled people, I've ever worked with. And I think, to some extent, our skill sets complement each other. I'm maybe a little more of a peacemaker, he's a little more of a rabble rouser, we were able to play good cop, bad cop, and really move a lot of things forward to shape marijuana reform in Colorado.

JANET BISHOP: I have a question before I go further. You talked about talking to medical marijuana patients at churches and libraries. How did that impact you?

BRIAN VICENTE: Yeah, I mean, that was very impactful for me because I got to know a lot of medical marijuana patients, as well as caregivers. People with muscular dystrophy, people with AIDS, people with cancer, people with just chronic pain that found this to be useful. And so it humanized the issue for me, and I became the prominent fighter for medical marijuana patients for years, in Colorado. And so it became personal.

JANET BISHOP: We're right about 2005, let's say. Did you and Mason start to share offices, or what? What happened to the trio? The three of you who had entered into MPP on its scholarship? What happened there, and then with your collaboration with Mason. How did that evolve?

BRIAN VICENTE: Yeah. The trio that had entered, Sean McAllister-- so there were three of us that founded Sensible Colorado. Sean McAllister is still around, still does a lot of marijuana law. He remains a board chair for the organization, and collaborated with us on projects.

JANET BISHOP: And all DU graduates?

BRIAN VICENTE: No. I think both Sean and Sandy were CU. And then Sandy became the head of the Colorado Criminal Defense Bar and just stepped away from Sensible, and now is working for, I think, the Washington state governor. So she's moved out. So largely I just took the helm, and ran the organization, was the executive director for years, and would run projects by Sean and the board members, and work with Mason on just figuring out how we can honestly change laws, make enough impact that we can keep our grant funding coming in another year, to continue fighting the fight.

JANET BISHOP: Mason and you shared offices?

BRIAN VICENTE: We did for years, yeah. In fact, he's still downstairs, as you know. Originally we just had no money, so we were both running our organizations out of our houses. Which were actually about three blocks away from each other in Capitol Hill.

JANET BISHOP: And this was circa 2005, 2006?
BRIAN VICENTE: Yeah I'd say 2005, 2006. Probably 2007 or so we started office sharing right down the street at 12th and Grant.

JANET BISHOP: Back to roots. One question is, your parents. What were their responses, now that you were moving further into the field that was being established a lot by your activities, and Mason’s, and others. What was their response?

BRIAN VICENTE: I think they became increasingly supportive as they realized that this was essentially a social justice issue that was important to their son, but also just generally important. And they, like most people, just don't spend a lot of time thinking about marijuana prohibition, don't spend a lot of time thinking about this or that topic. And as they learned more, I think they understood this helps people medically, this is racist in implementation, this is, maybe, a source of revenue for the state.

So they came around to it, and they got to know Mason, who's just a likable guy, you know, and so it became something I think they were somewhat ashamed of in some ways, but became increasingly supportive of.

JANET BISHOP: Ashamed of, in terms of saying what their son did?

BRIAN VICENTE: Yeah. In terms of saying what their son did. Marijuana was a dirty word for years, in a lot of circles. It just had been maligned for so long that it was embarrassing even for them to say it. Because they were of that generation.

JANET BISHOP: We're in Colorado '05, tell me about your work on marijuana legislation starting around 2005 in Colorado. 2006.

BRIAN VICENTE: Sure. Basically we had a long term strategy to try to get people to talk about marijuana. We believed that it was just one of those issues. Marijuana and the war on drugs, the more you get people to think about it, the more they realize there's this inherent wrongness in the fact that marijuana is illegal, and the war on drugs is a failure. But we just need to get them to think about it.

So it was a series of-- we ran local ballot initiative campaigns to change local laws. I ran one in Telluride in 2005, which we actually lost by like 6 votes or something. The New York Times wrote about it. I mean, it was like, we publicized it, and got the word out. But it was a learning experience for me, because I just did all sorts of things wrong on that campaign, and wasted a lot of money. It's a learning experience, I didn't know what I was doing.

JANET BISHOP: And leaping ahead to-- was there anything you know now that you wish you knew when you started? What did you do wrong, or what would you consider you did wrong? And this is a campaign in Telluride, or this is the statewide--

BRIAN VICENTE: This is in Telluride in 2005. Five, yeah, the same year that Mason ran the Denver campaign, in 2005 or so. There's some cross collaboration there. You know, I think we spent a lot of money on newspaper ads with these kind of silly messages that don't resonate with
anyone, but that made sense from a textbook perspective. We talked a lot about social justice issues, and that's something that just became clear to me over the years. I was like, your average voter just doesn't care about social justice, racial justice, issues. They don't. So in order for us to affect the change we wanted to see, we had to reach people where they're at. And a lot of that was more talking about economics, and getting rid of the underground market, and using criminal justice resources more effectively. That was a better way to reach people than talking about racial justice things. So some of the messaging, some of the places that we spent money, just didn't make a whole lot of sense.

JANET BISHOP: And this was to-- I'm getting my ballot initiatives mixed up-- this was to raise awareness for the medical marijuana--

BRIAN VICENTE: No, the Telluride initiative was to make marijuana possession the lowest law enforcement priority.

JANET BISHOP: In Telluride.

BRIAN VICENTE: Under the city code. Yeah. Kind of a baby step, yeah. JANET BISHOP: You were focusing very locally.

BRIAN VICENTE: Very locally. Yeah, exactly. It in order just to, again, did we think that suddenly the people would not be arrested? There were tons of people being arrested in Telluride anyway, but it was a way for us, like I said, people pay attention to Telluride. There's are only 3,000 people that live there, but people in New York City have heard of Telluride. It's a famous place, and if we can change laws there, it's sexy enough that national news and state news will write about it, and we were right. And granted, we lost the campaign, but again it served the purpose of getting people at least thinking about this issue.

JANET BISHOP: What was your reaction when the national media started knocking at your door? I imagine that it was about that time. What was your reaction?

BRIAN VICENTE: I think I was pretty nervous about the whole thing, but I understood that a bigger part of our purpose was to get the word out, and try to have good talking points. And it took a while to figure out how to deal with media, and how to have your talking points presented and not veer off from them. But it was exciting. I mean, it was my first year being a lawyer, I was on TV for half an hour debating the Colorado attorney general.

The highest law enforcement agent in the state. So it was very overwhelming, but a great learning experience. And I felt like I was actually reaching people. And even then, it was still not a popular issue, but it felt like we were getting the word out.

JANET BISHOP: Did you get any anti-mail, hate mail, people upset with you, or were you pretty insulated from that?
BRIAN VICENTE: No, we had a fair amount of people that were upset with what we were doing. It actually wasn't until the 2012 campaign that I received a death threat in the mail, which I still have. I can show you guys.

JANET BISHOP: Or give to our archive.

BRIAN VICENTE: Give to your archive. There you go. You can have it. But you know that type of thing had happened to lesser degrees. I had police threaten me, and things like that. City council people poke me and say get out of our town, things like that. And that can be very emotionally upsetting when you have these elected officials, or even random people sending you death threats.

I remember the first couple of weeks when I'd turn on my car, I'd be like, is my car going to blow up? Not that I rationally thought it would, but that will take an emotional toll on you. And again, you have police and city council officials and, really, elected officials that were just by-and-large against us the entire time. At best, treated us like a joke. At worse, treated us like we're subhuman, for even talking about marijuana issues.

That's where I think my friendship and kinship with Mason, at least someone else had my back, you know? We would fight this together because we believed in it, and it was useful to have an ally.

JANET BISHOP: I've talked about social justice with your other colleagues, but I haven't asked this question. What was the reaction with community groups of color to your activities? Say members of the African-American community, the Latino community, members of communities that have a high incidence of inequality, in terms of arrests, vis-a-vis, marijuana possession?

BRIAN VICENTE: I would say it was generally positive relationships created there, and positive feedback we received from those community leaders. Certainly places like the ACLU, and some of your more liberal Hispanic forums, the NAACP, were supportive of our work, would endorse some of our initiatives, that was important. As a lot of my job was the coalition building. Because Mason was viewed as a bit of a lightning rod.

He was very radical in some of the billboards they put up intentionally so you get people talking, but maybe he was too much of a lightning rod for the NAACP to sit down with, and talk about where there's common ground, blah blah blah, and that was my role. So I think they're generally supportive, but it's tough. I joined these progressive forums where you would have monthly meetings of these different nonprofit organizations, and I think we were treated like second-class citizens in some ways.

We try to explain why this matters for issues of race, and it didn't fall within their understanding of what was important to their leadership, when in fact, I'm pretty positive, it was pretty important to their rank and file, and people of color could not be arrested any more for marijuana. But it was a little tough to get a lot of those progressive leaders on board.
JANET BISHOP: Moving to 2007. More work on reform, legislation, 2007 to 2009 seem like eras of increased push towards legislation both for it at the Denver level, local level, and other areas. You know better than I do, so could you tell me a bit about that?

BRIAN VICENTE: Yeah. Sure. During that time period we had three things we were doing to change marijuana laws, right? We were doing public awareness stunts, which Mason was largely the lead on, but we would join him.

JANET BISHOP: Which is in the oral history record.

BRIAN VICENTE: Yeah, totally. We were doing ballot initiative campaigns. Right? And so Telluride, Denver, Breckenridge, statewide, and then we were doing impact litigation. And I was the impact litigation guy.

JANET BISHOP: Explain impact litigation.

BRIAN VICENTE: So basically, we would, starting in 2005, I would take cases of people that were busted for marijuana, that were very sympathetic. Right? And we would take those cases with the understanding that we were going to do press conferences every time we went to court. And we were going to get this guy's face up there, and talk about why we just need to stop arresting them for marijuana. It's so wasteful.

So we did that. Often it would go hand-in-hand, where Mason or collectively, we would legalize marijuana in Denver, like we did in 2005, or make it the lowest law enforcement priority, or what have you. And then the Denver police, the next day, would arrest someone for it. And that guy would call us, and I would take his case, and then we would make a big show of it. Can you believe that despite what the voters said, they're still arresting people?

And I did a lot of work for this guy, Damien LaGoy who, when I met him, was less than 100 pounds. Long term AIDS survivor then, he's now passed away. They kept arresting him for having marijuana. It was so ridiculous. I would take his case, and we would be on all the news channels. And we created a real bond and friendship.

JANET BISHOP: Without being exploitive, because this is not journalism, it's oral history, but for the oral history record I'd like to talk to you a little bit about your work with Damien LaGoy, because it's been mentioned by your other colleagues. But just a quick question. Why was Damien being arrested so much, where surely there were other AIDS patients who were using medical marijuana?

BRIAN VICENTE: I wouldn't say he was arrested that many times, it was just a matter of, he was initially just a fluke. He was at someone's house and the police came in, and saw marijuana on the table, and arrested him. And that happened right after Denver voted to legalize marijuana.

JANET BISHOP: This was 2000 and--
BRIAN VICENTE: '05 or '06. Yeah, '05 or '06, and so he just became this case. The test case from there. You know? And then we publicized that case. The case goes on and on, eventually they drop the charges. But then we created this friendship bond and he was clearly a guy who needed medical marijuana. He needed it. You know, he took like 30 pills a day, couldn't keep them down if he didn't have marijuana to soothe his stomach. Right?

And then in 2007, we began running into this issue where Sensible Colorado was really the hub for medical marijuana patient advocacy. It was helping patients, and doing seminars, and speaking in churches, whatever. And people kept getting in touch and saying like, oh, we can't get the caregivers we want because the State is saying they have a five patient cap on caregivers, so a caregiver can only help five people. People kept complaining, and finally, I looked at the law again, and I was like, why are they coming up with that?

That's not in the law, that's just a policy they created. And they can't just create health care policies without notifying people. Or doing hearings. And so we just did essentially a Rosa Parks-style set up lawsuit on Damien's behalf, right? It's not like Rosa just happened to be on the bus, you know. So we had Damien apply to be a patient of a caregiver who we were friends with, too. A great guy with muscular dystrophy, very sympathetic dude, who already had five patients.

The State rejected him. That made the lawsuit ripe, and then we sued on his behalf. So there he is again in the news being like, all I want is medical marijuana, why is the State creating-- And it was a very powerful hearing. And the judge was irate at the State. And the State, on the stand said, why did we come up with this five patients cap? Why not seven or nine patients? Why not 12 or two?

And they said, well, we had a private meeting with the DEA, and they said five is the number. And so we were just like, so the DEA is now dictating Colorado health care policy? What is going on here? It was very, very powerful, and we had Damien on the stand and he lined the stand with every single pill bottle he has to take. It was very-- we have a picture of it, it was in the Rocky Mountain News, and he said this is my life. I can't take these without that marijuana. Can't the State just let me have my marijuana? It was really, really powerful stuff.

And the judge came back from recess, and I'll never forget, he's like, the first thing he says, this case wasn't even close. And he just went off on the State. And so we won the case. Ultimately it wasn't illegal for them to put caps like that in, necessarily, but they just did it in secret. And that was the problem the judge had. So it's things like that, where we were able to continue to publicize this face of, in some ways, prohibition, but in some ways just medical marijuana. To let the world know that this does, in fact, help people, and we need to stop arresting guys like this. Stop creating hurdles for them getting marijuana. So basically, it was cases like that.

JANET BISHOP: Did Damien, on another level-- you said you formed a friendship, as that makes sense. Did your views evolve even further knowing him? What was the impact of him as one of your major clients, on you?

BRIAN VICENTE: It was powerful. I mean, he was a very genuinely nice guy. And very truthful. And that actually made him a wonderful spokesperson for this. Because he would say...
things like, well, I told the police it was my marijuana, because you never lie to the police. You know, and who says that? He would say that to the press, and it was just really powerful because it was genuine and coming from his heart. For me, personally, I just spent a lot of time with him. And he was, literally, a dying AIDS patient.

Really sick, and would explain, pretty eloquently, how medical marijuana helps him. I wasn't a doctor, I didn't know a lot about marijuana, I had never known anyone, really, that had used it for medical purposes. And so I was able to see, wow, it really helps this guy, I can't believe they are trying to put him in jail. This is insane. And as such, we would spend a fair amount of time together, whether it was strategizing lawsuits, or defending him, or just personally. We would just hang out.

JANET BISHOP: Did he have family in the area? Was he from the area?

BRIAN VICENTE: No he wasn't. He was from Rochester, and was largely distanced from his family. He was gay, and that was an uncool thing to do, back then, or whatever, and was not particularly tight with his family. But then, as time went on, we had done a lot of high-profile stuff together. I fought other little behind-the-scenes battles that would get him to really have medical marijuana when he was hospitalized, and things like this.

This was three or four years ago, he died. And so I was with him at the end, and to see that through. I mean, the guy was just a-- he was a freedom fighter. He wasn't just doing it for himself. He understood that he could have a broader impact, and that his cases would mean something to others, and in fact, they did in a major way.

JANET BISHOP: Thanks for--

BRIAN VICENTE: Sure.

JANET BISHOP: --talking a bit about Damien. Going backwards, we're at roughly 2007, 2008. Could you tell me about some of the events now leading up to Amendment 64, and did you continue to represent medical marijuana patients? Did you shift your focus-- and I know Christian Sederberg, from his oral history, he comes into the scene at some point, as well.

BRIAN VICENTE: Yeah.

JANET BISHOP: Could you tell me about that period, say from '08 to, say, '11?

BRIAN VICENTE: Sure. So yeah. '08 to '11, basically we continued our advocacy efforts, in terms of doing the impact litigation, various campaigns here and there, and again, this was Mason's and my full-time job. So what we did was agitate for change in marijuana laws. Because we had been successful with cases like Damien's, with ballot initiatives like what we did in Denver, and then in 2007 we made it the lowest law enforcement priority, and created a government panel that Mason and I served to continue to make trouble trying to get the cops to follow this.
We were continually in the public eye, but we also demonstrated success to funders. And for years we subsisted on this $60,000 a year grant to run an entire organization. And as such, we really started pushing for 2012 as the year that we were going to make the major statewide push. It just demographically makes sense because that's when most voters that tend to support marijuana reform will come out. In a presidential year, right?

And so we just started to continue with our campaigns, but started to circle the wagons, really, in 2011. Early 2011. With the different kind of stakeholders that we had worked with here, different medical marijuana business owners, different democratic strategists to try to say all right, how is this push going to look in 2012?

JANET BISHOP: And remind me again, Christian came on as your partner in 20--

BRIAN VICENTE: ’10.

JANET BISHOP: Christian Sederberg.


JANET BISHOP: And he talks a lot about--

BRIAN VICENTE: Yeah, he can speak to his transition in, because he was a big law firm guy that came to this side of it.

JANET BISHOP: But I must ask, because Christian has glowing words for you, obviously, but describes himself very much as the corporate lawyer, and your view of corporate lawyers--you've suspended that view to bring Christian into the fold, or?

BRIAN VICENTE: I did. Like anyone, I guess my world view has evolved over time. But in 2009 and into 2010, I was very involved at the capitol, particularly in early 2010, trying to push for the first ever system of state regulation for medical marijuana stores. So the question that year at the legislature, it really was the hot topic, was do we ban all these marijuana stores, which we could talk about how those all gotten up, it was largely because of the lawsuit that we brought.

So the medical marijuana stores were out there, but they weren't regulated at the state level, so the State had to decide, do we want to regulate these guys, like we do alcohol stores, for instance, or do we want to ban them? So I was at the capitol every day, pushing for these regulations. It became pretty clear to me that when these regulations passed, these small businesses are going to need legal help, and I had kind of become one of the prominent figures in medical marijuana lawyer-world, because I had just been doing it for years, and I understood these laws really, really well.

But I had no business law. I mean, I just didn't. It became clear that we were going from an advocacy criminal defense world, into a regulated business world. And these guys, in order to effectuate the world we wanted to see, we needed people operating as good business owners. We
just did. If these guys were not understanding the rules, or laws, or selling out the back door, then the system would collapse, and everything we worked for wouldn't have made sense, right?

And fortunately, I had a couple mentors that talked me through this and said, listen, you need to find a business lawyer. And I had known Christian through just friend circles, and snowboarding, and things like that, and sat down with a couple of different people, and he was the guy who really got it, and quit his job, and I said well, can't offer you a salary, but he quit his job anyway, and came on board.

And really was that business lawyer, which is what people needed. And he taught me a lot of that, but also was just there for our clients in a big way, to help them professionalize what they were doing.

JANET BISHOP: And I note, as an aside, you have become the medical marijuana lawyer so much, that I think on your website now you have a quote from Rolling Stone, I believe?

BRIAN VICENTE: We do, yeah.

JANET BISHOP: As the firm for marijuana in the country.

BRIAN VICENTE: Yeah, it's pretty cool. It's pretty cool.

JANET BISHOP: With the Rolling Stone logo. Tell me about the lawsuit. You mentioned a lawsuit that you were responsible for, vis-a-vis, marijuana stores?

BRIAN VICENTE: Yeah, so what happened was 2007, 2008, 2006, we had these collectives forming, right? So you would have a medical marijuana caregiver, which is just a flesh and blood human being, it is not a store, who would help patients. But then the state said, oh, you can only help five patients. That's not really a viable business model, right? If I can only help five people, what type of store am I?

And so when we won Damien's lawsuit, one of the aftereffects of that was caregivers could help 1,000 people. 100 people, 200 people, legally, right?

JANET BISHOP: As many people as they--

BRIAN VICENTE: As many people as the patient would select to use them. So a patient says, I want Janet to be my caregiver, and you could have, theoretically, an endless number of people do that, right? And then you have the right to grow a certain number of marijuana plants for them, as an individual, and sell it to them. And that became a business model, right?

And so, then, if you have five patients, well it doesn't make sense to have a store, right? But if suddenly you have 1,000, that's where the original stores came from. So you have these guys who were just doing it for patients previously, for five folks, were suddenly like well, I can do this for 300 people, I'm going to open a store. And everyone that comes through is going to be my patient. They are going to sign me up, it's all going to be as legal as it could be at that time,
and that's where the storefront model came from. And then what happened was the State caught wind of that, and got scared, and in 2009 they held this public hearing to try to bring back the five patient cap, which I had previously overturned via the lawsuit. And we were the chief organizers for opposing that hearing.

So we coordinated all the testimony, and they had to move it to the Auraria campus, like this enormous room on Metro State's campus, because we had hundreds and hundreds of people show up against them imposing this cap. And it was like a nine hour hearing and ultimately, the State Board of Health said we agree with Brian, and these guys are not going to just impose arbitrary limits. And so that was another green light, right? Then it's like, all right, there's no limits, let's keep setting up more and more of these stores. So that's kind of how the stores got going.

JANET BISHOP: Still, this was a time of what was described to me by one narrator as the wild west of storefronts, because there wasn't regulation set at that point, just a lift of the cap, or where there regulations set at that point?

BRIAN VICENTE: There were no state regulations, whatsoever. We were all operating under Amendment 20, which had passed in the year 2000, and allowed patients and caregivers to grow marijuana together. So that was our reading of the law, and then people took that and ran.

JANET BISHOP: I think I have one or two dispensary owners up to chat with, but describe the situation, then, with medical stores at that time.

BRIAN VICENTE: Sure. So there were, I guess starting in 2007, 2008, marijuana stores that were the, essentially, glorified caregivers are opening up brick and mortar stores. Now they were, at the beginning, very surreptitious or whatever, secretive, in how they were set up. They weren't advertising, but I remember the first time I went to one, was to drop off literature, give a little talk, or something, I intentionally parked like five blocks away, because I figured the police would profile that I'm walking in there. Maybe they did, maybe they didn't, but it was right on Colfax. It was an underground store network, at that point.

But as they began to make more money, and they weren't being arrested, people became more aggressive about putting up signage, and signing up patients, advertising, things like that, that now you can't pick up a newspaper without a ton of marijuana advertisements. That just started happening, so people were just really putting their toes in the water.

And then after that big hearing, and then Obama's declaration that we're not going to come after medical marijuana patients, it just opened the door for these guys to get more and more aggressive, in terms of establishing more traditional businesses, with signage, and blah blah blah. And that's when the State stepped in, in 2010, late 2009 into early 2010 to say hey, we've got 60 stores in Denver, and a bunch more around the state. What do you guys want to do? Are we going to ban these, are we going to regulate them?

JANET BISHOP: Describe your activities towards regulation of stores.
BRIAN VICENTE: Yeah, well basically we were involved in the lawsuit and the organizing to get them going. I began doing some private work, just helping people, explaining to folks like, all right, well if you're going to set up a storefront model, first off, it's illegal federally, you need to know that, but I suggest you follow the law in these different ways. Again, it was our interpretation of Amendment 20, which did not say the word store, but it did say the word caregiver, so we said, all right, I'm going to create an intake form for you, and what have you, that's as medical as can be, and as legal as it can be. Although again, it was a gray area. And so there's some private work that I did there, and then there was also just the continuing advocacy to try to get the state to adopt regulations to normalize this industry.

JANET BISHOP: We are over an hour. Do you have time to talk about Amendment 64? We're riding into 2011, 2012, do you have time?

BRIAN VICENTE: Yeah I think I do, may I go to the restroom real quick, and then I do have a meeting in like 20 minutes, or something, but maybe we can--

JANET BISHOP: Or do you want us to come back?

BRIAN VICENTE: Well what do you think, can we accomplish this in 20 minutes, or half an hour? I want to make the best use of your time. What do you think?

JANET BISHOP: What I would ask you is a bit about your involvement in Amendment 64-- not a bit, obviously, your involvement in Amendment 64, but I'm also curious about post-Amendment 64, some of your take on the ramifications of this, and your work after Amendment 64. So we could, if you have the time at some other point to spare another hour--

BRIAN VICENTE: Yeah, that would be fine, yeah.

JANET BISHOP: OK.

BRIAN VICENTE: I'd be happy to.

JANET BISHOP: So let's wrap up for now, this seems like a logical break. So we're roughly in 2010?

BRIAN VICENTE: Yeah.

JANET BISHOP: 2010. You've worked on storefronts, but you're about to push into Amendment 64.

BRIAN VICENTE: Yep.

JANET BISHOP: Is there anything else you want to say for this part of the oral history?

BRIAN VICENTE: Well the only thing I would throw out there, we were talking about my parents, and our upbringing and, I just have a very firm memory. We were living in a Republican
neighborhood when I was in the fifth or sixth grade, or what have you, in Cincinnati. And my parents, who I think I mentioned, were staunch Democrats, put up a Dukakis yard sign, and it got burnt to the ground. In our yard.

And that was very impactful for me, and I remember talking to my parents about it, not that I understood politics much, but like, what the heck is this about? And my parents were like, oh you've got to stand up for what you believe in, even though we knew would be unpopular to put up a Dukakis sign. That was impactful for me, in terms of being comfortable with the idea of facing adversity. Because Mason and I just got attacked from all sides, for years, and we kept fighting through that. And I like to think some of that, my will to fight adversity, was laid early by experiences like that.

JANET BISHOP: It's extreme to have a sign burned to the ground.

BRIAN VICENTE: I mean, who cares, but yeah. They don't care that much about Dukakis. I think it was just the idea Democrats are bad and we should burn signs. I mean it's just insane.

JANET BISHOP: Well, thank you Brian, for this first session of Stories of Amendment 64, your story of your involvement. Again I'm wrapping up my interview with Brian Vicente. This is Janet Bishop. It is March 17th, 2016. We'll be back for one more session probably. Perhaps a little briefer. And thanks again, I look forward to talking to you again.

BRIAN VICENTE: Yeah, my pleasure, Thank you.