Amendment 64 Oral History Project Interview

Wednesday, April 6, 2016

Brian Vicente – Part 2 of 2

Janet Bishop, Interviewer

JANET BISHOP: This is Janet Bishop. And I'm here this afternoon on April 6, 2016 with Brian Vicente, doing the second session of our oral history interview as part of our Stories of Amendment 64 Oral History Project. And Brian, thank you again for--

BRIAN VICENTE: Sure.

JANET BISHOP: --sitting for the second half of this interview. I read the first part, and it was very interesting.

BRIAN VICENTE: Oh, cool.

JANET BISHOP: And amazing.

BRIAN VICENTE: Good.

JANET BISHOP: And I think you are the last lawyer of Vicente Sederberg that I am interviewing.

BRIAN VICENTE: Oh, there you go.

JANET BISHOP: There you go.

BRIAN VICENTE: Great.

JANET BISHOP: I'm going to pick up, as I said-- I read your transcript. And it was extremely interesting. I think we left off right about the end of 2010, 2011, right as we're sort of on the eve of heavy duty work with Amendment 64 itself. And I'll ask you a bit about that. And then hopefully we'll have time also to talk a little bit about what you're doing now, post-Amendment 64.

BRIAN VICENTE: OK. Sure.

JANET BISHOP: But, with that little bit of preamble, tell me a little bit about 2011 from your activities, what you were doing. The great thing about oral history is you see one event from
many people's viewpoints and angles. So I've heard from your other colleagues and partners. But what were you doing in 2011?

BRIAN VICENTE: Sure, so my work was kind of broken into two parts. I mean, one was trying to make sure that the statewide medical marijuana regulations that passed in 2010, which, Colorado was the first state to really have statewide medical marijuana regulations, just being sure that businesses were following those, that those were being implemented correctly, that the rule making was going in a fashion that would allow those businesses to, you know, to operate, to serve the community and to show that marijuana can be a regulated product. Sounds revolutionary, but it had never really been done.

So that was part of it. But I would say most of my time was focusing on actually gearing up for the 2012 legalization push. I was one of the kind of two main directors of that. And so a lot of that was sort of developing the timeline for how we're going to get this on the ballot, beginning to talk to donors and advocacy groups about getting together funding, getting their buy-in for these things, and developing language that we felt like voters would support.

JANET BISHOP: And one of the advantages of doing back-to-back oral history interviews is I spoke with Joshua Kappel earlier today. And he had mentioned the fact that you really helped to galvanize or unify various groups and constituencies together for one cause, shall we say. Could you tell me a bit about that?

BRIAN VICENTE: Sure. So we had to think about, if we're going to win this election, you know, we need to appeal to as many voters as possible. And there are certain stakeholders, if you will, that we had to reach out to. All right? A lot of our work historically had been helping to build the medical marijuana program and helping people get these businesses off the ground. But there was a lot of fear amongst medical marijuana businesses in particular and their owners that, if we legalize marijuana, that they would somehow lose their business or that would bring the federal government in, you know? Right now, the federal government was leaving them alone. They were making money selling medical marijuana. Why did we have to kind of shake the boat. You know?

And so a lot of my work was doing outreach to groups like that, meeting with influential stakeholders that maybe were medical marijuana business owners, meeting with trade associations in this space to try to get them on board. And it was interesting. I mean, basically, we had a decent number of dispensary owners and so forth that came on board. So they'd have our signs and have our petitions. And some would even donate. All the major trade associations said that they were going to be neutral on this, which I thought was just really sad and pathetic.

JANET BISHOP: And by trade associations, could you perhaps give some names?

BRIAN VICENTE: Oh, I'm sorry, medical marijuana trade associations. So like, the MMIG is one of the prominent groups, the Medical Marijuana Industry Group, it was called then. They then changed their name. But they basically grilled me. And they felt that, even though-- their leadership at least felt that, even though they believed that marijuana should be legal, this probably wasn't the right time, it would endanger them, endanger their financial interest too
much if we pushed forward. And, you know, that rubbed me wrong way. At the same time, I was not a guy selling marijuana to medical marijuana patients. So it wasn't me that would go to jail. So I don't mean to say that they didn't have a valid point there. But it was just sort of disheartening. And after a lot of negotiation, they decided to be neutral, which is all sort of-- you know, the grand irony is now those guys are all millionaires. Because they transitioned over from medical to recreational, and now they're really rich.

So it worked out all right for them. They didn't go to jail. But I guess it was a risk. And why did we do outreach to that group? I mean, in 2010 California looked at legalizing marijuana. And they lost by like, point, point and a half, right? And there was at least a belief that a lot of the reason they lost is because the movement itself, you know, the grower, the illegal growers and the medical marijuana guys, voted against the California legalization measure or donated against it or organized against it. You know, for us, I wasn't actually that convinced that the marijuana voters would shift this one way or the other. But it was important enough that we wanted to do some outreach there. In some ways, it was like a psychological issue. I didn't want to be attacked by the same people that were my friends, that I'd helped for the last 10 years. And we eventually got most of them on board or neutral.

JANET BISHOP: So MMIG was a group of growers.

BRIAN VICENTE: It was really a group of marijuana business owners that, after 2010, the legislature said, all right, your marijuana businesses, whether it's store or grow, what have you, are now legal. And that's medical marijuana business. So, as such, they were concerned that, because they were now allowed to do this under state law, well, what if we pushed it even further and allowed them to sell marijuana legally?

JANET BISHOP: So they formed a trade group just says any group would--

BRIAN VICENTE: Exactly.

JANET BISHOP: --form a trade group.

BRIAN VICENTE: Exactly, to protect their interests.

JANET BISHOP: Got you. And I don't want to digress too much, because I know your time is limited. But I did ask, or talked to Joshua a bit, about so-called big business or industry coming in. There has been some talk, and we talked about a similar show on Vice, about industry now coming in and reaping profits off of legalized marijuana business. Do you have any observations about that?

BRIAN VICENTE: Yeah, so that's sort of been a concern that's sort of been voiced by different folks over the years that, if marijuana becomes legal, suddenly RJ Reynolds will come in and there'll also be this exploitation of consumers. And I can just say we haven't really seen that. And my law firm represents many, many marijuana businesses and prospective business owners. And, like, because it's illegal federally, bigger companies like Budweiser or something, they just don't.
There's too much at risk for them to start selling products that are federally illegal. So we just haven't seen it.

In the future, when this is legal at the federal level, within a couple years, will bigger businesses want to get involved? Probably. It's a very large market. You know, hopefully they'll sort of remain true to the ideals of the early pioneers in this space and not sort of homogenize it too much or, you know, certainly try to make it addictive [INAUDIBLE] like they did with tobacco and so forth. That would be a travesty.

I did want to talk for a second about, like, the outreach. One of the important constituents we identified in Colorado was Latino voters. I'm not sure we talked about this last time.

JANET BISHOP: And Joshua mentioned it, but just a little bit. So if you could explain more.

BRIAN VICENTE: Yeah, so again, as the co-director of the campaign, Mason Tvert and I sort of split up tasks. And Josh and others would pitch in as well. One of my tasks was coalition building and sort of outreach to various communities, maybe medical marijuana people or, in this case, Latinos. And so that's a growing population in Colorado. They're kind of considered swing voters. And it's just important to essentially win the Latino vote if you want to get things done here. So, maybe because my last name's Vicente, I don't know, they sort of, like, tasked me with this.

JANET BISHOP: But isn't Vicente, is it Italian?

BRIAN VICENTE: It's Spanish.

JANET BISHOP: Spanish.

BRIAN VICENTE: Yeah, it's Spanish. So, I sort of dreamed up what I thought would be good outreach technique to Latino voters, which turned out to be really silly. And I think the story's kind of interesting. But basically there's a poet in Mexico, Javier Sicilia. And he has spoken out. He's a famous poet, and he's spoken out against the drug war, because his son was actually killed by drug war cartels. And so I was able to reach out to him and get him to record a sort of radio ad that I had planned to run in Colorado. And it was kind of difficult to get in touch with the guy. The radio was really grainy. And I scripted the radio ad, just kind of based off what I thought would move Latino voters. And so then, I brought it into the, it's called Que Bueno, K-B-N-O, which sort of syndicates Spanish speaking radio for the state.

And I brought it in there. And I said, we have, you know, $30,000 or something. We want to run the hell out of this ad on that Latino radio stations across the state, which, by the way, radio is a really good way to reach that population. And so I played my Javier Sicilia thing. And it was all about, like, oh, the dangers of the Mexican cartels and, you know, they're so violent. And we need a better way, which I thought was very compelling. And the radio disk jockeys that were sort of helping me put together the ad said, well, two things. One, Javier Sicilia is, like, really popular in southern Mexico but not northern Mexico. And northern Mexico is, like, where people come to Colorado from. So, like no one's going to know who this guy is.
BRIAN VICENTE: Yeah. Secondarily, we're not airing this thing, because we feel it's dangerous. And there could be, like, violence perpetuated on us as the radio DJs that run this.

JANET BISHOP: Oh, really? Because it was speaking out against the cartels?

BRIAN VICENTE: Because it was speaking out against cartels. And I thought that was really powerful and was pretty much immediately like, well, what would reach this audience? And what can you guys do? And so, you know, over a course of a couple hours, we sort of scripted out a radio ad. And it was one of the more prominent voices on Latino radio was, like, the voice of this. And he personally was concerned. He wasn't going to talk bad about cartels. And so we sort of dreamed up this radio PSA, if you will, that just talked about, you know, Latinos are arrested at three times the rate of white people. And this could produce jobs in certain communities, in Latino communities. And that's worthwhile. And so we ran it. And our poll numbers among Latinos skyrocketed. We went up 30 points from the time we ran that ad to the end of it. And so that's a shift in points. I just think that's a sort of remarkable story about my own sort of ignorance walking into that situation. But the fact that these guys were in touch with that community, had that fear about cartels. And I think it speaks to the importance of what we're doing, trying to shift away from this cartel model and regulate this product.

JANET BISHOP: So two questions to follow up on that. Just to place it in a year, this ad ran in 2011?

BRIAN VICENTE: Nope, 2012. All our media ran in 2012.

JANET BISHOP: OK. So right before the election.

BRIAN VICENTE: Right before the election. Yeah, probably like that.

JANET BISHOP: So spring? Or summer?

BRIAN VICENTE: It would've been more like August, September, October.

JANET BISHOP: OK.

BRIAN VICENTE: Final push.

JANET BISHOP: Final push.

BRIAN VICENTE: Yeah, final push.

JANET BISHOP: And you must have been doing some sort of market polling to figure out the Latino community and where they stood vis a vis legalization.

BRIAN VICENTE: Yeah, that's correct. So just historically, starting from 2004 to probably 2010, '11, we never had any money. You know? And so Mason and I were sort of doing this
advocacy work on a shoestring budget. So we never had any money for polling. Zero. And so because we had lined up a string of successes legalizing marijuana in Denver, in Breckenridge, and winning court cases, people started to take us a little more seriously and said, all right, you know, we're going to give you guys money now, do some polling, and try to cater your message as such or figure out what groups you need to do outreach to or whatever. And so we have sort before and after voting on Latinos and other groups.

JANET BISHOP: And then, I'm leaping ahead a bit, and then we'll circle back. But if part of the ad to Latino voters was talking about business opportunities, there has been some discussion, even amongst the oral history narrators at your firm, about some of the challenges in adding diversity, shall we say, to the cannapreneur or green rush. Comments about that-- has that panned out with the Latino community? Are there business people involved from that community in the industry, so to speak?

BRIAN VICENTE: Yeah, I think that's an important question. I will answer that in a second. But, like, for me, why I was one of the leaders of this effort here was to stop people from being arrested for marijuana. That has always been my driving force, my driving interest in this space. And so the sort of business interests that have come out, which are very interesting, are sort of secondary for me, right? Having said that, to your point, yes. Like, this has been an area where we've seen a lot more business opportunities, basically for people that already have money and that have clean records.

And because of the legacy of the drug war, many people of color, Latinos, what have you, have drug records, have drug convictions on their record. So it's sort of this screwed-up cycle. So, you know, I often talk to press. And they say, oh, would you have done anything differently? And I kind of hem and haw in terms of writing the language and you know, talk about taxes and stuff. But I think, really, it would've been nice to build in some sort of, I don't know if affirmative action is the right word, but some sort of provisions that addressed the populations that were negatively affected by the drug war for so many years, which is largely why those of us, Mason, myself, ran this thing. So maybe that's saying, if you had a marijuana bust, then we don't care. And you can still work in this industry. Or maybe that's saying we're going to allow money to flow back to certain geographic areas that are disproportionately affected, like, you know, black areas in Denver, or whatever. So I think that it's totally worth thinking about for future initiatives.

JANET BISHOP: And you were talking about outreach to communities of color. I know, or I've heard, that the NAACP supported legalization of recreational marijuana. Did you have any interaction with other communities of color aside from the Latino community? Or what was your interaction?

BRIAN VICENTE: Sure. So we did a fair amount of outreach to your sort of bigger groups that represent people of color. So the NAACP, you know, I was involved in kind of bringing them on board, do a press conference, talked about the drug wars, disparate effects. The Colorado Latino Forum, like different kind of groups like that. We did outreach too. We also partnered with the
Drug Policy Alliance to do some events and sort of public education events about the campaign in communities of color around the state.

JANET BISHOP: It sounds like your, the biggest radio advertising, or the PSA announcement, shall we say, was to the Latino community.

BRIAN VICENTE: Yeah, well, essentially-- I don't know if it was the biggest, because we had a decent advertising budget. We actually, on the complete other end of the spectrum, we paid a former congressman, Tom Tancredo, who is no fan of immigrants, to put it very mildly. You know, he was a spokesman for us. And we ran a bunch of radio ads with him on conservative radio, talking about how this is wasteful policy to arrest people for marijuana or what have you. So we kind of were all-access. You know, anyone that would support this and join our coalition, we were supportive.

JANET BISHOP: What was your work like with-- well, you had people like Mason, located here, that worked with national organizations. Aside from working with Mason, what other interactions did you have on a national level, with national groups around 2012, I guess, we're talking about right before the election.

BRIAN VICENTE: Yeah, sure. 2011, 2012, we kind of pulled together the major national players in drug policy and said, hey, we want to do this. And so, that's the Marijuana Policy Project, the Drug Policy Alliance, and then, really, Graham Boyd, who's this sort of access-to-billionaire type guy. And everyone was very interested in this. And we sort of had this open-tent mentality in policy that we set forth and said, listen-- you know, my idea was all sort of based around the drafting. And if I could get those three entities interested and invested in the drafting of language, the idea is then they would feel ownership and want to financially support the measure. Because it was partially theirs. And, you know, MPP drove a lot of this. And they were comfortable with letting us locals decide about things like we're going to have an open-door policy, we're going to let everyone in.

And at the end of the day, I mean, I kind of led the process for six months or so of drafting this thing, which meant just getting input from anyone from the stakeholders we discussed earlier to those major, international drug policy groups, the ACLU et cetera, and getting their input and kind of shaping up the language. And then it worked fairly well. I mean, a lot of the money came from MPP. But those other two groups I spoke about, Graham and then Drug Policy Alliance, did throw in some cash as well.

JANET BISHOP: And MPP being the Marijuana Policy--

BRIAN VICENTE: Yeah, Project.

JANET BISHOP: --Project.

BRIAN VICENTE: Correct.

JANET BISHOP: Yeah. I always try to explain acronyms.
BRIAN VICENTE: Yeah, not a problem.

JANET BISHOP: So, are we at election night 2012? I've heard lots of stories about jubilation and celebration. Your thoughts on election night? What was it like for you?

BRIAN VICENTE: Sure. Yeah, I would say I only began to think we would win a couple days before election night. You know? I had been running campaigns to legalize marijuana for about eight years at that point. And, you know, we had some local victories. But, because marijuana had never successfully been legalized at the state level for 100 years, it all seemed a little daunting. And, sort of, the numbers really kind of went our way in the last week or so.

JANET BISHOP: And before that it didn't look promising?

BRIAN VICENTE: Well, it just kind of looked like it would be very close, or we would lose by a couple points. And we sort of benefited from this presidential year surge, where you have younger voters, disenfranchised voters that turn out. And they, in vast majorities, support our work. You know? Because they're most affected by it, often, prohibition. So anyway, so yeah. Election night, I mean it was absolutely incredible. I mean, it was just this packed house of people that had supported us over the years and then people that had driven in from out of town that just wanted to see what it would be like if marijuana became legal, people that had spent years and decades of their lives in prison for marijuana were in that room.

And I was basically doing media interviews almost the whole night. But my mom was there, my wife was there. It was a very special event for me. And then I think there was this sort of collective sigh of relief slash jubilation when the election results were announced. And people knew that they were literally witnessing this piece of history, where we shifted from prohibition, after 100 years or so, to regulating.

And it was just incredible. You know, there was this buzz that ran through there and people cheering and hugging each other. And then we sort of got up and gave speeches and continued doing national and international interviews basically all night and then again in the morning and then probably 25 a day for weeks after that.

JANET BISHOP: And I'll ask you a little bit about the international perspective on this. That reminds me of a question I was thinking about as you talked about election night. And that was, it sounds like your family has been supportive of your work. Did you find their views, though, shifting, or more support? Or what were their thoughts over this time period?

BRIAN VICENTE: Yeah, I'd say, you know, when I first started doing marijuana work full-time the day I graduated law school, I would not say my family was, my parents were, particularly supportive. I think they sort of were more like, OK. This is something you're interested in doing. And you have your own rationale why this is a social justice issue. But there's a lot of stigma. There's just a lot of stigma related to it. There was. Maybe there still is. But, you know, over the years they got to know Mason and Josh and Christian, and these people that I work with closely and realized there are a lot of good people at the table.
And I think their views did shift, and they began to get it. You know, they were just like most people that never thought about marijuana prohibition. And once you kind of get in there and get people thinking about it, they're like, wait, yeah, it doesn't make sense. So I think, yeah, they became sort of increasingly comfortable with it. And I think that they're proud at the end of the day. I mean, I set out to accomplish this goal somewhat naively in 2004. And here we were eight years later, and we actually did accomplish it.

JANET BISHOP: So, and then a follow-up—well, I'll hold onto the original question I have about the significance of Colorado as being the first in the country to legalize recreational marijuana, at least by a couple of hours.

BRIAN VICENTE: Yeah.

JANET BISHOP: What I'd like to ask you now is, tell me a little bit about post Amendment 64 legalization, the day after, say, election day and into 2013. And did your work branch out into working with other constituencies, did you have a national presence or consulting, were you working on an international level? What was your work like?

BRIAN VICENTE: Sure, yeah. It was extremely busy but, really, in a wonderful way. As I said, I was probably doing 20, 25 media interviews every single day. So the fact that Colorado had done this in their sort of concentric circles that went out, was very moving. You know, we were able to talk to newspapers in China and say we think marijuana laws are bad. You know, like audiences that you never thought you'd be able to reach.

JANET BISHOP: Any international interview stand out? Any particular interviews that were significant?

BRIAN VICENTE: Yeah, I mean I was on Amy Goodman. I thought was pretty cool. You know, I've always sort of looked up to her.

JANET BISHOP: Explain who Amy Goodman is.

BRIAN VICENTE: Oh, I'm sorry, Amy Goodman from Democracy Now!, just a left wing TV-radio host who I just think is—an author, and she's a very powerful woman. I think it was the New Delhi times, which is the largest English-language newspaper in India. I had a quote in there. It was just sort of—Rolling Stone, like you know, these—New York Times. And sort of every news outlet in the world wanted to—I think they were shocked that this happened. And especially because it was sort of a rebellion from within, right? You have the US dictating this horrible drug policy internationally for decades and decades and decades, driving the war on drugs. And then, suddenly, you have this rebellion from within the United States, where you have states saying, well, we don't agree with this.

And the fact that we were able to speak out and do that, I think, sort of crystallized the idea in citizens’ heads from around the world that this is not hypothetical. This is actually something that could happen. And what does this mean? What does it mean in relation to the UN charter? How's the US going to deal with treaties? What if another country does this? Is the US going to cut
them off? It led to all these really, really interesting questions. And it also led to the sort of foggy period where we didn't know what the feds were going to do. It had never happened before. There were some people that thought the feds were going to come in and sort of sue the state to prevent implementation or come in and arrest everyone who had medical marijuana stores. I mean, there was fear in the air.

And we intentionally wrote the initiative to have a breathing period, but not too long of a breathing period before the state had to do something. Right? And that's one thing I think we did that was very smart. I know state officials really hated that we did this. But we had hard deadlines in the initiative, which now was part of the constitution, that said you, the state, need to have regulations by this date, issue licenses by this date, or else the state, the locals can do it.

We just put a lot of thought into that, and it forced their hand. Otherwise, I'm convinced they probably never would've done anything. But in terms of the reaction, I mean, we received calls from Uruguay. And I went down there and met with the presidential cabinet and spent a week or so just sort of talking about the lessons we learned here and doing speaking tours and talking about why it might be beneficial in other places.

I will say the elected officials in Colorado who were sort of, almost uniformly, against us changed tune overnight, just overnight. They said, oh, well, now that this passed by a large margin, bigger than Obama. We had a bigger margin of victory than Obama did in Colorado that year.

JANET BISHOP: Remind me of the percentage.

BRIAN VICENTE: 55-44. So it was a 10-point victory. Everyone said, oh, this seems to be the way of the future. And I want to be on with what's going on in the future. And so we had a lot of elected officials get in touch. I think within two or three days of passage, we were invited to meet with the governor, who had long been sort of our foil and gadfly. We just, for years, had been sort of poking him. And he'd been poking us. And that allowed us to then get our message out, because we were attacking this guy in power for being a hypocrite, because he sold alcohol, what have you.

But I remember we went down there. And we're sitting in the governor's waiting room. And they say, oh, the governor's ready for you. And we stand up, but then these other guys who were sitting in the waiting room stand up, too. And we're like, what's going on, receptionist? And the receptionist is like, oh, I meant the oil and gas guys. And so the oil and gas people go and meet with the governor. And then we get ushered into this side room to meet with his chief of staff, who I actually have a lot of respect for. But it just really soured me on, like, his-- you know, this is a historic change in his state. You'd think he might want to meet for five minutes with the principles, but instead sort pushed it off on his chief of staff. So maybe it was telling about his priorities. But yeah. I mean, and then we were very concerned about making sure the government stood by the law and sort of subsequently implemented the law.

JANET BISHOP: And did you travel to Uruguay with Christian Sederberg?
BRIAN VICENTE: No, I went probably three or four months before him. And then they followed up and I think maybe invited us both back. But I had just had a child, so I didn't want to go back again. And Christian is a wonderful, you know, very bright guy. And I think he's kept in contact with folks down there. And, as you know, they did subsequently legalize marijuana.

JANET BISHOP: Mm-hmm. In Uruguay. Yes.

BRIAN VICENTE: Yeah.

JANET BISHOP: So 2013, 2014, the front page of the New York Times on January 2, I believe, had somebody standing in line, I think a gentlemen.

BRIAN VICENTE: Oh, not just somebody. That was completely orchestrated by our team.

JANET BISHOP: So could you tell me a little about that? Because I remember seeing the pictures in the New York Times.

BRIAN VICENTE: Yeah, it was very powerful. I mean, so the way we set out the law, again, we had strict timelines. And we said, you know, you need to give licenses and sales need to begin, I guess, January 1, 2014. And we held the state's feet to the fire on that. And then we knew that, OK, all these medical marijuana stores that had applied to change over, they'd all be eligible to start selling marijuana that day. But we wanted the right message on the first day of sales, right? We knew there'd be a massive, national audience. And we had really good press contacts, because we were the guys that legalized weed. So, months in advance, we started thinking about who would be the best person to stand in line to buy marijuana. You know, is it a soccer mom? Is it some guy who spent 20 years in jail? Is it whatever? And so we decided to hold a press conference, which was packed. I mean, I'm talking hundreds of media outlets. I've never seen anything like it. Even when we legalized marijuana, this was bigger, you know, at this store. And we arranged for the first purchaser to be this guy Sean Azzariti, who was a veteran of the Iraq war and suffered from post-traumatic stress disorder. We had done some work with him trying to allow for people with post-traumatic stress disorder to get medical marijuana in Colorado. It's not a qualifying condition under our law. It still isn't. It had not been successful. So we ran some TV ads saying hey, if we legalize marijuana, this guy can actually access it legally, and won't be considered a criminal.

And who can sort of argue with that? If you serve our country and you have PTSD, you should be able to use medical marijuana, not be thrown in jail for it. So we sort of cued that up as the photo op, and then his story went out, like US veteran. I think it was a powerful story. And that press conference was very, as I said, just a complete, packed house. And the principles, Mason and myself, and Betty Aldworth, who did a wonderful job as the spokesperson for the campaign, spoke. And it was amazing. And it was a culmination of a lot of work. And for me, it was very powerful to legalize marijuana that night in 2012. But to be there for literally the first sale, it was just very powerful. So I was there very early in the morning on New Year's Day, so I was a little tired.
JANET BISHOP: So Sean Azzariti-- there was only one store? How did he become the very, very first? Because I would imagine other storefronts in Denver would be selling.

BRIAN VICENTE: Yeah. There were other people. Correct. So some stores were afraid to be the first, so we didn't have to worry about them. And then other stores did send out press saying, like, oh, we're going to do sales and stuff. But we contacted them and said, listen, let us make the first sale. And some of them agreed. Some just weren't savvy enough to overwhelm our voice. We had spent, at that point, 10 years solidifying ourselves as the voice for marijuana reform in the state. And we had all sorts of press contacts. And we also-- were the guys that legalized marijuana. So we were very organized in saying this is the place to be. And, you know, and then after that we said, sure, now go tour this grow. And do those other people that are trying to press. Do it. But, like, this is where we want the energy to be that morning. And people respected that.

JANET BISHOP: So, for most of 2014, were you doing interviews with the media? And, as Joshua pointed out, you had a law firm to run, too.

BRIAN VICENTE: Yeah. Yeah.

JANET BISHOP: So tell me a little bit about how you parsed out projects and responsibilities in 2014, maybe into 2015.

BRIAN VICENTE: Sure. Yeah, so it was kind of a quid pro quo where, for much of 2010, 11, and 12, I was somewhat absent from the law firm. Because I was running the legalization campaign, and that was my focus. And I would still do a little bit of private work. But really Christian and Josh were the guys holding it down. Once we legalized marijuana, Christian stepped into more of an implementation role with the state. Right? At that point, we kind of switched roles, and I became a little more of the private client guy. And now it's sort of evened out. We all do a little bit of policy work. That's kind of the joy of our law firm is everyone does a little bit of policy work and a little bit of client work. And you sort of feel fulfilled at the end of the day.

I do believe that, and I preach to my staff that, everything we do to help our clients-- our clients are marijuana businesses-- operate in a safe and compliant fashion, you know we're doing to solidify the legacy of legalization. If these stores can't operate because they don't have good legal advice, then the whole system collapses.

JANET BISHOP: So were your clients in 2014 mostly marijuana businesses? Did you have any medical marijuana patients anymore? What were the cases like?

BRIAN VICENTE: Yeah, it was almost all business law at that point. So it was almost all representing businesses and prospective businesses in the marijuana space, exclusively in marijuana space. Prior to that, going back to my early work, there were no businesses. Right? So I would represent caregivers or patients or just some guy who got busted selling weed or what have you. But then it became more of a business law practice, because we now had laws that we could build businesses around.
JANET BISHOP: And without necessarily going into any specific cases, which you may not be able to talk about, but were these businesses being harassed in some way? Or were you working with compliance with them? Why were they coming to you, I guess, is my question.

BRIAN VICENTE: Yeah.

JANET BISHOP: And maybe a naive question.

BRIAN VICENTE: No, no. Not at all. We consider ourselves essentially like a one-stop shop for marijuana businesses. So if you want to set up a business, you want to bring investors, you want to get property, you know, you get in trouble because you're not following the rules, you need to know how to follow the rules, and we do audits to make sure they do it. You want to expand beyond Colorado, it's all those type of things, which I find pretty interesting.

JANET BISHOP: So to follow up on the last thing you said, are there local businesses now that are expanding beyond Colorado? I mean, how does that--

BRIAN VICENTE: Yeah. There are, yeah. I lead up a lot of that part of our practice. I mean, basically, for years it was there were sort of folks that were not necessarily traditional business people that were selling marijuana. And now we have more and more of these sort of folks that have either refined their business or are coming out of traditional business backgrounds and are entering the marijuana space and are navigating these laws.

And some of them are becoming very successful. And they want to be the next Pepsi Cola or whatever. You know, they want to take their brand national. Or they want to open up another store in Nevada or somewhere that passed a law similar to here and build their store brand. Or just capitalize on that.

JANET BISHOP: So like a franchise.

BRIAN VICENTE: Kind of like a franchise.

JANET BISHOP: Yeah.

BRIAN VICENTE: Yeah.

JANET BISHOP: And does it work the same with marijuana? You would have to open up the franchise, I imagine, in a state where it's legal, obviously. So how does that work?

BRIAN VICENTE: Yeah. Yeah. Yeah. And I should say, too, franchise is actually a very specific legal term.

JANET BISHOP: OK.

BRIAN VICENTE: So they're not franchises, because then they'd have to follow this franchise law. But basically, it's almost like an intellectual property play. You know? Like, we can't cross
state lines with marijuana. So what my clients would do is they have a marijuana store that's running very well in Colorado. It's called Brian's marijuana store or whatever. They would open up Brian's-- they would just literally bring their intellectual property, their processes, their ideas, their branding, their logo to Nevada, navigate that state's laws to set up Brian's Nevada and then do it again in Maryland, do it wherever, and as such sort of build these independent-- I mean, they have the similar ownership. But you're not just sending marijuana around. All the production would have to take place in that state. And certainly you can only do it in states where it's legal.

JANET BISHOP: Right. So do you think that's a trend of the future?

BRIAN VICENTE: I do. Yeah. I mean, my assumption is this will be sort of like craft beer or maybe coffee shops, where you'll have some local shops. And sometimes you see two of the same, two shops that are just in that city. But then you have Starbucks. And some of these guys are happy to be the one-stop, one-shop guys. Some want to be two. Some want to have 10 in Colorado. Some want to have 1,000 across the country. And so, you know, we are kind of just helping people fulfill their dreams in that space.

JANET BISHOP: Very interesting.

BRIAN VICENTE: Yeah.

JANET BISHOP: And so to wrap up this sort of cluster, and then I have a few more questions to ask, so you were working probably media outreach still, helping in all things regarding legalized marijuana, from setting up shops to helping businesses navigate the laws to drafting laws to finding property. Anything else? I mean that's a lot of--

BRIAN VICENTE: Yeah, I mean assisting the legislature. I think you got at this. But the legislature then sort of, the state legislature, decided, well, marijuana's legal. We'd better pass a bunch of new laws to try to regulate it even more. And that actually is important. But we had to sort of be there to be like, well, here's what we had in mind when we wrote Amendment 64. Here's what we think makes sense. And so there's that sort of degree of local or, excuse me, of state and then sometimes local work as well, you know, with local governments, deciding if this is the right path for them or what have you.

JANET BISHOP: So being advisers to various states.

BRIAN VICENTE: Correct.

JANET BISHOP: I've been following other things in this election year. But what states are on the ballot? Are any states on the ballot for this coming November in terms of legalization of marijuana?

BRIAN VICENTE: Yeah, there are. I think, other than 2012, this will be the most important year in marijuana policy ever. Because we're going to see, this November, California, Massachusetts, Nevada, Arizona, vote on legalization. I think probably three of the four will pass, including
California, which is a mega, mega market. And then we have Ohio, Florida, Arkansas, Missouri all of which should be voting on robust medical marijuana laws this November. So it's kind of like a sea-change type election. You know? And my guess is this is sort of the nail in the coffin of prohibition. And when you have that many states and sort of this, you know, sea change, and I think Congress will have to make some sort of action to explicitly allow these states to act legally under federal law, probably 2017.

JANET BISHOP: And have partners in your firm acted as consultants with--

BRIAN VICENTE: Basically all of those campaigns.

JANET BISHOP: --campaigns. OK. So I think in our hour we have, we have about 15 minutes or so.

BRIAN VICENTE: OK.

JANET BISHOP: So I have a few more questions for you. And I think most of your colleagues have given their viewpoints on this. But it's always interesting to get a variety of viewpoints. And since this is a regional oral history specific to Colorado, what do you think is the significance of Colorado being the first state in the country to legalize recreational use of marijuana? And were there unique elements to the state that made your advocacy successful?

BRIAN VICENTE: Yeah, I mean I think it's extremely significant for Colorado to be a sort of thought leader in this space. It sort of positioned us as, like, the Silicon Valley of this new industry, marijuana, which I think will spread. Legalization will spread internationally very quickly in next several years. And, you know, certainly, as we discussed, it did not happen overnight. This was essentially an eight-year campaign that we worked on full-time to sort of soften up Colorado voters to this concept. But I do think that Colorado voters were to some extent predisposed to be open to sort of free thinking in space. And I think Colorado has a bit of a, you know, a bit of the western frontier mentality, the sort of get-the-government-off-our-back type thing, and let's pursue different ideas. There is a libertarian streak here, if you will, and I think that presides over much of the state.

It also is a state that in recent years, I think, has trended to bring more sort of-- younger, progressive voters are moving here. And I think that's sort of shifted things in this way as well. But, you know, at the end of the day, I think this will be viewed as a successful model in the same way. I think it'll be viewed as a successful model that really will be sort of exported to surrounding states, surrounding countries. And when people look back at the history of marijuana prohibitions, it'll be sort of like the history of alcohol prohibition.

Now I think my kids, who are one and three, they literally have grown up in a world where marijuana is legal, and people aren't thrown in jail for it. And my guess is when they're older, they'll say, I can't believe there were people being thrown in jail for this? You defended dying AIDS patients they were trying to throw in jail for using medical marijuana, Dad? Like, I just imagine, I don't know. But I just imagine they'll think the same way you and I might think, I can't
believe we used to arrest people for possessing alcohol. It seems insane. You know? And I just think we've found a better path in Colorado. And my guess is that will continue to resonate.

JANET BISHOP: Yeah, and it's interesting. I think I mentioned to Christian Sederberg, when I first walked into your law offices, I was reminded of Seattle in, say, 1991.

BRIAN VICENTE: Yeah.

JANET BISHOP: And, very different issue, but the software boom.

BRIAN VICENTE: Yeah. I think you're right.

JANET BISHOP: Aside from just social justice, which is, you know, germane to this.

BRIAN VICENTE: Yeah, they're both very interesting sides of it.

JANET BISHOP: So I have one question that relates to perhaps my last or second-to-last question. And this is a very timely question. Are you 100%-- we're in a very interesting election year with very interesting candidates, shall we say. And people have said this is very historic election year because of the sort of outsider candidates that have become popular. But few of the candidates seem to be in support of legalized recreational marijuana. Most mention medical marijuana, maybe. Do you think there's any way that a new president could come in and this could be rescinded, without having a crystal ball? Or that there could be more trouble than what has seemed to be the case in Colorado, where there's been not a blind eye, but benign acceptance isn't quite the word. But you know where I'm trying to get at.

BRIAN VICENTE: Yeah. Yeah. So are you saying a new president would overturn legalization? What are the chances of that? Yeah, I think it's very unlikely. And I think even if it's, you know, I think it's very unlikely that the Republicans out there would be elected. If they were elected, I think my strong feeling is that with this election cycle, where a bunch of states will be legalizing and medicalizing marijuana, I have a hard time thinking that any president could put the genie back in the bottle, when you have that many states that have legalized marijuana, medical marijuana. And it's become a sort of ingrained part of their economy and society. So it's certainly possible, but I think it's pretty unlikely.

JANET BISHOP: And so then what you see 10 years down the road? What do you see in the future of legalization?

BRIAN VICENTE: Yeah. I do think marijuana will be regulated like alcohol probably in all 50 states in 10 years and probably in a large handful of countries, dozens of countries.

JANET BISHOP: And which countries would those be?

BRIAN VICENTE: Well, I think, I mean we've seen tons of movement in Central and South America, Canada. Trudeau, the prime minister, has said he's going to legalize marijuana in the next couple of years. I think large swaths of Europe. We probably won't see much movement in
Asia and Africa. But I think we will over time. Right? You know, and the Middle East, they're sort of uptight about even alcohol. So it's sort of hard to imagine.

But I think we'll see much of the Western Hemisphere moving in a direction like Colorado. I think Colorado will be viewed as sort of the root of that. I think places will do it differently, the same way, you know, you have to buy alcohol from state-run stores in Pennsylvania. I think it'll be run differently in some ways. But I do think it's a model that is simply better than prohibition. And it will be widely embraced in 10 years.

JANET BISHOP: And you win the prize, because you're the last lawyer, I believe, we're interviewing at Vicente Sederberg, although we may come back for more narrations, perhaps, if we need more information. But, so I'll ask you this question. And I have a theory, but I want to hear if you have a theory. What contributed to the success of your firm? Do you all have similar characteristics? What are a few of the characteristics that made you guys successful in pushing legislation or legalization? And with the caveat, I understand, it takes a village.

BRIAN VICENTE: Sure. Oh, yeah.

JANET BISHOP: But you seem some of the main drivers of the village.

BRIAN VICENTE: Yeah. I mean, I think it's sort of a complicated question. But I think in terms of the advocacy work, we from the beginning took it very seriously as our jobs and, as such, would put on ties and get out there try to sort of be reasonable. We also had a very good dynamic with Mason Tvert kind of being the bad cop and me being the good cop. So I was able to kind of, maybe because I'm a lawyer, and I was a little more, quote, reasonable than the guy and was able to kind of coalition-build and speak to powers that be, sort of educate on this while Mason was essentially shaming people into supporting these policies, which he did masterfully for years and years. So I think that contributed. And then I think it's just a long and concerted effort with good advice on sort of how to message.

And we've kind of just stayed true to our ideals. And I think we're authentic. And eventually, we won over the people. Like this was a completely organic movement in that sense. Like, we did not have institutional players, you know, the government, on our side. We just kept bringing it to the people. And the people kept siding with us.

JANET BISHOP: And it seems like there's a strain of-- well, anybody has to be this way with an enterprise, but determined optimism.

BRIAN VICENTE: Yeah.

JANET BISHOP: Amongst your various colleagues.

BRIAN VICENTE: Yeah. I believe that, yeah, there's a degree of sort of idealism that runs through here and finding a way to kind of get to yes, to make progress when everyone's sort of telling you, you can't. So that's been something we've built our practice around.
JANET BISHOP: So this has been very, very interesting. And thank you again.

BRIAN VICENTE: Sure.

JANET BISHOP: In the few minutes we have, any last observations?

BRIAN VICENTE: Yeah, I just want to say, like, it's been a very personal sort of battle for me in that, you know, this is how I woke up every day, sort of wanting to fight this fight but staring down 100 years of prohibition and I would say, to some extent, widespread ridicule of our work. And I had moments where I was threatened by police. And council people pushed me, like, literally pushed me. I got, like, a death threat, which I'm happy to show you guys, in the mail. And that's scary. And so you sort of have to steel yourself in the face of that. But looking back, I'm very glad we did. Because I think where we've landed is a really positive place. But, you know, it certainly has been a lot of ups and downs. And I'm sure you guys have gathered a lot of those ups and downs on tape here. But it was just a long-term, concerted effort. And it really, I think, paid off.

JANET BISHOP: And did you ever lose heart, or your determined idealism trumped, so to speak, any discouragement you might feel?

BRIAN VICENTE: Well, yeah. I think there were definitely times of doubt. You know? Where we'd run campaigns, and we wouldn't win. And you'd try to keep your eye on the big, long-term picture. Or you'd have another elected official say, why are you throwing away your life on this? Or your parents would be embarrassed to tell their friends what you did. That's not a position anyone wants to be in. But we sort of just powered through all that. And I sort of tried to keep my eye on the prize. And, again, I felt like I had Mason Tvert and Steve Fox and then, ultimately, Josh Kappel, Christian, and others who were just good people and were willing to have our backs and fight it out with. And that was important.

JANET BISHOP: Thank you.

BRIAN VICENTE: Yeah.

JANET BISHOP: This is great.

BRIAN VICENTE: Yeah, great to chat with you guys.

JANET BISHOP: Well, again, it is still April 6, 2016. And I'm wrapping up my interview with Brian Vicente of the firm Vicente Sederberg. This is a wrap of my sessions with Brian as part of our stories of Amendment 64 project. And, again, this is Janet Bishop on behalf of Colorado State University.

BRIAN VICENTE: Cool.

JANET BISHOP: Thanks again, Brian.
BRIAN VICENTE: Thank you. Yeah, great to chat with you guys.