Amendment 64 Oral History Project Interview

Thursday, February 18, 2016

Christian Sederberg – Part 3 of 3

Janet Bishop, Interviewer

JANET BISHOP: This is Janet Bishop, and I'm wrapping up my interview with Christian Sederberg of Vicente Sederberg for our Stories of Amendment 64 Oral History Project. The date is February 18, 2016. And we're back at the law offices of Vicente Sederberg in Denver, Colorado.

At the end of our last session there was even more to talk about. Post Amendment 64 and Christian's activities with NGOs, with the UN, with lobbyists, and other such things, which really will enrich the story of Amendment 64 and its lasting impact. Not just on Colorado, but on the nation and the world.

So, with that in mind, and given that we were strapped for time, we thought we'd come back and I would interview Christian for just a little bit more on the topics I mentioned. And thanks, again, Christian, for being a good sport and coming back for a third go round.

CHRISTIAN SEDERBERG: It's interesting. It's great what you guys are doing, so.

JANET BISHOP: Yes. And as they say, three is a charm. So with that said, at the very end of our interview, we start talking about your work with the CRCR, with your speech to the UN, and such. But placing this in a time-- let's expand on that further if we could.

And, I guess my question is, post 2012, by about 2014, the first person stood in line on January 1 to buy recreational marijuana in the state of Colorado. And I believe you know, or you mentioned the person by name. After that date, could you tell me a little bit about your activities more in detail, your activities in working with other governments, what was happening with lobbyists? You became a very, as you say, behind the scenes person. So could you talk a little bit about that?

CHRISTIAN SEDERBERG: Sure. It actually goes back probably to three days after the election in November, 2012, where this is where a lot of this comes from, and the genesis of my role as an implementation person for the campaign. So we, Steve Fox, Brian Vicente, myself, went to meet with the governor on, I believe it was a Thursday, after the November election in 2012 to discuss what was going to happen next.

And at the governor's office we met with Jack Finlaw, who is the governor's chief legal counsel, and a deputy legal counsel. And we really said that we were there to send a message that it was
not the time to ask the federal government if we could proceed, it was to tell them we were proceeding, and ask what concerns we should be focused on, and address in moving forward.

Because the law had passed and we didn't think-- if we asked the federal government, they would say, you shouldn't do it. You shouldn't implement it. And there was a mandate, and so it immediately puts everyone in a bad position when you ask them if you can or should do something and they say no. Why not just tell them you're doing it and move forward.

Steve lives in DC and had been working on the campaign. He's a very busy person. Brian ran the campaign, but had not-- because he was running the campaign, had not been really heavily involved in the regulatory side for medical marijuana for the previous two years. So Jack Finlaw called me and told me there was going to be an Amendment 64 taskforce, and that he wanted me to represent the campaign to regulate marijuana like alcohol on this taskforce.

And so I was immediately thrust into a position where we were going to put together all these work groups. And we ended up doing thousands of hours of meetings between these 27 plus people that the governor appointed, and then there was a number of sub work groups that we were all assigned to. Eight of the 27, were assigned to co-chair, maybe it was 10 of the 27 were assigned to co-chair those work groups.

JANET BISHOP: So there were 27 sub taskforce groups?

CHRISTIAN SEDERBERG: I believe—no, there were 27 people. That included like two senators, two Democrat-- two senators, two members of the House of Representatives. One Republican, one Democrat on each side. It included leaders of labor, it included the Colorado Municipal League who lobbies for cities. It included the Colorado Counties, Inc, people who lobby for counties.

It was just a really-- some people that were anti, actually, several people that had worked on the No on 64 campaign. A couple of industry representatives, and then a representative for NORML, which is the National Organization for the Reform of Marijuana Laws, which had been around for quite a long time.

So we had an interesting group. And then of that, they broke us into-- everyone then worked on subgroups. There's four big issues. It's funny, I don't even remember what all four were. I was assigned to the consumer safety social issues work group. And that was co-chaired, I was the co-chair with the doctor who was the head of the Colorado Department of Public Health and Environment at the time.

And so we were charged with starting, getting these sub work groups together, and hearing public testimony, and coming up with strategies, recommendations to the legislature, about protecting consumers, protecting the public in general.

JANET BISHOP: And that would be through testing?
CHRISTIAN SEDERBERG: Yeah, testing was one of the things we talked about, although, that was also talked about in some of the regulatory framework in another work group. But a lot of things that came out of that were things related-- honestly, a lot of it was related to kids, and how do we protect people from, or kids, from getting their hands on marijuana. Not just through ID'ing them at the stores, but through the one biggest example, which is becoming a very big industry, or sub industry, is packaging.

So we heard-- I got a call from a doctor who was talking about the 1970 Poison Prevention Packaging Act which is what we made child proof, or child resistant bottles. And also, if the stuff under your sink, certain chemicals that are very dangerous, lye, all these other things. In addition to pharmaceuticals, we created this whole federal law that basically made it so accidental poisonings went down by 90% very quickly.

So it was one of those things, because people were talking about what about edibles, what about kids getting their hands on these things. So he came and spoke at one of the first couple meetings, and we made a recommendation to have all marijuana placed in similar type packaging. We tweaked it a little bit because we didn't have to follow the federal stuff exactly. But that's why there's now this whole industry of packaging that marijuana products, and the loose marijuana, everything, they generally come in child resistant packages. Again, a whole industry has popped up out of that.

Other things we-- a couple of really good recommendations I think we made were, that in the commercial markets, marijuana cannot be sold in combination with nicotine or other substances that would have a tendency to make marijuana more addictive.

JANET BISHOP: So if somebody came into a-- well, they would only come to a dispensary. In other words, dispensaries were banned from selling cigarettes.

CHRISTIAN SEDERBERG: Yeah, and not just cigarettes, but they couldn't sell marijuana mixed with tobacco. So that these are called blunts, or spliffs, which means you have marijuana rolled together with tobacco. And hash, it's really popular in Spain. And those places, that's how a lot of people consume it, with tobacco.

So our position was that we should not be putting it with things that are that addictive. But also, historically, the tobacco industry had put additives into cigarettes that created faster uptake and quicker dependence possibly on nicotine. Maybe not even possibly, this might be a fact. But that kind of behavior we thought to be inappropriate.

The other thing we said is, you could not combine marijuana, or THC, or any of whatever with alcohol. Except for tinctures and other small things, but if it required an alcohol license, we said it should not-- we don't want-- what I didn't want to see is like marijuana vodka coming on, and then all of the sudden, someone would drink a bottle of marijuana vodka on a dare, or something stupid would happen, and someone would actually die for the first time from ingesting marijuana. Even though it would have been the alcohol. So those were addressed in that work group.
JANET BISHOP: To your knowledge, because similar states passed recreational marijuana, notably Washington state roughly around the same time. Do they have similar regulations in place?

CHRISTIAN SEDERBERG: They do, yeah. They have a lot of similar stuff. They followed our lead on a lot of it. We actually started through this taskforce, a part of this taskforce, some of the people in the state government, and a few others, we started having weekly calls with the Washington State people who were implementing.

But we realized pretty quickly, and this is no affront, or no offense to Washington, but we had been regulating medical marijuana at a pretty high level for several years. And so we started getting on these calls and we'd start talking, and they'd be like, what's vegetative plant mean? And some of these very, very basic regulatory questions that we had dealt with years before.

So they weren't as productive as we'd hoped, except for maybe to help us get our confidence that we were really far ahead of the game, and that we were in a good position. A much better position than, perhaps, Washington was at the time to really move forward, and think about stuff. Not deal with these big picture issues at the front end, we had already dealt with those, but really focus on regulation.

JANET BISHOP: And this is the fall of 2012, winter of 2013.

CHRISTIAN SEDERBERG: Yeah, this started in December. And then, really, January, February.

JANET BISHOP: Of 2013.

CHRISTIAN SEDERBERG: Yeah, so Colorado legislature goes into session early January, and it goes till May. And so the idea was we would put together these recommendations through this Amendment 64 taskforce, which the governor appointed everyone. Put together these recommendations, and then recommend them to the Colorado legislature.

And they could then take what they wanted. They didn't have to take every recommendation, and they didn't. But by doing that, we were able to at least give them a framework. And those meetings were open in public, open meetings, public could come. And legislators, Representative Dan Pabon, and Senator Cheri Jahn, really took a lead on this. And they were-- so that way they could educate their colleagues, or tell their colleagues to come.

And then once that wrapped up, so what we'd do is the big group would meet several times, and all of this, I think we have a report or something I can give you guys, or it's available online. But the big group would meet and try to reach consensus on the recommendations that were coming out of individual working groups.

And so another one was, the regulatory working group was like, what is the regulatory framework going to be like? It turns out that we use the medical marijuana system really sort of substantially with different tweaks because there's different nuance. But there is law enforcement
recommendations, or really criminal justice, like what recommendations on changing laws to conform them, criminal laws to conform them to the new world that we're living in.

So that we get there, and then we reach consensus, and then by the time that consensus was reached, those recommendations went into a report, the report was released, and it went to the legislators. So then, it was like, OK, we've done all this work. And so now that we've done all this work, it needs to go to legislature. So I was a natural fit of the person that could go and make sure that the things we talked about were honored, and that our priorities as a campaign, but also of the taskforce, were met.

And so Mary Kay Hogan became my lobbyist. And she worked for Governor Ritter at a very high level, doing high level legislative work.

JANET BISHOP: So Mary Kay Hogan was your lobbyist at the state level?

CHRISTIAN SEDERBERG: At the State Capitol, yep. And she's, like I said, she still works with us. We we're down at the Capitol yesterday together. Four sessions later, five sessions later, whatever it's been now. She's very, very high end, sort of the-- we call her-- she's the all-star, if there's like the pro teams, the college teams, the high school sort of level of quality of lobbyists. She's at the all pro, super level. And she also worked with some law enforcement historically, and even during that session. So she knew, she knows everybody involved.

And we also hired Joe Megyesy, who had worked on the campaign, and Samantha Walsh came over. She was a hemp activist, and she became one of our other lobbyists on the team. Shawn Coleman, who's still a lobbyist with-- 36 Solutions is his lobbying firm. But we all were the four horsemen down there to get it done.

JANET BISHOP: Right. And hopefully not apocalyptic necessarily.

CHRISTIAN SEDERBERG: Yeah, exactly. Maybe that's a wrong analogy.

JANET BISHOP: No, that's fine.

CHRISTIAN SEDERBERG: I think many people thought that, of course. So that was a pretty-- end of February, so we had like really March, April. We had to get a bunch of bills through both houses and signed by the governor, really, in a very short period. So Mary Kay really came in and knew the process and how things moved around. Sam Walsh had worked for the Senate president. So we had a good team.

JANET BISHOP: So to ask a naive question, so as a drug policy lobbyist, Mary Kay Walsh's typical day would be to talk to other legislators? And make sure that these laws, or regulations, were passing through?

CHRISTIAN SEDERBERG: Right. And just maybe, in case I misspoke, her last name is Hogan, so it's Mary Kay Hogan. No, it's fine. I just want to make sure. I could've said something-- there's also John Walsh who's the US Attorney, so sometimes his name creeps into my dialect. So Mary
Kay's job is to really understand the way that bills are passed. If you've seen the cartoon, the bill guy that-- similar stuff, right?

So bills get drafted, they get introduced, and they get assigned to committees. And they go through committee hearings which are smaller groups of legislators. And if they don't pass their committee, they don't ever see the light of the full floor of the Senate, or House, or they never hit the governor's desk.

So she made sure she monitored the process. And she would say, OK, this is the committee that it's going to, I know these legislators that we can talk to. We approached it as a, really, that the legislators were our clients. And we just had a lot of substantive knowledge of this issue. And so we'd, if you have questions, call us. Staff especially, we said. We won't answer them because, with our agenda, we'll answer them totally truthfully and honestly.

That was our strategy, too, is that we were not going to mislead anyone, or get into what some people might think of lobbying as crafty, crafty maneuvers, and other trickery, and things like that. Which happens, and it's a part of the process. We were really just focusing on getting bills passed. Other people had specific agenda items, we had really very few agenda items. The biggest agenda item being, get these bills passed so that it gets implemented in a time frame that allows stores to open that next January, six months after this was all said and done.

JANET BISHOP: So this was all poised to make it to January 1, 2014.

CHRISTIAN SEDERBERG: Because Amendment 64 basically said, the Colorado Department of Revenue shall be the agency that regulates this. And they shall promulgate regulations. It also had a component about taxes that said, there would be an excise tax, the first 40 million of which, up to 15%, and then it can change over time. That would be dedicated, the first 40 million would be dedicated to schools, public school constructions, funds for public school construction.

We can't do that in an Amendment. You actually have to pass a separate law in Colorado to pass taxes. So they had to create that tax bill that they could refer to the people to be voted on actually that November 2013. Then there was the regulatory bills.

It was really interesting how they did it. They took all the recommendations, and there was like the controversial ones that were not-- when they decided to-- the consensus stuff was agreed to, not agreed to, by an initial pass through legislators. So they took that bill and put it in-- the controversial one-- in the House of Representatives. And at the same time, they introduced the non-controversial bill in the Colorado Senate.

JANET BISHOP: So just to back up and to clarify again, the controversial bill was--

CHRISTIAN SEDERBERG: Just the items that were not agreed upon entirely. Like some people wanted there to be vertical integration of stores, of retail, adult use stores, for the first couple of years. Other people did not want there to be any requirement like that. Some people wanted it to be-- all sorts of different items related, really, to business interests and other things. Out of state
residency requirements, which we still have in place, that mirrored the two year residency requirement in our medical law, which didn't say anything about that in the Constitution.

Also, the Constitution did say, if there is a merit-based process, that the medical marijuana businesses would be the first people considered in a merit-based process. We actually created it so that for the first nine months, the only people that could apply would be people that had been in the business before. So they could convert their stores, a sort of a transition period.

Those were controversial items. The non-controversial stuff on the regulatory side were packaging. Where it was like things that everyone really easy consensus to get there, right?

So actually, because of the timing, what happens is, you pass a bill out of one house, like the House of Representatives, then it gets over to the Senate. And they start with that bill. And then they can make changes. If they make changes, they have to get back together in order to make sure that the changes are aligned.

And they might just say, oh, we agree with all your changes, or we don't agree with your changes. But that was the idea. Because of the time frame, you couldn't wait for this one, the big one, with controversy to go all the way through. They were hoping the Senate one would start, get through relatively easily, and then go back to that-- go to the House.

And everything would just be-- so that's why there was two regulatory, really two fundamental regulatory bills, that passed. One starts with an SB. And I forget, it's terrible, I don't remember what these are now. And then one is HB. And it’s House Bill and Senate bill.

So, yeah, so Mary Kay would monitor day to day, and say, this is what's happening. I talked to this legislator, they have questions about this. Or we really need to push on these people to get x, y and z done.

And our campaign, we decided, pretty much right early on in that process, that one of our top priorities was going to be, if not our only really priority, was going to be giving the state authority to create rules that would limit the production, or growing of marijuana if needed. Because it's not legal in other states. It's not like you can just set up a factory to build widgets, and if you can't sell your widgets here, you can go sell them in other states. Or if there's an excess widget, you go to the widget--

JANET BISHOP: Warehouse.

CHRISTIAN SEDERBERG: Widget mall. Right, exactly, widget liquidation sale, stuff like that. It just wouldn't happen. And we realized that if there was a lot of production, when it's scaled really big, that could cause the price to drop pretty precipitously. And every dollar that it would drop would be a dollar more profit for someone that wanted to come here and buy it and then take it to a state where marijuana is not legal.

So that was our really, really big priority that we focused on while-- we always tell people basically we were herding cats. We were making sure that when people were getting worked up
about things, that we try to step in, and either mediate, or strongly suggest that they try to get on board. And it was a lot of people involved, and a lot of special interests, and a lot of still relitigating whether or not we should be doing this in the first place.

JANET BISHOP: So speaking of relitigating, or litigation, and I had placed this as a later question in this follow up cluster, but when did the law-- because currently there are several lawsuits against the state of Colorado, I believe, vis-a-vis Amendment 64. Did the lawsuits start immediately, or did they start after a while?

CHRISTIAN SEDERBERG: Those started even I want to say in 2015 was when some of those came through. There's the big lawsuit that's really interesting with Justice Scalia passing away recently, but the United States Supreme Court has original jurisdiction if there is a controversy between states.

And so the states of Nebraska and Oklahoma sued Colorado, saying that this is causing all of this marijuana to flow into our state. And because they're breaking federal law, they're actually hurting our states. Because people are going there, or they're coming from there, and bringing marijuana back, or bring marijuana through to drive it to other states.

Interestingly, Kansas refused to join it on a very conservative principle that, we can't really argue that we want the federal government to get out of issues like abortion, and issues like health care, if we're trying to say, but you have to follow everything. It's mixed messaging as a small seed conservative is what the editor of this major Kansas newspaper said, and is very prominent Republican.

And there's other lawsuit was some sheriffs had filed a case against Colorado. That does not have-- that's a district court type case, just goes regular type case. But the interesting one is the one that goes to Supreme Court. So the Supreme Court actually has trial authority over disputes between states. It's based on water laws, and this guy in Nebraska. Because when there's disputes about rivers, and how much water you're supposed to be getting in your state because you're downstream, you can't just take all the water from your state. There's interstate compacts, and other things.

So I think what happened was this attorney that worked for the state of Nebraska had been working on a water case, which is a very similar jurisdiction thing. It was like a light bulb went on over their head and they filed this lawsuit.

JANET BISHOP: And you're saying that the lawsuit with Nebraska--

CHRISTIAN SEDERBERG: Nebraska, yeah, Nebraska, Oklahoma.

JANET BISHOP: And Oklahoma.

CHRISTIAN SEDERBERG: Versus Colorado. So the way it works is you need four votes on the Supreme Court. All this info goes to this person called a Special Master that is appointed by the
Supreme Court. And they make a recommendation to the Supreme Court, and the Supreme Court has to vote. It has to be four votes for them to say, we are going to take up this case.

They could simply say, we're not going to take up this case. Well, interestingly, you know Justice Scalia-- it talks about there's nine justices, now there's eight currently, because we have a vacancy after he passed away. Well Scalia, a lot of people say, was definitely very close to being on the Yes vote side. So now it's a really interesting question.

And I think tomorrow is the day that-- Friday, whatever it is, February 19, 2016 is the date that they're supposed to be coming out with a recommendation, or that maybe the Supreme Court will be voting on this. So very interesting timing for that case. That being said, we don't think they would take up the case. And we think even if they did, it's a tough legal argument that they're trying to make. They're trying to-- it's interesting. It raises the profile, but it's not really a legitimate case in my opinion.

JANET BISHOP: So in other words, just a follow up-- and for the record, Justice Scalia just passed away, I guess last weekend wasn't it-- you said it was thought he would be Yes in terms of the Supreme Court taking the case.

CHRISTIAN SEDERBERG: He's been in some-- there's some pretty interesting-- he's been in many different interesting legal opinions on this issue. He's both written concurring opinions that we're not friendly to states doing what we're doing, and also, he's made some public statements. That being said, you never know.

It's never a sure thing when it really gets down to brass tacks, procedure, and other things that the Supreme Court looks at that are not just purely, should we take this case because it's interesting? I mean, it really comes down to a lot of questions. But it's just interesting because then that's not- - there's just less justices, so they get four votes. If there's one less justice voting, then it's harder to get four votes.

JANET BISHOP: So we will be back to interview other colleagues at your firm, so I'll swing by in a couple weeks and ask your take on it. And just to wrap this up, and then go back to 2013, 2014. So the Kansas and Oklahoma case is pending, and, per tomorrow, more will be revealed. The suit with the sheriffs and, I believe, Sheriff Justin Smith who--

CHRISTIAN SEDERBERG: From Fort Collins.

JANET BISHOP: I spoke with is part of that suit. Where is that? That's pending?

CHRISTIAN SEDERBERG: I'll have to check, too, because I think it still just pending, or it's in- lawsuits aren't, it doesn't work like it is on TV. They take years, especially these types of lawsuits. There's been some that-- Denver Post Cannabis wrote an interesting article about that case, and others, and where they stand.

There was another case that got dismissed recently, at least as far as the government was concerned, where a private entity, a private person, was suing based upon federal racketeering
laws as a private right of action. This is a law firm, a very conservative, social law firm out of DC. Everyone there has clerked for Scalia or all these very conservative judges. They're all Harvard, Yale type people. They worked on Proposition 8 in California, some other very social issue oriented things. And they sued on behalf of these people, saying the state is-- the governor was sued in his individual capa-- individually as his capacity as governor, the head of the Department of Revenue, the head of the Marijuana Enforcement Division.

Sal Pace and the county commissioners down in Pueblo were sued, and we worked on that case for the Pueblo County folks, but it was dismissed in the last couple weeks with prejudice, which means it can't be brought back up. They said, as far as the governments are concerned, the government defendants, you cannot use these laws to sue them.

And, really, what they were trying to do is, they wanted to sue and they get money, and their attorney's fees, but also, they wanted to challenge the whole system. Their whole goal of getting it in court was to say this is preempted by federal law. So it's another really interesting suit that's still going on, just as the private plaintiffs, but they took some big losses recently.

So yeah, those are the lawsuits that really stem from the state and local governments passing the law back in '13 that we've been discussing. And then moving forward with opening stores on January 1st, where the governments were actually giving people licenses to sell marijuana to adults 21 and over.

Super controversial, except when you think about the fact that the District of Columbia has medical marijuana stores. The federal government sees no distinction between medical marijuana and adult use marijuana. In fact, they've always said medical marijuana is really just people that smoke marijuana, and it's not medicine, or whatever. So it's controversial, but 23 states, District of Columbia, next year we'll have more medical states, and more adult use states after this upcoming November '16 election.

So it's an interesting time. It's hard to focus on-- there's so many different things to focus on, if you get distracted too much with the lawsuits and how interesting they are, I lose a day, I'll lose two days. So I try to keep tabs on them, but--

JANET BISHOP: Keep them at a distance.

CHRISTIAN SEDERBERG: They're too interesting for me. It's like a luxury, or something I really try not to--

JANET BISHOP: Online shopping for you.

CHRISTIAN SEDERBERG: Yeah, exactly. Exactly.

JANET BISHOP: So back to 2013 and lobbying. Both your controversial bill, and you're not so controversial bill passed through the Colorado legislature.

CHRISTIAN SEDERBERG: They did.
JANET BISHOP: And just to place a date on that.

CHRISTIAN SEDERBERG: It was right around May 5, 6. I believe it was like the last bill, if not-- it went right down to the wire. And ultimately, there was a concurrence in the House of Representatives, which means the Senate changed the controversial bill, and did a bunch of changes to it. And it went back, and they go to what's called a conference committee if they wanted to. Which means, several people get together from each house and they try to figure out, and then they try to pass it again in each house. They just decided to concur with all the changes that were made in the Senate. Which were substantial, but really improved, and sort of finalized the whole thing.

Well three days, the last thing is, three days before the session ended-- it takes three days, you have to have three days in order to pass a law out of the legislature. Because you have to wait till the next day of business, you have to pass it a couple times. It's weird, and it I think would shock a lot of people how legislatures work. But actually the president, this president of the Colorado Senate, who was a Democrat, and his name escapes me for the brief moment, I'll remember in a second. But he actually was very controversial on guns, there was a bunch of gun legislation that also passed.

JANET BISHOP: In 2013.

CHRISTIAN SEDERBERG: Yeah. And so he actually introduced a bill, three days left, tried to sneak it in, that basically said, we've got this tax bill that everyone has to vote on in November. And we're going to actually refer to the people the tax bill with another question that says, if the taxes don't pass-- vote yes or no, should we have these taxes? Yes, no. Second question, if the taxes don't pass, should the regulatory provisions of Amendment 64 be suspended indefinitely?

And they actually needed-- to do this, you have to actually have 2/3 of both houses to do it. And it actually came out, when it came out, it had 22 co-sponsors in the Senate, which was 2/3 of the Senate. And so all of the sudden, with three days left, there was like the biggest threat ever to-- it was basically trying to undo. It would have created perverse incentive. Everyone that was against 64 could vote no on the taxes, and then yes on repealing it. Or sort of suspending regulatory.

Even commonsense voters would look at and say, well, if there's not taxes, maybe we don't have the money do it. So, yeah, we should do this. And we believe it would've created very perverse incentive for a taxpayer. Some people that otherwise didn't want this to pass, they'd be like, ah, my second chance. I'm to vote no on the taxes, even though they'd want the taxes.

So it was really controversial. And it was 2/3 of the Senate. We realized it was going to go back to the House, and if it went through, that was going to be referred to the ballot. And so really it was an existential crisis at 6:00 PM with three days left. We had actually--

JANET BISHOP: Because you thought that would be the end of Amendment 64.

CHRISTIAN SEDERBERG: Yeah, I think it very much could have created a campaign, a second cut at 64, where people could really reverse. And some people would just not vote for
taxes, because they don't like taxes. They might love marijuana, but they vote-- but I think it just creates this weird thing where the voters would be confused, and actually they'd be voting not on what they wanted, but on a strategy of how to get a second cut of this.

So it was really a very, very interesting time. And what happened was, after we went to the committee hearing, during the committee hearing that day, three days left, we delayed and stalled. We had all of our lobbyists running around the building, and a guy named Ted Trimpa, who's a very prominent Colorado power broker, came in and grabbed the Speaker of the House.

And basically, what ended up happening was, the Democrats went in to caucus, and decided that they were going to kill-- they were not going to let this proceed. Because it was clearly shenanigans, and a lot of senators did not know, really didn't even know what they were signing on to. It sounded like a good idea. They were sold a bill of goods that it wasn't really going to work. But as the cap, the final thing that like once it was done was a great relief.

But I think Kristen Wyatt from the AP, she, on her Twitter account, sent a, I can't remember what it was. It was like Senate resolution whatever, I don't even remember the number anymore, but Senate resolution whatever, it lived, it lived-- what was it? Lived fast, died young. Some real funny, like she wrote a fake epitaph for it.

And then the Senate historians, and the legislative historians were saying how they've never seen-- they don't know if it's ever happened. And that there would be a bill with 2/3 of one body of the House, or the Senate, referring something that ever was defeated. And it was defeated in 97 minutes or something. It was really a last ditch effort.

And the senator who was the Democrat who ran it, ended up being recalled. John Morse is his name. Ended up being recalled, Colorado Springs area, on the issues of guns. And it was really-- I've talked to him since, and water under the bridge, but we also said, obviously, you're being recalled. And he basically said, I don't want any help from marijuana people. You guys don't really vote.

And he ended up losing by not very much. Not that it would have been different had he not done what he could have taken the tact that he did. Maybe some people voted for him because they hate marijuana. And so they didn't vote to recall him, but it would have been a-- it's an interesting little footnote in the history of this that was definitely the most stressful day, or at least a couple hours, and then the most relieving outcome.

But that was it. And then the governor ended up signing those bills about a month later. All the bills.

JANET BISHOP: So by June, July of 2013, all bills were signed.

CHRISTIAN SEDERBERG: And then that gave money to the state regulatory agency. Then they went through a whole other work group process like we did for medical marijuana that summer. But they were given very clear direction. That set the stage for applications to be
accepted starting on October 1, 2013. So that 90 days would go by, and stores could open on January 1.

JANET BISHOP: OK. So now we're at January 1, 2014. And you, Christian, are sighing a breath of relief, I imagine.

CHRISTIAN SEDERBERG: Absolutely.

JANET BISHOP: So you've alluded to, and talked a bit about, the next steps, and your next activities. The year of 2014, were you still working with lobbyists? Or had you branched out to talk to government entities, to states, to NGOs, to the UN? Where were you in 2014?

CHRISTIAN SEDERBERG: So yeah, so the government of Uruguay, after Colorado passed their law, the government of Uruguay actually started to put together a law that ultimately passed legalizing marijuana for adults, but for much different reasons, much different, really a human rights type orientation.

JANET BISHOP: And you talked about that, very brief, at the tail end of our interview last time. But I'd like you to expand a little bit, more since we have the time now. And so when did-- did representatives from Uruguay approach you? If so, when was this? 2014? Was it right after Amendment 64 passed in 2012?

CHRISTIAN SEDERBERG: This was like-- we went out, Brian was called to go out there, sometime in early 2013 to just meet with. And it was through some NGOs. The Open Society, which is George Soros, a big group that George Soros puts together. John Walsh of the Washington office on Latin America, and the Woodrow Wilson Foundation.

So these are organizations, non-governmental organizations that work to help create public policy solution, you know, that just work internationally to address issues related to all sorts of things. But one of the big ones they work on, too, is how the drug war, and the negative impact in Latin America specifically of the drug war.

So that those organizations knew our work through Brian's activism, and just the profile that we had gained through this. So Brian went down and visited them, really to talk very high level about the campaign. Because they were putting together a campaign actually in '13 to pass--

JANET BISHOP: Uruguay was.

CHRISTIAN SEDERBERG: Uruguay, to pass a bill. When you say that, it's like, the campaign is that you're going to have legislators, and you've got to convince the people. I think even when it passed, like 30%, 35% of Uruguayan's supported it. It's different than America. Uruguay, especially, has really put themselves in a position for the last decade of being very progressive on issues. Human rights, and they keep a real strong focus on, or they kept a real strong focus on really addressing fundamental issues about society, even when they weren't popular issues.
And it was really because of President Mujica, who's a very interesting, eccentric person, who is a rebel that was imprisoned for years by the US backed government. And he lived in a tiny little shed, basically, even when he was president, drove a beat up old car, and he really just said, this is something that needs to be done.

And so Brian went down there. Then they said after we passed our laws-- I can't remember exactly when I was down there, but it was later on, and I can double check this, but later on in '14, or I'm sorry, in 2013. They actually said, OK, now we're getting to a point where we need to actually say, this is before it passed, but we need to actually look at regulatory structures.

So because Barbara Brohl, who's the head of the Colorado Department of Revenue, the executive director, she was the co-chair of the whole Amendment 64 taskforce. I was a co-chair of a subgroup, but on the taskforce she actually co-chaired the whole taskforce. And Dan Pabon, who was the legislator in the House that led the bills, marshalled the bills through the Colorado House of Representatives, they asked us to go down there, along with Beau Kilmer from the RAND Corporation to talk about regulatory structure.

JANET BISHOP: So you all traveled down to Uruguay in 2013.

CHRISTIAN SEDERBERG: I would say it was late 2013.

JANET BISHOP: And they had passed legalization of recreational marijuana by that point? Or they--

CHRISTIAN SEDERBERG: It was not passed yet, and that's why I think it might have even been early 2014. I'm just trying to think of-- and I could actually check and confirm.

JANET BISHOP: And I've spoken with some of the narrators about social justice issues, vis-a-vis legalization of marijuana, but you're saying the whole country had a social justice angle? So what was that?

CHRISTIAN SEDERBERG: So really, it's complicated. But Uruguay sits-- Montevideo, the capitol, I think it's the second or third most southermost capitol in the world. And they are geographically just below Brazil-- Argentina, Brazil, Paraguay, I think Chile. I think it's those three. But there would be drugs flowing in, cheap marijuana. And also, coca paste, which is a byproduct of cocaine production that was flowing in from a couple of these other countries into Uruguay.

They're not on the traditional route of drug smuggling or anything, so they don't sit in the Central American posture, or something where drugs are really the highway to the United States for a lot of different drugs. But they were being impacted, and they basically said, we want to go different directions.

Because, particularly, this coca paste issue that they had, because they actually wanted to look at marijuana as a possible medical solution, or at least a way to help people not use these other
drugs. And also to cripple any of those drug syndicates that marijuana, you know, helped support what they were doing. And they would bring other stuff with them.

So that was their strategy, and they basically said, from a human rights perspective, the drug war, and empowering cartels to be active in their country created bad results for their citizens. Even if it's a small number of them that were using drugs, that was still something that they wanted to address.

So, yeah, so they were, at that point that I went down there with Barbara Brohl and Dan Pabon, they had not passed the law yet, but they were getting really close. But they wanted to have a feel for the regulatory side. Like the actual nuts and bolts, not how do you get it passed, or what is the message that you guys used, what can we learn from you? But really, what can we learn from your regulatory structure to help us put into place a seed to sale tracking system, or packaging. All these types of things that we had talked about and implemented in Colorado.

So that was really our mission going down there, if you will.

JANET BISHOP: Were they the first international, or non-North American country that had asked you to consult with them?

CHRISTIAN SEDERBERG: Yeah, they definitely were the-- and there's credit to the organizations that I worked with to say, you should talk to Christian. And when I went down there, it was a group of government officials, non-governmental organizations, activists, sort of an interesting hodgepodge of people that were there to speak with us and to meet with us.

And we met with some of the-- we met with the non-governmental people separately. We did a press conference with some of them about how they were moving the social justice issue forward. We met with a bunch of their cabinet members. Just sat down with their secretary of agriculture, and commerce, and health care. So we could address issues individually to them.

We were just running around going to all these different meetings. But really, the big important meetings were with the government officials, obviously. It was great to meet with the activists, because they were the ones pushing the policy. But the work that I was there to do, was to take their concerns, and it was like, how do we make sure it's not as big corporate, how do we make sure it's not commercialized?

It's the opposite of what-- and some people believe the United States is doing, which is just massive commercialization. Which I don't agree with entirely, but I do understand it's Americans, so it's going to be for-profit companies. They really did not want advertising. They wanted to just take it off the streets, and put it into regulated places, while not promoting use, while not promoting the product as a commercial product.

JANET BISHOP: Did they have a similar dispensary system?

CHRISTIAN SEDERBERG: No, the system actually was going to be their pharmacies would sell marijuana that was created, that was grown by the government. Or under contract with the
government. So the idea was that, you'd create these places, and then there were some other ideas about small, private collectives, and things like that.

But it was really designed for the government to completely control, similar to like maybe-- even more controlled, but similar how we do it in a couple of the states in the United States. Virginia, the alcohol sales are all through state run stores. That way you can control the marketing. There's no liquor stores to make advertisements. So it's sort of an even heavier, non-commercialization model down there was what they were looking for.

JANET BISHOP: So no green rush in Uruguay.

CHRISTIAN SEDERBERG: No, but of course some people, it's like, well, someone's got to grow for the government. The government doesn't want to grow-- they were trying to make it cheaper than the black market down there, so they want to grow it as efficiently, and effectively as possible. Well, the best people to do that are some of the people who have done large commercial operations in the United States.

We made a decision, and I made a decision very quickly, really before we went down there, that this is a different sort of pure thing. And I was not going to make client introductions. I was not going to suggest, oh, you should work with these people. Certainly I just wanted to stay entirely out of that, and have no part of, oh, look, a new market. In the first country anywhere that's ever legalized marijuana for adult use, and is doing so in violation of United Nations treaty obligations and other things.

It was not the time to think of what possible business opportunities are there here. Now it's not a bad question, it's not inappropriate for people to think about, it was just absolutely not going to be our focus. I didn't want them to ever think that I had a conflict of interest, or that I was trying to-- because they are very leery of American capitalism, and American commercialization.

Not just for this, but for everything. Monsanto, they're very concerned about genetically modified marijuana products. Because it's just a totally different culture, totally different society, with totally different reasons for doing this. So we were down there for three or four days, and we were in meetings all day every day. We did get some free time to explore Montevideo with Barbara Brohl and Dan Pabon.

JANET BISHOP: Did you meet the president?

CHRISTIAN SEDERBERG: We did not get to meet the president, which was really unfortunate. But it's one of those things, where at any level of government, if you're doing the nuts and bolts type stuff, if anything it would be a photo op or something. It would not be hands on. We were really hands on with everyone just directly below him.

JANET BISHOP: So, and I assume that Uruguay has now passed regulatory, or has embedded regulatory systems in place.
CHRISTIAN SEDERBERG: It's complicated. They're still having a hard time getting it really going off the ground. And it's been a challenge. And one of the-- I'm actually headed back to Vienna this March to go back and revisit the United Nations to talk about not just Uruguay, but everything else that's been going on. I don't know if I'll actually speak like I did the previous time. Yeah, it'll be almost a year and a half or more. And it's a struggle. It's complicated.

How do they get their genetics, they really want to make sure that the plants that they're growing could be very clearly distinguishable from the black market so that it wasn't just become like a way to empower the cartels or the black markets down there. It's just been a challenge. And so they don't really have a functioning system yet.

They will, but there was a presidential election, so Mujica is no longer president. And there was a question that-- one of the two candidates was campaigning on repealing and getting rid of it. That person lost, so it is moving-- I'll get my full briefing of what's happening hopefully sometime soon here. But really nothing-- it always helps to just be on the ground with the folks that are doing it.

JANET BISHOP: So that, and I don't know if this is the right time to ask, speaking about the UN. After your visit to Uruguay, which was 2013, and we'll toggle back and forth, I have a feeling, in this interview. Did that directly lead to you speaking at the UN? Because you mentioned that also briefly. So was it your work with Uruguay that made the UN want to invite you to talk about drug policy? Could you tell me a little bit more than what you've told before.

CHRISTIAN SEDERBERG: Yeah, so now it's all coming together in my mind the time frames here, too. So it must have been summer of 2013, I'm sorry, 2013, yep. That we had our visit down there. Because a lot of those people came back, actually, in November 2013. There was actually a conference in Colorado. The Drug Policy Alliance, an international reform conference, which is the drug policy conference. People coming from all over the world.

So that was a few months after I'd been down there, and a bunch of the Uruguayans came up here. And we met up, and talked about things, and did whatever. But yeah, so after those meetings, and just continuously giving feedback, or anything else, which is really just a favor-- we weren't hired by-- everything we were doing was like a facilitation. And it's a facilitation through the non-governmental organizations that they're working with.

Every year in Vienna, Austria, which is where the, you know there’s a very large United Nations complex there, international zone. And that's where the convention on narcotic drugs-- so that there's a meeting of the convention on narcotic drugs. These are the drug treaties, and the international treaty obligations that Uruguay is violating.

JANET BISHOP: And just for the record, and for future students or researchers, could you briefly explain what the drug policies that Uruguay was violating, what they were.

CHRISTIAN SEDERBERG: Yep. So there's a series of treaties, the main one being the convention. These are the conventions, when they talk about the conventions on narcotic drugs, they were treaties that were developed 60s, 70s, and then have been added on over-- a couple
more things have been piled on top that are not probably relevant for this discussion, and I would hate to actually say. There are these long names of these treaties.

But basically, it says that it made it a violation of international law for a country to legalize any of the drugs that are on this scheduling that they do. And marijuana is one of those drugs, where you cannot create a legal market for marijuana, or you'd be in violation of international law. So the United States actually is in violation of this treaty. But we have a technical legal argument--because of Colorado and Washington.

Which is why that is the nexus of why I was down there. So the Uruguay work, but also the fact that Colorado's made marijuana legal, Washington made marijuana legal. And that was a violation of the treaties. Now, there was some debate, and there still is, whether or not the United States is actually violating it. But anyone who's serious about it I think says, Colorado and Washington doing what they did creates a United States violation.

Now we say, but our federal system is different. States have the rights to do these different things. So there's nothing that we can do to stop it. Doesn't really matter, we're still in violation. So Uruguay is now, the United States is in violation. Uruguay is just blatantly saying, they basically, their argument is, and was, that the human rights treaties that there are also all these countries are signatories to, actually trump these provisions of the conventions, or enforcement of the conventions in any way that would be damaging to human rights.

They say those are more important than this. The purpose of this was to stop opium, really, the opium trade. But it's now been read very broadly, it's read very broadly, and it does have provisions that say you can't do this. When you talk about drug policies, again, you've got needle injection clinics. Or heroin, countries that provide actual heroin, or other things to people that are addicts, as opposed to methadone, or some of these other types of drugs. There's all sorts of little interesting areas where this applies.

JANET BISHOP: So would the Netherlands be in violation, or is that more tacit acceptance rather than--

CHRISTIAN SEDERBERG: Yes, Netherlands is just sort of a non-enforcement and hands off approach. But they are always at the table, and this is always a very controversial issue. The Netherlands actually has a much more conservative government than they did years ago that has been cracking down on some of these things. And the drug tourism, they called it. Countries surrounding the Netherlands would drive up and-- just like Colorado, right? It's like the Kansas and Nebraska folks, they'd go up and buy marijuana on the border towns specifically.

The violations are really this, federal legalization that Uruguay did, and then also a statewide regulatory tax program. Because in the Netherlands, it's a look the other way. There's very small amounts, there's no licensing, it's just a very interesting situation. And frankly, not tenable over the long term.
The whole point of having regulation, and taxation is to control the outlets, to make it very obvious what the rules are they have to follow, how they have to ID people. Not that they don't do that there, but it's really those high level regulations at the state level that create a violation.

JANET BISHOP: So back to your coming to Vienna, and to the UN to speak. So with all this in place, you were invited because people wanted you to explain the US's position? Or people were intrigued, other countries were intrigued, and thought that they might do this at some point? Or people wanted to eradicate these 1970s laws.

CHRISTIAN SEDERBERG: All of the above. We obviously weren't speaking-- I was not speaking on behalf of United States. The United States has their own delegation. But what happened was there were some non-governmental organizations that meet, and they invite them to attend these meetings. And to get in, you have to have credentials, and go through security, and multiple layers of security. And you can't just go attend these. They are not public meetings. You have to be invited.

And they have the actual delegates that meet, and go through language, and take this word out, and put this word in, and negotiate, and do everything else. But then they have, during this whole process, they're called side events that's in the complex, in the rooms adjacent and other things. And I was invited-- again, this was through these NGOs that all get together, and that's the international drug policy consortium. And these guys, they bring all these different interest groups from different countries, international organizations, but everyone there addressing, trying to address this issue, at the policy level internationally.

They all meet, and everyone's entitled to do interesting side project events. And the event that I did was Uruguay, Colorado, Washington, basically. And it was Alison Holcomb, from the ACLU of Washington. Allison ran the I-502 campaign. She was our counterpart in Washington State. And then the drug czar of Uruguay, and me, and then Martin Jelsma who provided this international drug policy consortium perspective. But it's in this very large room, and there's the windows in the back where their-- translators are up there, and everyone's wearing headphones.

JANET BISHOP: You, as well.

CHRISTIAN SEDERBERG: Yeah, and we were sitting at the front with those three other people. And everyone's sitting in the room, and it's packed room, and standing room only. And I was just asked to explain what happened in Colorado, and why. And our perspective on what the impact has been, and what we anticipate it to be, and just why we did it. And so I was able to-- it was the greatest honor of my life. I didn't really know it was coming. I thought I was speaking, but I didn't really understand what was going on. I just thought maybe it would be like a small meeting or something.

And actually, Kevin Sabet, and Christian Thurstone, and some of the other folks who you may or may not get a chance to talk to, but the Project SAM, which is Smart Approaches to Marijuana, which is I think just called SAM. It's Patrick Kennedy's organization. With Kevin Sabet, and Christian Thurstone, and--
CHRISTIAN SEDERBERG: The former US Congressman. Bobby Kennedy's son. You know he's been struggling with mental health issues, and drug addiction. He's a recovered addict, and has really stepped out on this issue, and trying to stop marijuana legalization. They have what's called the third way, which is reduce the schedule, create studies for medical, but don't allow legalization, because it's a slippery slope to addiction, and everything else.

And so they're really our opposition now. They're the only really true opposition. So, they did their said event. They got permission because it's a big organization that's a nonprofit, and their side of it was called the Colorado Experience. Which is interesting, because I said, well, hey, I'm in town, I'd be happy to participate. No response, anything else.

And I walked in the meeting, and it was, again, much smaller, less people, way less people, smaller room. And they watched that presentation. This was before my presentation. And then, basically, they were up there saying the sky is falling, and there's marijuana flowing in the streets, and they showed a bunch of pictures of edible products from California that would not meet the regulations. It was really misleading, and frankly, I thought intellectually dishonest, if not just straight dishonest.

I then went into my thing where I spoke. I believe it was the next day. And afterwards, delegates from all these countries, that is totally the opposite of that one I went to yesterday about Colorado. And I was like, because that one yesterday, those people aren't Coloradans. They're actually, they ran the No campaign, and we beat them. And then they're presenting it as though they're telling us this honest thing about Colorado, and it's not. And it's not perfect.

But it was really interesting. So after my speech, I spoke to delegates from a bunch of different countries. Many said, I was under the impression that something else was going on from that meeting yesterday. But this seems to be a much more realistic and honest view of that.

And some people did just kind of scowl at me and didn't talk, but I definitely-- one guy came up from one of the European countries, and said, the collective speeches, or the collective conversation in that meeting was possibly the most important public conversation at the UN on drug policy in 30 years. Because it was such a-- because people just couldn't believe what we're doing. They heard about it, but then they heard how we spoke about it, and they were just like, I can't believe the United States is doing.

JANET BISHOP: Was the perception that people were running wild in the streets of Colorado?

CHRISTIAN SEDERBERG: It's shocking to them. The United States has used these conventions, frankly, as pressure points on all sorts of countries around the world to pass very strict drug laws. And to really, frankly, the United States has used them to really exert a lot of pressure and control over drug policy internationally. And it's something that we don't think about as Americans as much, because Republicans think the UN is like a shadowy world. They're going to come take our guns. And we're still not signatories to the international ban on landmines.
The way that the United States interacts, we don't submit ourselves to the jurisdiction of the international courts. We just have a much different approach, and we're the big, we're the 400, or 800 pound gorilla, whatever the term is. So the fact we're not violating it, and then the fact that people heard about it, and were hearing that it's actually going-- things were progressing.

Because this was March 2014. So stores have been open, the sky didn't fall, and it was really interesting. It was just an eye opening experience. And people could not believe that there was just this type of blatant violation of law going on in Colorado and Washington. But in reality, the message is simple. We are taxing and regulating it, because we have different issues in Colorado than people in DC, but also other states. This is a local issue.

JANET BISHOP: Yeah, this is not necessarily the topic of this conversation, but it strikes me that the notion of states' rights versus federal law is a very American thing compared to some countries.

CHRISTIAN SEDERBERG: It is, but if you think of it not as-- if you think about it in the context of the individual member countries of the United Nations versus the United Nations as a body, it's sort of like that. These member states of the United Nations, some of them want to go a different direction on specific drug policy issues. Uruguay is entirely different than Switzerland, is entirely different than West African countries, where ketamine and other drugs are actually an issue.

Entirely different than Southeast Asia where you have-- and Central Eurasia, where you have terrorist organizations cultivating poppies to create heroin to ship through Southeast Asia into the United States market, or into the European market.

So what the argument is, sort of similar to Colorado's argument to the federal government here, hey, guess what, you guys don't really get marijuana policy, obviously. It has been however many years, and nothing's getting better, so we're going to go a different direction. And we're going to do so in violation of federal law.

In many ways, that's what Uruguay is doing. They're saying, as a member state, there's this obligation that we have, this international law, but you guys aren't addressing our needs, and you're not doing it in [INAUDIBLE]. And actually, we think this human rights thing is more important than this law. And they're not nearly like federal laws. They're really not, you know, international law is not-- it's a very complicated, and nuanced philosophy. There's the enforcement, you don't get arrested. They're not going to arrest the president of Uruguay for passing a law like that.

But it's a very similar concept from state's rights. And so that argument, that's really what I focused on when I was talking. I was just focusing on the fact that, we are local in Colorado, and the people of Colorado wanted to go a different direction. And we're doing so in violation of federal law, but that is the way that progress is made, is by challenging the status quo. The way our Congress works, it's very difficult to get anything passed.
This creates that discrepancy, and also, we believe we can prove that-- I gave them the old the states are the laboratories of democracy. That is a very United States oriented concept. But at the same time, a lot of people look at the United States still, even in light of some of the transgressions over the last decades, they still look at the United States like the beacon of light, or beacon of hope.

And many people want to emulate a lot of things about America. Maybe not the over commercialization stuff, but it was very, very humbling, and I was very honored to have the opportunity to put our perspective there. I had no idea that I was doing this, and then to shake hands with all these dignitaries.

And the really interesting thing, was as I went to the Vienna airport to fly out, I actually-- of course, I got strip searched, basically. They took me into another-- like we need to do a second search. I don't know if it was just because of how I was carrying myself, or because of where I was, or I'm from Colorado.

But they weren't rude about it or anything. It was kind of funny. But then, because I did that, I was actually put into this pre-boarding area. And these are international flights, so instead of being in the main concourse, they actually put me in the pre-boarding area where you go right on to your plane.

And when I'm sitting there, this guy came up to me, and was like, hey, Christian, I didn't get a chance to talk to you, but I saw you speak. I'm with the career diplomat with the convention of narcotic drugs for the United States. And says, it's really interesting what you guys are doing. We had this really honest, and a conversation I will not give details about here, out of respect for the things that were discussed.

But it really was an interesting thing to say, look, we realize you're in violation, or this is federal -state conflict. That is what it is, but in reality, you guys have a huge responsibility to-- if you're going to prove that this is the right way to go. And that doesn't mean, I don't work at justice, I don't know how they're going to enforce on this, or not enforce on it.

From a person who's a day to day person, and a career diplomat doing this stuff. He's worked for Republicans and Democrats, you guys are going to be carrying a heavy load, and appreciated what you said. And maybe I disagree, or whatever, but it was-- yeah, it was really an interesting cap to the whole thing.

We've kept in touch a little bit. And I wish I had time to keep in touch with these guys more, but to see that Colorado had become this center of this whole universe. No one even knew, or a lot of people don't know where Denver is, or didn't know what Denver was, or didn't know Colorado. But now, internationally, it's so funny, you talk to the mayor and the mayor's office, I remember them saying something about-- it was not a conversation I had, it was in the papers.

All these people want to call, I want to talk about the airport, I want to talk about how Denver is growing, like the tech sector. And all this stuff, he's like, so when I'm talking to the Time
Magazine, and the International Business Times, all they want to talk about is marijuana. And it's like, they wouldn't be calling. You wouldn't be talking to them.

It's too bad you can't talk about things you want to talk about, but they wouldn't be on the phone with you right now if not for this thing. And so it should be something we should own, and to be very, very proud of. A lot of people might think they are laughing at us, and stoner jokes on the nightly news TV. But from an international law perspective, or an international perspective, it is like a game changer, really.

And people are really, really angry, some of them, honestly. But also really compelled, many of them, to change their laws. And that's really what Washington and Colorado did for Uruguay. It's really an incredible thing.

JANET BISHOP: And then I have a few more questions to ask that veer of this particular topic, but after you spoke in Vienna, did the floodgates open in terms of other representatives from other countries calling the offices?

CHRISTIAN SEDERBERG: Exactly, yeah.

JANET BISHOP: And we'll talk a little bit about other states contacting you, but--

CHRISTIAN SEDERBERG: So I obviously met people from all over the world when I was there. And that focus at their governmental level on this policy. They were like, we'd love to come to Colorado, because when the Uruguayans came... So for that next drug policy conference, the--

JANET BISHOP: The one you were about to attend.

CHRISTIAN SEDERBERG: No, it was the one, I'm sorry, the one that was right after the-- this was in 2013 before stores had opened. A bunch of people come from Uruguay, and also Mexico, and some other South American countries. And I just, they asked me because of my going down to Uruguay, they asked me to put together tours for them.

So my staff, we got buses, and we organized all these dispensaries and grow houses.

JANET BISHOP: Oh, tours of the dispensaries.

CHRISTIAN SEDERBERG: Tours, while all these international people were here. A lot of them were Uruguayans, but then there's a Mexican delegation, the Costa Ricans, some other folks from all these countries. And we just put it together. I had no organization to it. But we, Steve Fox, and we were talking about this, that was a really awesome thing that people-- because actually seeing it then, is like the next step, right?

These were still medical marijuana at the time, because this was November 2013. But they're store fronts, they look very similar now, they just sell to adults. So we took people on all these tours, and Steve and I were talking about it. We were like, this is a really good thing that we
should put some structure around. And we should really perhaps create a new organization that can facilitate—when legislators come in from other countries, or from other states, it doesn't seem like it's a biased, or haphazard thing.

We could really organize people, train, not train, but set people up to say, you're going to the people that, when someone comes in from out of state, or out of country, we're going to send them to you in order for you to walk them through. And stay, not like, here is what you read the script, but it's like, stay on message about-- or we can give them some up-- these people might be focused on something entirely different.

There's no chance of them passing anything at all, or maybe they're thinking about a medical law, so we'll focus on just medical operations. So after that meeting, and then also our interactions with those NGOs, they started asking if we could bring people in. And so that's when we formed that CRCR organization you referred to.

The Council on Responsible Cannabis Regulation, which is a 501(c)(6), and it's really just, it's not a profit, it's obviously not for profit by tax purposes, but it's also a small budget, funded by a council of marijuana businesses around the country, and some other folks. Basically give their time and a little bit of money every month to help facilitate this Colorado model, and show off what regulation that works looks like.

JANET BISHOP: So they sponsor tours of dispensaries.

CHRISTIAN SEDERBERG: Yeah, they really just organize them, right? And then when there's inquiries, we have one staffer, Chloe, who manages all the inquiries-- it used to be just, oh, I got an e-mail from this person from this country. And now everything is coordinated through that organization, and we do white paper stuff.

We're going to actually start working on a self-regulatory model for advertising and operations, that will be similar to what alcohol has done hopefully. Which is that you don't see the Spuds MacKenzie, and the Coors Light twins, and that stuff. That was like an end time where it was like, all right, we've got to clean up our own act. Because we don't want to end up in a situation like tobacco, where attractive women appeal not just to people 21 and over, they appeal a lot to teenage boys. So it's clearly like--

JANET BISHOP: Oh, I see in terms of regulating messaging.

CHRISTIAN SEDERBERG: Advertising and messaging, yeah. So we were looking at that and saying, we're being accused now. It's like you're going to be the next big tobacco, big alcohol, and that's been very destructive to society. Well tobacco is under a settlement agreement, because they got sued because they were marketing and misleading the public.

Alcohol took their own steps to restrict, voluntarily basically, restrict their First Amendment rights. Or just say, if you want to be a part of this alcohol industry, you're going to get on board with these standards. And then, if not, we're going to shame you, or we're going to-- big
organizations, big distributors, they all agree to this. So you have to behave in a certain way from a self-regulation standpoint, or else you don't get to be in the business.

So we're going to take that model, and probably do it one better, or several things better than what they do. But start to create those standards now so that we can actually say, not only are we not trying to be the next big alcohol, big tobacco, we're actually holding ourselves to an even higher standard than they-- tobacco has to by virtue of being under a massive settlement agreement. Where if they violate it, a $400 billion judgment, it kills their business.

JANET BISHOP: And you're talking about the Joe Camel, and all the other things.

CHRISTIAN SEDERBERG: And those big Mississippi cases that the state attorney general started suing for all these health care costs historically, which has really basically crippled the tobacco industry in the United States. They've refocused their efforts on Southeast Asia, unfortunately, and other things. But alcohol is obviously, a little bit different in that it's a much wider used substance.

And really, the alcohol lobby, they've been responsible about trying to put self-regulatory things in place. That's what we would like to do, and start self-regulating now. And get all these businesses around the country to agree, this is how we're going to do business.

JANET BISHOP: But is there much marijuana advertising to begin with?

CHRISTIAN SEDERBERG: There's a lot in periodicals. There's actually a law on the books in Colorado that limits their ability to do outdoor advertising on billboards, on the sides of buses, driving around in their little car, you know, the trucks now that are super skinny that just have billboards on them basically.

But that law was passed, it's part of the state law. The First Amendment allows commercial speech. Content-based restrictions have to be very narrowly tailored, and it would be very difficult to say that under the federal constitution First Amendment that the laws we have on the books are actually legal.

But, because it's federally illegal, it's like, OK, well then what does the state constitution say? Well, the state constitution has a very similar provision to the First Amendment, except that the Colorado Supreme Court has said, it was the intention of the drafters of the Colorado constitution to read our First Amendment way more broad than the United States First Amendment.

So if we-- under the First Amendment case law these wouldn't be legal. And the Colorado constitution First Amendment says, we want it to be more broad than the federal constitution. Inevitably, that means that a lot of the restrictions we've placed on a specific type of product, specific content, would not survive legal scrutiny.

So before that happens, I don't want to see billboards. We are trying to win a hearts and minds campaign here. You can't win hearts and minds by simply plastering ads. It could change the
face of how people perceive marijuana, so that's why we want to do this before someone really steps up and takes a whack at it.

JANET BISHOP: Or TV advertisements.

CHRISTIAN SEDERBERG: Yeah, you're allowed to do TV advertisements, so long as you can show that 70%-- no less than 75% of the people viewing it are over 21. Similar restrictions for adult-- you actually see Fascinations Superstore, those actually have advertisements. Or there's advertisements for other racy products, and those are on at night after a certain time. You don't throw on the 7:30 CBS primetime and see these types of ads.

Those are really relegated-- or you can think about alcohol, too. The alcohol industry does this. You'll see the smartest man in the world, or whatever it is, the most interesting man in the world ads that some people do. And you'll see very limited advertising for alcohol. It's usually during sporting events or other things.

Or you can advertise in periodicals, and even newspapers, so long as you can show that the circulation is generally 21 over by a pretty large, by the 70% number. Anyone who's reading a newspaper is probably over 21 these days. It's probably much higher than that. And I hate to say that, because I read the newspaper, but 18-year-olds to 20-year-olds don't have a subscription to the Denver Post.

JANET BISHOP: My son is trying to persuade me to get rid of my New York Times print subscription.

CHRISTIAN SEDERBERG: That's what I mean. That's why self-regulation, as the thing evolves, we've got to address issues as they come. 2013 is when we passed all the laws to get it going. 2014, so the day of the first sales was three days before the start of the next legislative session. And immediately, everyone added, we've got to fix all these things. And I was thinking, really? Because we just had the first sale, but, OK. We've got to fix these things.

One of the things we decided was important to fix was edibles, and addressing why do these look exactly-- like if you put two piles next to each other, you wouldn't be able to tell which one has marijuana in it, which one doesn't. And so we immediately went and worked actually with the No campaign to focus on those types of things. That's what happens every year since.

So that was '14, last year there was another round of that, this year it's a whole other legislative session, and we're addressing things like residency, and others. What I tell people is, we are not dealing with first world marijuana problems, you know the whole first world problems, or whatever. Because I tell people, yeah I'm working on this nuanced bill to allow a certain amount of the ownership of a marijuana business to be able to be owned by people that don't live in Colorado.

JANET BISHOP: So I know, or deducing what you mean, but if you could explain, just for a few minutes, what you mean by first world problems versus basic survival problems so to say.
CHRISTIAN SEDERBERG: A lot of this is about tone, and about who is your audience. So when I go to these United Nations things, or when I go to international drug policy things, I try to just talk about nuts and bolts. And you can't be-- it's such a radical policy in so many different places. So when I'm talking about how it's really hard for businesses to get financing, because they don't have consistent bank accounts, and they need to get investments from out of states because of that.

When I tell people that, and they are like, well, that's great. People are still being arrested for marijuana where I'm from. And so that's what I mean by first world marijuana problems. We're doing very much nuanced, high level policy tweaks to a regulated system that's sold $996 million of marijuana into Colorado last year.

In other states, you possess, if you are in possession of one ounce of oil, in Oklahoma, for example--

JANET BISHOP: One ounce of oil.

CHRISTIAN SEDERBERG: One ounce of marijuana hash oil, right? Or a concentrated marijuana hash. One ounce of hash oil, which you can buy in Colorado, which you're allowed to possess in Colorado if you're an adult 21 and over. Under state law, you cannot be arrested for that. If you take that to Oklahoma, you can go to jail for 40 plus years, almost mandatory. And if you cross a border to the north-- so you think about-- or like Utah, or anywhere around us.

So when I'm talking about how challenging our city council has been because they don't want to issue-- they want to extend the moratorium, or they want to increase setback requirements, and I think it’s bad public policy, and I'm talking about it. It's bad public policy for people who have a robust, and regulated legal market, where adults 21 and over can participate. If you're from Oklahoma, and you get caught with a joint, you get a felony.

So that's what I mean by first world marijuana problems. And it's not to minimize-- I think the reason why they're still incredibly important, is because we have to constantly be evolving with our policies, so that when states come online, they understand what works, what doesn't work.

And also, that they're not just simply recreating-- that they can also see that my whole goal is now-- it's no longer about, should we have legalized marijuana, it's how should we regulate it? We're no longer in a binary, yes, no world. It's, what regulatory tweaks need to happen to address specific public policy concerns?

JANET BISHOP: OK, I have a follow up question to that, but I have a quick question. So it's 2016, February, new session, expand again on the issues, the first world issues, facing you with this session.

CHRISTIAN SEDERBERG: So because federal law still illegal, and now we have really commercial agriculture operations that are growing marijuana. And then some people take that and sell it to the public in that form. Other people take it and break it down, and run it through machines to make a hash type product, or an oil product, or put it in the brownies, or whatever.
Well, because the EPA does not regulate an illegal substance, the EPA, and the FDA, and the USDA, pesticides that are used on commercial crops, things that are for powdery mildew, something that is very prominent in Colorado because of our climate. Or these weird types of aphids, and other things that really like the marijuana plant, there are substances that are legal under federal law to use for similar products, but it is illegal under federal law, and state law, to use a pesticide, or an herbicide, or a fungicide, if that product is not specifically authorized by the EPA to be used on that product.

So you can go to the store, and for your own garden, buy whatever, and put whatever you want on your stuff. But if you're going to sell your products commercially, you are in massive violation of law if you use any of these substances. So people were using them forever, and this issue only came up in the last couple years.

And it really came up when Denver took a very heavy hand to pesticides, and started shutting down these huge grow facilities, millions of dollars, you have to test here, and the testing is not really up to par yet. But now there's a bill to address, how does this state transition from an illegal market, how do we deal with this problem?

Because if we just shut down these grows and stuff, those people have no regulation. And the people who will then satisfy the market could do whatever they want in their grow facility, in their own personal home grow, or whatever. And use pesticides, use them in a totally unsafe manner. It's just a very difficult issue.

JANET BISHOP: So, backing up, if you've shut down, if you’ve tested places and shut them down, why then do you say other facilities would be unregulated?

CHRISTIAN SEDERBERG: OK, so to be clear, so these are large commercial operations. Many of them are using pesticides that are used on every product. You go to the store and it will be on-- that's why you wash your apple. We ingest a certain amount of them on a daily basis, knowingly or not knowingly.

If you golf, one of the biggest problem pesticides is Eagle 20 myclobutanil. If you golf, or live near a golf course, or live near a cemetery, or live near anywhere there's a lot of grass, it is widely used, and it is in the air. And you'll naturally have-- it will get on your food, you'll breathe it in, you'll do all these things.

So these places have to live up to these regulations. If you don't have commercial operations, because large commercial operations need to use some of the products, they need to use them safely, but they cannot use them. If those get shut down, the void will be filled by unregulated markets. People will still sell, you're still allowed to possess marijuana as an adult 21 and over.

You're still allowed to acquire it for no remuneration, or other things. So you go on Craigslist, and there's totally illegal, the person selling it, delivery services, saying, hey, here's marijuana. Call this number, or send me this-- there's a lot of illegal services. Not just marijuana, there's other drugs you can find all over the place.
So if we take such a heavy hand, and we strictly read the law on these big commercial operations, those go away, which means it empowers the underground, the black market. It empowers that market to step back in. It's already still very robust, and so you've got to pick your battles on regulations. This is figuring out a way.

Multiple bills are proposed to put it in the hands of the state. Figure out a transition, figure out a way that we can-- how can we do some of our independent testing, how can we work with the Environmental Protection Agency under this other weird provision that allows them to take, if a state requests to do specific authorizations.

Now, before, they said we'd never do that with marijuana. Now they're realizing that they're the Environmental Protection Agency. Regardless of the fact that it's federally illegal, their mandate is not to enforce federal law, that's the Department of Justice in terms of the sale. They should be involved in this. But every single thing that looks like the federal government is supporting us is yelled at as a tacit endorsement.

Banking, banking is another one that we keep working on. There's more banks doing it, but the irony of it all is that we're trying to get rid of cartels, we're trying to get rid of-- we're trying to get taxes, and we're trying to use those taxes to educate people. Well, the government's laws make it so it's illegal for banks to take in your money.

Well, we're trying to create solutions for that. Or at least stopgaps in the state law that can help us get to a better solution. Because really, if the federal government really cared about the policy, which is like cartels and other things, every single transaction would be electronic. You'd be required to use your ATM card, or your credit card. So they could then track to make sure you're not just buying at every store and taking it to Kansas, right?

So we try to deal with those problems. The other one is, we have this two year residency requirement that came from lobbying.

JANET BISHOP: Two year residency for dispensary owners?

CHRISTIAN SEDERBERG: If you want to be an owner of a marijuana business in Colorado, you have to have lived in Colorado for two years on the day that you apply. Two years before that you had to move here. And so you have people that want to be a part of this business, but they live in Florida, or live in New York, or they live in wherever. And they're like, hey, I've got a patent, I'm an agriculture guy. I'd love to come in and you can pay me by giving me a low salary, but give me some stock in your company.

We can't do any of that because of this two year residency requirement. Which was built, it was put in to make sure we're the only game in town. We didn't want just massive amounts of people flooding in that didn't know and respect what's been going on here for a long time. But it should have been-- it was built to be a transition, not built to be a long term policy.

Well now, some people think, well, I'm a two year resident, I've already got my license, do I really want to compete with this huge amount of money coming in from New York, or what they
perceive to be big tobacco, and big other things coming in. So we're trying to get the law changed to allow some level of investment from people out of state. Because in order for it to be a sustainable system, people can't get bank loans, it's hard-- you can't even get a bank account sometimes.

So there's essentially like loan sharking going on, right? People are like, well, I'll loan you money at huge interest rates, and also, I want a piece of your business, but we're not going to tell the state. It empowers the bad actors. You don't necessarily want this Wall Street system, but you certainly-- Wall Street to Main Street is this concept everyone's been talking about.

Well, Wall Street does fund a lot of Main Street type stuff. Even though Wal-Mart coming in and the corporate raiding of small towns and small business, there's some truth to that. But also, General Electric, GE Capital, these big Wall Street companies, the big banks that let us all buy houses, they really are an important part of our economy, there's just been a lot of abuse of that system, and speculations of the system.

So we want there to be Wall Street money, or wherever the money comes from, to help us make better facilities. To help us have better products, to help us have safer products, to help figure out the pesticide problem. That's a big bill, that's going to be one of the most important. It passed 9-0 out of a Senate committee yesterday. So we'll see. It's got a long way to go.

JANET BISHOP: And, lastly on this, you had mentioned before, and in talking to Joshua yesterday, he mentioned the regulation that was originally in place for people with previous drug felonies, and that could include marijuana felonies. I think you mentioned last time you were working to look at lightening that, or because of a class equity issue, or social justice issue.

CHRISTIAN SEDERBERG: So back in 2013, I think it was, it might have been the next legislative session. They adopted that into the law to say, follow medical marijuana. And there's actually, Shawn Coleman, the lobbyist I was telling you about, he's African-American, and who really cares about that issue. And we all do, and it's is a tough one. We didn't think there could be much done on it, but he actually got it amended in the Senate. They amended it to say that drug felony requirement-- it removed the drug felony requirement.

JANET BISHOP: In 2013.

CHRISTIAN SEDERBERG: Yeah, or could've been, I think it was the end of 2013. And the end of the legislative session there was all sorts of people just plucking little things off, and doing things. So he got it amended. When law enforcement found out, they actually amended it back in. But what they did was they said-- it didn't just get put back in its entirety back in, but it said, it basically creates an end date for that rule.

Five years, because it doesn't matter what felony you have, it's a five year waiting period if you want to get in this business. Which is like, that is what it is. The things we care about is like, something happened five, 10 years ago. You're a person of good moral character, you just got a drug conviction. So why should you be punished for that forever?
That's the whole point of this, is to take away those collateral impacts. So I think it's like from that date, '14 or '15, five years from that date. So like the sunsets, this five year felony thing sort of sunsets in--

JANET BISHOP: 2020?

CHRISTIAN SEDERBERG: Yeah, it might have been 2018 or 2019, or something like that. But it still also has some problems with it. Where it's not clear as to whether or not-- it just says they can't consider it. How is it going to be enforced? How are they going to look at it? Is it going to be changed again? Until it's effective, no one can take advantage of it, and it could always be changed. And I think that law enforcement might have that strategy, too.

Again, misguided. Because they think, if you've been busted for selling marijuana, or cocaine, or something, that means you've got connections to the black market, which means we can't let you in this business. Well, maybe the people that are also doing it, some of them are just really good at not getting caught. Why would you want the people that are not good enough at being shady, that got caught, why would you want to block them out? Whereas, it's very likely possible that the squeaky clean guys are really good at not getting caught.

And, again, I'm not trying to impugn the character of many of the people in the industry. But certainly, there are some people in the industry that openly acknowledge that they were in this business in a different way prior to this, but they just didn't get caught. So it's a social justice issue.

When I was down in Uruguay, we said it would be interesting policy if you really are focusing on it the way you're focusing on it, which is human rights. Then the licenses should only be available to people who have drug felonies for the first-- but show good moral character. The people who've been most detrimentally impacted by the war on drugs.

And in the United States, it seems like that it's going this way, and a lot of people are concerned about it, myself included. That it's sort of just becoming the next big business, the next tech boom. And, again, I'm not a class war kind of guy. But it certainly is true, and I think even Republicans and Democrats in this cycle, presidential candidates are acknowledging it, if you're rich, you get richer.

And the income disparity in this country is wider than it's been in a long time, and it's not getting smaller. And so, to really create this system where it's just going to empower all the people that never got busted for using all the drugs that they've used, because they were upper middle class people, and then totally disenfranchising many of people that were most impacted, while you're taking a revenue stream out of their neighborhoods, which is them selling marijuana, not cocaine.

It's just a hard discussion for people to have, and it's something that we're transitioning from a tough on crime world view, and that's what every politician, Democrat or Republican, had to be tough on crime, means mandatory minimum sentencing, and all this really difficult stuff. We're transitioning. Obama's been doing a wonderful job of getting away from that, and treating these
things like health care problems. And really moving the ball in the right direction. But this is one of those that is a legacy thing. That's a hard argument to make to people.

JANET BISHOP: One observation I'll make, I'll inject, is when I first came to your law offices, I felt like I was back in Seattle circa say 1989, 1990. And it was the software boom all over again. Only instead of being young software turks, it's marijuana. So it's definitely interesting to look at the green rush, shall we say, in that aspect.

CHRISTIAN SEDERBERG: And don't get me wrong, we are representing clients. And I'm not saying I don't-- when I pick my clients, I pick them for the quality of their character, And who they-- it takes a lot of money to do this, so we try to empower. If there are people with good ideas, but don't have much money, we do everything we can to pro bono, or just say we'll defer fees, or do whatever.

But we have a business we have to run, too. And we do dedicate a lot of our hours to pro bono stuff where we can help on public policy issues, like people that are losing their kids for testing positive for marijuana while they're pregnant or afterwards. Or people can't get-- they're medical marijuana patients who can't use marijuana because they're on probation. But they're totally the exact candidate, they're real medical marijuana patients.

Fighting those fights. We still spent a lot of time on that stuff. But really, we've been trying to work with some of the traditional social justice organizations to say, how do we do this, how do we put money into the back end cleanup of all this stuff? Because our skill set, as much as I'm interested in the policy issues, and want to help, it's not really my specialty.

It's really not our focus, but how can we empower those organizations by giving money, or by making introductions, or by whatever we can do. How do we make sure we never lose sight of why this all happened in the first place? And why many people voted for it. So it's not like it was a bait and switch, because it was not a bait and switch. It really was not. And it's still doing good.

Less arrests in other places, and hopefully it keeps going that way. But this is a pretty critical moment. There needs to be some real hard thought into what this is supposed to look like. What it's going to look like going forward.

JANET BISHOP: So, perhaps one of my last questions, and it's timely. So, as you know, as we all know, living in America, we have an upcoming presidential election. I believe, and I should have double checked this, I believe Hillary Clinton commented on medical marijuana recently at a town hall meeting in New Hampshire. I can't remember exactly, but she answered a question on drug policy at the federal level.

Do you think the upcoming presidential election will impact current legislation related to the legalization of recreational marijuana? Do you see any, without getting necessarily political about it, do you see any danger of things being rescinded depending on who becomes president? Or what's your take on this all?
CHRISTIAN SEDERBERG: Any time there is an administrative change, a change of administration, they revisit all of the policies of the previous administration. We have a non-enforcement policy that President Obama has really been -- the way this has been allowed to move forward. I think there's still, there's a lot of momentum behind that. It's not perfect, and it actually needs to be adjusted. There needs to be, at some point, a harmonization of these laws.

But I think it would be very hard for someone, especially a Democrat, to reverse course on that. And Hillary Clinton has been evolving in her position. I think she was against it, definitely against it. I mean, under her husband's administration, was -- the Omnibus Crime bill is an egregious bill. And the outcomes from that have been terrible in terms of social justice issues. It's like widely considered to be incredibly bad for drug policy and everything else.

But she's been evolving since that time. And she's evolved even very recently, I believe in what you're referring to, she said, this is a states' rights type issue, and the states are the laboratories of democracy. And so in terms of what she would allow to happen, she would continue to monitor how Colorado, and Washington, and other states do it.

That's very much a change. Bernie Sanders has basically changed from, I'm not sure, but I think medical is OK six months ago, eight months ago, to now introducing legislation that would legalize marijuana at the federal level.

If you look on the Republican side, who knows what Donald Trump, where he falls on this. But he's a businessman. He understands corporate America. And this has become very corporate in a lot of places, New York, other places have medical marijuana. And I don't think -- the social issues don't really strike me as his thing. Although he might be saying stuff on social issues. I don't really think he's going to be president, but who knows.

Ted Cruz, who's left, Marco Rubio, they're both not good on the issue. Ted Cruz has said more of this is a states' rights thing. Whereas Marco Rubio has said some bad things about it, because the Florida money backers that support him also are very much the supporters of the prohibition agenda of marijuana and other drugs.

The scary one, for a lot of people, is Chris Christie. I was never scared of him, frankly, in terms of this issue. But he was like smoke 'em while you got 'em, Colorado, because once I'm president, I'm coming for it. And it's like, well, that's easier said than done. And clearly that was some message that was polled in whatever state he is in.

JANET BISHOP: New Jersey.

CHRISTIAN SEDERBERG: The idea that you would come in, and five more states legalize marijuana, perhaps Vermont and Rhode Island doing it through their legislature. So eight, medical marijuana existing in almost every state in some capacity, [INAUDIBLE]. Really look at that, like a majority of them, and Florida coming on. They idea you're just going to go in and shut down a billion dollar economy in Colorado that's created tens of thousands of jobs, that is really a part of our budget, and that has state regulatory oversight.
Ohio might have a medical marijuana law, and Florida. If you're a Republican, can you really come in and just shut down? The idea of the federal government coming in and shutting people down, is an affront to conservative principles.

If you think about the guys that are up in Oregon sitting on the federal land, and the grazing rights issue, and these types of things. They don't want the feds coming and kicking down doors. They want states and local government to control things. It would just be a very difficult thing, I think, for anyone to really change course fundamentally.

They can make it more difficult. They could start really putting pressure on banks, and other things. That would be the more intelligent way of them giving us a hard time if a Republican got elected. But I think, at that point, where it becomes a crisis, then I think that's where we get congressional movement.

I think if Hillary Clinton wins, second term she'd probably, that's when a true defederalization type legalization thing. You let the first four years, you keep monitoring, you try to figure out what's the right policy, and then you change it. If a Republican gets elected and there's rumblings of shut it down, I think that actually could hasten legalization happening at the federal level. Because you can do one of two things, you can go in with the Stormtroopers, or you can change the law to make it so you don't have to do that. You can actually focus on the things that you care about.

No one's going to get elected on a hatred of marijuana agenda. They all know it's kind of a farce what's happening now in terms of non-enforcement. But they also get that the drug war isn't working, and prohibition doesn't work. I don't see it as a high priority agenda item for any of the candidates. So I don't think it becomes an issue no matter who's elected.

JANET BISHOP: And going down a level to the Gubernatorial race, say in Colorado, you still don't think it's an issue, say if an anti-marijuana governor gets elected?

CHRISTIAN SEDERBERG: So fortunately, there's not a Gubernatorial election here this time. There was one in '14. And that was a very big deal. Because if Bob Beauprez would've been elected, he probably would've been really bad for marijuana. He definitely did not like it. They could have very easily taken a regulatory posture that was much less collaborative where it needed to be and just say, just go out there and enforce the laws to the T, make it basically impossible to do business.

He could've done that. Either way, it would not have been a progressive agenda in terms of advancing these first world marijuana problems I talk about. In a Bob Beauprez, like a Republican administration, it would have absolutely been clamped down, limited in whatever way you can. That's what would've happened.

All politics are local, everyone always says that. And certainly on this issue. If the city of Denver doesn't want to allow marijuana stores, it doesn't matter what Amendment 64 says. Half the state, or half the population, or really the populations in the state would have no regulated stores. It would not be functional.
So that's why all these little things, all these fights are really important. Like Colorado Springs has medical marijuana. Pueblo county has adult use marijuana, and medical marijuana. And there's a possibility of a ballot initiative to run in this election to ban marijuana. And make it illegal there. And this is after a pretty significant money investment in Pueblo. And very significant job creation and infrastructure growth.

But the four powers that be, families, down there don't like it. And they get a lot of money, put on the ballot, run a campaign. So it's always local. Down to the county commissioner that could make a difference.

JANET BISHOP: And do you still go out to places like Pueblo?

CHRISTIAN SEDERBERG: I do a lot of conference calls. I don't go out as much. But, yeah, I'm going to try to get back out there. But it's tricky to-- travel time, and meeting schedules, and everything else, it's hard to be in attendance at these things. But I talk to commissioners, if not daily, weekly, certainly in some of these places. Or political types that are working on stuff, and small elections in different cities.

Our firm has branched out to represent a city in California to help them build a regulatory process. We're talking to a few more, and we're talking to other states about helping to develop their regulatory infrastructure at the local level.

JANET BISHOP: Including Alaska?

CHRISTIAN SEDERBERG: We've had some discussions with Alaska, but they're such a different animal. They're really doing some interesting stuff. We actually do represent, or at least advise occasionally, clients in Alaska that are trying to get stores open. The big thing is whether or not they're going to get them open by this summer, because it's really the tourist season that's going to be the only time that it is a really functioning system.

But unfortunately, they're probably not going to be able to put plants in the ground until the late spring, early summer. Which means they'll just be coming out of the ground as everyone's locking down for the winter. So it might be next summer, but these are interesting things up there. You've got really interesting challenges.

Cities, towns that are totally landlocked. The only way to get there is through a plane. Well, all of the sudden you're in the federal airspace, and what does that mean? What if you were to use a navigable river, which is what a lot of these things do to get to some of these towns too. Or how Hawaii, that's coming online with a medical marijuana program, you can't really ship your marijuana you grow on the big island to Oahu, because--

JANET BISHOP: It's federal waters.

CHRISTIAN SEDERBERG: Because you're in the federal waters. And the Coast Guard is not going to look the other way. So it's these really interesting challenges in those places, where we
try to give as much as we can when they ask, but really, we don't want them to think that a Colorado system works in either of those places.

And no system works in any one place. It's just like the collaborative environment, the ability to make adjustments and bring in stakeholders that don't necessarily agree with you, in order to find the best policy for where you are. That's the Colorado model. So I tell people, there's no here it is, here's a book, and you can just flip to that page if you want to see cultivation.

It's really about creating the right space for the policymakers to make decisions based upon data, facts, and inevitably politics, too.

JANET BISHOP: I think this is a great stopping off point. Christian, is there anything else you want to say? This is fabulous.

CHRISTIAN SEDERBERG: Just thank you guys for doing this. And it will be interesting to listen to this in two weeks, two months, two years. We'll see where we're at. I'm very proud of Colorado, and the voters, and the governor, and the mayor, even though we disagree all the time. But I'm really proud of everyone, including the people on the No side, and including the people who lost but are still willing to work to make this the best system. Even though they despise the fact that it exists in the first place.

But it's been an amazing several years, and I've probably said it several times, but I consider myself the luckiest person in the world that I'm able to be in the position that I'm in, and be so impactful on this issue. But we've stood on the shoulders of giants, so it's honoring the legacy of people who have gone to prison, and worked on this issue, and didn't have the opportunity, unfortunately, to see legalization happen. So it's a real honor, and I really appreciate you guys doing it.

JANET BISHOP: Thank you so much, Christian. I think this is a wrap for our Stories of Amendment 64 oral history interview with Christian Sederberg. It's been a fascinating three session interview. Again, the date for today's session is February 18, 2016. This is Janet Bishop, and we are wrapping up here in Denver, Colorado at the law offices of Vicente Sederberg. Thanks so much, Christian.

CHRISTIAN SEDERBERG: You're welcome.

JANET BISHOP: Take care.