JANET BISHOP: All right, I think we're ready. This is Janet Bishop, and the date is April 6, 2016. And I'm doing the second session of our Stories of Amendment 64 Oral History Interview with Joshua Kappel. Joshua has been part of Sensible Colorado— and still is part of Sensible Colorado— and he is also a lawyer here at the Law Offices of Vicente Sederberg.

Joshua, where we left off— ironically we had left off before talking about really, Amendment 64 proper, but that's part of the nature of intensive oral history interviews. And I've read the transcription of your first session; there's a lot of interesting material in there. So thank you very much again for volunteering to be part of this project.

And as I said to you Joshua before we started the digital recorder recording, I want to just pick up around 2010, where we left off. But you also made a very interesting point in the last couple minutes of your interview with us the last time, and that was we were talking about the Wild West phenomenon of dispensaries in Denver prior to some of the legislation and policy that became enacted in late, let's say 2000 and--

JOSHUA KAPPEL: 10.

JANET BISHOP: --2010. I was going to see 2008/2009, but 2010, I guess, was really when the Wild West started to become reined in as you put it. And then you compared Colorado's situation with say, the situation in Montana, where a lot of dispensaries were getting closed down by the Federal government coming in, and I asked you what you thought the difference was. And you had said that it's important to have legislation at the state and local level. And so, could you tell me about— ’cause we were just wrapping up the interview when we talked about that.

JOSHUA KAPPEL: Yeah, definitely. So in 2009, Obama comes out with his memorandum that says you have to be in a clear and unambiguous compliance with your state's laws in order to fall in this low law enforcement priority. And so in Colorado we interpreted that to be very— to mean we need to clear licenses, we need licenses for businesses, and we came up with all these pretty onerous regulations that a lot of people are upset with because they went from having no rules to a bunch of rules. And when you have license— and when you really have qualifications for licensure, you have some people who qualify and some people who don't. And there's compromises that had to be made, but that's what sort of protected us here in Colorado.
And I compared it to Montana because in Montana they had a similar structure before. As I mentioned, our medical marijuana laws had a patient and a caregiver. Montana's medical marijuana laws had a patient and a caregiver.

However, they never went that extra step in terms of creating state licenses or local licenses. And then what happened in Montana is law enforcement and their police took this view that the businesses weren't allowed, and the patients and caregivers meant something a lot more restricted than what people wanted it to mean. And along with that, Montana also-- and I think I mentioned this last time-- they weren't very tactful in terms of having signs and advertising in their broadcasting giant marijuana leaves on the sides of hills, and being very in-your-face, sort of taking what-- you're taking this privilege and this experiment and treating it as it's a right and that it can never be taken away.

JANET BISHOP: And you talked about traveling dispensaries?

JOSHUA KAPPEL: No, they had traveling doctor caravans, where they traveled around Montana and signed people up. You'll be able to go see a marijuana doctor right then. And it was a very-- it was just a very in-your-face approach, where they took for granted this limited experiment that they were operating in. And then because of that, what we ended up seeing in Montana was that the state police went after these businesses, the DEA went after a bunch of these businesses, as people who face federal charges because of it. The state legislature tried to restrict it, the state courts tried to restrict it, and then there's a lot of push back.

And that was different than here in Colorado, where it's like-- we sort of plugged our nose as the state created these very onerous regulations. But we're like, OK, well if this is what the state needs to be comfortable, then we'll do this because at least on our side. At least we have the state on our side as we operate in an industry that's still completely illegal under federal law.

JANET BISHOP: Right. So it seems like a very defined difference. Were there any colleagues, say in Montana-- was there the equivalent of a Vicente Sederberg law offices say, in Montana, or come to think of it, any of the states that eventually passed legalization of recreational marijuana. Or were you the focal point that people came to you?

JOSHUA KAPPEL: No, there's-- I don't know if there's a law firm-- yeah, like parallel universe-- but there's different people in each of these different states pushing what they think is best for their state. It's like you see with any social amendment. You have different people who claim different territories, and different strategies, and different-- just different ways to get from A to B. And sometimes those ways all work together, and sometimes they're the same, and sometimes they're different, and sometimes egos get involved.

And that's what we saw here in Colorado. We saw a lot of folks who wanted us to not make these rules, and to not have regulations on the medical marijuana side. They thought that the regulations were too onerous and that it wasn't necessary. And so there's differences in views amongst people in this movement. And like any movement, there's new people coming in with new ideas, and that sometimes those coincide with the old ideas, or maybe the old ideas change. And there's movement dynamics, which I think is a very interesting piece of this whole thing.
JANET BISHOP: Right. And this is a question I hope to ask-- I hope to interview a few dispensary owners, let's say-- and maybe this is a question more for them. But I thought I would-- this just popped into my mind to ask you, and maybe we can hold on until later in the interview to talk about this. But I've been seeing reports of big business, shall we say, coming in and maybe taking advantage of the green rush, and out-of-state businesses, et cetera. I don't know if that's your sense or not, but does some of this regulation help bigger businesses or industries come in, or what are your thoughts on that as well?

JOSHUA KAPPEL: I can talk for two hours about that question.

JANET BISHOP: OK, and maybe we can talk a little at the end.

JOSHUA KAPPEL: But in short, our initial marijuana laws in 2010 prohibited out-of-state residents. You had to be a two-year resident in Colorado to have a license. And so that coupled with the fact that everything was illegal federally, we didn't actually see big business come in.

At the time, what we were talking about, there's maybe 800 dispensaries in Colorado, and I think there's probably actually less dispensaries now than there was then. But they were small. You're talking about at most, 15, 20 employees initially. And now you have some that have grown. You have some employees that started out as these mom-and-pop shops, and now they have 500 employees.

And so there is folks that are like big business. When you talk about what is big business, when you're talking about folks with over 200 employees, or over 1,000 employees, or large corporations--

JANET BISHOP: I'm thinking of the Kraft, let's say, Foods or [INTERPOSING VOICES]

JOSHUA KAPPEL: None of them are in this space. There is-- in some situations, there's people who work for those big businesses, or VPs of those big businesses that saved their money and started their own thing in this space, but none of those large businesses are touching this, mostly because marijuana is still illegal at the federal level. There's too much-- they can't get by their compliance department to step in.

But in terms of-- there's another question we can touch on later, but you can just bring it up as there’s-- in terms of your other question, it was like, does increased regulation give preferential treatment to big business? I think the better way to look at it does excessive regulation increase the cost-- the barriers to entry and the cost of doing business? And the answer to that question is, yes it does. Of course it does.

In that case, it's not necessarily these big businesses, but it's really wealthy people in general and people-- affluent people in general. And the irony of it all is that the affluent people in general have never really been the victims of the war on marijuana. They've always been the ones who've had the good attorneys and never had to go to jail for any of this.
So in essence, the war on marijuana has marginalized people of color, has marginalized lower classes, and then the legalization of marijuana has almost done the same thing. But maybe that's - and maybe I want marijuana to be a fix for everything, and maybe it's the problems in our capitalistic society generally, where we let the rich get richer, and that's just how the world is working right now.

JANET BISHOP: Yeah, very interesting. And we can talk more about this. In fact, I might bring this up at the tail end of our interview if I can time-- time it correctly because I know your time is of the essence.

But just a thought to think-- ponder then, shows such as-- I'm not sure if you're familiar with the show Vice on CNN, I believe-- recently had a whole segment on businesses. And maybe this is in other states where there is not legislation on the resident-- there's not a residency requirement. But I think I was looking at a company in New York State that was thinking of buying up various farms, or industries, or smaller businesses to make a profit.

JOSHUA KAPPEL: So I watched that episode if we're talking about the same one.

JANET BISHOP: Right. I believe we are.

JOSHUA KAPPEL: And the-- a couple thoughts. The residency piece doesn't necessarily keep big businesses out. It's actually a very bad requirement in these rules. That it leads to backroom deals and--

The people who have money find a way to get their money in. And if they're not allowed to do it transparently, then the people who find-- who participate aren't necessarily the best people we want to participate because they're willing to cut the rules a little bit. So the residency piece is not-- it's not necessarily a good piece.

But there is in California-- and we'll see how this plays out-- in their 2016 ballot measure, they're proposing size restrictions in their growth facilities to half an acre for the first five years. And their thought is-- their whole goal is, how do we make it so that 30,000 small farmers in northern California have a chance, have a chance to participate, before some large company comes in, in the Central Coast and has a 100-acre marijuana grow? In terms of having that one company, at least we have 200 different companies making the same amount. And maybe that'll give a chance for this economy that's based on marijuana to participate in it.

So there is-- there's been an evolution, since what we did in Colorado, of people looking at this of not-- I guess you can say social injustice, but how do you bring the black market and the gray market system into this new system that we have? And how do you take the people that have been making these risks, and have been really the victims of this war on drugs, how do you make sure that they at least have a chance to participate?

And there's a big public policy reason behind it too. Because if you don't-- if you don't give these folks a chance to participate, and they've only lived in the black market, what are they going to do? They're not going to stop growing marijuana. They're going to keep doing what they're
doing, and they're going upend and undermine the system that you have if you don't let this-- the current markets at least have a chance to participate. Or they'll switch to something that's more dangerous or more harmful that they'll sell at the black market.

JANET BISHOP: And that's a whole other tale, but there's been many stories recently, unfortunately, of the rise in opioids and all sorts of things in middle class America that, such as heroin and--

JOSHUA KAPPEL: Yeah, all over the Midwest.

JANET BISHOP: So again, we're-- another tale--

JOSHUA KAPPEL: Another conversation.

JANET BISHOP: We're talking about the legalization of marijuana, and let's go back to 2010.

JOSHUA KAPPEL: 2010. Have I talked about-- because this is when our law firm was started. Have I talked about that at all?

JANET BISHOP: So you talked about in the last session that unfortunately Brian's dad took ill, and so you and Christian, around 2009, 2010 I believe, were doing a lot of work while--

JOSHUA KAPPEL: Yeah, we were doing a lot of work, so like create this new system-- they pass this House bill 10-1284, they pass it in May, it wasn't signed into law until June, then July 1st everyone had to have applied with a local government for a license, and everyone had to-- all the growers and the stores had to come together under one business. So there's a lot of what we call shotgun marriages at the time of these growers and these folks coming together.

And then there's people applying for a license with their local governments that just frankly didn't exist. You can't-- some people are just making stuff up. And at times-- at times, we were also definitely making stuff up. And we were-- we created a guide for Denver of here's how you should apply because there's no system. We don't really know, because here's our best guess.

JANET BISHOP: And was this a guide that you passed out?

JOSHUA KAPPEL: Yeah, yeah.

JANET BISHOP: So we need that for the archives, but I digress.

JOSHUA KAPPEL: We can definitely do that. The irony of it is that there were people who were running around Denver just following our checklist. And then a couple weeks later, Denver retroactively adopted a procedure of what the local approval meant like that was based off of our checklist. So we were just making this up together as we went because no one's ever really done it before.
JANET BISHOP: And when you say shotgun marriages, it was because dispensary-- because growers-- explain that a little more to me please?

JOSHUA KAPPEL: So the shotgun marriage piece-- which is sort of a fascinating thing-- is the regulations that they required didn't allow for independent grow licenses. They licensed stores, and they licensed these product manufacturers, and the stores had to grow 70% of their own marijuana. Then you couldn't have a grow without having a store with these other licenses.

But what you had at this time, sort of in the Wild West, was like people— you had people who just had grow facilities and who were just growers, and you had some folks who had stores. And how it was before this legislation went in is the growers would go to the stores and be like, hey, look at my product. You should buy it and sell it to your patients. And so what had to happen then is in a matter of weeks, stores and growers had to come together.

JANET BISHOP: Because of the legislation?

JOSHUA KAPPEL: Because of the legislation. So in order for them to survive, they needed to-- the store had to have a grower, and the grower had to have a store, and they had a couple weeks to sort of like date everyone and figure out who their wife is going to be in this wild dance. And so we saw a lot of partnerships come together very quickly and, and a lot of partnerships fall apart very quickly thereafter.

JANET BISHOP: And so were there any-- it sounds like, both a shotgun wedding and musical chairs. So was there anybody left standing when the music stopped? Or were many people or--

JOSHUA KAPPEL: Yeah, there are some who didn't make it, there are some who jumped on later on down the road once they figured it out, and then fought to say that they met the deadlines. And a lot of it was the grows in Denver weren't really regulated until December of the following year. And they started talking about regulating them a lot earlier, but it takes time.

JANET BISHOP: And when we say urban, because we're talking about an urban space-- and Denver is obviously an urban city-- so we're talking about warehouses mostly, or farms outside of Denver where people came in like farmers to a market or--

JOSHUA KAPPEL: No, well so in Denver was warehouses-- most of the initial growing was warehouses. It came from-- well, and a lot of it's just because a lot of how-- well if you think about the evolution-- so you think about the evolution, there's people who are growing in these like secret, hidden spots that were mostly in Colorado-- and different states-- were mostly indoors. And so when those growers stepped into this space, they knew how to grow indoors. And so there wasn't a lot of folks who were going out-- growing outdoors or growing in greenhouses at that time. Now that trend has definitely changed over the last six years, and there's a lot more people who have recognized the benefits of growing things outside, mostly using sun and less electricity, et cetera, but now we have all these warehouses in place.

JANET BISHOP: I gotcha. I understand. So and this seems different-- it seems different from California, where there's a lot more outside growers.
JOSHUA KAPPEL: Exactly.

JANET BISHOP: And so it's a cultural thing in a way too.

JOSHUA KAPPEL: Yeah, and it's a weather thing too.

JANET BISHOP: True. Colorado does have its [INTERPOSING VOICES] Yeah. So moving beyond beginning legislation and your guides, what else happened, could you tell me your activities in 2010-- of which there are many.

JOSHUA KAPPEL: Yeah.

JANET BISHOP: Where do you want to start? So leading up to Amendment 64, what other legislation were you involved in once-- and we'll pause because Joshua has got something in--

JOSHUA KAPPEL: No, I was just-- so in 2010--

JANET BISHOP: I saw the wheels working. You were thinking of taking care of something else.

JOSHUA KAPPEL: So in 2010, we were-- we started this law firm, so part of it was like figuring out this system, figuring out marijuana regulation. At this same time, I was working pretty heavily as half-time, I think, with Sensible Colorado. And we were working to make marijuana legal. And it was-- 2010 is really when we starting laying the groundwork for the ballot measure in 2012, for Amendment 64.

And so Brian-- my mentor then and my partner today-- really did a lot of very good work in finding all the players and building a coalition that's sort of unprecedented. Folks-- as I mentioned movement dynamics before, there's been movement dynamics in the national marijuana industry in terms of you have the Drug Policy Alliance is one group. You have the Marijuana Policy Project is another group. And then you have different funders, Peter Lewis and the guy from the University of Phoenix, and the guy from-- you have these different funders who had different goals, and ideas, and strategies, and these different non-profits had different goals, and ideas, and strategies. And for a long time, they actually didn't work that well together. What-

JANET BISHOP: And why do you think that was? Because the strategies were so diverse? Because to me-- let's say-- I'm doing oral histories, but I'm more or less an outsider to the industry-- it seems like the common goal would be legalization of marijuana. And do you want to pause?

JOSHUA KAPPEL: No, no really. So the-- well, part of it was the two main players-- you have the Drug Policy Alliance and the Marijuana Policy Project. And the Drug Policy Alliance was focused more on the overall war on drugs, and the Marijuana Policy Project only cared about marijuana. And sometimes, the message of the overall harms of war on drugs, and harm reduction, and law enforcement resources, is sort of a different message than marijuana's not that bad. It is a different message than marijuana is like alcohol, adults should be able to use it.
Whereas the Drug-- whereas the [INAUDIBLE] action's about we want to reduce the harms of drug use on society.

So there’s just different messages, and there's different focuses. And you'd have to talk to one of them about it because it's more secondhand or hearsay from me. They’d focus on different states, and they’d try to divide and conquer and see which strategies would work in different places.

What Brian did that was unprecedented is he got all these people at the table together. And he's like look, here's our goal, here's what we want to do. There's room for everyone. We need everyone's support. And so that was the early conversations that were happening at that time. And--

JANET BISHOP: So really building a coalition, I should say.

JOSHUA KAPPEL: Really building this coalition, and he is really the architect behind it. And you had folks-- I think you guys talked to Mason and Steve who had their vision of how they wanted to do it. But I do think this coalition was absolutely critical in terms of getting smart people in the room to put together language to write this measure. That's another thing I was doing and our team was doing was circulating different drafts of what this measure looked like, trying to seek feedback from all sorts of different individuals and entities and trying to build coalitions early on.

JANET BISHOP: So, and it sounds like 2010/2011 was really a time of this coalition building throughout the state, and my sense is, at a national level as well.

JOSHUA KAPPEL: At the national level, throughout the state-- yeah, it was coalition building and drafting the language was at late 2010/2011, and in addition to like running this law firm and making medical marijuana work. And there's definitely a lot of--

JANET BISHOP: Was there any-- it seems seamless in a way, but was there any-- maybe I'm making a false distinction-- was there any conflict between continuing the work on-- ensuring that medical marijuana legislation worked for patients versus pushing legalization of recreational marijuana, which is a different thing-- as you noted in your last interview-- making marijuana available to adults as opposed to just patients?

JOSHUA KAPPEL: Yes and no. I mean, there's always-- there's always time conflicts when you have different goals and projects you're working on, but they actually were very hand-in-hand. Our thought-- which I think I mentioned before-- is people who need this for medicinal purposes should get it first, and then we can open it up for everyone else. But the other part was if we can't regulate it for medicinal purposes, then how can we regulate it for everyone else. So part of the working on the medical side is making sure that the system is working, and making sure that the regulations were working.

Or what we also saw too was-- what we also saw too was that the-- that when people saw that the marijuana regulations were working on the medical side, they weren't as scared about what it looked like on the recreational side. And part of it-- our big criticism on the medical side is that,
oh, well I know where you can get a card anyways. So the people who hated marijuana, they're
good thought was, oh well, everyone's using this anyways. And so then it's like, but if the
regulations are working, and this guy's not following it, everyone's already using it anyways,
then what's the difference? What's really the difference if we then open up.

Personally, I don't think everyone was just using it anyways. It was fascinating if you look at the
numbers, you have the same, if not more, medical marijuana patients in Colorado today than
then. And you don't even need-- you don't even need a card today to get marijuana. So I do think
that the accusation that everyone's abusing the system is false.

But with that said, the-- that belief that everyone is abusing the system, I think actually softened
the public. And they're like, well, what's the difference anyway? Let us treat this like alcohol.
What's the difference?

JANET BISHOP: I also think-- I mean, I also wonder too-- and this is a maybe a digression as
well, but-- that-- well, two things-- was there a possibility that people are still-- more people are
going medical marijuana cards today than maybe before? Is there still a cultural thing? Maybe
it's more acceptable still if I am a medical marijuana patient than not. Or do you think it's been
embraced so much in Colorado's culture that it's not a big deal?

JOSHUA KAPPEL: I think people who are use it medically get medical marijuana cards because
they'd like to talk to their doctor about marijuana, and they'd liked to seek professional advice
about it. I think there are folks who support the medical side and not the recreational side. My
mom told me once, I like when you help the sick people, but I don't know about everybody else.
So yeah, I think there could be some truth there.

The other thing that was going on in 2010 and 2011 was making-- so they're trying to rein in the
Wild West in the medical side, and there's a lot of patient advocacy going on on my end. Trying
to make sure that patients weren't getting caught up in this-- in their crackdown. There's some
issues where they went after some doctors and it resulted in 3,000 patients never receiving their
medical marijuana cards. And then there's some issues with raising the fees, and decreasing the
fees, and cutting off caregiver supplies. And so there's a lot of-- a lot of my personal work at that
time was focus on what do patients need, how do we make this system work?

JANET BISHOP: And could you talk about that in more detail, or a few cases that stick in your
mind from that period.

JOSHUA KAPPEL: We were working pretty heavily on expanding our medical marijuana
program. Our medical marijuana program was actually very limited.

JANET BISHOP: Here at Vicente Sederberg?

JOSHUA KAPPEL: Yeah. Well, and through Sensible Colorado. And so we put to-- for
example, veterans, or really anyone who had PTSD, didn't qualify for a medical marijuana card.
PTSD wasn't a qualified condition here in Colorado. Even though it is a qualifying condition in
New Mexico, and it's a qualified-- and there's many reports about it, and there's no good
medications to use for PTSD. It's not like they're like, oh no, we have this wonder drug out there that helps everyone. No, there no-- there's no good medications.

And so we put together a petition. We organized a bunch of veterans, and we filed a petition to try and add medical marijuana to the registry. And we ended up losing, but-- And then we actually ended up filing a petition again a couple years later, which we also ended up losing, but-

JANET BISHOP: And this is 2010/2011?

JOSHUA KAPPEL: This was 2010 when we were working on that petition. And then we filed again in 2012. For some folks that was OK. Well, if our medical marijuana system's too restrictive to allow marijuana for everyone who needs it, then maybe we do need to open this up for everyone. And maybe we do need to pass a recreational marijuana piece.

JANET BISHOP: And why did you think the-- because it would seem on the surface that the plight of veterans is so compelling to many, why did that petition not work, do you think?

JOSHUA KAPPEL: Part of it is-- well, a couple things. One is there's some individuals on the Board of Health who were not the most amenable-- amenable to marijuana or to the medical use of marijuana. There was some folks who just didn't want to expand the program at all. They thought that veterans with PTSD shouldn't be using marijuana, just like they shouldn't be using alcohol or other sort of like negative substances. And so they should use the drugs that you have gone through that FDA process, which is a fair point. But part of this whole sort of crackdown made it more difficult in those cases.

But I think overall it was a lack of wanting to expand the medical marijuana program at all. The thought is we're going to regulate it, we're going to control it, we're going to limit it, not expand it. It sort of makes sense of why things went that way.

Another thing we were working on, lowering the fee for indigent patients. I mean patients who couldn't afford to pay $150 to the state, whether they could get the fee waived, and so receive a medical marijuana card, which we were pretty successful at. A lot of it is due to-- a lot of it is due to the help of Damien LaGoy.

JANET BISHOP: The patient you mentioned previously.

JOSHUA KAPPEL: And those are the main pieces. There's a case--

JANET BISHOP: And did it work? Were you successful in lowering the fee for indigent patients?

JOSHUA KAPPEL: Yeah, of course. We never-- we didn't get it lowered as much as we wanted it to be lower.

JANET BISHOP: So what was the fee for--
JOSHUA KAPPEL: But then over time, it actually lowered a lot. I think that now it's like $15 or $30 for everyone, and it's free for indigent patients. But the fight is over how do you prove it. How do you prove that you're-- and they're like, oh, well, they should show us their tax returns. And we're like you don't make any money, you don't file tax returns, but that's a whole other conversation.

JANET BISHOP: So what solution did they come to in terms of proving their indigency?

JOSHUA KAPPEL: They came to-- well, you could show them your tax returns, or you could show them your SSI enrollment. And then it's sort of like an ongoing process. And so that was 2010. There's more legislation around in 2011, sort of cleaning up the other pieces, putting our indigent patient language into the statute, we try to write a bill to allow PTSD for the medical marijuana patients, but that got shot down.

And in the latter of 2011 was-- at least my role at that time, that sort of shifted. My role was-- I was working on this medical marijuana regulatory side and this legal side, and during the campaign, I kept the same role. My role is to go out and to talk to marijuana-- current medical marijuana businesses.

And really a lot-- piece one was like the current medical marijuana industry outreach, and piece two was to work with veterans and see if there's a way that recreational marijuana would alleviate-- would be-- we filed two petitions. We file two petitions. We try to-- we tried to amend the legislation. Maybe there's-- maybe this whole Amendment 64 is an answer that we can get behind in terms of getting veterans with PTSD access to marijuana.

JANET BISHOP: Just a quick question for the record, because maybe down the road somebody might think this. Given the anti-anxiety medication on the market right now that can be prescribed, what made it-- why was medical marijuana so special in terms of alleviating symptoms of PTSD?

JOSHUA KAPPEL: Well, obviously some folks didn't think it was that special at all. But the--

JANET BISHOP: In your estimation.

JOSHUA KAPPEL: In my estimation, the thought is-- in my estimation, the-- what I've heard, at least anyways, from folks is that it interrupts people's patterns. So the problem-- and I'm not a doctor—let the record--

JANET BISHOP: Right. We'll know you're not a doctor, yes.

JOSHUA KAPPEL: --let the record reflect that this could be 100% wrong. But what folks who-- anecdotally what people have told me is that the problem with PTSD is that they relive the same memories, and they get the cycle of these negative and traumatic memories that-- different aspects of their life trigger, and then these memories come up, and they relive the same memories, and they get stuck in these thought patterns. And what one individual told me was
that, when he uses marijuana, he's able to break out of that cycle. He's able to leave that thought pattern and think about different things.

Whether that has any basis at all, I don't know. And there's others like it. In New Mexico, more people use marijuana for PTSD than any other condition. So people are finding help with it.

And it's-- and yes, it's like, are people self-treating themselves? Is it instead of people using alcohol to self-treat their PTSD, they’re using marijuana? Maybe. Is that better than alcohol? Most likely.

JANET BISHOP: And to spell it out for certain researchers, say graduate student researchers, most people know post-traumatic stress disorder is--

JOSHUA KAPPEL: PTSD, yes.

JANET BISHOP: Just to spell out the acronym. So-- thank you for expanding on that. So your role is outreach to medical marijuana dispensary owners and growers--

JOSHUA KAPPEL: Businesses, owners, patients, activists. Sort of like keep-- let me take a step back. The problem was, is that come late 2000--

JANET BISHOP: '11? No.

JOSHUA KAPPEL: Late 2011, the big criticism—you know, I’m doing this all the time. The big criticism from a lot of folks was that look, we just now have a medical marijuana system. We've jumped through all these hoops. We're on tenuous legal ground. It's illegal federally. You want to go and legalize marijuana for all adults.

Why-- don't you think that the federal government's going to come down on us? Isn't this what they call poking the bear? And our thought was maybe? Maybe, maybe not.

But at the end of the day, I was a firm believer that if Colorado votes to make marijuana legal for all adults, all the criticisms of our medical marijuana program don't really matter anymore because all the criticism about people are abusing it, marijuana's going-- marijuana’s not good for you, all these different things. But if it's OK for all adults, then it's like well, those criticisms don't really matter. We have-- the public clearly says that they want this to happen.

But it was like predicting the future, no one knows. The Federal Government could have easily said yeah, if you open up a recreational marijuana business, then we're going to come in and shut you down. Or now that you guys are doing this, we're going to come in and shut you down. And what was interesting, it was late 2012-- late 2011, early 2012, the US Attorney starts to go after some medical marijuana businesses in Colorado.

JANET BISHOP: Within Colorado.
JOSHUA KAPPEL: And it's interesting. So whenever really monumental things happen, Brian's usually out of the country and unavailable. And so the US Attorney starts sending-- sends all these letters to businesses-- to medical marijuana businesses within a thousand feet of a school. And what happens, or--

JANET BISHOP: And what-- so what was contained in the letters, cease and desist, or just pointing out the fact that they were near schools?

JOSHUA KAPPEL: Good question. The letter said that they had 45 days to cease operations or face criminal and civil prosecution and asset forfeiture. And they sent these letters to the business owners and the landlords-- all over Colorado, not just in Denver. And what we did-- or what I actually did is I called a meeting the next day-- Brian, he's on his honeymoon or something-- and I called a meeting of all of the major stakeholders in Colorado and organized a coalition of how are we going to respond to the US Attorney, and what-- how do we respond in a strategic manner?

Then this is-- there's me, there's the folks in the marijuana industry group, Mike Elliott, there was other marijuana attorneys involved, there's other industry groups involved, there's other-- the businesses that got the letters were involved. So I created this round table, and held these weekly meetings. And it was called the US Attorney Coalition. I'll probably give you an agenda with my notes all over it for your archives.

JANET BISHOP: That would be good for the historic record too. Did you ever connect with the US Attorney General who would be-- Eric Holder?

JOSHUA KAPPEL: No, it was John Walsh.

JANET BISHOP: John Walsh.

JOSHUA KAPPEL: Well, it was Troy Eid and John Walsh.

JANET BISHOP: Oh, and I think Mason mentioned this in his interview come to think of it. Did you ever connect with US Attorney John Walsh personally, or through the coalition, or have any kind of dialogue?

JOSHUA KAPPEL: No, we never actually did. It was one of those things-- I mean, there was conversations through other people, but there's no direct conversations through it. I think we did blast his office with a bunch of emails a couple of times.

But a lot of our organizing at that point was-- it was media, like media strategy. How do we tell the story in a way that makes sense? It was elected officials. What-- how do we get Jared Polis and others, our champions in the Federal Government and the State Government on our side? And how do we use this as a rallying point to get more people involved and more people talking?

Because part of it's like-- the death of many movements, in my opinion, is complacency. And when you're on the defensive, you really don't have time to be complacent because people are
attacking the very foundations of what you built. And you have to use that as a means, like cause actually, and get people involved in having these conversations. And back then, we met with a lot of elected officials and their State Representative or-- and their staffers.

And it's interesting, because their positions then were like, well, I don't know about this. And now they're positions are OK. Now they're signing up on legislation and co-sponsoring bills. And so it was all that early groundwork that was done. I'm not saying that is why this happened today, but it's just the evolution of it all.

JANET BISHOP: Right, the direction.

JOSHUA KAPPEL: And the other thing I think is fascinating is that-- so my job is getting the marijuana industry to support us, and at the same-- and the biggest concern is the Federal Government. And then the Federal Government starts sending out these letters to marijuana businesses. So I had quite the task.

JANET BISHOP: Reassurance in the face of having the Federal Government--

JOSHUA KAPPEL: Yeah. Because we're like, aren't we just poking the bear more with your legalization measure? And it's like wow.

JANET BISHOP: What was the-- what was the upshot, or what was the outcome of the letters sent to these dispensaries? Did many close or did they stay open, and--

JOSHUA KAPPEL: So none of them in Colorado stayed open. They all-- most of them moved, relocated.

JANET BISHOP: To where?

JOSHUA KAPPEL: To a different spot, wherever they could. Some closed. Some definitely closed. There are some folks we worked with who were like, we have no place to move to. We only have 45 days. We're going to lose our license under the state law because once we close down-- And so there's many folks who closed.

There's a couple folks who sent letters back to the US Attorney and said hey, by the way, this isn't a school. And in one case, the US Attorney rescinded the letter and OK, it's not a school. Which should have showed that it wasn't like-- that they're being somewhat reasonable. And there's interesting interactions where like the DEA would come and make sure places were closed on day 45.

And it was a very uncertain time. There's a lot of-- at our law firm, during the campaign, it was like, what's the US Attorney going to do next? He is now involved in what's going on.

And does he opine on-- does he opine on Amendment 64? Does he go after more businesses? Is there going to be criminal charges in any of these cases? What's going to happen here? And there's a bunch of uncertainty, a bunch of uncertainty. And the--
JANET BISHOP: And so how-- going back to your role-- how did you feel when you went out to the industry, dispensaries, people in the marijuana business? Pitch isn't the right word, but what were you saying to people to reassure them, or were you just saying I can't reassure you, I'm just trying to educate you?

JOSHUA KAPPEL: Yeah, I'm going to have to send you some links. I have some recorded speeches I said at that time. I have to go back and look. I'm always one of those who are scared to watch myself give public speeches sometimes but--

At the end of the day-- and I firmly believe this-- is it was the Federal Government was, in some ways, letting their presence be known in Colorado. They're going after these marijuana businesses. The big criticisms by everyone was that everyone's just abusing the marijuana-- the medical marijuana system. It's really just a front for recreational marijuana. And so the-- what I believed is that if Amendment 64-- by this point we're already on the ballot.

JANET BISHOP: So we're talking about 2000--

JOSHUA KAPPEL: Yeah, we're talking about-- or we've already turned in the signatures, so we're talking about late 2011, 2012.

JANET BISHOP: Right. And you're going across the state.

JOSHUA KAPPEL: Yeah, well, and even before that. So my role in early 2011 during the signature drive was to convince the dispensaries to have their-- our campaign petitions at their stores and to train their staff about how to collect signatures. Which we had, I think, a couple hundred dispensers that were supportive.

And a lot of it-- I'll have to admit that a lot of it is like people trusted us. Here's all the reasons why I think that it's a bad idea, but you guys have got us this far, and we trust you-- we trust your team, even though we still have many reservations. So a lot of it was purely just relationships and people trusting us.

JANET BISHOP: And branding in a way. Your brand name so to speak.

JOSHUA KAPPEL: Well, at that time, I think we were Vicente Consulting was the name of our law firm. But in Sensible Colorado, after in 2010-- I think I might have said this before-- I was the person who travel around the state and told everyone what all these new regulations meant because Brian's out of state. So I was the one in Colorado Springs and other places. So I've been building these relationships with people. And don't get me wrong, the people who hated us because of the medical marijuana regulations in 2010, they still hated us in 2012. They still hated what we were doing.

And there's a lot of opposition from folks in the movement who we had to deal with, a lot who did not want marijuana to be legalized the way we proposed. They wanted it to be more legal. They wanted to be able to grow more plants. They wanted to be able-- they didn't want to have licenses. They didn't want to have to deal with regulations.
It's pretty monumental, the 420 Rally, the big rally in Denver, the 420 Rally in 2012. Miguel Lopez who organized-- was a big vocal opponent of Amendment 64-- and all of their volunteer staff t-shirts said no on 64.

JANET BISHOP: And who is Miguel Lopez?

JOSHUA KAPPEL: Miguel, he's a community organizer here in Denver, very vocal opponent of Amendment 64 at the time.

JANET BISHOP: Because it was too regulate-- too much regulation.

JOSHUA KAPPEL: Too much regulation, and it didn't-- at least that's what they said. There was other-- there were concerns that there's too much regulation, that it doesn't-- some-- which I probably believe-- it didn't fix the black market to gray market to white market transition problem. It still didn't allow felons to be in this space. It didn't prohibit it, but it didn't allow them. It didn't--

JANET BISHOP: So backing up a second, I thought there was a prohibition against individuals with felony arrests to own dispensaries.

JOSHUA KAPPEL: In the medical marijuana system there's this felony prohibition. And our proposed measure, we didn't have a felony prohibition or we were silent on the matter. And so there were folks who were upset with us because we didn't make it so felons could come back in the industry. There was folks who were upset with us because we didn't have-- well, we didn't have places where people could consume marijuana was part of it. But a lot of the push back from a lot of different groups was we were too restrictive. We weren't open enough.

And so-- and so the inner industry opposition that we were dealing with at the time is you had-- there's two camps. You had people who thought we weren't-- we were too restrictive. We weren't open enough.

And you had other folks who thought-- the medical marijuana businesses who just got their licenses, didn't want anything to change. Let's see this work. We don't want the Federal Government to come and shut us down. We just invested all this money. And so these were the two inner-- inter-industry oppositions, or inter-movement oppositions to Amendment 64.

JANET BISHOP: And what would you say-- without going into percentages or bean counting-- how many of those internally to the industry did you-- were you persuasive with? Would you say quite a number you ultimately persuaded to embrace Amendment 64 within--

JOSHUA KAPPEL: I have no clue. At the end of the day, the argument that I think was the most powerful was that if we vote on Amendment 64 and it loses, there will actually be a larger crackdown on medical marijuana businesses because the public has spoken that they don't want everyone to use marijuana. And if we vote on Amendment 64 and it passes, we will have the political wins behind us, and will actually be able to push the ball forward, and people won't care as much about medical marijuana because the majority of the public wants everyone to have it.
And from a political-- so it's sort of like political argument, the political realities of it passing versus it losing, I think carried the way with a lot of people in the industry at the end of the day. But it's how many people-- it's interesting because part of me was, how many people just didn't want to vocally oppose it because they didn't want to piss us off. Or it was already leading the charge in the industry in many aspects. Or they just respected us and our friends and they know that we cared so much about this.

And how many people-- we had a lot of vocal supporters of it, but a lot of the businesses at the time were actually silent on it. They were neutral on it. Their thought was I don't want to be an outspoken advocate of this because I don't want the federal government to see my name in the paper and come after me. And what actually happened at the ballot box, I think more people are like, oh, I can vote for this now that no one's watching, or if they're like, can I vote against this now that no one's watching. It's sort of unclear.

JANET BISHOP: Although it has been speculated and said Amendment 64 was helped by the fact that it was also a presidential election year, and you had many young people out for the vote.

JOSHUA KAPPEL: Oh yeah, I mean that's definitely a--

JANET BISHOP: Future-- or President Obama as well.

JOSHUA KAPPEL: And we've seen that with marijuana reform generally, it's the more people that vote, the better marijuana does. And I think it's in part-- because when you look at the people who vote only a few times, who-- you have your people who are voting every single election-- school board, their registered neighborhood organization president, every single time they're voting, and they're involved in everything. And then there's people who vote only in presidential elections, or only major elections. And I think the people who support us is the people who-- we definitely have a higher amount of support, percentage-wise, when the people who vote infrequently when it comes to marijuana reform.

And I think it's in part because a lot of them are disillusioned. It's like a lot of folks who support marijuana reform are disillusioned with the government in some senses because the government has criminalized something that they know is harmless because they've experienced it. They've smoked it before. They've tried it. They know that the government's lied to them. And so they don't trust the government, so they're not ones who are actively participate as much. That's my theory, but--

JANET BISHOP: Interesting. So those who feel disenfranchised in some way. Yeah. So before celebrations on election night of 2012--

JOSHUA KAPPEL: How did we get there?

JANET BISHOP: Do you want to talk a bit-- I think we're up to about late 2011, you were doing educational-- what I would call educational outreach to firms and companies, and I don't know your time right now, but I assume-- yes, you still have some.
JOSHUA KAPPEL: Yeah, I mean my particular role was outreach-- inner industry outreach, and also working with veterans. We filed another petition and that got shot down, and then we used that to-- we had no other option really but to call for the legalization of recreational marijuana, and made a great TV advertisement with Sean Azzariti, which I think is probably on YouTube. It should definitely go into your archives. And then we were meeting--

JANET BISHOP: And your TV advert-- were you in this TV--

JOSHUA KAPPEL: No, I wasn't in the TV ads.

JANET BISHOP: Was this part of Mason's strategy, or separate from Mason's--

JOSHUA KAPPEL: It was-- it was part of Mason's. It was-- well, so we were meeting-- there was our core campaign team. It was Mason, Steve, Brian, myself, who else? Who else was in-- a couple of the key volunteers.

JANET BISHOP: Christian was--

JOSHUA KAPPEL: Christian came a little bit-- Christian was in the room and more towards the end, Christian actually became a lot more involved in the whole system after it passed.

JANET BISHOP: Right. And we've-- have spoken with him about that.

JOSHUA KAPPEL: But initially it was the four of us and the five of us, and it was-- so we're meeting weekly. There's like-- there are different groups who are trying. There's the various folks of the Drug Policy Alliance that we have on this cause, and the Marijuana Policy Project. And really the Marijuana Policy Project at the end of the day was the organization that stepped up and raised all the money and put it on the ballot and ran the campaign after some contentious moments there. There's other players who came in and out of this core circle.

So a lot of it we did too was-- a lot of it was fill in the gaps of other things that needed to be done which varied all the time. Whether it's speaking somewhere, whether it was training people how to collect signatures and the signature campaign, notarizing signatures. I coordinated-- there's a campaign going on up in Fort Collins that I coordinated with.

JANET BISHOP: And was that campaign? Or just an offshoot of the campaign?

JOSHUA KAPPEL: To unban marijuana businesses. So in Fort Collins, Fort Collins banned medical marijuana businesses in 2010. So in 2012, we ran a measure to unban them, or to permit them again. So we started coordinating with that campaign.

I was coordinating with other non-marijuana businesses, getting their support. We made these Amendment 64 banners. I wonder if there's any of those around? These Amendment 64 banners that we got would get support businesses in visible streets to hang up on their buildings, and that was something I was doing a lot of. Well, actually something that I led that whole project of, getting these different places to hang up these banners. And there's even just other different ways
of coalition support, most communities-- it was a lot of what I was focusing on, and running
certain databases that track these things.

And then during this time too, there's MPP, they're the nationals. There's MPP, there's DPA, and
then there's Graham Boyd and Peter Lewis' money. And--

JANET BISHOP: And Graham-- Peter Lewis of Progressive?

JOSHUA KAPPEL: Hm-mm.

JANET BISHOP: And Graham Boyd was--

JOSHUA KAPPEL: He's sort of his financial advisor. And so they ran these experiments early
on about messaging and testing the message. They spent a bunch of money doing it, and ran a
bunch of polling. And they continued to run polling and the most part throughout the campaign,
but not completely. But then they ended up pulling out, and they took all their money and they
went to Washington.

JANET BISHOP: And why was that?

JOSHUA KAPPEL: Because they had more control over the campaign. And in Washington--
Washington ran-- it was a different style of campaign which I'm sure others have commented on
of our different approaches.

JANET BISHOP: And you're talking about the District of Columbia-- or Washington State?

JOSHUA KAPPEL: Washington State.

JANET BISHOP: Washington State. A little bit, but why don't-- if you have a moment, why
don't you expand on that?

JOSHUA KAPPEL: And so as I mentioned earlier, that there's sort of like MPP who cared more
about the marijuana message, and the Drug Policy Alliance who cared more about the overall
drug war message. And there's Graham Boyd and Peter Lewis who were-- had their own agenda,
but they were more in this drug policy message camp. And the approaches become very clear.
And DPA-- don't get me wrong-- DPA was very supportive of our campaign.

JANET BISHOP: And to spell out the acronym.

JOSHUA KAPPEL: And it's the Drug Policy Alliance.

JANET BISHOP: OK. Thank you.

JOSHUA KAPPEL: And they're very supportive of our campaign. And they helped us a lot. But
if you look at the two differences between the campaign in Washington and Colorado, it's
actually pretty fascinating.
So our message was-- the Mason Strategy I think as you referred to it earlier-- is marijuana's not as harmful as alcohol. Yeah, marijuana's actually safer than alcohol for our society and for individuals. And it's not harm-free, but it's just like alcohol is, and adults should be allowed to choose. Why are we saying that they can only do this one thing that's worse for them as opposed to this other thing?

And to build this positive message of like marijuana's not that bad. It's not as bad as everyone tells you it is. So adults should have the choice to use it.

Washington, though, if you look at their campaigns, theirs is a new approach. It's time we take a new approach to marijuana. It's time for us to deal with the harms of marijuana differently. We need to mitigate the damages of marijuana by regulating it, by requiring people to have IDs. And by-- we need to test it, and we're going to treat this as a public health issue and restrict advertising.

And we ended up doing all of those things in the regulations that we put together, but there's a difference of-- is how we talked about it. And so we talked about marijuana positively, and they talked about marijuana negatively. And we said this measure is good because adults can use marijuana. And now they said this measure is good because we're going to reduce how many people use marijuana.

JANET BISHOP: And what was the rationale with thinking that a measure to legalize recreational use would reduce the amount of usage by adults? Perhaps that's a question better asked of a--

JOSHUA KAPPEL: Someone over there.

JANET BISHOP: --somebody active in Washington State.

JOSHUA KAPPEL: I think part of it was to reduce marijuana use by-- to reduce the harms related to marijuana use. So in Washington measure they had a very strict DUI law. And so, oh, this will allow us to stop people from driving under the influence of marijuana. And it we'll make this as hard for young people to get marijuana. And so there's-- there's just a different approach between the two.

And if you look at any of the exit polling, it's pretty fascinating because our biggest supporters were young people, and people under 55. And they actually-- they have-- their largest supporters were older individuals, and actually lost a bunch of younger folks.

JANET BISHOP: In Washington State.

JOSHUA KAPPEL: In Washington State. Even though we ended up at like-- we ended up with the same results of marijuana's legal in both states. Ours was first by a couple hours. And marijuana's legal in both states, and roughly 55% of the voters supported it, it was a different demographic of voters, and two different campaigns.
And so while we're running our campaign, Peter Lewis and those guys, they do these experiments and test different messages, and so they end up pulling out and going-- and putting all their money into the Washington campaign. DPA still supports us, but they don't support us as much as they supported the Washington campaign. And then MPP was really the organization that steps up, raises all the money, is able to buy the TV ads, really supporting the campaign and the signature drive. But of course, I mean, MPP doesn't put any money in the Washington campaign.

JANET BISHOP: And that's what-- Marijuana Policy Project.

JOSHUA KAPPEL: Yeah, the Marijuana Policy Project.

JANET BISHOP: To spell out the acronym.

JOSHUA KAPPEL: The different people at the table changed a lot.

JANET BISHOP: And that's a whole other conversation about the differences in approach and desired outcomes, how that impacts Washington State's legalization versus Colorado's.

JOSHUA KAPPEL: And Washington State doesn't allow-- another key difference between the measures is Washington State doesn't allow people to grow their own marijuana where ours does, which was a pretty controversial measure. It was-- this is a good story. We're writing the laws, and there's polling that comes back, and it's the polling's like look, people don't-- you'll get more votes if you don't have this grow your own piece in there. If you don't allow adults to grow their own, then you'll have a better chance of winning. But for a couple of different reasons, we decided that wasn't the best case.

JANET BISHOP: And why was that?

JOSHUA KAPPEL: One is because we didn't know how the federal government was going to react. And so part of it was in some sense is like, playing chess a little bit with the federal government. Because if they-- because from a legal standpoint, the legal analysis is we're-- it's undisputed that states don't have to criminalize certain things. So a state doesn't have to criminalize marijuana possession. A state doesn't have to criminalize marijuana cultivation. That is an undisputed legal fact. A state doesn't have to criminalize anything if they don't want to. If they don't criminalize drinking under the age of 21, they lose highway funds. It's been litigated forever.

And so our thought was, well, if the federal government was to come and try and shut down the businesses, they're going to have to contend with this notion that everybody can grow their own anyways. And our measure still works. People can still use marijuana. Well, it's still like use it and acquire it.

JANET BISHOP: And why was that?

JOSHUA KAPPEL: And so we were kicking the whole ball back to the federal government and like, how do you want to do it? Do you want everybody to grow their own, or do you want us to be able to
regulate it like everyone wants us to do? And we had no clue how the federal government was going to react to it.

JANET BISHOP: So in Washington State-- let me just to clarify, you, an individual, would not be allowed, under the legalization regulations, to possess-- I don't know what it is-- like five marijuana plants?

JOSHUA KAPPEL: Hm-mm. Six.

JANET BISHOP: Six?

JOSHUA KAPPEL: Six is what we have here.

JANET BISHOP: Six marijuana plants? Obviously I need more protein and lunch, but at some point but--

JOSHUA KAPPEL: We do have-- I think we have coffee.

JANET BISHOP: Fine, I have coffee. So an individual in Washington State cannot possess six marijuana plants.

JOSHUA KAPPEL: Not in the recreational side, no.

JANET BISHOP: But on the medical side.

JOSHUA KAPPEL: Kind of. And then that was a big thing is the medical marijuana industry in Washington State was really opposed to their legalization measure. Here is we had some vocal opponents, but most people, I think, that was neutral or supportive. So I'd say I did my job pretty well, but--

JANET BISHOP: Yeah. And so we're up to election night--

JOSHUA KAPPEL: Oh, no. No, we're not there yet.

JANET BISHOP: We're not there yet, OK.

JOSHUA KAPPEL: But we should be soon.

JANET BISHOP: So tell me more about the couple months leading up to Washington.

JOSHUA KAPPEL: The other thing that I personally did in this story was and frankly it was like everyone else-- complete aside-- this happened because of the team and no way can I take-- it's like Mason and Steve and Brian are massive champions. A lot of what I-- a lot of my role was moral support. Where do I-- where do I fill in the gaps? What needs to be done?
JANET BISHOP: And just to-- as an aside here but-- you came from law school really straight into this more or less.

JOSHUA KAPPEL: And all at the same time I'm also running this law firm with Christian as well which Brian at this point has completely stepped out of. I mean, not completely stepped out of, but his-- 80% to 90% of his time was focused on this campaign, and rightfully so. My time as probably split 50/50, and then as the campaign got closer, probably 75/25 towards the campaign. And Christian's time initially was probably 90/10 law firm, and then that started to shift. And it's interesting because the three of us-- our timeframes have shifted like that a lot, in terms of who's working on the law firm and who's working on making this whole marijuana experiment work.

But the other thing I was doing during that time is putting together online voting-- online voter registration working with New Era Colorado to create an online voter registration, get people registered to vote. Was working with the Colorado Progressive Roundtable, the 501c3 roundtable, and other progressive organizations to build coalitions, get ourselves inserted in their voter guides and trying to get endorsements from people who have lots of voter contacts. Also building our own universe of people, of people who support us, and then building phone banks.

We didn't really do canvassing, but we did do-- we did a lot of phone banking, both here and remotely. And we coordinated that with Students for a Sensible Drug Policy. And they'd have other-- so it was fascinating because others-- like colleges around the country, would have phone banks to Colorado voters, and they'd be like hey, you've got to vote for this because there were so many people who were passionate about this issue.

JANET BISHOP: So other-- you're saying other students in other states at other universities got into the effort of registering voters for-- in Colorado?

JOSHUA KAPPEL: Of registering-- of helping the registered voters and also encouraging people to vote, so like on the get out the vote because we have mail-in ballots, so there's a two-week window, and we were like, all right, let's go after this. And that was all through Students for Sensible Drug Policy, which was a group I probably talked about earlier that I was involved in.

JANET BISHOP: And so your work in getting an online voter registration, this online voter registration system was a first for Colorado, period?

JOSHUA KAPPEL: So we did—no, it was not. It was working with New Era to create one that's tailored towards marijuana voters.

JANET BISHOP: OK.

JOSHUA KAPPEL: It's like, oh, you support this. Here's where you go about-- here's all the information. So that was one piece. And then creating this remote phone bank that people could tap into from anywhere. And then also we had our brick and mortar phone banking. You had 20 to 30 people at a time just calling people trying to get everybody to vote during those last final weeks.
We kept the phone bank—we kept the phone bank. We also did some text messaging too, which was really effective, but it's very difficult to navigate the different rules involved with the FTC. But we had the phone bank on up until 6:50 on election night. And people would come to our office and want to get involved and put them on the phone.

JANET BISHOP: You set up a phone bank here. Were you in this building--

JOSHUA KAPPEL: I was in our office over-- in our 1177 Grant, and so our war room upstairs. And then we also had a bunch of people with signs all over the major intersections trying to remind people to vote because our premise is the more people that vote, the better chance we have at winning.

JANET BISHOP: And so this was up to an hour before polls closed on election night?

JOSHUA KAPPEL: Yeah, even in some cases, half an hour before polls closed in certain spots. And it is an exciting time in those-- there's a lot of energy and a lot going on, and everyone-- no one really knowing exactly how it was going to turn out.

JANET BISHOP: So and you all went to-- was it Quixotes, Cervantes-- one of our narrators mentioned--

JOSHUA KAPPEL: Casselman's.

JANET BISHOP: Casselman's for election night celebration.

JOSHUA KAPPEL: Yeah. So Casselman's was the big election night celebration place. And it was fascinating. It was one of those red carpets, dozens and dozens and dozens of news vans from all over the world. Everyone wants to be at the marijuana legalization campaign election night celebration or disappointment, we really didn't know. We had some polling suggesting maybe things were going to be all right, but it was still very, very close.

And then it's all the-- yeah, then it was really just as the first results came in and it showed us ahead, that it was like all right, I think we're going to win this. I think we're going to win this. And there's everyone from the campaign who's there, and all of our hundreds and hundreds of volunteers and tons and tons of supporters. And it is a very surreal-- it was a very, very surreal night. And you had-- if you see that photo by Brian's office downstairs, it was me and Brian on election night. And yeah, and it was--

JANET BISHOP: Did you talk to your family after election night, or during election night, or were you busy celebrating?

JOSHUA KAPPEL: I don't recall. I think I-- I don't think it-- it wasn't a big priority for me to circle back with them and be like hey, remember that thing that you didn't really support me doing? Well, we won.

JANET BISHOP: But they knew.
JOSHUA KAPPEL: But they knew. They knew. And they were watching. I think they did call and say congrats. And it was-- yeah, it was wild. It was sort of a wild, surreal experience.

And of course, we didn't allow anyone to have any marijuana there because there's all these news cameras, we had to do this professional campaign. And everyone's just like, we want to smoke marijuana now. But there were many celebrations after that as well. And it was fascinating. It was very, very fascinating.

JANET BISHOP: Do you have any memories of-- what's your strongest memory of the media on that night, or was it just a surreal blur that nothing in particular sticks out necessarily?

JOSHUA KAPPEL: It was-- of the media, no, I stopped. We had been watching every news story that came out in the media religiously for the last three years. For a moment I was-- huh, just don't care about the media anymore except for when they called it.

Because of course, when they come out with one set of numbers, we're like, OK, these counties are reporting. And if these counties had this much reporting and they're there, and these counties haven't reported yet, but we think these counties support us more-- we're trying to predict it all the whole time. So it was like each new update was a different sort of, in most cases, a relief.

And then-- but once it was called, once they called it-- even though we knew-- there's a point before they called it where we were like, we had all the numbers, and we had everything calculated out like, we're going to win this. We're going to win this. And just hugs, and high fives, and-- it was almost like New Year's Eve after the ball drops, where you run around and give everyone a hug. Happy New Year, that sort of mentality in there. It was everyone was just in shock and tears of joy, and really not knowing what we just did, but knowing that we've been trying to do it for a while.

JANET BISHOP: Yes, a lot of effort for a long time.

JOSHUA KAPPEL: Yes.

JANET BISHOP: So I have a couple post-New Year's Eve, so to speak, 2012 after the passage of Amendment 64. One in the time we have left-- and I think we have roughly half an hour or so-- 45--

JOSHUA KAPPEL: And oh, I have to say, I have to go back. The other key folks is Betty Aldworth who was our campaign spokesperson, and Rob Kampia who really raised all the money-- absolutely key people. And Betty is now the executive director of Students for a Sensible Drug Policy.

JANET BISHOP: And is she based still in Colorado or in Washington DC?

JOSHUA KAPPEL: Part time in Colorado, then part time in DC. And then Art Way too from the Drug Policy Alliance, they were very helpful. And Amy-- I forget, Amy-- I'll just call her Amy.
But Amy was a volunteer coordinator with the Drug Policy Alliance was very helpful. Yeah, I'm just trying go back to the key pieces of the team, but--

JANET BISHOP: We can circle back with you and get the full names of people involved. So-- and I hate to ask this question, although it can be construed as a neutral question-- sometimes people think it's a downer, but-- it's a part of my lessons learned cluster. So is there anything you know now that you wish you knew when you started, say-- after the passage, you probably were elated for many months to come, but is there anything leading up to November of 2012 that, in retrospect, you wish you knew? And if the answer is no, that's fine too.

JOSHUA KAPPEL: The answer only has-- I just [INAUDIBLE], and Joe Megyesy on our core campaign team too. Joe was great. He was our Republican outreach coordinator.

JANET BISHOP: And this is-- these are all fascinating names.

JOSHUA KAPPEL: It's like, oh, as well as us, but then as the campaign grew, it was like Betty was the spokesperson, Joe was the Republican outreach coordinator.

JANET BISHOP: So this begs the question-- which maybe you're getting me off the trail of lessons learned-- but by Republican coordinator, what do you mean?

JOSHUA KAPPEL: He worked with Tom Tancredo and had a town hall with thousands and thousands of people, reached out to different conservative groups about how marijuana prohibition is actually a big government policy. It's-- the most burdensome regulations are the prohibitions. And he is Mike Hofmann's secretary. We also had Daniel who was our Mexican outreach-- not Mexican-- Latino Hispanic outreach coordinator would be the right word.

JANET BISHOP: And why that particular community?

JOSHUA KAPPEL: Well, there's a-- we have a large Hispanic population in Colorado. And there's a lot done in targeting that population and telling them the message. And they're definitely a community that's affected by the war on drugs. And so we had some radio advertisements that targeted that demographic. And it's-- yeah, even though it's like-- we have the most diverse campaign team, we're still very aware of these circles we don't run in. And how do we reach out and work with these people as well?

JANET BISHOP: On a social justice type of approach.

JOSHUA KAPPEL: Yeah. The NAACP supported us, so like the racial justice issue. And the ACLU supported us. And so we did focus a lot on getting out this social justice message. And the Drug Policy Alliance was very key in that with Art Way and Amy, they were very key in the drug policy message. And Joe's message was fiscal responsibility, and smaller government, and efficient use of resources.

JANET BISHOP: Your Republican outreach--
JOSHUA KAPPEL: Yeah, and so the model-- not the model, but it was like we'll talk about what marijuana is like in terms of its harms as it is with alcohol, but then everything's like a different message. Some people love the tax revenue and the fiscal conservative message. Some people love the racial and social justice message. Some people love the efficient use of law enforcement resources. Some people just want to get high. So there's like different messages resonated with different people.

We also were working with the union too, the UFCW a lot, and getting their support. I'm sure as you talked to Mason, he probably tells you about our counter protests and they'd have a press-- the opposition would have a press conference, we'd have a press conference. We'd have a press conference, they'd have a press conference. And we tried to anticipate different arguments and different messaging groups-- the groups out there.

JANET BISHOP: How strong was the unions'-- was union support of Amendment 64?

JOSHUA KAPPEL: They came around at the end. They came around at the end.

JANET BISHOP: OK.

JOSHUA KAPPEL: It was actually helpful because the Colorado Chamber of Commerce comes out against us, and then the unions come out for us. And so we announced that right after the Colorado Chamber of Commerce announced that they came out against us. It provided a counterbalance for the argument.

JANET BISHOP: Yeah. Well thank you for that sidebar.

JOSHUA KAPPEL: And it was similar with doctors. Like the opposition would come out with some doctors that were against it, and we'd release 300 doctors that were for it. And they'd came out with-- just trying to counterbalance balance each and every issue and message with a credible voice on the other side. So we had lots of different people who were working on different aspects to different groups of people. And in my case, I'm glad it was veterans and people in the medical marijuana industry. And now there were others and others sorts of things.

JANET BISHOP: So various-- as you say, various aspects of outreach, education, messaging.

JOSHUA KAPPEL: Yeah, and it was one of those things we were very confident that once—we we're very confident that the more people knew about marijuana from a very objective standpoint-- its harms and its benefits, and more people-- how people use it, and how people have used it over time, and that the more people learn about it, the more people are on our side. So the more people we had talking about it, the better we were. And so that's what we tried to reach out to as many different facets and groups that are out there to start the conversations.

JANET BISHOP: So circling back to-- and it may be optimistically speaking that-- this is a very short answer, but-- was there anything you know now or learned by November 2012 that you wish you knew when you started?
JOSHUA KAPPEL: Well, of course. I think on one hand there's different campaign organizing techniques that are available now that I think would have been very beneficial then. You see-- what's the one-- with no comment on political endorsements, but-- It's like you see Trump when he gives his speeches. It's like text this number, text "Trump" to this number on every single advertisement platform, et cetera. That's sort of like the text message campaigns I think I would have loved to explore more.

It would've been-- I think we would've-- there'd have been more return on investment in terms of getting people engaged and getting people out to vote along those lines just because everyone carries their phone with them everywhere. And if you have the right to send them a text message, and you have-- it's just changes get out the vote and voter organizing. So that's one-- one piece in a pragmatic side.

In terms of how we drafted the law, I think that there is-- we see now how different things are being interpreted. And some of them are completely opposite of how we wanted them to be interpreted. And so I think clarity would have-- clarity in certain aspects would have been good.

JANET BISHOP: What's an example of something that's--

JOSHUA KAPPEL: One example is-- we have a phrase in Amendment 64 that says, nothing here in shop or have any school, government, or-- or it's like any private business, school, or other entity from regulating or otherwise prohibiting the consumption, use, possession of marijuana on their property. And it is there to give property owners' rights to say no. If Denver public schools didn't want marijuana on their property, it was there to say like look, you don't have to have it. If the jail, they want marijuana, you can prohibit it. That was the intent of it. But then what happened was you had Greenwood Village a couple years ago say, we read this to mean we can prohibit marijuana on our streets-- on our streets and sidewalks. And so they pass this ordinance that prohibits marijuana possession on their streets and sidewalks. And I don't think it's ever been enforced, but it's just like, no, that's not what it means. If that's what it meant, it would fundamentally disrupt the whole measure that we passed. And then on the flip side, there's business owners who are like, yeah, we think people should be able to consume marijuana here. People have always consumed marijuana here. And they want to use that provision to say that they are allowed to. So I would have liked to clarify that a little bit.

JANET BISHOP: How would you have clarified it? Maybe this is putting you on the spot because maybe you don't have exact wording.

JOSHUA KAPPEL: I think I would have made it clear that governments can't prohibit marijuana in public spaces-- the possession of it. I think I also would have made it clear that private businesses are allowed to permit the consumption of it if they want to, because what we have now-- a big problem we have now-- is you have Denver. You have a couple million people in Denver metropolitan area.

And people can go to the store and buy marijuana. But the only place they can consume it legally in most places is at their home. And it doesn't make sense. Like people who come here-- you
have 60 million tourists that come to Colorado. If 10% of them smoke marijuana, which is roughly what the national average is, like you have 6 million people who come through here who use marijuana, will probably buy marijuana, and have no place to consume it.

So it sets people up for failure in many aspects. And this is something we try to do--

JANET BISHOP: That's OK.

JOSHUA KAPPEL: So they tried to do the ballot measure last November in Denver and tried to fix this problem. And it's something on one hand, I wish we would've addressed the measure. But on the other hand, maybe we would have lost that. I don't know. It's hard to go back and try and rewrite history based off of things. And I've never been a fan of regrets or doing things differently, because I did things why I did them then based on the information I knew then.

And I can't fault myself for the decisions made based off of the information then. And of course, if I had a crystal ball and I could choose my own adventure of how the world would look based off of making different decisions, of course I would.

JANET BISHOP: And there seems to be an optimistic streak running through Vicente-Sederberg because one of your colleagues mentioned being at nature an optimist. So that's probably a good thing for getting things accomplished.

JOSHUA KAPPEL: I'm also an optimist.

JANET BISHOP: Yes. So I think you answered the question. I guess one other question I have is-- and I think you've answered this already-- is there anything more you wanted to say about the significance of Colorado being the first state in the country, by several hours at least, to legalize the recreational use of marijuana. And were there unique elements to the state that made your advocacy successful?

JOSHUA KAPPEL: Yes, can I actually go back to your previous question.

JANET BISHOP: Oh, yes, of course. This is your oral history.

JOSHUA KAPPEL: So maybe I need protein at lunch today too.

JANET BISHOP: And the previous question being lessons learned.

JOSHUA KAPPEL: I think, in hindsight, I would have liked to figure out how to address the other sort of big issue I see now, which is the barriers to entry to this market and the notion that our regulated system of legalized marijuana is leaving behind a lot of the people that were the victims of marijuana prohibition and that these marginalized communities that have been selling marijuana to get by really are not being able to participate in this new market.
And I think I would have liked to have addressed that maybe a little bit more head-on back then. And I know your final question is how would you do that? I don't have an answer to that except for we put something in there. It's actually pretty crafty.

I was doing a bunch of research on retroactive legislation. And the current case law was that if you don’t say-- they call it ameliorative sentencing legislation. So if you pass ameliorative legislation, by default, it applies to all cases currently pending unless you state it otherwise.

And so one of our earlier drafts of our bill said that this shall apply to all offenses occurred on or after this date. Well, all we had to do was just delete that. And then it applied to all offenses that were pending-- their cases were pending as of the day it passed. And it's actually turned into some court cases that adopted this view that I took. And I craftily put that in there.

But I'd love to go farther and pardoned or commuted old marijuana sentences-- clean up the collateral damage of the War on Drugs. It would have been great provided I had a crystal ball that said we were still going to win.

JANET BISHOP: So you think that one of the worries was that you wouldn't win necessarily. And this is an oral history interview. So I'm not an investigative journalist. So I'm not trying to put you on the spot. But that was placed there because you thought it would sweeten the pot, so to speak, and be more persuasive for people to embrace legalization.

JOSHUA KAPPEL: Well, we removed the on or after a certain date. But we didn't put in any retroactive language or pardoning past sentences. We didn't put in-- well, there's a lot of things we didn't put in. We didn't put in places about where people could consume marijuana. And in part, it was the strategic decision made mostly by Steve and Brian where we want the conversation to be about one thing. Should adults be able to use marijuana?

Every other sort of attack that our opponents would have if we have the age of 18 over 21, or if we have unlimited amounts of marijuana, or we have commuting old sentences, or allowing drug felons to participate in the industry. All those are conversations we can have later on.

We need to get past this one hurdle. And this one hurdle is-- should adults be able to use marijuana? But in hindsight, it would be nice to go back and change that. Now, to your next question, I just completely sidestepped by going back.

JANET BISHOP: Oh, that's OK. And I have a question. This is a tiny sidebar. But, yes, there has been in the media, shall we say, examination about the legalization of recreational marijuana in Colorado, but the lack of, I don't know, places to consume such-- in Maureen Dowd's now famous New York Times op-ed where she is sitting in a Denver hotel somewhere eating a brownie.

I have seen though, and this is probably aging me because I watch 60 Minutes, no offense to 60 Minutes, but I did see on 60 Minutes a piece on the business aspects of legalization where people were sitting riding around in a bus, I think, consuming such. So is that-- not to bust the bus entrepreneurs-- but is that legal under--
JOSHUA KAPPEL: It actually is legal. So this sort of moves into the post Amendment 64 world. And that's where Christian really got involved. And it is interesting. So Christian really gets involved there. Brian focuses more on the law firm at this point. And it's like, all right--

JANET BISHOP: Back to business.

JOSHUA KAPPEL: Yeah, exactly. We won the Super Bowl. Like, I'm done. And Christian is like, well, we've got next season, you know? We got to make this all work. So they handed off the baton a little bit. So Christian gets more involved in the implementation side. And Brian gets more involved in the law firm.

JANET BISHOP: And where were you in this?

JOSHUA KAPPEL: I'm generally in the middle all the time.

JANET BISHOP: The middle child.

JOSHUA KAPPEL: Yeah, I've actually really-- really doing both. And my role through this whole thing has been fitting in where needed. It's funny. I'm not like an ego grabbing person. I don't need my name out there. I'm generally humble. But it's hard to tell somebody that you're humble. It defeats the purpose.

So they switch. So how that process worked was there's all these task force that were convened by the governor to figure out how they're going to implement it. And Christian was on that task force. We had many staff members. Andrew in our office-- he was with us all the way through the campaign. I'll give a shout to him, because he just shows up one day at the campaign. He's like, I'm here to volunteer and super smart. And now, he's our economist over here.

But we're attending all these task force meetings. The task force comes out with all these recommendations from the governor's office. It goes to the legislature. The state legislature passes 10 bills related to marijuana. One of those bills puts marijuana in the clean indoor smoking-- in the Clean Indoor Air Smoking Act. And marijuana is like tobacco. You can't smoke marijuana anywhere you can't smoke tobacco.

However, there's an exception in the Clean Indoor Air Smoking Act for limousines and private cars for hire. By putting it in there, they actually permitted marijuana to be smoked in limousines and private cars for hire. So it is actually legal.

JANET BISHOP: Oh, I see, OK.

JOSHUA KAPPEL: To bring it all the way back down to the question that you asked.

JANET BISHOP: Right, I see. And also then I think I read about a bud and breakfast or some sort of indoor places. So that would come under the business or industries?
JOSHUA KAPPEL: Yeah, that's not permitted in Denver. People are working. There's a fight in Colorado Springs for places you can consume marijuana. NORML just came out with a ballot measure-- a very, very conservative ballot measure-- limited places where you can consume marijuana in Denver-- a lot more conservative than anything we've been working on, which is interesting, because they are the people who criticize Amendment 64 for being too conservative-- the irony of it all.

JANET BISHOP: Yes, and I thought about asking how NORML fits into the whole scheme of it. That may be a whole other tale in an oral history session.

JOSHUA KAPPEL: Yeah, it sort of goes back to the inter industry movements. And they were supportive. They've never been ones to run campaigns. They're not a campaign office. They're a public education group that's been around forever.

If they hear this, and they say, oh, we've been in these various campaigns or in this one campaign-- sure. But they are a part of the team. And the national NORML supported us. The Colorado NORML criticized us. But they didn't contribute any money. And they helped conjure up some volunteers. And they didn't really-- I don't know. That's all I'll say.

JANET BISHOP: Fair enough. I have just a couple of other questions. And the question I think I was asking when we talked about other things, which is good. It's fine. I think I was asking-- and you've alluded to this a bit talking about Montana, California, Washington State, and its difference.

But do you have anything else to add to or any other insights about what the significance was of Colorado being the first state in the country to legalize the recreational use of marijuana? And also, what were the unique elements to the state that made your advocacy successful? And I'm doing this for the historic record since this is a regional oral history in a sense.

JOSHUA KAPPEL: I think on election night, there’s news cameras from all over the world from Al Jazeera, to French radio, to Russian broadcasts. It was a very historic turn of events. The United States has been pushing its form of drug policy which, for the longest time, has been a heavy handed penal approach.

And now you have some states rebelling against it. And so it's really a turning point in terms of drug policy across the world. And you see it with Brian and Mason. Definitely ask Brian how many different countries-- how many different interviews-- how many different countries has he done an interview in or related to. And he probably won't be able to count.

So it was very, very historic in terms of a world perspective. From a US perspective, it was very historic as well. Who knew how the federal government was going to react? We're all waiting there in anticipation. What is the federal government going to do now? From a state perspective, it was historic. This was opposed by the current governor and the prior two governors and almost every politician except for the one state representative that I recruited.
And how were they going to treat it? Were they going to implement it? Were they going to try and shut it down? Were they going to stand behind-- our big question was is the State of Colorado going to stand behind their voters and stand up to the federal government? Or are they going to do what the federal government says?

We didn't know. There's just so many unanswered questions when it all happened. And it's like marijuana prohibition started first in Colorado. It was one of the first states to prohibit marijuana use in 1917. So to be one of the first states to unwind it too is historic.

And it really changed the conversation. I think a lot of people never thought it would happen in their lifetime that marijuana would be legal. I think it gave cover for a lot of folks all over the country to now-- to be like, oh, I've smoked marijuana before. It's not that big of a deal. Whereas before, they never would have said that-- gave people cover to be honest and be themselves, because they're like, well, this whole state of Colorado loves it.

The other thing about Colorado is Colorado has always had a good reputation amongst all the other at least Midwestern states. Everyone loves to come to Colorado and go skiing. And we're nice. And we're progressive. People don't hate Colorado.

It's a state that everyone loves to do it too. I think it is different than if it would have been in California. You know, of course, California has legalized weed-- those crazy Californians. But I think it's different to be a state in the center of the country. And we already had an industry here too.

And the difference historically as you look at the past of Colorado and Washington, and in addition to Christian's great work in working on implementation and our whole team has great work on it, was we had an industry that was poised to just step into this new role. And our roll out and our transition-- granted there was many, many headaches. And there was many, many headaches. And you had businesses owners about all the different hoops they had to jump through.

[PHONE RINGING]

JANET BISHOP: That's Joshua's phone.

JOSHUA KAPPEL: That's my phone. And there's many, many hoops. And it wasn't easy for everyone. But the transition here I think is a lot better than the transition in Washington and the transition in many places. All in all, it was pretty smooth.

And there's a lot of work. It was like that's-- and I joked with Christian about it. It was like, all right, now that this passed, this is when the work really starts on both sides-- the implementation side of what sort of compromises we're going to make. We had the industry wanting to keep out-of-state residents out and be the only people who are allowed to grow recreational marijuana.

There are new entrants who want to come into the industry. There's probably 20 lobbyists from different interest groups at the capitol all fighting on marijuana issues. There was people who
wanted to repeal it. There is people who wanted to ban certain types of marijuana they thought were too strong.

And there's all sorts of different interest in things happening. And at the end of the day, we put a lot of time and effort in just being the folks in the room who are like, all we want is for this to work. We have clients who want certain things. But our goal is we want this to work. And that approach-- we actually lost clients, because we said, no, we want marijuana edibles in child-proof packaging. There's issues there. We want marijuana edibles to not be that strong so people actually enjoy them.

And so there's just a lot-- and so we lost clients by positions we took. But we focus on making this experiment work. And it was really Christian's wheelhouse through most of it. So to get back to your question I think is very historic and in how rolled out from there was very historic.

JANET BISHOP: And I have just one more question if you have time for it, because it looks like it's time to make a wrap pretty soon. I know you've said, you've said a couple times you don't have a crystal ball. But predicated on that, what do you think is most important for marijuana legislation in the next 10 years? Or what do you see looking out even five years from now vis-a-vis marijuana legislation in the US?

JOSHUA KAPPEL: Some have said that we're at the end of the beginning-- the end of the beginning of the fight to end marijuana prohibition and treat this plant rationally and allow adults the freedom of consciousness in choosing what they want to put in their bodies, and how they want to think about things, and what they want to use.

And what it looks like moving forward, I think, is a blank slate right now. I think it's still to be drawn. And when it comes to the federal government and how the federal government treats this, there's many different ways. At the end of the day, it's like medical marijuana should be treated like other medicines. It should be sold at pharmacies. It should be prescribed by doctors. It should be covered by insurance on one hand.

And in the middle, there should be a nutraceutical aspect of marijuana. People should be able to buy CBD supplements over-the-counter and other non-prescription strength marijuana. And that goes to the nutraceutical route. And then there should be folks who can buy it recreationally who want to get it from a store like a liquor store.

And what that looks like, who knows? Like there's so many possibilities. Personally, I'd like all three approaches. I think that there is a benefit of marijuana going through those FDA trials and having the dosage and efficacy and safety profiles and, mostly, being covered by insurance companies. I think there is a benefit to that for patients out there.

Now, that's contradictory to many people we represent who want it to stay how it is. I also think there is a benefit for it to stay how it is in some senses in addition to being this nutraceutical product. And I also think there's a benefit of it being like alcohol. And if you look at each state's alcohol laws, they're completely different.
In some places, you can buy at the gas station. Here you can’t. Maybe that changes in November. And at some places, you can order wine online. And in some places you can't. Our liquor law is varied. And I think that's how eventually recreational marijuana will play out in the different states is that it is going to vary by state.

JANET BISHOP: Do you see anything being rescinded? We are on the eve of a presidential election that's quite interesting in its machinations so far.

JOSHUA KAPPEL: Yeah, and you know, Trump's recent comments related to marijuana are not the best.

JANET BISHOP: I haven't heard those.

JOSHUA KAPPEL: Mostly, he supports medical marijuana, but not recreational marijuana. And what does that look like? Sure. You have, in Colorado, you probably have 20,000 people in the marijuana industry who are tied into it in some manner or the other. If you look at conspiracy aiding and abetting charge, you are probably looking at 50,000 people who are probably guilty in some way or the other, of violating federal law in Colorado alone.

You're probably looking at a million people across the country. And they are like ‘what, is the federal government trying to ratchet that all back?’ Do people stop growing and selling marijuana on that sort of basis-- on a licensed business aspect of the federal government, as are they start going after these businesses? Maybe. Maybe not.

I do think that we do have the safety valve in our laws. People will just grow their own. It's not like marijuana is going to go away. So thinking about the future, I like to think about things that I'm pretty certain of. One is like, marijuana is not going to go away. What that looks like, who knows? I also think it would be naive to say there's not going to be steps back. There's steps forward. And what that looks like, I'm not quite sure.

JANET BISHOP: And to interrupt you for a second, because I know we're coming short on time. But just in addition to candidate Trump's comments, which I have heard his comments on other things, but not on that, I'll posit a wager. I have heard candidate Clinton's comments. And I think they are the same as Trump's. Is it only Sanders who is in support of this-- of recreation?

JOSHUA KAPPEL: I think Clinton would probably keep more of the same. I think she would keep the path how it goes. Frankly, my assumption would be that all three of them keep it how it is. And then they maybe slightly modify it. Maybe we see the US Attorney get upset-- businesses close to schools. Maybe we see the federal government saying they really don't want to see any marijuana advertising anywhere.

Maybe they'll ratchet-- maybe the steps backwards aren't that bad. Or maybe they target a couple businesses as examples to get their point across. But they realize what a nightmare it would be if they closed down the 1,000-plus businesses here in Colorado. And all the people that work in the industry would be out of jobs. I don't know. It's hard to predict the future. And frankly, I mentioned Trump twice. I'm not a Trump supporter. Let the record reflect.
JANET BISHOP: So reflected.

JOSHUA KAPPEL: The other thing I think is-- they're all politicians. If Hillary really supported legalizing marijuana, would she have said so 15 years ago? But they are politicians-- they are all politicians. And, yes, I think Bernie really does believe it. I think he could have been more outspoken a while ago too. So sometimes it's hard to figure out where people actually stand and what they think is necessary to get them some votes or certain donations.

JANET BISHOP: I think we're wrapping up our interview. And thank you so much.

JOSHUA KAPPEL: Thank you.

JANET BISHOP: The transcript, as I said, of the first session was very, very interesting.

JOSHUA KAPPEL: The second session has been a little bit more scattered.

JANET BISHOP: Interesting as well. Is there anything, Joshua, though, you'd like to add-- last thoughts-- additional things-- anything as we wrap?

JOSHUA KAPPEL: Yeah, I will say that at the end of the day, when everything's said and done, from a personal level, tying it back in to the beginning a little bit, I feel very blessed. And I feel very grateful to have the opportunity to engage in this fight, and this movement, and this change.

And I feel very blessed and grateful to be doing it with the people I have done it with and to have been successful with one battle in this war. And it truly is an honor to align my personal goals of how I want to change the world with my profession and my career. And I think that's an honor and an opportunity not many people get. And I'm just very grateful for that.

JANET BISHOP: Thank you. Well, again, it is April 6, 2016, and I'm wrapping up my interview with Joshua Kappel, both of Sensible Colorado, and--

JOSHUA KAPPEL: A partner here at Vicente-Sederberg.

JANET BISHOP: Here at Vicente-Sederberg. Thank you. And again, this is Janet Bishop on behalf of our Stories of Amendment 64 Oral History Project. Thanks again, Joshua. Thanks for spending the time with us.

JOSHUA KAPPEL: Thank you.