

PROPOSED RESOLUTION IN SUPPORT OF A STATE BAR OF MICHIGAN LEGAL MILESTONE FOR THE JOHN SINCLAIR CASE

Issue

Should the Representative Assembly adopt a resolution in support of a Michigan Legal Milestone for the John Sinclair case?

RESOLVED, that the Representative Assembly supports a Michigan Legal Milestone to commemorate John Sinclair's arrest, conviction, sentence, the Michigan Supreme Court's reversal of his conviction, and the reform of Michigan's marijuana and expungement laws which followed to inform the public of this significant series of events in Michigan's legal history.

Proponents

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Synopsis

The resolution urges the Representative Assembly to support a Michigan Legal Milestone for the John Sinclair case.

Background

Through the Legal Milestones Program, the State Bar of Michigan has conferred recognition on 41 significant cases, events, places, and people in Michigan's legal history. Bronze plaques have been placed to denote the historical significance of the event, including ending desegregation, the abolishment of the death penalty, the Elliott-Larsen Civil Rights Act, striking racial covenants, ending Jim Crow laws, and Milo Radulovich and the fall of McCarthyism.

John Sinclair was arrested in 1967 for giving two marijuana cigarettes to undercover police officers posing as volunteers for the "Committee to Legalize Marijuana," subsequently convicted by a jury of unlawful possession of marijuana, then classified as a narcotic under Michigan law, and sentenced to 9½ years to 10 years in the Michigan Department of Corrections.

The conviction and ten-year sentence in the John Sinclair criminal case culminated in the Michigan Supreme Court decision, *People v Sinclair*, 387 Mich 91 (1972), which reversed the conviction, holding that classifying marijuana as a narcotic violated the equal protection clauses of the United States and Michigan Constitutions, and that John Sinclair had been entrapped into giving the two cigarettes to the officers only after repeated requests from them.

The arrest, conviction, and sentence of John Sinclair created immense public interest in the reform of Michigan's marijuana laws and led to the John Sinclair Freedom Rally at Crisler Arena in Ann Arbor on December 10, 1971 featuring musical artists John Lennon, Yoko Ono, Stevie Wonder, and Bob Seger, as well as speakers Bobby Seale, Jerry Rubin, and Allen Ginsberg, and was attended by 15,000 people.

In December 1971, the Michigan Legislature enacted new marijuana laws classifying marijuana as a Schedule I controlled substance, effective April 1, 1972, which prompted a demonstration on the University of Michigan's central campus that came to be known as the Ann Arbor Hash Bash, an annual event that advocates for the decriminalization of marijuana. The publicity of the John Sinclair arrest, conviction, release from prison, Michigan Supreme Court opinion, and Freedom rally resulted in the cities of Ann Arbor and East Lansing decriminalizing the possession and use of marijuana, making each a \$5 civil infraction.

Efforts to decriminalize and reform marijuana laws continued and resulted in Michigan voters passing ballot initiatives to legalize medical marijuana in 2008 and recreational marijuana in 2018. John Sinclair was among the first people to lawfully purchase recreational marijuana in Michigan on December 1, 2019, pursuant to the newly-enacted Michigan Recreational and Taxation of Marijuana Act, MCL 333.27954 *et seq.* (MRTMA).

In October 2020, Governor Whitmer signed a bipartisan set of bills into law known as the Clean Slate Initiative, including Public Act 192, which will ease the burden on individuals convicted of marijuana crimes made legal under the MRTMA by making it easier to expunge those convictions. A marijuana-related conviction can impact a person's ability to obtain or maintain housing, employment, and even citizenship, a burden which is not equally borne across society. A 2019 MLive article reported that black men age 18 to 24 were almost 10 times more likely to be arrested for marijuana offenses compared to white women that age, even though marijuana usage rates between the two groups was very similar.

Local governments are also benefitting from the passage of the MRTMA, receiving \$31 million in excise taxes from the recreational sales of marijuana in 2021, including \$476,000 received by the City of Ann Arbor. That city's council resolved to spend the funds entirely on criminal justice reform initiatives, such as substance use disorder response and treatment programs, expungement of criminal convictions, diversion of criminal cases, and programs for at-risk youth.

By recognizing the arrest and conviction of John Sinclair, his sentence and subsequent legal battle and the eventual reform of Michigan's marijuana and expungement laws, the State Bar of Michigan – through its Legal Milestones program – will memorialize a significant series of events in Michigan's legal history.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

None known, other than the cost of the bronze plaque that accompanies a Michigan Legal Milestone. To the extent that the State Bar of Michigan needs assistance funding the plaque, the Cannabis Law Section is willing to help raise the necessary funds.

STATE BAR OF MICHIGAN POSITION By vote of the Representative Assembly on September 18, 2021

Should the Representative Assembly support a Michigan Legal Milestone to commemorate John Sinclair's arrest, conviction, sentence, the Michigan Supreme Court's reversal of his conviction, and the reform of Michigan's marijuana and expungement laws which followed, to inform the public of this significant series of events in Michigan's legal history?

(a) Yes

or

(b) No