



# NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

September 6, 2017

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Investigations Chief  
Department of Juvenile Justice

To The Members of the St. Paul City Council:

Taking an inventory of failed government programs can frequently yield surprises. Often we can learn from these past failures, and the government study of restricting or even potentially banning menthol cigarettes is one case in point.

Many in the Black community have not heard of the controversial possibility of regulating menthol cigarettes. Certainly, it appears to be a back-burner issue at this time with the Food and Drug Administration, which nevertheless is quietly studying the possibility – without really analyzing the social justice ramifications or even engaging members of the Black community in their discussions.

There is renewed discussion today about law enforcement and unintended consequences. These issues are not new. The discussion speaks to challenges that have existed for decades and continue to affect the Black community and its relationship with law enforcement.

The National Organization of Black Law Enforcement Executives (NOBLE) has historically been very concerned about the relationship between law enforcement and the Black community, especially young Black men. We have recently sponsored a seminar looking at the seemingly contradictory trends of decriminalizing marijuana while, at the same time, the FDA and local municipalities are exploring restrictions on menthol.

Banning menthol would be a 21<sup>st</sup> Century attempt at Prohibition, a past failure of government to restrict a previously legal product. Menthol cigarettes comprise almost a third of the cigarette market, and roughly 80 percent of Black smokers prefer menthol cigarettes. As we learned with Prohibition, every time the government tries to ban something, it seems to cause other problems. And unfortunately, a menthol ban would be another example of government action that disproportionately disrupts the Black community.

Many experts say a ban would have little or no impact on reducing or stopping smoking by racial minority groups and youth given the certainty that underground markets will pop up offering contraband cigarettes. We can say unreservedly that such a market will have a significant, negative impact on Black communities. People will want to find a way to get menthol cigarettes. And if they are illegal, it will increase the interactions with law enforcement, leading to another round of disproportionate arrests and negative encounters with law enforcement in the Blacks communities be they with retailers or individuals.

NOBLE urges the St. Paul City Council to open itself up to a discussion about the consequences of criminalizing menthol cigarettes and the ramifications on Black communities and their relationships with law enforcement. They are challenges we have faced for generations, and they should be publicly discussed today.

Education, not prohibition, is a better strategy to change the lifestyle behaviors like smoking that negatively affect health.

Sincerely,

Dwayne A. Crawford

*Dwayne Crawford is the Executive Director of the National Organization of Black Law Enforcement Executives (NOBLE) based in Alexandria, VA. NOBLE seeks to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to justice by action.*



# LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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September 5, 2017

Saint Paul City Council  
15 W. Kellogg Blvd., #310  
St. Paul, MN 55102

Re: Menthol Tobacco Bans

To Members of the St. Paul City Council,

I am writing on behalf of Law Enforcement Action Partnership, a group of police, prosecutors, judges, corrections officers and other law enforcement officials who, after years of enforcing controlled substance laws such as the one now proposed banning menthol cigarettes, have learned that such prohibitions simply do not work. What's worse, in addition to being ineffective, such a ban would contribute to racial inequities in the justice system, create room for potential conflict and further alienate police officers from their core job of preventing and solving violent and property crimes. I urge you to oppose this ban.

I was a police officer of the Maryland State Police and Baltimore Police forces for 34 years, personally supervising several narcotics taskforces. During that time, I saw a lot of drug seizures and a lot of people sent to jail. The one thing I didn't see was use decreasing because of our herculean efforts.

Any time there is a large demand for a product, which there certainly is for menthol cigarettes, people with few options will be willing to risk their freedom to supply it at great profit. This isn't a choice between having menthol cigarettes or not having menthol cigarettes; it's a choice between having those menthol cigarettes regulated and taxed by the government or of relinquishing that control to an illicit marketplace that tries to sell to children and creating a new reason for police to target and arrest people of color.

On its face, this policy seems race-neutral, but because people of color constitute a disproportionate share of the menthol cigarette market, its effects will be anything but. Already, people of color are overrepresented in the criminal justice system; this will only get worse if we criminalize their preferred cigarette type but not that of whites. Looking down the road a few years, the unintended consequences of this ban include lowered economic prospects and disenfranchisement of already marginalized groups.

Even if menthol cigarettes were proven slightly more dangerous than regular cigarettes, both have serious health consequences. Why do we feel justified criminalizing people of color for engaging in the same dangerous habit white people engage in every day without legal consequence?

**LawEnforcementActionPartnership.org**

Formerly known as Law Enforcement Against Prohibition

Furthermore, when we give police a reason to detain someone for a consensual offense like this, we divert police from the serious, violent crimes they should be solving and create the potential for the encounter to escalate with horrendous results. We have recently seen one such episode in the case of Eric Garner, the father of six killed in New York after being put in a chokehold by police. If police hadn't initiated contact with him after he broke up a fight, he would still be alive. His is but one of a few well-publicized cases that happen every year amid hundreds of less dramatic examples that happen every day in this country. Each one increases the hostility between police and the communities they serve and makes them less able to do their jobs, for which community trust is absolutely essential.

We have had tremendous success in reducing the use of cigarettes over the past several decades – not by banning them, but by educating the public on the harms of smoking and instituting smart regulations on the time, place and manner of sale. This is a much better way to deal with influencing adult choice than by banning a substance altogether. That is why I ask you today please not support this discriminatory policy that adds to the workload of police and expands the criminal marketplace.

Sincerely,

A handwritten signature in black ink, appearing to read "Neill Franklin". The signature is written in a cursive, somewhat stylized font.

Major Neill Franklin (Ret.), Maryland State Police  
Law Enforcement Action Partnership

Donna Keeney

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267 Hazelwood St

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Saint Paul, MN 55106-6608

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Sep 04, 2017

**RECEIVED**

SEP 07 2017

CITY COUNCIL  
WARD 7

Council Member Jane Prince  
15 Kellogg Boulevard West  
320-C City Hall  
St. Paul, MN 55102

Dear Council Member Prince,

The proposal to ban mint and wintergreen-flavored tobacco is just ridiculous. As a menthol cigarette smoker for forty years, a city-wide ban is not going to stop me. In fact, if this ban is put in place, I will most likely just drive to Wisconsin, which will cause the city to lose revenue.

Having worked as a waitress since I was twelve years old, I have been employed at McDonald's for the past five years, and my fiance is unemployed. While I am willing to drive to Wisconsin for menthols, it would cost extra gas money, which would further tighten our already strict budget. For that reason, I would prefer to buy my tobacco here. My fiance and I already save money by rolling our own cigarettes. When we switched to rolling our own, our costs went from \$30 per day to \$30 every two weeks.

If you are really concerned about the citizens of St. Paul, you should focus more on dangerous issues like people driving while talking on their cell phones. As a lifelong resident, I hate to see people in danger because the city is not doing everything it can to enforce safe cell phone laws. Please oppose this ban, and focus your efforts on something more worthwhile.

Thank you for your help,

Donna Keeney



Jennie and Steve Brinson

1757 Euclid St

St. Paul, MN 55106

September 08, 2017

The Honorable Jane Prince  
Saint Paul City Council  
15 Kellogg Blvd. West, 310 City Hall  
Saint Paul, MN 55102

Dear Councilmember Prince:

As you can see we live in ST. Paul, and are very concerned with how easy it is to purchase tobacco products. They are very harmful. My mother suffers from asthma and COPD from second hand smoke of her parents. Both of her siblings have passed away as a result of complications of asthma and COPD. With all the information on how hazardous this is to our bodies I really hope you can get this ordinance passed. Children are "OUR FUTURE", and with convenience stores selling these products it's not going to be a very bright future. Everywhere you turn, there is a gas station or convenience store near by. Nobody has to go very far to purchase tobacco. As parents, the safety and health of our St. Paul community is very important to our family which is why we are so glad to hear that you are sponsoring the proposed ordinance to regulate menthol tobacco products in St. Paul. Thank you for your leadership! Getting menthol tobacco products out of convenience stores and into adult-only tobacco stores where kids can't enter is a great step forward to protect our youth from these harmful products.

Sincerely,

A handwritten signature in black ink that reads "Jennie & Steve Brinson". The signature is written in a cursive, flowing style.

Jennie and Steve Brinson

Council Member Jane Prince  
15 Kellogg Boulevard West  
320-C City Hall  
St. Paul, MN 55102

**RECEIVED**

**SEP 08 2017**

**CITY COUNCIL  
WARD 7**

Dear Council Member Prince:

A ban on flavored tobacco and menthol cigarettes is a terrible idea. It would mean a lot of money lost by local businesses, which would ultimately be reflected in forfeited tax revenue for the city and state. It is also unfair to limit choices on a legal product. The proposed ban should be abandoned.


Recently, I started working at a gas station called Holiday's. Of course, the main seller is gasoline, but a close second is menthol cigarettes. Newport menthols are the preferred brand for our customers, and we order more of them than any other brand in the store. If the city banned menthol cigarettes, that would take away sixty to seventy percent of our sales. I am a menthol smoker as well, and my preferred brand is Marlboro Black. They are decently priced and with the coupons I receive, they are the best tasting for the money. If the city were to ban menthol cigarettes, not only would I probably be out of a job as the store probably will trim staff to cut back on expenses, but also I would have to switch to regular cigarettes. Because they would not be my preferred brand, I would definitely cut back on my intake.

It is a terrible idea for the city to ban these tobacco products. They have already raised the tax rate, but now they are limiting people's options on a legal product. This is going to make a lot of people very angry and ultimately hurt tax revenue. For people like me who work at convenience stores, the lack of profits from the banned menthol sales will mean hours lost, at the very least. Let us smokers keep our options open. Oppose the menthol ban.

Best,

Belinda Cardinal

Belinda Cardinal  
152 Bates Ave  
Unit A  
Saint Paul, MN 55106-6329



Brittney Shilson . 1949 Wilson Ave . Apt 314 . Saint Paul, MN 55119-4074

Sep 03, 2017

Council Member Jane Prince  
15 Kellogg Boulevard West  
320-C City Hall  
St. Paul, MN 55102

**RECEIVED**

**SEP 08 2017**

**CITY COUNCIL  
WARD 7**

Dear Council Member Prince:

It is my position to disagree with any prohibition that would stop sales of certain flavored tobacco varieties. History has shown that bans do not stop people from doing what they are going to do anyway. As an e-cigarette consumer who believes people should have a choice, I am against this proposed measure.

Part of my daily routine involves using e-cigarette products that I purchase from a company called Smokeless Smoking in Bloomington. Camel Menthols used to be my preferred brand, so I can understand why people would be up in arms over a ban. This law seems to target African-Americans as well as younger legal tobacco users who mostly smoke menthol, mint and wintergreen-flavored tobacco.

Furthermore, I believe that although profit margins on cigarette sales are limited, small businesses will still suffer because their customer base will narrow even further. In the city of Minneapolis, I am personally familiar with a business that makes their own custom tobacco flavors. Now with the prohibition, I fear that they will be adversely affected.

As someone who holds multiple positions ranging from working with vulnerable adults to being employed at an auto parts store, my wages allow me some flexibility. I may be able to afford driving to another state or location if e-cigarettes are the next focus of any ban. However, a lot of other folks you are currently targeting may not be as fortunate. This ban is a hugely bad idea and one I hope you will vote against.

Sincerely yours,

Brittney Shilson