



Cannabis Prohibition and Racial Justice

What do we gain by arresting and citing more than 700,000 Americans on marijuana charges every year?

The United States has the highest incarceration rate in the world; almost half of all offenders are serving time for drug offenses. Many advocates interested in combating institutional racism see ending marijuana prohibition as a critical step in forging a new approach.

African Americans in Maryland are three times as likely to be arrested or cited for marijuana possession as compared to whites, according to an ACLU review of government data. The higher the income, the greater the disparity, underscoring how race is the predominate factor in such arrests.

Marijuana prohibition has racist origins.

Marijuana prohibition began in the early 20th century and was based on racism, not science. The laws were originally used to target Latinos and black jazz musicians. This history continues to manifest itself in the current criminal justice system.

Marijuana prohibition plays a major role in filling our prisons with people of color.

- While African Americans are far more likely than whites to be arrested for marijuana, use rates are about the same across races.
- The federal National Survey on Drug Use and Health found that, in 2014, 49% of whites reported having consumed marijuana at least once in their lifetime. This is compared to 42% of African Americans and 32% of Latinos.
- Two-thirds of all people in state prisons for drug offenses are people of color.
- According to FBI data, half of all drug arrests are for marijuana; of those, 88% are for possession.
- Each year, 6,000 people are deported for marijuana possession.
- Marijuana convictions make it more difficult to obtain housing, jobs, and an education. Since the enforcement of marijuana laws is unequal, Latinos and African Americans are disproportionately affected by this stigmatization.
- More people are arrested for nonviolent marijuana offenses than for all violent crimes combined.

Resistance to failed marijuana policies is growing.

Many leaders of color are taking a stand: U.S. Rep. Barbara Lee (D– CA), and former U.S. Surgeon General Joycelyn Elders have criticized our nation’s marijuana laws. The National Black Caucus of State Legislators, the National Organization of Black Law Enforcement Executives, the National African American Drug Policy Coalition, and prominent African American leaders like President Barack Obama and U.S. Senator Cory Booker have also spoken out against our marijuana laws.

State or regional NAACP chapters for New England, Alaska, California, Colorado, Delaware, Maryland, Montana, Oregon, Pennsylvania, Washington, and Wyoming have all endorsed measures to regulate marijuana in a manner similar to alcohol. And, the national chapter has called for ending federal marijuana law enforcement.

There is a better way.

IT'S TIME FOR A NEW APPROACH: TAX AND REGULATE MARIJUANA

Drug abuse is a real problem nationwide, but our current marijuana laws haven't helped — they've simply clogged our courts and jails with people of color. By taxing and regulating marijuana similarly to alcohol, we would:

- **Stop branding people as criminals for using a substance that is safer than alcohol.** Criminal records can derail dreams and separate families. Marijuana convictions make it more difficult to obtain housing, jobs, and an education.
- **Make our communities safer.** Removing marijuana from the criminal market would free up law enforcement resources so police officers could focus on other serious crimes.
- **Establish control over the marijuana market.** Marijuana would be sold by licensed businesses that require proof of age and would not expose consumers to other drugs, contaminants, or illegal pesticides.
- **Save taxpayer dollars and generate revenue.** In a regulated, taxed market, marijuana sales would create revenue and jobs for our communities rather than for the illicit market.

A selection of quotes:

For evidence of marijuana prohibition's racist beginnings, one need look no further than a statement from our nation's very first commissioner of the Federal Bureau of Narcotics, Harry Anslinger, who declared:

“There are 100,000 total marijuana smokers in the U.S., and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others.”

“Mass incarceration is the most pressing racial justice issue of our time.”

— Michelle Alexander, *New York Times* best-selling author and law professor

“From a public health perspective, there is a solid case to be made that arresting marijuana users, giving them criminal records, and disrupting careers and families, does more harm to more people than the drug itself does.”

— Joycelyn Elders M.D., former U.S. Surgeon General (*Toronto Globe and Mail*, 2002)

“The racially disproportionate nature of the war on drugs is not just devastating to black Americans. It contradicts faith in the principles of justice and equal protection of the laws that should be the bedrock of any constitutional democracy; it exposes and deepens the racial fault lines that continue to weaken the country and belies its promise as a land of equal opportunity; and it undermines faith among all races in the fairness and efficacy of the criminal justice system.”

— Human Rights Watch, *Punishment and Prejudice: Racial Disparities in the War on Drugs*, 2000