

It's time for a new approach: Equitable legalization and regulation

Cannabis prohibition and its unequal enforcement has resulted in decades of harm, particularly in communities of color. By legalizing and equitably regulating cannabis for adults, we can:

- ◆ **Reduce police interactions.** Legalizing and regulating cannabis dramatically reduces the number of individuals stopped, arrested, and criminalized for cannabis.
- ◆ **Remove the scarlet letter of a cannabis conviction.** Cannabis convictions make it more difficult to obtain housing, jobs, and an education. Legalizing cannabis and providing for automatic expungement and resentencing removes this barrier.
- ◆ **Establish control over the cannabis market.** Through regulation, cannabis would be sold by licensed businesses that require proof of age and would not expose consumers to other drugs, contaminants, or illegal pesticides.
- ◆ **Create a new source of jobs and revenue.** In a regulated, taxed market, cannabis sales create revenue that can be reinvested into communities that have been disproportionately impacted by cannabis prohibition. Equitable legalization laws prioritize licensing and training for impacted individuals and communities.

For more information and to find out how to get involved in the effort to equitably legalize and regulate cannabis, please visit:

www.mpp.org

“The U.S. has waged a failed, devastating, decades long war on drugs, including marijuana, in specific communities. Rounding up hundreds of thousands of people every year — millions every decade — for marijuana offenses, this racist campaign has caused profound and far-reaching harm on the people arrested, convicted, and/or incarcerated on marijuana offenses.”

— ACLU, *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*, 2020

Black and White Marijuana Possession Rates (2010–2018)

Year	Arrest Rates per 100k			Black/White Rate Ratio
	Marijuana Possession Arrest Rate	Black Arrest Rate	White Arrest Rate	
2010	250.52	659.06	199.19	3.31
2011	229.69	624.43	178.43	3.50
2012	217.79	601.68	168.75	3.57
2013	253.51	625.68	212.55	2.94
2014	199.40	552.13	155.80	3.54
2015	174.06	459.89	138.90	3.31
2016	179.99	477.64	143.42	3.33
2017	207.44	560.08	160.60	3.49
2018	203.88	567.51	156.06	3.64

Source: FBI/Uniform Crime Reporting Data and U.S. Census Data

ACLU, *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*, 2020



Cannabis Prohibition and Communities of Color

It's Time for an Equitable Approach

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

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

Hundreds of thousands of Americans are arrested for cannabis possession each year, with Black people nearly four times as likely to be as white people.



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Cannabis prohibition was borne of racism. Equitable legalization is a racial justice issue.

◆ In 1971, President Richard Nixon launched the War on Drugs, which a top advisor (John Ehrlichman) later explained was motivated by Nixon's desire for a pretext enabling the government to harass and arrest Black Americans and anti-Vietnam War activists.

◆ “We knew we couldn't make it illegal to be against the war (Vietnam) or black, but by getting the public to associate the hippies with marijuana and the blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”

◆ In every state, Black people are more likely to be arrested for cannabis possession than white people despite similar cannabis use rates. In five states, the disparity is more than seven-fold.

◆ Cannabis is often used as a pretext for traffic stops and searches. Traffic stop interactions have led to violence and even death for Black Americans.

“Racially motivated enforcement of marijuana laws has disproportionately impacted communities of color. It's past time to right this wrong nationwide and work to view marijuana use as an issue of personal choice and public health, not criminal behavior.”

— Rep. Jerrold Nadler (D-NY), chairman of the House Judiciary Committee

Hundreds of thousands of Americans are arrested each year for cannabis possession. These laws are not equally enforced.

- ◆ There have been more than 16 million cannabis arrests in the United States since 1995, including an estimated 545,602 in 2019 — significantly more than for all violent crimes combined.
- ◆ One person is arrested for cannabis every 58 seconds. More than 90% of cannabis arrests are for possession, not manufacture or distribution.
- ◆ Despite using cannabis at similar rates, Black people are 3.63 times more likely than white people to be arrested for cannabis possession.
- ◆ More than 6,000 individuals are deported per year for cases where their most serious offense was cannabis possession.
- ◆ Michelle Alexander's *The New Jim Crow* documents how African Americans are more likely to be treated harshly at every step of the process for drug offenses — from searches to sentencing — for the same conduct as white individuals.
- ◆ A cannabis conviction can make it more difficult to obtain housing, jobs, and an education. Since the enforcement of marijuana laws is unequal, people of color are disproportionately affected by this stigmatization.
- ◆ Several individuals have died while they were jailed for cannabis possession. And even a day or two in a holding cell can cause a person to lose their job and miss rent, upending their life. Yet the government does not track the number of Americans incarcerated for cannabis.

Ending cannabis prohibition and replacing it with equitable cannabis regulation is a critical step in combating institutional racism.

Resistance to failed cannabis policies is growing.

Many leaders of color are taking a stand: Sen. Cory Booker (D-NJ), Rep. Barbara Lee (D-CA), former Surgeon General Joycelyn Elders, and former President Barack Obama have spoken out against our cannabis 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 have also criticized our nation's cannabis laws.

A coalition of more than 100 organizations — including the NAACP, Leadership Conference on Civil and Human Rights, and the National Immigrant Justice Center — endorsed the legalization of cannabis with additional steps to repair the damage of the war on drugs, which has been waged in a racially discriminatory manner.

“For decades the failed war on drugs has locked up millions of nonviolent drug offenders — especially for marijuana-related offenses — at an incredible cost of human potential, torn-apart families and communities, and taxpayer dollars.”



— Sen. Cory Booker (D-NJ)

What do we gain by arresting and citing hundreds of thousands of Americans on cannabis charges every year?

There is a better way.