



POLICY BRIEF

CANNABIS REFORM

Value

JustLeadershipUSA (JLUSA) is founded on the belief that those closest to the problem are closest to the solution but furthest from resources and power. We work to ensure that people directly impacted by the justice system are empowered to drive policy reforms to end the harm and oppression caused by the justice system. Drug laws enacted in the 80's and 90's allowed for and encouraged selective enforcement against Black and Brown people and increased prosecution and incarceration of many more people, as the laws were used to criminalize people instead of preventing the health and mental health needs underlying the actions. These drug laws included cannabis prohibitions, and police and prosecutors have used cannabis-related charges as a means to apprehend and convict certain people, in turn exacerbating racial disparities in the justice system. Legislative efforts seeking to rectify the decades of harm this inflicted must fully address these racial disparities and reinvest funds generated by reform into communities that were and still are impacted by archaic and unjust drug laws. Additionally, people who were harmed by cannabis enforcement should have their records expunged and should be given first priority in entering into the private marketplace as the cannabis industry grows. JLUSA strongly advocates for legislative reform, at all levels of government, that adheres to this principle and that is fully informed by directly impacted people.

Problem

The war on drugs emerged during President Nixon's administration but increased significantly during President Reagan's, H.W. Bush's and Clinton's administrations. President Reagan sought to dehumanize people who used controlled substances, and compounded that stigmatization by also pushing for much harsher drug sentences for most drug use. By design and through selective enforcement, these laws disproportionately targeted communities of color and increased racial disparities among people incarcerated, particularly at the state level. Additionally, the Reagan Administration created the "100 to 1" sentencing laws making sentences for crack cocaine much longer and tougher than powder cocaine although the drugs are nearly identical. The use of crack cocaine was associated with Black communities and these tougher sentencing laws were used to criminalize poor communities of color and sentence Black people to longer jail sentences than their white counterparts. As President Reagan began to create harsher policies for penalizing drug use, he also intensified fear-mongering tactics to demonize drugs including cannabis calling it "probably the most dangerous drug in America".¹ President Clinton worsened criminalization of poor communities, including Black and Brown communities, when he signed the 1994 Crime Bill into law. The new law created the "3 strikes" mandatory life sentence rule, invested billions of dollars for funding of new federal and state prisons, and increased the rate of incarceration higher than ever before for drug offenses, including cannabis offenses. From 1993 to 2011 there were three million admissions into federal and state prisons for drug offenses and 30 million arrests for drug crimes, 24 million of which were for possession.²

¹ https://www.oregonlive.com/mapes/2014/11/marijuana_legalization_the_ris.html

² <https://www.brookings.edu/blog/social-mobility-memos/2015/11/25/drug-offenders-in-american-prisons-the-critical-distinction-between-stock-and-flow/>

Cannabis-related offenses have incarcerated millions of people and laid waste to Black and Brown communities across the country.³ Amidst this vast destruction, policymakers, in large part due to the advocacy of directly impacted leaders, have begun to enact reforms to curtail and rectify these harmful laws. A number of states have passed legislation to decriminalize cannabis or allow the use of medical or recreational cannabis⁴. But many of these bills still lack the necessary framework that addresses racial disparities in drug law enforcement or the harm that was caused by decades of erroneous enforcement and misguided laws. Decriminalization or legalization of cannabis alone falls far short of addressing the impact that the war on drugs has had on mostly Black and Latinx communities. 46.9% of people arrested for drug violations are Black or Latinx despite only making up only 31.5% of the U.S. population.⁵ These disparities exist even as white and Black people use drugs at the same rates.⁶

In states where cannabis has been decriminalized or legalized, discrimination still exists. For example, in Colorado, between 2012 and 2014, arrests for cannabis related offenses decreased 51% for white people, but only decreased by 33% and 25% for Latinx and Black people respectively. In Washington state, arrest rates for Black people for cannabis related offenses are double that of White people. In Washington D.C. Black people are 11 times more likely to be arrested for the use of cannabis in public spaces. **Second**, economic disparities are growing between White and Black and Brown communities as legalization of cannabis becomes law in more states. Profits for cannabis businesses are estimated to reach \$23.4 billion and create 467,000 full time jobs by 2020.⁷ But the now prospering legal cannabis industry lacks diversity; Black people only make up 4.3% of cannabis business owners and Latinx people only make up 5.7% of the industry.⁸

Without comprehensive reforms that include the necessary frameworks that address past and present racial disparities in the legal system, and that call for investment into communities and some form of economic access and equity for directly impacted people, the U.S. will continue to harm Black and Latinx communities while White communities reap the benefits of cannabis legalization.

Solution

Policymakers must ensure that any cannabis legislation creates opportunity for communities most harmed by drug laws to benefit from the monetary profits that legalization is creating. For decades these communities have disproportionately been incarcerated for the same acts committed by their White counterparts. The legalization of cannabis is only one step towards reversing the damage caused by the war on drugs. Policymakers must work with directly-impacted people that have lived experience with the injustices of the legal system. JLUSA advocates for comprehensive cannabis reforms that adhere to the following principles:

³ <https://www.bjs.gov/content/pub/pdf/p15.pdf>

⁴ <https://www.businessinsider.com/legal-marijuana-states-2018-1>

⁵ <http://www.drugpolicy.org/issues/drug-war-statistics>

⁶ <https://www.naacp.org/criminal-justice-fact-sheet/>

⁷ <https://bdsanalytics.com/new-report-legal-marijuana-markets-projected-to-reach-23-4-billion-employ-nearly-a-half-million-americans-by-2022-effective-end-of-federal-prohibition-is-in-sight>

⁸ <https://mjbizdaily.com/chart-19-cannabis-businesses-owned-founded-racial-minorities>

- **Community Reinvestment:** Tax revenue for legalized cannabis would yield \$58 billion annually if it were taxed similarly to alcohol or tobacco. All legislation must fully rectify racial injustices caused by past drug laws. It is imperative that this multi-billion dollar industry invest in the communities that were most harmed by the war on drugs. Tax revenue must also be used for those impacted by past drug laws to allow their unimpeded entry into the cannabis industry.
- **Expunge Past Convictions:** It is inhumane to allow the cannabis industry to earn billions of dollars while mostly Black and Latinx people continue to anguish in jail and prison for convictions relating to a drug that is steadily becoming legalized, or continue to have these unjust convictions on their records even after any sentence is complete. Policymakers must ensure that any cannabis-related conviction can be completely expunged from someone's record, and - to the maximum extent possible - from internet databases, credit agencies, and other corporations that collect and disseminate background information on people.
- **Eliminate Collateral Consequences:** Drug convictions create a number of barriers to basic needs: access to education, public assistance, housing, healthcare, etc.. Legislative reforms must address these collateral consequences and ensure that marijuana charges can be expunged.
- **Eliminate Immigration Penalties:** Black and Latinx communities have continuously been harmed by unjust immigration and drug policies. We must eliminate laws that jeopardize immigration status due to a cannabis related conviction.

Action

To learn more about cannabis reforms taking place on the federal level please contact JLUSA's policy department at policy@jlusa.org. We also encourage you to contact us to learn more about how you can participate in ongoing grassroots cannabis reform efforts.

The following resources provide additional information about current cannabis reform legislation that may serve as a starting point for rectifying the harms caused by the war on drugs, stories and studies on racial disparities in drug law enforcement, and an overview of past cannabis legislation. JLUSA does not necessarily endorse these legislative bills but is sharing them as examples of reform that may serve as a starting point for legislation or policy change.

Legislation:

- [MORE Act](#)
- [MORE Act Summary and 1-pager](#)

Resources:

Racial Disparities in Drug Law Enforcement

- [Race and the Drug War](#)
- [The War On Marijuana In Black And White](#)
- [Surest Way to Face Marijuana Charges in New York: Be Black or Hispanic](#)

General Research on Cannabis Reform

- [10 Facts About Marijuana](#)
- [Marijuana Legalization and Regulation](#)
- [NORML Cannabis Legalization Reports](#)