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# Do Black and White Americans Hold Different Views on Marijuana Legalization? Analyzing the Impact of “The War on Drugs” on Racialized Perceptions of Legalizing Marijuana

## **Cover Page Footnote**

I would like to express my deep gratitude and appreciation to Dr. Natalie Masuoka for her expertise, guidance, and encouragement while conducting this research study and throughout my undergraduate career at Tufts.

## **DO BLACK AND WHITE AMERICANS HOLD DIFFERENT VIEWS ON MARIJUANA LEGALIZATION? ANALYZING THE IMPACT OF “THE WAR ON DRUGS” ON RACIALIZED PERCEPTIONS OF LEGALIZING MARIJUANA**

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### **Introduction**

For nearly half a century, aggressive drug criminalization policies have inordinately affected Black American communities.<sup>2</sup> Sentencing laws for non-violent drug crimes, colloquially known as the “War on Drugs,” have led to the mass incarceration of thousands of Americans, stripped thousands of their basic civil rights, and decimated the social, economic, and familial structure of neighborhoods throughout the country (Alexander, 2012). Though figures from the Household Survey on Drug Abuse and Health show that Black and White Americans use marijuana at virtually equal rates, Blacks are 3.5 times more likely to be arrested for marijuana possession than are Whites (Matthews, 2013). In recent years, one policy that has been continually proposed to ameliorate the racial effects of the War on Drugs is the legalization of marijuana. Proponents reason that marijuana legalization would lead to a large decrease in the number of Blacks arrested for drug use, and would subsequently alleviate some of the racial effects of drug policy. Since Black Americans tend to align themselves politically based on a conception of linked fate, or the belief that their political interests are bound by race, one would presume that Black Americans would overwhelmingly support the legalization of marijuana and maintain higher support for marijuana legalization than White Americans.

In actuality, an October 2016 survey from the Pew Research Center reveals that 59% of both Black and White Americans support the legalization of marijuana

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<sup>2</sup> Throughout this paper, I use the term “Black American” rather than “African-American” to be inclusive of all Americans who racially identify as Black. Many Blacks in America identify as Black Americans instead of African-Americans because they have no conception of African heritage: the majority of Blacks in America are descendants of former slaves who were forced to create a new Black American culture, distinct from African culture, in America.

(Geiger, 2016). While the majority of Black and White Americans tend to support marijuana legalization, I hypothesize that the explicit reasons that Blacks and Whites approve or disapprove of marijuana legalization are vastly different. I hypothesize that Black Americans support marijuana legalization based primarily on a recognition of group interests and the realization that legalization would mitigate the racist effects of the War on Drugs and only disapprove of legalization because of a lack of thinking about the racial implications of legalization. On the other hand, I hypothesize that White Americans support marijuana legalization based on more typical reasons related to personal freedom and knowledge of the drug's benign effects, but disapprove of legalization because of fears related to drug abuse or the dangers of marijuana.

In order to investigate this hypothesis, I conducted a qualitative research study, which interviewed several Black and White Americans about their perspectives toward the legalization of marijuana. In speaking with the study participants, I attempted to not only gauge individuals' stated justifications for their points of view, but also the underlying life experiences that likely impacted the development of their perspectives regarding marijuana legalization.

### **The Racial History of Drug and Crime Policy in America**

When President Richard Nixon took office, he initiated the War on Drugs in a manner that effectively eliminated the political power of Black Americans. Nixon increased the size of federal drug control agencies and enacted tougher mandatory sentencing laws for using and dealing illicit drugs that resulted in increases in the arrests, sentencing, and incarceration of Blacks (Alexander, 2012; Borden, 2016; Marion & Oliver, 2015). In 1969, Nixon vowed to restore America's first civil right—the alleged “right to safety”—by fighting “narcotics peddlers” and “merchants of crime” (Murakawa, 2014). Nixon's usage of the word “civil right” directly after Blacks were first guaranteed their innate civil rights with the passage of the 1965 Civil Rights evoked a clear racial message. In vowing to re-establish Whites' right to safety, Nixon carefully rejected the struggle of Black Americans and other racial minorities to acquire their basic civil rights. A recording of President Nixon's discussion with one of his staffers prior to the passage of stricter mandatory sentencing laws reveals him saying, “It's all about law-and-order and the damn Negro-Puerto Rican groups out there” (Mendelberg, 2001; Murakawa, 2014). As this recording suggests, Nixon's “Southern Strategy” used coded appeals under the guise of “law-and-order” to strengthen criminal laws negatively affecting Black American communities in an attempt to appease Southern White working

class voters who felt threatened by Blacks' acquisition of civil rights (Mendelberg, 2001). Indeed, Nixon's War on Drugs led to pervasive racial disparities in the criminal justice system. While three Black Americans were incarcerated for every white American before Nixon became President, six Black Americans were incarcerated on average for every White person after he left office (Murakawa, 2014). By this time, one in 71 Black Chicagoans were arrested for drug use compared with one in 1,000 White Chicagoans (Murakawa, 2014). Likewise, 95% of Cleveland residents and 89% of Detroit residents arrested for drug use were Black (Murakawa, 2014).

In the half century since Nixon initiated the War on Drugs, policies criminalizing the non-violent offense of drug use have been strengthened and resulted in the increased incarceration of Black Americans and other minorities. Under President Ronald Reagan, Congress passed the Anti-Drug Abuse Act in 1986, which created long mandatory minimum sentences for low-level drug offenses. The Anti-Drug Abuse Act resulted in a typical prison term of five or more years for a first-time federal drug offense (Alexander, 2012; Marion & Oliver, 2015; Neill, 2014). These mandatory minimum sentence statutes granted prosecutors an enormous amount of power in incarcerating drug offenders. According to legal scholar Michelle Alexander (2012), "Simply by charging someone with an offense carrying a minimum sentence of ten to fifteen years or life, prosecutors are able to force people to plead guilty rather than risk a decade or more in prison." Prosecutors also confess that they commonly charge drug offenders with crimes that they doubt they can win in court in order to gain convictions (Alexander, 2012; Borden, 2016; Hessick & Saujani, 2012).

This mandatory minimum sentencing scheme has led to massive increases in the number of individuals, and specifically Black individuals, involved in the criminal justice system for drug crimes. In 2000, Black Americans constituted 80 to 90% of all Americans sent to prison for drug offenses (Alexander, 2012). Research suggests that the vast majority of individuals sentenced to prison are there for low-level drug crimes, and that over half of the arrests for drug offenses are for marijuana possession (Matthews, 2013; Borden, 2016). In 2010 alone, the New York City Police Department (NYPD) made 50,300 arrests for possession of marijuana, and of those 50,300 arrests, Blacks were arrested five times more than Whites (Alexander, 2012). While researchers in 2001 estimated that one in 17 white males born that year will be incarcerated during their lifetimes, they estimated that one in three black males born that year will become incarcerated (Bonczar, 2003). And in more than fifteen states, Black men are admitted to prison at a rate that is

from 20 to 57 times greater than that of White men (Alexander, 2012). Lastly, while Black and Latino prisoners are most likely to be in prison for drug crimes, White prisoners are most likely to be in prison for property or violent crimes (Burch, 2013). These statistics regarding arrest and incarceration likely stem from the racial profiling of minorities. In 2012, for example, 84% of the 450,000 people that were stopped by the NYPD were Black or Latino (Burch, 2013). With nearly two million drug arrests taking place each year under the racialized War on Drugs, more Black Americans are in jail or on probation in the United States today than were enslaved in the 1850s (Alexander, 2012).

### **The Lasting Racial Implications of the War on Drugs**

The War on Drugs disproportionately affects Black American communities long after individuals receive their punishments for drug offenses. After a former drug offender re-enters society, they are considerably stigmatized and segregated as “second-class citizens” because of regulations discriminating against ex-offenders. After an individual convicted of a small amount of marijuana possession finishes his or her prison or probation sentence, he or she will likely be “ineligible for many federally-funded health and welfare benefits, food stamps, public housing, and federal educational assistance” (Alexander, 2012). Additionally, he or she will likely lose the ability to vote, obtain a driver’s license, enlist in the military, and possess a firearm (Alexander, 2012; Borden, 2016). In 1996, President Bill Clinton signed “One Strike and You’re Out” legislation, which effectively denied public housing to anyone with a criminal record. The law compelled public housing authorities to screen applicants for criminal histories and bar public housing to anyone who has committed a crime irrespective of the crime’s severity (Alexander, 2012; Borden, 2016). As the majority of drug offenders are poor and cannot afford private housing, this law has been particularly disadvantageous (Dietrich & Vallas, 2014).

A criminal conviction also often precludes individuals from finding gainful employment. Nearly every state in the country allows employers to be prejudiced against individuals with criminal convictions (Alexander, 2012; Borden, 2016). Individuals who are arrested for marijuana possession, but are never charged or convicted, can still have their names show up on criminal databases (Alexander, 2012; Uggen et al., 2014). Employers in most states are also allowed to deny jobs to people who are arrested but never convicted of crimes (Alexander, 2012). This discrimination requires anyone with a criminal record to inform employers about their arrests and try to become employed although the odds are against them. One

survey reveals that less than 40% of employers are even willing to hire an ex-offender (Alexander, 2012). The negative impact of criminal records has been found to be more detrimental to Black Americans than White Americans. In researching the impact of criminal records on 350 job applicants, Devah Pager found that Blacks in the study were discriminated against for a criminal record at a rate that was double the rate of their equally qualified white counterparts (Pager, 2003). Such disparities make it difficult for Black American communities plagued by interactions with the criminal justice system to succeed economically. An inability to live in public housing and find a job are just two of the many ways in which individuals who are predominantly Black are disadvantaged after already being punished for low-level drug offenses.

As previously mentioned, one policy that has often been proposed to mitigate some of the effects of the War on Drugs is the complete legalization of marijuana. The legalization of marijuana would perhaps lower the disproportionately high number of Blacks arrested for marijuana use and therefore prevent many of the disadvantageous impacts of arrest and incarceration on Black communities. Though marijuana decriminalization has been proposed and implemented in many localities, marijuana legalization would conceivably be more effective at reducing the racial disparities of the War on Drugs than marijuana decriminalization. When marijuana was decriminalized in Massachusetts, the total number of arrests for possessing marijuana fell, but the racial disparities in marijuana arrests did not change at all in Massachusetts (Matthews, 2013). While marijuana was decriminalized at the end of 2008, Blacks were arrested for possessing marijuana in 2009 at a rate that was 5.4 times the rate of Whites in Massachusetts (Matthews, 2013). The failure of marijuana decriminalization to ameliorate the racial biases of the criminal justice system in Massachusetts suggests that the complete legalization of marijuana is more likely to mitigate the racial effects of drug policy. According to Alexander (2012), the complete legalization of marijuana needs to be the first reform to end the racial discrepancies in the criminal justice system.

### **Linked Fate and the Case for Black Support of Marijuana Legalization**

Black Americans tend to participate politically in a unified and cohesive manner. Blacks consider politics based on group interests, determining if a particular policy is positive or negative for their entire racial group. Political scientist Michael Dawson's (1994) theory of "linked fate" suggests that as long as race is the primary determinant of the lives of Blacks in America, the political interests of Blacks will

be bound by race and they will maintain high levels of political unity irrespective of socioeconomic differences. In 2016, for example, 88% of Black Americans voted for Hillary Clinton for President, the largest percentage of any racial or ethnic group voting for a particular candidate (Tyson & Maniam, 2016). Additionally, since 1980, Blacks have supported Democratic candidates in presidential and congressional elections with an average of 88% of support (Tyson & Maniam, 2016).

Blacks not only show unity electorally, but also in their support for individual political positions, and specifically policies related to race. A Pew Research Center survey from 2013, for example, concluded that 70% of Blacks believed the criminal justice system needed to be reformed (Anderson, 2014). According to Dawson, Black American political behavior adheres to “the Black utility heuristic,” or the view among Blacks that their personal utility is ultimately tied to the success of Black Americans as a whole (Dawson, 1994). Since one’s racial identity as Black has been so “linked” to the social and economic status of all Black Americans throughout American history, it is rational for Blacks to perceive whether particular policies or political candidates will be beneficial by considering whether they provide utility for their entire race (Dawson, 1994). Institutions in Black American communities, such as the Black church and civil rights organizations like the NAACP, also often mobilize Blacks to recognize their linked fate and utilize the Black utility heuristic in acting politically. In order to best advance group interests, leaders from these organizations grant important cues to Black Americans about who to vote for and which policies to support (Dawson, 1994).

In recognizing the disproportionately negative impacts of the War on Drugs and specifically marijuana laws on Black Americans, one would presume that the Black utility heuristic would compel Blacks to deem that the legalization of marijuana would be beneficial for their group interests and overwhelmingly support marijuana legalization. Though only 59% of Black Americans currently support the legalization of marijuana, I believe that the explicit reasons that Blacks have for supporting marijuana legalization are based on their conception of racial group interests related to the criminal justice system. Katherine Tate (2014) reasons that for Black Americans, “the legalization of marijuana today is linked to Black demands for racial justice.” Indeed, leaders of prominent Black American institutions, such as the president of the California NAACP, have openly demanded the legalization of marijuana as a means to diminish the frightening level of Blacks arrested for drug possession (Tate, 2014). While actual levels of support for

marijuana may not differ among Whites and Blacks, Tate argues that marijuana legalization is a racialized issue, and consequently, Blacks have been found to maintain more polarized views about legalization than other groups.

Among Black Americans, there are clear divisions regarding racism that likely impact opinions regarding marijuana legalization. Tate's research concluded that over 30% of Black Americans agreed with a racially antagonistic statement arguing that Blacks maintain a poor work ethic, and that the same proportion of Blacks who held this viewpoint also opposed the legalization of marijuana. Additionally, Tate found that Blacks who believed that the American criminal justice system was too harsh were more likely to support marijuana legalization. As marijuana legalization becomes elevated as a racial justice issue, support for marijuana legalization has increased in the Black community to an all-time high (Tate, 2014). Such conclusions suggest that Black Americans consider policies legalizing marijuana based on their conceptions of linked fate and a desire to promote group interests. The previous scholarship on Black American political group interests and the War on Drugs leads to the following hypothesis:

**Hypothesis 1:** Black Americans support marijuana legalization based primarily on a recognition of group interests and the realization that legalization would mitigate the racist effects of the War on Drugs and only disapprove of legalization because of a lack of thinking about the racial implications of legalization.

### **The Basis for White Public Opinion on Marijuana Legalization**

Unlike Black Americans, White Americans have begun to support marijuana legalization in higher numbers as legalization has been increasingly framed as a civil liberties issue rather than a racial justice issue. Before the 1970s, Whites overwhelmingly denounced marijuana users as being outside society's mainstream (Musgrave & Wilcox, 2014). With the advent of the countercultural movement in the 1970s, many middle-class Whites began using the drug and public opinion for legalization increased (Musgrave & Wilcox, 2014). However, just as the War on Drugs strengthened in the 1980s, conservative activists successfully portrayed marijuana use as a vicious threat to "law-and-order" and public opinion for legalization accordingly decreased dramatically among White Americans (Musgrave & Wilcox, 2014).

Since the mid-1990s, however, support for marijuana legalization has steadily increased among White Americans. As mainstream culture downplays marijuana's role in threatening law-and-order and instead highlights the benign effects of marijuana and accepts marijuana use as a personal choice, White Americans have increasingly supported legalization (Musgrave & Wilcox, 2014). According to a 2014 Survey from the Pew Research Center, the most cited reasons for supporting the legalization of marijuana among White Americans are its medicinal benefits and harmless nature (Smith, 2015). Whites also oppose legalization because it poses a danger to society through increasing drug abuse and harming the country's youth (Smith, 2015). White Americans have chosen to support marijuana legalization based on their individual notions of free will and personal choice. Paul Musgrave and Clyde Wilcox (2014) caution that since marijuana legalization is increasingly framed today as a racial justice issue instead of a personal liberty issue, White public opinion for legalization of marijuana might very well decline. Musgrave and Wilcox's analysis further indicates that views on marijuana legalization are racialized and thus, an individual's reasons for supporting or disapproving of legalization is closely aligned with their racial identity. An analysis of the previous scholarship on White Americans views on legalization leads to the following hypothesis:

**Hypothesis 2:** White Americans support marijuana legalization based on more typical reasons related to personal freedom and knowledge of the drug's benign effects, but disapprove of legalization because of fears related to drug abuse and the dangers of marijuana.

## Methods

In analyzing whether the War on Drugs has created a racialized divide on support for marijuana legalization, I conducted seven qualitative interviews asking individuals about their views of marijuana legalization. Three of the individuals identified themselves as Black Americans and four of the individuals identified themselves as White. In an attempt to conduct a research study that controlled for age and regional variation, all of the study's participants were over the age of 35 and resided in the Northeast region of the United States. In order to allow for the possibility of study participants disapproving of marijuana legalization, the study only interviewed individuals over the age of 35. Public opinion research suggests

that upwards of 70% of Americans under 35 support marijuana legalization (Geiger, 2016). Participants were selected via snowball sampling as informants with whom contact had already been made utilized their social networks to refer other people who could potentially participate.

Each of the interviews took place over the phone in March and April 2017. The interviews lasted approximately thirty minutes. Participants were initially asked basic demographic questions, their position on the legalization of marijuana, and their reasons for approving or disapproving of legalization. Participants were also asked whether they had used marijuana themselves. In order to ascertain knowledge about the racial effects of the War on Drugs, participants were asked about whether they or someone they know had gotten in trouble for drug use or been involved in the criminal justice system. Additionally, participants were asked about their views regarding the fairness of the criminal justice system and what role race played in the criminal justice system.<sup>3</sup>

The interviews were semi-structured in nature. Participants were asked follow-up questions that deviated from the list of specific questions when more information was needed to determine their opinions. In the following sections of the paper, the seven participants are identified by letter, such as “Participant A.”

## Results

### White Disapproval for Marijuana Legalization Laws

Two of the White individuals interviewed indicated stark disapproval of laws legalizing marijuana. One of the White individuals, Participant A, is a 69-year-old small-business owner who lives in a well-off suburb of Philadelphia. Participant A does not support marijuana legalization because he believes marijuana is a gateway drug that leads individuals to become addicted to more dangerous drugs. He fears that marijuana legalization will eventually cause greater numbers of individuals to try more addictive drugs, such as opioids, and become addicted to those drugs. Further, Participant A fears that marijuana legalization will allow younger individuals who do not currently have access to marijuana to gain access to the drug because it will be more readily available. When trying marijuana during college, Participant A did not enjoy the drug’s effects on himself and therefore believes that there is no societal benefit for individuals to use marijuana recreationally.

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<sup>3</sup> See Appendix A for a list of specific questions asked of study participants.

Participant B is a 53-year-old White woman from a wealthy suburb in Bergen County, New Jersey, but she grew up in Colorado and has never smoked marijuana. She disapproves of the legalization of marijuana because she believes it is a much more dangerous drug than proponents let on, and feels that the negative consequences of the drug will fall disproportionately on the youth in states like Colorado that have already legalized marijuana. Like Participant A, Participant B is nervous that marijuana legalization will make the drug much more readily available to young people. She fears that if marijuana is legalized, children will mistakenly eat edible marijuana products. When her daughter thought about attending the University of Colorado (Participant B's alma mater), she advised her not to attend partially out of a fear that she would be in an environment with easy access to legalized marijuana.

Both Participant A and Participant B believe that the criminal justice system and the enforcement of drug laws are conducted fairly for the most part. When asked about the racial biases of the country's criminal justice system, Participant A and B both argued that socioeconomic status accounts more for the criminal justice system's unjustness than race because wealthier individuals have access to better legal representation and their communities are targeted by the police less so than poorer communities. While Participant B did not know anyone arrested for drug use, Participant A does. Participant A's son was found smoking marijuana in their suburban community by a police officer, but was released at the police station and received no penalty. Participant A also has a relative who was arrested for transporting marijuana across state lines and incarcerated for 36 months in federal prison. When reminded that marijuana legalization would have kept his relative out of federal prison, Participant A was unmoved. He believes in the notion of "law-and-order" and thinks that his relative was rightfully incarcerated for dealing marijuana across state lines.

Interestingly, both Participant A and Participant B supported the legalization of medical marijuana because they recognize that research supports its use to alleviate the effects of diseases and other medical conditions, specifically to mitigate pain.

### **White Support for Marijuana Legalization Laws**

Two of the White individuals that were interviewed indicated support for marijuana legalization laws based on notions of personal liberty. Participant C is a 58-year-old who lives in New Jersey, but works in finance in New York City and approves of marijuana legalization because he believes its dangers are equal to that of

alcohol. Like alcohol, he believes that individuals should have the freedom to decide whether or not to use marijuana without state intrusion. Participant D is a stay-at-home mother in Long Island, New York, who also approves of marijuana legalization because of its benign, stress-relieving effects. Since research suggests that marijuana does not pose health risks, and instead has medicinal benefits, Participant D thinks that individuals should have the personal choice to use marijuana if they wish.

Both Participant C and Participant D did not know anyone who has gotten in trouble for drug use or who has been arrested for any crime. While both participants acknowledge that the criminal justice system is not the most just system, they think that it is relatively fair. Like Participants A and B, Participant D said that socioeconomic differences are likely the major cause of disparities in the criminal justice system rather than race and that she does not think race impacts the enforcement of drug laws. Participant C acknowledged that poorer individuals and racial minorities are likely worse-off in the criminal justice system, but when asked whether their disparate treatment impacted his view of marijuana legalization, he said it did not.

### **Black Support for Marijuana Legalization Laws**

All three Black individuals who were interviewed as part of the study indicated support for laws legalizing marijuana. Participant E is a 51-year-old Black male living in the relatively working-class city of Plainfield, New Jersey. His highest level of education is high school; he works as a building manager in the Bronx. Though he was initially hesitant to acknowledge his support for legalizing marijuana, Participant E said he strongly favors marijuana legalization after being asked whether race plays a role in the enforcement of drug laws, including marijuana possession. Participant E acknowledges that Black Americans are almost certainly arrested more often than Whites for drug use and that the legalization of marijuana would likely lower the number of Black Americans arrested and involved in the criminal justice system. He believes that the disproportionate arrest and incarceration of Black Americans for drug crimes tarnishes entire neighborhoods and that marijuana legalization would also likely ameliorate some of the negative effects of the criminal justice system on neighborhoods like the one he works in. Like Participant C, he also thinks that marijuana is no more dangerous than alcohol, and thus should be legalized. Further, Participant E argues that legalization would allow the government to check marijuana for quality assurance before it is distributed instead of allowing it to be tampered with in the underground market.

Participant F is a 65-year-old Black woman who lives in the South Bronx and works as an HIV support counselor. She thinks that police officers disproportionately target Black males for smoking and dealing marijuana where she lives, and that the legalization of marijuana would lessen the number of Black Americans arrested for drug use. Like Participants C and E, she finds marijuana to be no more dangerous than alcohol and thinks people should have the freedom to decide whether or not to use marijuana, just as they do with alcohol.

Participant G is a 50-year-old Black woman who works as a criminal defense attorney and lives in Manhattan, New York. She approves of marijuana legalization because she thinks people should have the right to use marijuana if they wish, and that legalization will create business opportunities and increase tax revenues. Additionally, from her experience as a criminal lawyer, Participant G knows that Blacks are arrested for smoking marijuana at much higher rates than Whites, and hopes that legalization will ameliorate some of the racial discrepancies in the criminal justice system.

Participants E, F, and G all believe that the criminal justice system in this country is systematically unjust. They acknowledge statistics about the disproportionate number of Black Americans and other minorities arrested by the police and the racialized disparities in incarceration. In her view as a lawyer, Participant G believes that the criminal justice system is extremely corrupt because it only sees individuals' race. She believes that the criminal justice system gives White people the benefit of the doubt irrespective of the crimes they are accused of. On the other hand, she finds that regardless of their socioeconomic status, Black Americans are treated disproportionately worse by police officers and other actors in the criminal justice system, such as prosecutors. When asked about the enforcement of drug laws, Participant G said that she knows from her personal experience as a lawyer that NYPD police officers regularly stop and frisk Black Americans for drug possession, but never stop and frisk Whites. She described examples of Black middle school children being stopped and frisked even though the NYPD's "stop and frisk" practice was deemed unconstitutional.

After being asked about personal experiences with the criminal justice system, Participant E shared a distinct incident from when he was 13 years old. While walking home from school one day, he was stopped by a police officer. The officer accused Participant E of robbing a dry-cleaners in the area and pulled his gun on him. When Participant E told his school's principal, the school inquired about the incident and the police department denied that it had occurred. Similarly, Participant F says that she continuously sees members of her neighborhood racially

profiled by the police. While she sees many Black Americans getting arrested for drinking alcohol out of open containers in her neighborhood, she lives near Yankee Stadium and says that White fans who drink alcohol in open containers are never arrested. Participant F shared a personal experience about her granddaughter, who was pulled over by a police officer a week earlier while driving with her friends in Westchester, New York. The officer claimed that her granddaughter had something wrong with her taillight, but her granddaughter knew that there was nothing wrong with her taillight. According to Participant F, her granddaughter was undeniably pulled over because she was Black and driving in a predominantly White area.

### Discussion

The seven qualitative interviews indicate a clear racial divide on support for the legalization of marijuana. While the survey data from the Pew Research Center and the views expressed in the seven interviews do not indicate substantial differences between White Americans and Black Americans on their specific support or disapproval of marijuana legalization, there do appear to be differences among White and Black Americans in their explicit reasons for supporting the legalization of marijuana. Though the study's four white participants (Participants A-D) differed in their views regarding legalization, they all expressed disapproval or approval of legalization based on opinions regarding drug abuse or personal freedom, respectively, and did not consider the racial disparities in the criminal justice system. On the other hand, the study's three Black participants (Participants E-G) all expressed support for marijuana legalization based on their beliefs of racial disparities in the criminal justice system in conjunction with their attitudes regarding personal freedom. While it is unclear if the study's Black participants recognize the racist intent of drug laws evoked by President Nixon's "law-and-order" campaign, the Black participants do recognize the racist effects of drug laws, and appear to support legalization in order to alleviate those effects.

While the study did not include any Black individuals who disapproved of marijuana legalization, two of the study's White participants (Participants A and B) disapprove of marijuana legalization. Though it is important to note that two individuals are hardly a large enough of sample size to draw wide-sweeping conclusions, since both Participants A and B disapprove of marijuana legalization out of fears related to drug abuse and the drug's dangerous effects on society, my hypothesis regarding the reasons for White disapproval of marijuana legalization is largely confirmed. Participant A disapproves of legalization out of a fear that marijuana allows individuals to become addicted to more harmful drugs and

Participant B disapproves out of a fear that the drug will fall into the hands of young people. Both Participant A and Participant B's reasons for disapproval of marijuana legalization are strikingly similar to much of the "law-and-order" rhetoric conservative activists used in establishing the War on Drugs, which cautioned that drugs like marijuana pose dangerous threats to society (Musgrave & Wilcox, 2014, 90). In his interview, Participant A even explicitly says that he believes in the notion of "law-and-order."

Although both the study's White and Black participants who support marijuana legalization point to notions of personal choice and the drug's benign effects as reasons for their support, only the Black participants also indicate that they support marijuana legalization because of a hope that it will mitigate the racist effects of the War on Drugs. Just as White Participant C compared marijuana to alcohol and said that individuals should be free to use marijuana like alcohol, White Participant D indicated that the drug has benign stress-relieving effects and that people should have the freedom to decide whether or not to use it. Similarly, Black participants E-G said that marijuana should be treated like alcohol and that the government should not dictate its use as people have the right to use it without government intrusion if they wish. However, each of the Black American participants also explicitly discussed the racial biases in arresting individuals for marijuana use in explaining their support for legalizing marijuana. Participant E said that since Blacks are arrested more often than Whites for marijuana, legalization would hopefully lower the number of Blacks involved in the criminal justice system. Likewise, Participant F mentioned the disproportionate number of Black males arrested for drug use in her neighborhood and that she thought legalization would lower the number of Blacks arrested. Finally, Participant G acknowledged that legalization would hopefully mitigate some of the criminal justice system's racial discrepancies in arrest levels.

My hypotheses regarding the reasons for White and Black support for marijuana are therefore largely confirmed. As I hypothesized, the study's White participants support marijuana legalization solely as a consequence of notions related to personal freedom. On the other hand, the study's Black participants support marijuana legalization due to a recognition of the racialized enforcement of drug laws. However, it is not entirely clear whether the knowledge of the racial bias in the enforcement of marijuana laws is the only reason that the study's Black participants support marijuana legalization as they all additionally discuss the personal freedom argument in their interviews. Regardless, since only the Black participants mention the ability for marijuana laws to mitigate biases in the criminal

justice system, it appears that a knowledge of racial group interests impacted the Black participants' development of support for marijuana legalization.

The differences in the White and Black study participants' opinions on the criminal justice system also suggest that each group's genesis of marijuana legalization views differ because of dissimilar experiences with the criminal justice system. All of the study's White participants argued that the criminal justice system is relatively fair or that its unfairness results from socioeconomic differences rather than racial biases. On the other hand, all of the study's Black participants expressed beliefs that the criminal justice system is significantly unjust and that its unjustness arises from racial prejudices. While only one of the White participants has a relative who has been involved with the criminal justice system, all of the study's Black participants have either been involved with the criminal justice or have relatives that have been. The study's Black participants have all also witnessed instances of police bias towards the Black American community. For the study's Black participants, it appears that the War on Drugs and a racist criminal justice system are aspects of daily life. The study's Black participants have a vested interest in believing marijuana legalization will alleviate some of the unjustness of the criminal justice system because they have witnessed the system's injustice. Conversely, the study's White participants have no reason to think that marijuana legalization will reduce racial biases in the criminal justice system because they either do not believe the system is racially discriminatory, or if they do believe it is discriminatory, they have not directly been impacted by its discrimination.

While each of the study's Black participants have neither been arrested for drug use themselves nor had family members arrested for drug use, they have all witnessed the racial inconsistencies in the enforcement of marijuana laws. Each of the individuals acknowledged beliefs that Blacks are stopped and arrested more often for marijuana possession or use than Whites. Additionally, although the Black participants did not specifically describe the effects of the War on Drugs in creating a host of problems for Black communities in their interviews, they all believe that the criminal justice system in the country treats Black American communities unjustly. Indeed, each of the study's Black participants specifically mentioned instances where either they themselves, members of their family, or members of their community have been racially profiled by police officers. Therefore, the study's Black participants utilized conceptions of group interests and linked fate in generating their views regarding marijuana legalization. Since the study's Black participants explicitly mentioned that marijuana legalization would be beneficial for Black American communities in lowering the number of Blacks arrested, the

participants made use of Dawson's Black utility heuristic—the belief that their utility as individuals correlates with the utility of all Black Americans—in deciding to support marijuana legalization.

Although the seven study participants are certainly not a representative sample of White Americans and Black Americans, their interviews provide genuine evidence of the reasons for White and Black Americans' views regarding marijuana legalization. The interviews preliminarily suggest that Black Americans support marijuana legalization because of linked fate beliefs related to the racial effects of the War on Drugs. Future research should study a much larger sample of White and Black Americans in ascertaining opinions related to marijuana legalization with quantitative analyses.

## Appendix A

### Questions Asked of Study Participants

#### Demographic Questions

- What is your age?
- Where were you born? Where do you live now?
- What is your occupation?
- What is the highest level of education you completed?

#### Research Questions

- Do you approve or disapprove of marijuana legalization? Why do you hold that particular viewpoint?
- Do you approve or disapprove of the legalization of medical marijuana?
- Have you smoked marijuana? How does that impact your view of legalization?
- Have you or someone you know closely gotten in trouble for drug use?
- Do you think the criminal justice system in this country is fair or not?
- Have you or members of your family or close social circle been involved in the criminal justice system? How does your answer to question impact your views on marijuana legalization?
- What factor do you think race plays in the criminal justice system, particularly in the enforcement of drug laws such as smoking marijuana?
- Do you think Black Americans are more prone to being arrested for drug use than Whites?
- Do you support or disapprove of the legalization of other recreational drugs?

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