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Cannabis and Its Historical Role in America's Intentional Segregation of Race

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Abstract

One of the more dramatic shifts in attitudes towards a particular trend or culture we have seen during the turn of the century is none other than attitudes towards marijuana. The Cannabis plant, commonly known as marijuana, has been illegal in the United States for a while now. In the past ten years, we have seen an influx of states and countries relaxing their attitudes towards marijuana, and its potential benefits. While this shift in attitude towards a relatively harmless drug is a step in the right direction, many are unaware of the sinister and racist history behind outlawing the plant in the first place that we still see today.

Keywords

Cannabis, Civil Rights, Marijuana, Prison reform, War on Drugs

Disciplines

African American Studies | Criminology | Food and Drug Law

Comments

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AFS 130

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Cannabis and its historical role in America's intentional segregation of race

One of the more dramatic shifts in attitudes towards a particular trend or culture we have seen during the turn of the century is none other than attitudes towards marijuana. The Cannabis plant, commonly known as marijuana or weed, has been illegal in the United States for a while now. In the past ten years, we have seen an influx of states and countries relaxing their attitudes towards marijuana, and its potential benefits. While this shift in attitude towards a relatively harmless drug is a step in the right direction, many are unaware of the sinister and racist history behind outlawing the plant in the first place.

The Cannabis plant derives from two subspecies. Cannabis Sativa and Sativa L, and Cannabis Indica. Cannabis Sativa L is more commonly known as hemp and has many agricultural benefits and is used to make cloth and fibers today. Cannabis Indica and Sativa are known for their psychoactive properties. According to studies, both hemp and marijuana have been recorded in history as far back as 4000 B.C. in Asia (Blaszczak-Boxe, 2014). From there, the drug was used for spiritual and ceremonial purposes until the drug found its way into the United States.

At the beginning of the 20th century, immigration into the U.S. was rampant, and many Mexicans were coming to the United States during the Mexican Revolution (Blaszczak-Boxe, 2014). With the immigrants, marijuana arrived in the United States for the first time, setting the plant up for a permanent negative connotation; foreign, unamerican, and a threat to the white American way of life. The drug was known as "cannabis" to Americans prior to this, but the Mexicans referred to the drug as "marihuana." The United States used this to their advantage and this name played a pivotal role in the demonization of marijuana, creating a foreign and new language. The media at the time was excellent at fear-mongering the public and looking down on the Mexican immigrant's way of life (Burnett, Reiman, 2014). One key aspect of this way of life

was Marijuana use, and the U.S. played this to their advantage to disparage and shun Mexican immigrants. As the 20th century roared on, attitudes towards marijuana stiffened, and it was used as a pawn in America's racist agenda to segregate without making it too obvious.

One man was solely responsible for outlawing cannabis in the United States. While this man claimed that his reasoning was based on facts and the safety of the United States, his argument was much more sinister and racially charged and the effects of which are still felt today, almost 100 years later.

Harry Anslinger was the first commissioner of the Federal Bureau of Narcotics in 1930, which has evolved into today's DEA. He was also a renowned racist. At the time of Anslinger's appointment, the prohibition of alcohol was on its way out, and he knew that the government needed a new substance to criminalize and put minorities at a disadvantage. Early in his career, Anslinger said that cannabis use was no big deal (Adams, 2016), once he was put in charge of the Federal Bureau of Narcotics, he changed his position completely. His new platform was to make every drug in the United States illegal, and he succeeded in 1937 with the passing of the Marijuana Tax Act, banning the possession and sale of cannabis. How was Anslinger able to pull this off? At first, he claimed that marijuana use causes psychotic episodes and other delirium-like states. Once he realized that these claims were baseless and nobody could prove any link between psychosis and cannabis use, Anslinger turned to the tried and true American way of getting what you want; racist and race-charged segregation and manipulation (Adams, 2016).

Anslinger, having failed to convince the public of the non-existent mental effects of smoking cannabis, had to rely on his hidden reasoning all along; racial disparity and downright racism. Anslinger claimed that black people and Latinos made up the majority of marijuana users in the United States, undermining the many cultural and ethical benefits these immigrants

brought to this country. He went on to say that jazz musicians were creating "Satanic" music due to marijuana use (Adams, 2016). It is no coincidence that the vast majority of jazz musicians and composers were black people and Latinos. This false claim led to the hunt and defamation of Billie Holiday's career. Holiday was struggling with a heroin addiction, a drug that many white Americans were using at this time, but by claiming that she was using marijuana, her career was ruined. She was infamously hounded by the police for years until her premature death, caused directly by Anslinger's racist agenda. This circles back to the changing of language and how strong of an effect language has. By simply changing the term "Cannabis" to "Marijuana," Anslinger was able to tap into racially charged fears and anxieties already present in this day in age. As he testified before Congress on behalf of the Marijuana Tax Acts, he was quoted saying, "I wish I could show you what a small marihuana cigaret can do to one of our degenerate Spanish-speaking residents (Adams, 2016). This quote not only encapsulates the racist agenda of one man, but it speaks to the general attitude towards foreigners in the United States at the time. That downright racist quote helped Anslinger's case. The act passed in 1937, and while Anslinger wasn't able to do much else, he paved the way for yet another racially charged agenda later in the century.

One of the most notoriously failed United States government movements and actions in the history of this country is the war on drugs, the repercussions of which are still being felt today. In 1969, Richard Nixon was inaugurated as the 37th United States President, adopting the effects of the Vietnam war and, more notably, the counterculture of the late 1960s and, of course, the Civil Rights Movement. It is no secret that Richard Nixon was a racist, and he saw a glimmer of opportunity to not only push his racist agenda but make himself look like a saint in doing so in the eyes of his supporters, white people. In June of 1971, barely a year into his first term, Nixon

declared a War on Drugs. In doing so, he implemented policies such as mandatory sentencing and no-knock warrants (DrugPolicy, 2020), two strategies that disproportionately and intentionally affect minorities to this day. Any speculation that Nixon was acting in the best interest of the American people was shot down when John Ehrlichman, a Nixon top aide came out in 1994 and said "The Nixon campaign in 1968 and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, then criminalizing both heavily, we could disrupt these communities" (Lopez, 2016). While this statement is shocking, it downplays the rampant discrimination between whites and blacks regarding drug-related crimes. Vietnam veterans were hooked on heroin and African Americans and Latinos were smoking weed, not the other way around, as Ehrlichman had stated. The war on drugs has without a doubt hurt black communities the most. According to a 2013 national survey on drug use and health, Ehrlichman's claim is valid. The study states that the number of drug-related arrests per 100,000 residents of each race, blacks were almost 3x as likely to be arrested and placed in jail for drugs (2013 FBI Uniform Crime Reports/U.S. Census Bureau). This survey confirms that Nixon's policies disproportionately affect minorities. Although black Americans aren't more likely to use or sell drugs, they are much more likely to be arrested for them (Lopez, 2016). This is exactly what Anslinger and Nixon planned, and they executed it well. In 1974, President Richard Nixon resigned amid ongoing investigations and possible impeachment due to the Watergate scandal. In his almost full term in office, Nixon implemented many policies, such as the Narcotics Treatment Administration, DEA, and The Comprehensive Drug Abuse Prevention and Control Act (PBS, 2015). To the blind eye, it may look like Nixon did a lot to help protect the United

States and its citizens from drugs and their potential harm. Still, his motives were far from in the interest of the general public. After his presidency, the racist agenda and stereotypes of Harry Anslinger and Richard Nixon powered on well into the late 20th century.

Ronald Reagan assumed the office of the President in 1981. Despite President Carter's efforts to decriminalize Marijuana before Reagan's term, he seemed to pick up right where Nixon left off, but with a twist. One of the centerpieces of the Reagan White House was the "Just say No" Anti-Drug Campaign aimed at children during the peak of crack-cocaine, a cheaper, more accessible form of cocaine that was distributed and widespread in African-American and Hispanic communities (Shultz, Aspe, 2017). Policies such as stop and frisk were first implemented and tried in the Reagan administration. While marijuana kicked off this ability to segregate and scrutinize minorities, no community has been hit harder than the African American community. The criminalization and false fears of marijuana led to the war on drugs and has created a new form of slavery and injustice towards many African Americans to this day.

The United States of America Drug Enforcement Agency is run by the department of justice and is tasked with combating drug smuggling and distribution within the United States. As stated earlier, the DEA was implemented and founded in the Nixon years. The DEA has five classifications of drugs. Schedule V, IV, III, II, and I. Schedule V drugs are "defined as drugs with lower potential for abuse than Schedule IV..." (DEA). Schedule V includes drugs such as Robitussin, Motofen, and Parepectolin. (DEA) Schedule I is classified as "drugs, substances, or chemicals with no currently accepted medical use and a high potential for abuse." Some examples of drugs in this group are LSD, heroin, ecstasy, peyote, and marijuana. (DEA) To add insult to injury, drugs that are Schedule II include cocaine, methamphetamine, oxycodone, fentanyl, and Ritalin. (DEA) Alcohol and nicotine are not in any of the groups. The fact that

marijuana is in the same group as heroin and is considered by the federal government to be "worse" than drugs that debilitate millions of lives and families every year is understandably seen as downright ignorant to a lot of people. It is why the marijuana movement has gained so much steam in recent years, and this classification plays a significant role in America's incarceration crisis.

The United States is facing a crisis the likes of which the world has never seen before. The U.S. could stop it and will most likely continue to support and fund the policies and organizations responsible for a new form of slavery; imprisonment. The United States prides itself on its legal system when the reality is that the United States prison system and legal process towards minor offenses towards minorities is reprehensible and violates several human rights policies. As of right now, there are 6.8 million people in America's prison system. Of the 2 million-plus, over 700,000 are African Americans, equal to the number of enslaved blacks in 1820 (NAACP,2020). Let that sink in. In a country where just over 12% of the population is African-American, almost 30% of those locked in prison are African American. One in three African-Americans between the ages of 20 and 29 are in the American legal system (Boyd, 2001), a number that speaks volumes as to the sheer magnitude of the racist policies in place that severely affect blacks more than whites. The sad part is most of these African Americans in prison are not there because they killed someone or embezzled millions of dollars, they're locked up in prison for petty crimes and minor charges, often waiting for a trial or a legal team that the court knows they cannot afford.

African American's have never been given anything close to the same level of freedom and availability of "The American Dream" that their white counterparts have had. The sad thing is that they are seen as counterparts when in reality, they are both Americans, both human

beings, just different skin colors. In regards to prison incarceration, skin color plays a significant role, and it can be argued that skin color carries the most weight in regards to one's fate, regardless of the volume of a crime.

Today, the United States boasts about 5% of the world's population and yet has over 20% of the world's prison population (NAACP, 2020). One might say that America experiences more crime and violence than other countries, but the reality is that prisons are a powerful way in which the U.S. can lock up poor minorities and leave them to die because they do not have the money or the resources that millions of other Americans do, usually the white ones. The statistics prove it. According to the NAACP, African Americans are incarcerated at more than five times the rate of white Americans. African Americans and Hispanics make up 32% of the U.S. population. They represent more than half of all incarcerated individuals. If African Americans and Hispanics were incarcerated at the same rates as whites, prison, and jail populations would decline by almost 40% (NAACP, 2020). These statistics are harrowing and they continue to reflect attitudes regarding drugs and segregation that Harry Anslinger and Richard Nixon pushed for decades ago. One may look at these numbers and claim that minorities use drugs more than whites and commit more crimes, that is what Nixon and Anslinger want the public to think. The reality of the situation is that everyone uses drugs. Whites, Blacks, Latinos, Asians, you name it. In fact, in the 2015 National Survey on Drug Use and Health, about 17 million whites and 4 million African Americans reported having used an illicit drug within the last month and the imprisonment of African Americans for drug charges is almost six times that of whites (NAACP, 2020). How can this be? Policies such as stop and frisk and African Americans being pulled over at a much higher rate than whites are a couple of racist processes that continue to be supported today. If politicians such as Nixon and Reagan truly cared about the health and safety of all

Americans, they would not have paved the way for these policies, and similar politicians today wouldn't stand for it. However, in today's day in age, prisons are a new form of slavery, and nobody seems to care. American prisons do not focus on helping a criminal become a better person like they are supposed to do. American prisons deliberately torture and break down inmates. If a minor drug offender or criminal is lucky enough to escape the confines of incarceration, the effects of their imprisonment will never entirely vanish, and they will likely never be able to work towards a normal life, which is what prisons are supposed to do.

When released, prisoners are thrown out and left alone. According to studies, a criminal record can reduce the likelihood of a callback or job offer by nearly 50 percent, the negative impact of which is twice as significant and likely for African Americans (NAACP, 2020). So first, let's throw minorities in jail for petty crimes and low-level offenses that their white counterparts would never be subject to. Then, instead of rehabilitating them, let's throw them in prisons with little to no health safety standards and let them rot. If by some miracle, a minority can get out of jail, it will be nearly impossible for them to rise the ranks of society, and they will likely fall back into the prison system due to this. The American prison system is slavery. There are still policies in place today such as mandatory sentencing, which ensures a minimum jail sentence for charges like drug possession and stop and frisk, which allows the police to stop and search anyone who may be suspicious, usually minorities, white people do not appear suspicious to other white people. Then, the police will find a small amount of drugs on the victim, and they get thrown in jail without trial. The judge knows they cannot post bail, and the individual is stuck in the American prison system for the rest of their life. These policies are well thought out and deliberate. Unfortunately, they are implemented and executed almost daily, and we have the war on drugs and racism to thank for this inexcusable disparity in the prison population.

Today, with marijuana laws becoming more and more relaxed, one would think that this disparity in racism towards drug use would also diminish. That has not been the case, at least not yet. Most Americans, when they see a white man smoking weed today, they will likely see that man as a "hippie" or "against the system." Not bad connotations. Today, many people who see a black man smoking weed will view him as a "thug" or a "threat," often leading to tension and potentially police. Both Richard Nixon and Harry Anslinger are dead, they have been for some time. Their racist agendas and ambitions regarding continued segregation between races are still alive and well today.

The United States continues to see an increase in states legalizing marijuana use both medically and recreationally while still being illegal at the federal level. Canada passed The Cannabis Act in October of 2018, making it the second country in the world to legalize marijuana fully. Canada has already experienced some success under the new law. One of the focal points in the legislation was taxes. The Canadian government has been mandating a tax of 10 percent/ \$1 Canadian per gram, which gives provinces 75 percent of the revenue. The most admirable part of this legislation was the sealing of conviction records of those who were charged for marijuana crimes during the war on drugs (Hauser). This is something that the United States struggles with on a large scale. While only being legal for half a year, Canada is setting a precedent for other larger countries, especially it's neighbor to the south. It's almost as if a drug can have benefits without policies being racially driven and charged. While the success story of Canada continues to provide useful tools and perspectives for the United States, especially regarding prison reform, the United States is far too deeply rooted in using the drug as a scapegoat towards inherent racism and discrimination.

Works Cited

- Adams , C. (2016, November 17). The man behind the marijuana ban for all the wrong reasons . Retrieved May 7, 2020, from <https://www.cbsnews.com/news/harry-anslinger-the-man-behind-the-marijuana-ban/>
- Blaszczak-Boxe, A. (2014, October 17). Marijuana’s History: How One Plant Spread Through the World. Retrieved May 7, 2020, from <https://www.livescience.com/48337-marijuana-history-how-cannabis-travelled-world.html>
- Boyd, G. (2001, July 1). The Drug War is the New Jim Crow . Retrieved May 7, 2020, from <https://www.aclu.org/other/drug-war-new-jim-crow>
- Burnett, M., & Reiman, A. (2014, October 9). How Did Marijuana Become Illegal in the First Place? Retrieved May 7, 2020, from <https://www.drugpolicy.org/blog/how-did-marijuana-become-illegal-first-place>
- Coyne, C., & Hall, A. (2020, April 15). Four Decades and Counting: The Continued Failure of the War on Drugs. Retrieved May 7, 2020, from <https://www.cato.org/publications/policy-analysis/four-decades-counting-continued-failure-war-drugs>
- Lopez, G. (2016, March 29). Was Nixon's war on drugs a racially motivated crusade? It's a bit more complicated. Retrieved May 7, 2020, from <https://www.vox.com/2016/3/29/11325750/nixon-war-on-drugs>
- NAACP | Criminal Justice Fact Sheet. (n.d.). Retrieved May 7, 2020, from <https://www.naacp.org/criminal-justice-fact-sheet/>
- Shultz, G. P. (2018, January 2). The Failed War on Drugs. Retrieved May 7, 2020, from <https://www.nytimes.com/2017/12/31/opinion/failed-war-on-drugs.html>

Skerrett, P. (2019, March 21). Canada's legalization of marijuana offers a blueprint for the U.S. Retrieved May 7, 2020, from <https://www.statnews.com/2019/03/22/canada-legalize-marijuana-lessons-united-states/>