

Race and Politics of Marijuana Criminalization

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Race and Politics of Marijuana Criminalization

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Dedication Page

For my mom; everything I have is because of you, so this work is
ours.

Abstract

Marijuana use in the United States has become a contentious topic, particularly regarding racial disparities and arrests, convictions, and sentencing rates. This thesis examines racial disparities and marijuana legalization in Tennessee. The central argument guiding this study is that race and the status of African Americans are at the forefront of debates about marijuana legalization and decriminalization. This research relies on primary and secondary data including interviews, surveys from MTSU's 2014 and 2018 Polls, research of scholarly works, and analysis of state legislation. The thesis further examines the politics of marijuana and race, particularly involving African Americans in Tennessee.

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Introduction

Marijuana legalization has long been a contentious debate in U.S. politics. The discourse around its usage for medicinal and recreational purposes has been salient in the political and social arenas. With these debates, there has also been an increase in legislative proposals regarding medicinal and recreational marijuana. Likewise, there is increasing concern about racial disparities and the marijuana industry regarding arrest rates, conviction rates, and sentencing. The influence of popular culture and social media as they pertain to the usage of marijuana may have also increased the popularity of recreational marijuana use in the past couple of decades. This research project examines the impact of marijuana criminalization on African Americans in Tennessee and the relationship that exists between race, politics, popular culture, and marijuana.

Tennessee is at the center of the larger discourse on racial disparities and marijuana criminalization and legalization. This study examines marijuana laws across the country, but it is important to understand how Tennessee is situated in the national debate. It is also important to examine how race and the status of African Americans are an important part of the debate about marijuana legalization and decriminalization. Since marijuana usage is more acceptable, compared to previous decades, it is important to discuss both the positive aspects of marijuana legalization and how marijuana criminalization contributes to racial disparities in the criminal justice system.

Data Retrieval

To examine racial disparities and marijuana legalization, I draw upon primary and secondary sources. I examine previous studies and scholarly writings on the topic and conduct interviews of persons impacted by or shaping marijuana laws. Furthermore, this project relies on data analyses of the 2014 and 2018 MTSU Polls on perceptions of marijuana held by Tennesseans, as well as legislative debates about marijuana criminalization in the Tennessee General Assembly. By using various methods of examination, this thesis aims to position the conversation of racial disparities and marijuana criminalization in Tennessee at the forefront of the national debate about marijuana laws.

Literature Review

There is a relationship between marijuana laws and African Americans in terms of arrests, convictions, and sentencing. There is also a relationship between popular culture that targets mostly African Americans and marijuana consumption. The politics of marijuana, while seemingly impartial, appear to fuel racial disparities in the criminal justice system. The discussions revolving around these occurrences must be better informed to understand why African Americans have different perspectives, compared to whites, about marijuana legalization.

Numerous scholarly works have been published about racial disparities and marijuana, popular culture and marijuana usage, and politics surrounding marijuana. The

objective of this overview is to provide readers with a sufficient amount of background knowledge on previous scholarly works concerning the topics discussed above. The first section of this overview examines race and marijuana. Following this will be a discussion of politics and marijuana and then an assessment of how popular culture fuels marijuana consumption. This research pulls together multiple debates to give a better look at how the politics of marijuana impacts African Americans and exacerbates racial disparities.

Race and Marijuana

Race is important to consider in the debate over marijuana legalization and criminalization. There are many ramifications felt by the African American community when it comes to their consumption of marijuana and most of the effects go unnoticed. There has been plenty of research on the disparities in the arrest, conviction, and sentencing rates. The studies, although they may vary in methodological approaches, all point toward the conclusion that there is an obvious disparity between blacks and whites pertaining to marijuana. The War on Drugs, accelerated by President Nixon in 1973, “...has been a tool to target Black and Brown Americans and change life trajectories in those communities for millions of people” (Hudack, 2020). The usage of marijuana leads to users experiencing symptoms of dependency such as insomnia, cravings, and withdrawal that are consistent with marijuana use disorder, according to the CDC. Relative to this, it has been said that blacks progress from use to dependence¹ faster than

¹ The definition of marijuana (Cannabis) dependence (addiction) contains three critical elements. These are (a) preoccupation with the acquisition of marijuana, (b) compulsive use of marijuana, (c) relapse to or recurrent use of marijuana. (Gold & Miller, 1989). Casual use of marijuana can lead to cannabis use disorder rather quickly due to both the pharmacokinetic changes (how the drug is absorbed, distributed, metabolized, and excreted) and pharmacodynamic changes (how the drug interacts with target cells) to the body (Madras, 2014).

whites (Keyes, et al., 2015), have longer duration of use (Caetano and Kaskustas, 1995, as cited in Keyes, et al., 2015), and experience more substance-related consequences than other racial/ethnic groups (Keyes, et al., 2015).

Regardless of the methodological approaches, most studies show that when it comes to arrest rates for marijuana, blacks are more likely than whites and other races to be taken into custody. A study by the American Civil Liberties Union (ACLU) says that blacks are 3.73 times more likely to be arrested for marijuana possession than whites (ACLU, 2015). Another study found that African Americans are 2.5 times more likely to be arrested for possession of marijuana than whites (Iguchi, Pacula, & Ramchand, 2006). It is also said that “African Americans are arrested for violating marijuana possession laws at nearly 4 times the rates of whites, yet both ethnicities consume marijuana at roughly the same rates” (Norml, 2022).

There are also racial disparities in marijuana conviction and sentencing rates. Ion Meyn, an expert on mass incarceration, argues that punishing marijuana possession plays a role in systematic racism and allows the criminal justice system to prosecute black Americans at a significantly higher rate than white Americans (Madison Common Council, 2009). Other scholarly works have evaluated sentencing disparities between blacks and whites and most, if not all, conclude that “black offenders [receive] lengthier prison terms than white offenders” (Griggs, 2021). Interestingly, with some states legalizing the recreational use of marijuana and others continuing to criminalize it, there are “[particular] disparities in demographics and fortunes between people prosecuted ... under criminal law and people currently cashing in on legal cannabis” (Ahrens, 2020).

To expand, while marijuana is a trillion-dollar business, less than 1% of licenses go to African Americans and Latinos (Parker, Jones, Tomosunas, & Robinson, 2020).

There is no denying the racial disparities that exist between blacks and whites but also between non-whites (blacks, Hispanics, etc.) and whites.² In an interview conducted with Tennessee State Representative Bob Freeman (D-56), he stated that “[There] is a widely disproportionate criminalization of marijuana against the African American community than [there] is among the rest of the populous so you can see a lot of these lesser charges. But when they get picked up for a second lesser charge, because they’ve got two on their record, it ends up multiplying and they get stiffer penalties down the road” (Freeman, 2023). While advocating for legislation that he and his Democrat colleagues present each year, Representative Freeman highlights the disparities in marijuana prosecution and sentencing often to reverse the laws that may adversely harm minority communities. State legislators and members of Congress, alike, have recognized marijuana-related disparities and their effects of African Americans. Just as members of the state legislatures have begun speaking out against the adverse effect of marijuana criminalization, Former Congresswoman Karen Bass, the chair of the House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security has also voiced her displeasure She spoke to the disparities that arise from marijuana laws and how they affect people on more of a macro level when she stated the following:

Since the time President Nixon declared a war on drugs in the early 1970s, the effect of this war on black and Latino communities has been severely disproportionate. The war on drugs was racially biased from its inception, and it

² For the purposes of this thesis, comparisons between whites and blacks are made as are comparisons between whites and non-whites. The term non-whites encompasses blacks as well as Hispanics and other non-white ethnicities.

has been carried out in a discriminatory fashion with disastrous consequences for hundreds of thousands of people of color and their communities (Bass, 2019).

The overall impact that marijuana has on the African American community in terms of arrest, conviction, and sentencing rates is heavily supported by data and research. Many policies and tactics have caused the disparities that now exist. Although some data shows that blacks use marijuana at higher rates than any other race and other data demonstrates that blacks and whites use marijuana at approximately the same rate, there is no refuting the evidence that racial disparities in relation to incarceration exist.

The Politics of Marijuana Legalization and Decriminalization

Although many people argue that marijuana criminalization and legalization should not be made a political issue, politics is one way to shape marijuana legalization debates. Debates about marijuana laws impact elections from local offices to the presidential office. In Tennessee, approximately three to five legislative proposals to amend marijuana laws, in one way or another, are introduced each calendar year³. Marijuana has “led to the expansion of government power, the imprisonment of hundreds of thousands of individuals, wars waged between nations, and the vilification of some racial ethnic groups” (Hudak, 2016), which essentially makes marijuana a political issue.

³ The Tennessee General Assembly convenes in Nashville each year beginning at noon on the second Tuesday of January. Each General Assembly meets 90 session days over a two-year period. Generally, legislative sessions last from mid-January through late April or May of each year. In general, the functions of the Legislature are to enact, amend, and repeal the laws of Tennessee (Legislature, 2023).

While states like Illinois, Colorado, California, and Oregon have legalized recreational marijuana, other states like Florida, Louisiana, North Dakota, and Kentucky have legalized medicinal marijuana. States such as North Carolina and Nebraska have decriminalized marijuana. The pathway to these advancements, as some may call them, can only be pursued through debates and the passage of legislation. Currently, the arguments regarding marijuana largely fall along party lines with most Democrats supporting legalization, both recreational and medicinal, while most Republicans oppose both forms of marijuana use. Because of this, “young people in the US overwhelmingly ... force the issue as their electoral clout grows ...” (Cohen, 2009). That is, voters with different experiences, many of them young, are forcing marijuana legalization into the forefront of political debates.

When debating marijuana policy, lawmakers tend to focus on the fiscal note, which is the monetary impact that the bill will have on the state economy. There is a special committee devoted to calculating the fiscal notes of each piece of legislation that is presented, as it is a requirement to include in the Bill. Other areas of focus include economics, legal issues, law enforcement issues, and environmental concerns. Committees, both on state and national levels, regularly debate marijuana policies, but many southern states such as Tennessee find it hard to pass marijuana decriminalization policies. One of the major reasons for this difficulty is the role of interest groups.

While there are many groups lobbying in favor of marijuana legalization in Tennessee such as Awake and The Marijuana Policy Project, there are also several groups lobbying against the legalization of marijuana. Those opposed to marijuana legalization include, but are not limited to, Abbott Laboratories, Drug Free America

Foundation, and the American Anti-Drug Council. The fear of the unknown for many lawmakers leaves them fearful for how their vote may affect their communities, which leads them to vote against legislation that aims to legalize marijuana in any way (Trela, 2019). With the public support of marijuana legalization growing, many states and their lawmakers are feeling pressured to find a way to make what most people would consider to be forward progress and either decriminalize marijuana, legalize the medicinal use of marijuana, or legalize the recreational use of marijuana. It sounds easier said than done as anyone who has worked in politics knows that meaningful policy change such as legalizing marijuana takes years and sometimes decades to pass.

Popular Culture and Marijuana Use

Several facets of popular culture portray marijuana usage. Art such as music and film that are both produced and consumed heavily by African Americans have depicted marijuana usage for decades and a growing trend found in hip hop music and film shows the consumption of marijuana. It is apparent that "... marijuana use frequently occurs in popular hip-hop music videos" (Knutzen, Moran, & Soneji, 2018) and these references to drug use are reaching a large audience. Marijuana usage is favorable and accepted in the hip-hop community as opposed to other, more dangerous drugs (Leake, 2021). This is clear in the music lyrics, fashion, and film that characterize popular culture in modern day America. Certainly, marijuana is not only present in the genre of hip-hop. It is seen in other genres such as punk rock, reggae, and psychedelic rock. But while hip-hop is not the only genre that depicts marijuana usage, "it is in hip-hop that marijuana exists as a cornerstone of the culture" (Leake, 2021).

As it pertains to movies and film, studies show that that parental restriction on films that incorporate marijuana usage is an effective mechanism to reduce negative consequences attributed to exposure to mature media content (Cox, Gabriello, Janssen, & Jackson, 2018). One does not have to look far to find that drugs have made a mark on modern-day pop culture that influence youth, young adults, and others. With the primary audience of Hip-Hop music being the African American community, it is common that parents and children alike enjoy the music and, in turn, could be influenced by the content matter of the popular culture they are consuming. While not all individuals who listen to hip-hop and other African American-made popular culture consume marijuana, there is a trend that show the influence of the media and content does lead to a glorification of marijuana consumption.

In summary, this thesis underscores the implications of marijuana legalization for racial disparities tied to marijuana-related arrests and incarceration. Political and legislative debates about marijuana decriminalization impact racial disparities. Finally, popular culture and especially Hip-Hop impact the perception about and consumption of marijuana.

Section 1: The History and Current Legal Standing of Marijuana Law in the Nation

The first regulation of marijuana in the United States occurred when the 1906 Pure Food and Drug Act was passed, which requiring the labeling of over-the-counter drugs containing cannabis (Trela & Schultz, 2023). During the Mexican Revolution, immigrants came to the United States carrying marijuana. This migration has been linked to the influx of the drug entering the United States. During the time of this influx which

began around 1910, Mexican immigrants also introduced the recreational use of marijuana to the American culture. (Frontline, 2014). Certain states acted quickly to ban the substance, and by 1937, the Marijuana Tax Act was passed by Congress.

The Marijuana Tax Act essentially made it illegal to possess or sell marijuana. It was in place for approximately 30 years until it was found to be unconstitutional by the Supreme Court in *Leary v. United States* in 1969. The Court ruled that the Act was a direct violation of the 5th Amendment because it required self-incrimination. Harry J. Anslinger, the person responsible for fueling racial fears tied to cannabis use, did so by tying cannabis use to jazz music. He proclaimed that jazz was an evil music form created by people under the influence of marijuana. It is also said that Anslinger coined the term ‘marijuana’ as opposed to cannabis to produce a negative, racial connotation with the word by associating it with Mexican immigrants (Spencer, 2022).

In the 1970’s the Controlled Substance Act (CSA) was passed by Congress and established the federal law pertaining to marijuana. CSA classified all controlled substances under schedules. The method of scheduling drugs was implemented to classify the sentencing guidelines used by the courts to punish people who violate the law regarding the possession, use, or handling of specific drugs. The schedules were determined by some of the following factors for the specific drug: a) its actual or relative potential for abuse; b) its history or current pattern of abuse; and c) scientific evidence of its pharmacological effects (Blackwell, Cyan, Grosh, Strickland, & Capatosto, 2019). According to the U.S. Department of Justice (DOJ) and Drug Enforcement Administration (DEA) Diversion Control Division, Marijuana is a Schedule 1 drug (Controlled Substance Schedules, 2023). By characterizing marijuana as a Schedule 1

drug, it is being placed into the same category as drugs such as heroin and methamphetamine. By directly associating marijuana with the above-mentioned hardcore drugs, the negative stigma around marijuana continues to be perpetuated.

Various attempts to regulate marijuana have arisen over the years. One of the most prominent and successful of which has been the Anti-Drug Abuse Act, which consists of 15 sections and was passed by Congress in 1986. The goal of the Act consisted of the following:

To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes (Anti-Drug Abuse Act, 1986).

The Anti-Drug Abuse Act of 1986 attempted to strengthen federal efforts to promote international drug law enforcement cooperation; improve enforcement of U.S. drug laws; enhance interdiction efforts; provide leadership in developing drug abuse prevention programs; and expand Federal support for drug treatment programs (Anti-Drug Abuse Act, 1986). The Anti-Drug Abuse Act impacted many areas of drug enforcement and the usage of drugs. One example is that the law led to an increase in average time imprisoned for drug crimes from 22 months to 33 months (Shewan & Davies, 2013). There was also a racial effect that stemmed, in part, from the creation of this Act. After the Act was passed, the number of blacks being sent to federal prison quadrupled while there was almost no change during the same time period in the number of whites being sent to federal prison (Calendar, 2023). During this time, the Civil Rights Movement was still

active as African Americans were still fighting and advocating for fair and equal treatment throughout the Southern part of the United States. Additionally, under President Reagan, homelessness in the United States grew by approximately 1 million people and due to the tax cuts he provided for the top percentage of Americans, the rich became richer and the poor became poorer (Barrett, 2022). The hardships being experienced by African Americans were most likely amplified by the ramifications of the Anti-Drug Abuse Act and could help explain the exponential growth of the prison population during this time.

While African Americans were impacted disproportionately by the Act, the jail and prison populations grew as a whole because of the new policies that were being enforced by the federal government. As indicated in Figure 1, the United States jail and prison population between the years of 1950 and 2015 rose exponentially with a dramatic increase seen after the passing of the Anti-Drug Abuse Act in 1986. Although not all people arrested and represented in this figure are directly related to marijuana, the trend in this graph is significantly similar to that seen in marijuana arrests. The influence of the Anti-Drug Abuse Act of 1986 is undeniable. It led to an increase in average sentencing time for drug-related convictions, which can be visually displayed in Figure 1. It also disproportionately target minority communities, which meant that African Americans were being adversely impacted by the repercussions of its enactment.

Figure 1: United States Jail and Prison Populations, 1950-2015



Figure 1: United States Jail and Prison Populations, 1950-2015. Source: (Calendar, 2023)

Although recreational marijuana has only existed in the U.S. for around a century, the usage of hemp to create tangible materials has taken place since the 17th century. People used hemp to produce products like ropes and clothes. Hemp was also used during the Civil War for production of goods that were desperately needed by soldiers. While hemp is a substance that does not include any THC, is it derived from the cannabis plant.

Therefore, it is subject to certain stigmas that surround marijuana. Additionally, hemp can be, and sometimes is, simultaneously regulated by the federal and state governments.

To expand, there are specific laws in Tennessee regarding hemp and its usage. Lawmakers in Tennessee have determined hemp to be *Cannabis sativa* containing less than 0.3% THC and the cultivation of such product is legal. Anything containing about 0.3% THC is illegal in Tennessee, according to the Tennessee Bureau of Investigation (TBI). While hemp is legal in Tennessee, it is still on the receiving end of many negative thoughts because of its relation to marijuana since the two substances come from the same plant. It is important to note that although there are still several marijuana related substances that remain illegal, some of those substances and others that originate from the marijuana plant have been used for centuries for purposes other than intoxication by several different civilizations and countries.

While recreational marijuana is still illegal federally, California was the first state to pass legislation making it legal to incorporate marijuana into medicinal treatments in 1996. Since then, it has been confirmed that “as of February 3, 2022, 37 states, four territories, and the District of Columbia allow the medical use of cannabis products” (State and Medical Cannabis Laws, 2023). Additionally, 19 states and the District of Columbia have legalized recreational marijuana. There are several states that have legalized the medicinal and recreational use of CBD as well. CBD is derived from the hemp plant, a cousin of the marijuana plant. CBD is an integral ingredient in medical marijuana, but it does not cause a high and is not addictive when ingested solely by itself.

Even though certain states are moving forward with the legalization of marijuana-related substances, many still chose to follow in the footsteps of the federal ban. Most

recently, the United States House of Representatives passed legislation that would federally legalize marijuana. Rep. Jerrold Nadler introduced H.R. 3617, the Marijuana Opportunity Reinvestment and Expungement Act (MORE Act), on the 28th of May 2021. The MORE Act would have decriminalized marijuana, removed it from the controlled substances list, and expunged any prior marijuana convictions (TCA 39-17-1321, 2023). It passed in the House but failed in the Senate.

On October 6, 2022, President Joe Biden released an official statement on marijuana reform in which he “[announced] a pardon of all prior Federal offenses of simple possession of marijuana” (21 United States Code 811, 1978). President Biden then went on to urge all governors to also pardon all state level, simple marijuana possession charges. Lastly, he asked the Secretary of Health and Human Services to initiate the administrative process to review expeditiously how marijuana is scheduled under federal law. In his statement, President Biden further mentioned that he believed the regulations on trafficking, marketing, and under-age selling of marijuana should stay in place. This presidential pardon was a major step forward in the fight against prosecution and sentencing for nonviolent marijuana charges as it set a precedent for the states to relieve citizens who have the most minor possession charges of their obligations to the justice system.

While marijuana is still criminalized on a federal level, each state possesses their own laws regarding recreational and medicinal use of marijuana and related products. As depicted in Figure 2, a dozen states, including Tennessee, have not yet passed legislation to legalize either medicinal or recreational marijuana. Western states and a portion of the mid-western states have legalized marijuana both medicinally and recreationally.

The differential laws from state to state have created confusion for some individuals. For example, people who live in a state where marijuana is legal may travel to the state that borders them and that bans the possession or use of marijuana. Likewise, people who live in states where marijuana is not legal will travel to states where they can legally purchase marijuana for recreational use.

It is important to understand the repercussions of strict marijuana laws. These repercussions are not only experienced by African Americans, but other factors that work against members of that race in combination with the marijuana disparities increase the hardships experienced. There is a lot at stake as it concerns marijuana laws – something as simple as misdemeanor possession can result in years of ramifications for someone who might not be able to pay specific penalty fines related to their charge. These consequences are not discussed enough; there is a severe lack of education given to young people about the way marijuana can negatively impact their lives. While celebrities glorify marijuana use with seemingly no repercussions from law enforcement, everyday people do not get to enjoy the same luxuries. The criminal justice system in Tennessee and the United States have proven to be less than simple to deal with for offenders. As mentioned above, people of all races experience these hardships, but they are often times magnified for people of the African American race. Reintegrating into society can be much more difficult for African Americans who get out of prison and return to low income, high crime communities which is why recidivism rates are higher among the black community.

Section 2: History and Current Standing of Marijuana Law in Tennessee

For years, lawmakers in the Tennessee General Assembly have debated marijuana policy in the state. There are some laws in Tennessee regarding the use, possession, and exchange of marijuana. Tennessee law states that it is an offense for any person in the state to manufacture, deliver, sell, or possess a controlled substance. In Tennessee, marijuana is a Schedule 1 controlled substance, therefore possessing any amount of marijuana in the state can lead to criminal punishment, the severity of which is outlined in the Tennessee Code Annotated. Depending on the amount of marijuana one manufactures, delivers, sells, or possesses, the criminal punishment could range from a misdemeanor to a felony. A convicted felon loses multiple abilities such as the right to vote, access to employment at certain jobs, being able to travel outside of the country, access to certain public assistance programs, and more.

In addition to the previously mentioned laws, approximately a half dozen legislative proposals are sponsored each year by members of the General Assembly, both in opposition and in support of marijuana legalization. In the past 10 years, there have been numerous attempts to both limit and promote the use of marijuana by lawmakers in Tennessee.

Table 1 identifies a select number of marijuana laws. In the table, it is evident that all legislation presented in Tennessee was either taken off notice⁴ or voted down by the Republican supermajority. Some of the bills in the table are punitive, meaning they have outlined punishment. The table identifies the bill number in both the House of

⁴ In the Tennessee General Assembly, Bills are often taken off notice. When a Bill is taken off notice, it means that the sponsor that is carrying the Bill has decided to pull it from any further action. There are a variety of reasons why a sponsor may do this. As it concerns marijuana legislation, the main reason a bill would be taken off notice is the sponsor knows it has absolutely no chance at passage.

Representatives and the Senate as well as the sponsors under the bill information section. There are brief descriptions given, the passage status is labeled, and the punitive status is listed. The extensive amount of time that it takes to pass legislation that concern big policy changes such as marijuana is displayed in Table 1. Often, it can take multiple years to pass even the smallest change to the law. Because of interest groups/lobbyists and the number of votes needed to pass legislation through all of the required committees, it is expected that controversial pieces of legislation will not pass on the first several attempts.

While four pieces legislation mentioned in the Table 1 failed to be passed, three of the bills were successful. During his tenure as a member of the House of Representatives, Bob Freeman had repeatedly attempted to pass the Free All Cannabis for Tennesseans Act, which is a very comprehensive piece of legislation that discusses all aspects of criminalizing marijuana, though he has never been successful. Likewise, Representative Chism has attempted to pass comprehensive legislation that would legalize marijuana for medicinal purposes, but also has not been successful. Legislation included in the table that has been passed and codified into law add more restriction to average citizens or do not affect them at all. One of the bills is concerned with marijuana being used by higher education institutions for purposes of research. Overall, progressive marijuana legislation has failed in Tennessee for many years and that can be seen in the brief overview provided in Table 1.

Table 1: Select Overview of Marijuana-Based Legislation, 2013-2023

Select Overview of Marijuana-Based Legislation, 2013-2023			
Bill Information	Description	Passage (Yes or No)	Punitive (Yes or No)
HB0085/SB0168 by Rep. Freeman and Senator Campbell (2023)	Enacts the “Free All Cannabis for Tennesseans Act.”	No	Yes
HB0309/SB1072 by Rep. Chism and Senator Yarbrow (2023)	Enacts the “Tennessee Medical Cannabis Act.”	No	Yes
HB0109 by Rep. Parkinson (2017)	Increases the amount of marijuana that a person can possess or exchange	No	No
HB0873/SB1211 by Rep. Love and Senator Yarbrow (2015)	Deletes the offense for a person to distribute a small amount of marijuana not more than one-half ounce	No	No
HB2144/SB2125 by Rep. Faison and Sen. Nicely (2016)	Excludes from the definition of marijuana cannabis oil containing the substance cannabidiol with less than .06 percent THC when manufactured, possessed, transferred, or dispensed by certain four-year institutions of higher education in the state as part of clinical research studies on medical conditions.	Yes	No
HB1252/SB1189 by Rep. Sparks and Sen. Beavers (2015)	Adds Handheld vaporizers or vape pens as a new subdivision under TCA 39-17-402(12)(B)	Yes	No
HB0560/SB0661 by Rep. Kyle and Sen. Jones (2014)	Removes ‘marijuana’ the definition of drug paraphernalia as it relates to objects used and other meanings.	Yes	No

Because of these policies that exist in the state of Tennessee, President Biden's pardon of everyone convicted of simple marijuana possession charges did not make much of a difference in the state. Shortly after the pardon, District Attorney Dan Armstrong of the Tennessee's Third Judicial District released a statement that condemned marijuana usage and ensured that, "If there comes a time in Tennessee where the laws change, then I'll abide by it, but at this point [marijuana] is still illegal and we'll prosecute it" (Armstrong, 2022). He continued to say that in Tennessee simple possession charges can be expunged or taken off one's record⁵ as long as offenders pay their fines and do their probation.

While that suggestion from Armstrong sounds convincing, there are people in the state who are unable to pay fines related to their charges and thus find themselves in and out of the criminal justice system. For this research project, I interviewed a person impacted by the state's marijuana laws. (In accordance with the MTSU Institutional Review Board, his name and personal information will remain anonymous.) The individual shared that at the age of 19, he was arrested in Murfreesboro, Tennessee for possessing less than one gram of marijuana. He explained that he grew up in Memphis, Tennessee where arresting officers are more lenient towards people stopped for possessing small amounts of marijuana. He expected this type of leniency in Rutherford County, but instead, the Murfreesboro police took him into custody and his bond was \$500. He did not have the money to post bail. He called it "The fracture to who I was as a

⁵ In the United States legal system, an expungement seals and/or destroys the records of an individual's crime and/or arrest history for a specific charge. Expungement makes the records nonexistent and/or unavailable to the public and serves to dissimulate all history of a specific charge. To get an expungement in Tennessee, you must wait 5 years and file a petition for expungement for a Tennessee conviction. You must also complete all court appointed obligations associated with the punishment of the crime to be granted an expungement by a judge.

human being” (Anonymous , 2023). He said that because of this experience, his family disowned him and believed that he was worth nothing and had no potential. They believed that he was a bad person and was a criminal. When he was able to pay the \$500, he was put on probation where he was unable to pay fines and was placed back in jail. He described a five-year cycle of not being able to pay the fines and being placed into jail. If only it was as easy as Mr. Armstrong described it to be to pay fines and complete probation, maybe more people would not become victims of the criminal justice system.

Tennessee is one of the top states in the country when it comes to disparities in marijuana arrests, prosecution, and sentencing. The African American arrest rate for possession in Tennessee ranks 13th in the nation with blacks getting arrested at a rate of 820 per 100 thousand vs. 255 per 100 thousand whites (The Tennessee Tribune, 2021). Law enforcement and lawmakers possess differing opinions on marijuana. Tennessee Representative Bob Freeman proclaimed that “There is nothing that has ever shown [him] that there is a direct correlation between marijuana and violence” (Freeman, 2023). This statement is the exact opposite of the experiences of two narcotics detectives from the Mt. Juliet Police Department who were interviewed for this research project. They describe marijuana as a substance that is associated with a culture of violence and criminal activity. In other words, they criticize legalization policies because of the culture that surrounds marijuana, not because of marijuana itself. Dyer stated that “when we have probable cause to search a car because we smell marijuana, we are not worried about the marijuana that we find, we are worried about the three guns or the juveniles that have three warrants for various crimes and is not showing up to court because he got his license suspended for driving under the influence of marijuana” (Dyer, 2023). The

differences in opinion between Representative Freeman and Officers Dyer and Pannell scratch the surface of how the opinions of marijuana vary among Tennesseans. Their varied life experiences provoke them to have completely different experiences with marijuana and that holds true for anyone who may speak about it.

A local ordinance passed by the Metropolitan Council of Nashville-Davidson County in a 35-3 vote in September 2016 decriminalized marijuana. This ordinance gave police officers permission to “[reduce] the penalty for people found in possession of a half-ounce of marijuana or less to a \$50 fine or 10 hours of community service” (Garrison, 2016). This differed greatly from the state law on the books at the time in 2016 that punished a first-time offense for possession of a half-ounce or less of marijuana with 11 months and 29 days in jail. The punishment was accompanied with a fine ranging from \$250-\$2,500 (Garrison, 2016). It is important to also understand the influence that prosecutorial discretion had, and still has, on the consequences faced by marijuana law offenders in the state of Tennessee. A prosecutor in a lower population area such as Wilson County would most likely be harsher on a marijuana offender than would a prosecutor in a higher populated area such as Davidson County or Shelby County. This can be attributed to the difference in caseload size between the counties and what the prosecutors must give their attention to. The ordinance was short-lived as Governor Bill Haslam signed a bill repealing marijuana laws in both Nashville and Memphis in April 2017. The repeal eliminated the ordinance passed by the Metro Council and reimplemented the state law instead.

Another argument by proponents of marijuana legalization is that it can increase revenue in the state budget. Representative Freeman states that marijuana legalization

would have “a massive financial impact on the state as we would begin to gain mass amounts of tax dollars” (Freeman, 2023). The fiscal note on HB0085, a bill sponsored by Freeman in 2023, would have brought in a substantial amount of revenue according to the fiscal analysts. As indicated in Table 2, had the bill passed, it would have brought in a total of over \$470 million dollars –or nearly \$135 million a year between 2025-2028— over the next few years.

Table 2: Increase in State Revenue from the Passage of the Free All Cannabis for Tennesseans Act
Net Impact Fiscal Year 2024-2025 General Fund: \$65,256,000
Net Impact Fiscal Year 2025-2026 General Fund: \$134,742,400
Net Impact Fiscal Year 2026-2027 General Fund: \$134,782,400
Net Impact Fiscal Year 2027-2028 and Subsequent Years General Fund: \$134,955,200

(Free All Cannabis for Tennesseans Act, 2023).

Many groups and businesses are entering the cannabis industry due to its projected growth and revenue. Other groups and their lobbyists are influencing public opinion regarding marijuana legalization. Tennessee Libertarians regularly host events that attempt to garner support for marijuana legalization. Free Hearts, an organization led by formerly incarcerated women, has also expressed a great deal of interest in the policy that surrounds marijuana legalization. Keeda Haynes, the Senior Legal Adviser to Free Hearts and Federal Policy Analysts for The National Council for Incarcerated and Formerly Incarcerated Women and Girls, submitted written testimony to the United States House Subcommittee on Civil Rights on November 15, 2022. In her testimony, she

explains the devastating collateral consequences that often occur after one is convicted of a drug offense. She claimed that these people have an exceptionally more difficult experiences when attempting to gain education, obtain professional licenses, receiving financial aid, apply to jobs, and vote (Haynes, 2022). Because of her experience with the criminal justice system and the ramifications of being arrested for a drug charge, Haynes has dedicated her career to advocating for women and girls who have fallen victim to the vicious cycle of the criminal justice system. The overall ramifications that regressive marijuana legislation has on the African American community is why it is important to consider the effects that certain decisions have as we begin to look forward and continue to face marijuana-related policies.

Section 3: Culture and Influence on Marijuana Usage

African American music – most notably Hip-Hop – has included references to marijuana for decades. Dating back to the 1980’s-early 2000’s when the discussion around legalizing marijuana was still taboo, marijuana has consistently been a point of contention in Hip-Hop music. Because of the amount of power held by the popular culture, there were never any notable African Americans that spoke out against marijuana usage during the early stages of the development of hip-hop music. Many people attempt to refute and debate the causal relationship between rap music and increased marijuana use, but “musical preference is related to substance misuse and other risky behaviors” (Stickle, 2021). Studies show increasing references in rap music to illegal substance use and abuse. Likewise, there are significantly more people who prefer to listen to rap music who admit to using marijuana and other illegal drugs. To preface this section, it is important to note that while marijuana and hip-hop music have a specific relationship that serves as an influence to some individuals who consume certain kinds of popular culture, human beings are not puppets. That is, people still chose to let these influences transition into action in their own lives. Placing all of the blame on popular culture would be harmful as it is still one’s choice to engage in marijuana usage. With this being said, there are notable references within popular culture that influences young minds and adult minds, alike, to consider engaging in the activities that are displayed by the artists. (Trela, 2019)

In a society that has become heavily dependent on technology and advancements that help people stay more interconnected than ever before, the influence that popular culture has on individuals and their actions are growing. This holds true when speaking

about marijuana. There are many pop culture influences in the African American community that could encourage the youth and emerging young adults to partake in the illegal consumption of drugs. These pop culture influences have been around for decades, meaning that now adults could have been influenced to consume marijuana throughout their life. In the present day, pop culture such as music, music videos, and films are depicting more images of marijuana use. A content analysis study in 2009 by the Office of Drug Control Policy showed that, of the top 1,000 popular songs, 18% referenced illicit drugs of which cannabis was the most common (Roberts, Henriksen, & Christenson, 1999). Over half of the songs studied were of the hip-hop genre. A previous study in 2005 also found that of the top songs on Billboard, 13.6% depicted the use of cannabis (Primack, Dalton, Carroll, Agarwal, & Fine, 2008).

Not surprisingly, African Americans are more likely to listen to rap and R&B music. In fact, 35% of African Americans compared to 7% of whites listen to this music (Susic, 2023). Having said this, African Americans are significantly impacted by the references in Hip-Hop and African American films and may be more susceptible to the influence of marijuana use vis-à-vis these art forms.

The song “The Next Episode” by Dr. Dre featuring Snoop Dogg contains lyrics such as “So blaze the weed up then, blaze that shit up” (Young, Bailey, Broadus, Axelrod, & Bradford, 1999). Snoop Dogg, whose birth name is Calvin Broadus is known as a pillar in the community of marijuana consumers. Broadus has even been called the Ambassador of Pot by Television Show Host Conan O’Brien. Leafs By Snoop is a cannabis brand owned by Broadus that has been in business since 2015 (Plucinska, 2015). Broadus uses his music to promote his beliefs and hobbies when it comes to

consuming marijuana and his fan base flock to the related business adventures. As discussed above, one does not have to look far when listening to Snoop Dogg's music to find a reference to marijuana. He "has been in the industry for [31] years [and]...He's boasted about marijuana use" (Christian, 2008). Even in 2023, marijuana remains a characteristic that is easily associated with Snoop Dogg as it has been said that "While Snoop has changed in many ways...some things remain the same...he hasn't quit smoking weed" (Christian, 2008).

Another song released in the 1990's that deals with the consumption of marijuana was recorded by the Luniz, a rap group from Oakland, California. The song includes these lyrics: "But I'm the type that like to light another like Cypress Hill, I steal doobies, spit loogies when I puff on it" (Gilmour, et al., 1995). Luniz, a two-person Hip-Hop group, has an array of songs that speak of marijuana as the above-mentioned song does. This group along with many others in the 1990's cultivated a space for artists to be more candid about their marijuana usage. In turn, this may have influenced a new generation of young people to consume cannabis.

As the century turned, artists like David Styles, better known by his stage name Styles P, garnered acclaim. In his song "Good Times (I Get High) Styles raps: "I get high 'cause I'm in the hood, the guns is around / it take a blunt just to ease the pain that humbled me now / and I'd rather roll somethin' up 'cause if I'm sober dog / I might flip, grab my guns and hold somethin' up / I get high as a kite" (Dean, McLeod, Sawyer, Hankerson, & Beatz, 2002). There is something to be said about these lyrics and the seemingly endless cycle that many African American children and young adults find themselves in. For many underprivileged African American children, the world can seem

unforgiving and daunting causing many of them to find themselves in so-called ‘kill or be killed’ situations. Often, these children unfortunately turn to illegal activities to make money for their families because there are no other opportunities available for them. Because of this, it can be easy to understand why some of these children find solstice in music that makes them feel as though they are not alone, but often times this music does include references to marijuana, as the song by Styles P does.

Around the early 2010s, Wiz Khalifa solidified himself as the new generation’s version of Snoop Dogg. He wrote lyrics that depicted the use of marijuana such as: “I’m rollin’ up another joint as soon as the weed’s gone” (Thomaz C. , 2017). Other lyrics rapped in a song on a collaborative album that he has with Snoop Dogg include: ”Roll joints bigger than King Kong’s fingers...So what we get drunk / So what we smoke weed / We’re just having fun / We don’t care who sees” (Levine A. , et al., 2011).

When discussing modern-day rap music, it seems that the co-influence that marijuana and rap music have on each other is growing in popularity. In a time where the lyrics that rappers use in their songs are analyzed in criminal investigations, the influence these artists have is more prominent than it has ever been. Rappers like Young Thug, whose song *Stoner* discusses heavy marijuana use with the chorus where he raps, “I’m a stoner, I’m a stoner, I’m a stoner,” (Cunningham & Williams, 2014), have more of an influence today than ever before. Young people across the country are influenced by drug use associated with songs such as *Stoner*, which includes the use of marijuana. Rakim Mayers, known by his stage name A\$AP Rocky, is another rapper who has contributed to the culture of marijuana usage in his music. In *Purple Swag*, he raps “purple drink I still

sip / Purple weed, blunt still lit” (Mayers & Holloway, 2011). There is an array of other instances where marijuana is mentioned in rap music.

It is often claimed by many artists who use marijuana in the music industry and other areas of popular culture that marijuana “...often help[s] generate and facilitate the artistic creative process” (Iszaj, Ehmann, Griffiths, & Demetrovics, 2018). Hip-hop artist and dispensary owner, B-Real, explains that when he and his friends are in the studio there have been times where they “smoke out ... and become so blazed that [they] come up with some ridiculous idea that turned into a song” (Parker, Jones, Tomosunas, & Robinson, 2020). While there have not been many studies on the effect that marijuana has on the creative process, individuals who have careers in art of many forms claim that using marijuana opens their brain to new creative ideas. Their belief is that marijuana use results in the creation of art that they would not have been able to complete if they had not used marijuana.

Typically, when an artist releases a hit song, a music video usually accompanies it. Rihanna is an ambassador of marijuana being called “the most visible marijuana devotee among a number of young female pop stars ...” (The Spectator, 2012). Rihanna’s influence goes beyond music and film and crosses over into fashion as she has worn clothes showing marijuana or marijuana use. In the music video for her hit song *Diamonds*, she is pictured taking a puff of a joint made of diamonds. She has also posted numerous pictures on her social media platforms of her rolling and smoking joints.

Although they are not involved in the hip-hop genre, it is important to note other female artists like Lady Gaga and Lana Del Rey have publicly shown themselves supporting marijuana usage. For example, Lady Gaga used to smoke marijuana on stage,

but that was short lived. On Halloween in 2012, she dressed up as the Cannabis Queen and Rihanna was the Bride of Mary Jane (Spectator, 2022). Lady Gaga made a music video for her widely popular song *Born This Way*. In the video, she is depicted smoking marijuana.

Young Thug has heavy marijuana usage in his music videos, one of them being for a song with rapper Birdman called *Constantly Hating*. In the first 20 seconds of the music video, the camera pans over to someone smoking marijuana. There are multiple videos of Young Thug's that depict marijuana usage but that does not set him apart from other popular rappers. Overall, marijuana references are vastly used in both the rap community and the music industry, as a whole.

The influence that creators of popular culture have on the new generations is unmatched. With the involvement of technology, the average citizen's reach to celebrities is unlike it has ever been before. Because of this, the content released by creators has the ability to impact young people on a new level. The speed with which trends are passed along, which is also due to new age technology, plays a part in this influence, as well. As mentioned in the beginning of this section, people are not puppets and they still have the person autonomy to make their own decisions, but the influence of popular culture is stronger now than it has ever been before.

Section 4: Racial Attitudes on the Criminalization of Marijuana in Tennessee

To determine the racial attitudes on the criminalization of marijuana in Tennessee, I compiled data from two polls published by Middle Tennessee State University. The polls were administered by Dr. Ken Blake and Dr. Jason Reineke, faculty members in the School of Journalism and Strategic Media in the College of Media and Entertainment. Two surveys were administered, one in Spring 2014 and another in Spring 2018. Results from each poll are analyzed to look at racial differences and marijuana legalization. The findings focus mostly on the results that are statistically significant.

The 2014 survey pulled information from Issues & Answers Network Inc. to assist them in this study. The study consisted of a random digit-dialing sample of 600 Tennessee residents ages 18 and older. After connecting with an individual over the phone, the interviewers asked to speak with the youngest registered voter in the household at the time of the call. Quotas by gender and geographic region were implemented to ensure the sampled respondents were representative of Tennessee's adult population. The poll's margin of error is +/- 4 percentage points, indicating 95% confidence that an actual result estimated by the poll lies within four percentage points (in either direction) of the result the poll's sample produced.

The 2018 poll sampled 600 Tennessee residents from a random sample provided by L2 Political, which was drawn proportionately from the registered voter database in Tennessee. This poll has the same margin of error as the 2014 poll at +/- 4 percentage points and was conducted in the same fashion. Both polls evaluate race in two separate ways: whites and African Americans and whites and non-whites (African Americans, Latinos, etc.).

Table 3 provides an overview of the populations in both polls. The table shows that there were more whites than blacks in the sample in the 2014 poll. It also displays that the percentage of men and women that responded to the survey was almost even. In 2014, 33.1% of total respondents supported marijuana legalization for recreational use, while 57.3% did not support legalization of any kind. In the 2018 poll, the results are similar to the 2014 poll. In 2018, the respondents from west, middle, and east Tennessee were almost evenly distributed. In 2018, the number of total respondents that support marijuana legalization for medicinal uses grows exponentially, which decreased the number of respondents that did not favor marijuana criminalization. This change in opinion can be attributed to the major shift in attitudes that began to occur within those four years pertaining to marijuana legalization. The idea of decriminalizing and legalizing marijuana started to become less taboo during the time between the two polls as more states were beginning to legalize usage and more legislation was being presented in favor of doing the same in Tennessee.

While the changes surrounding marijuana legalization between 2014 and 2018 did alter the opinions of Tennesseans partially, there were many people in 2018 that still did not support the legalization. While this number did shrink exponentially, there was a small population of people that opposed marijuana legalization. The correlation between the opinions of Tennesseans in 2018 and the result of legislation sponsored in the Tennessee General Assembly during both that period of time and even today do not necessarily equate. This means that they lawmakers have not always been voting in ways that align with the constituents they are supposed to be representing.

Table 3: Key Characteristics - MTSU 2014 and 2018 Polls

Characteristics	2014 Poll	
		Mean (Percentages)
	Race	
Blacks		11.5%
Whites		80.7%
	Gender	
Men		47%
Women		53%
	Marijuana Use	
Support Legalization		33.1%
Do not Support Legalization		57.3%
Not Answered		9.6%
Support Legalization of Medical Marijuana		41.8%

Source: Source: Spring 2014 MTSU Poll, N=600.

Characteristics	2018 Poll	
		Mean (Percentages)
	Race	
Blacks		11.5%
Whites		79.5%
	Region	
East		35.5%
Middle		38.1%
West		26.4%
	Gender	
Men		48.3%

Women 51.7%

Marijuana Use

Legalize for Personal Use 37.4%

Legalize for Medical Use 44.3%

Do not Support Legalization 15.5%

Not Answered 2.9

Source: Source: Spring 2018 MTSU Poll, N=600.

Crosstabulation analysis were also conducted to look specifically at racial differences regarding marijuana legalization. Regarding the 2014 poll, 33.6% of whites responded that it should be legal while 66.4% believed that it should remain illegal. These percentages are vastly different when looking at responses from African Americans as 50.8% believed marijuana should be legalized and 49.2% believed it should not. These findings show that there is a statistically significant difference between the opinions of the white and African American respondents on whether marijuana should be made legal. The chi-square is less than .05, meaning that the results of the poll vary greatly between the two groups of respondents. It is important to note that anything .05 and below on the chi-square test is statistically significant.

The opinion of legalization or criminalization of marijuana was also evaluated between whites and non-whites. The results, though not as dramatic, still show whites

having less support for the legalization of marijuana. Once again, 33.6% of whites were in favor of legalizing marijuana, leaving a supermajority - 66.4% - opposing the marijuana legalization. These results vary from those of non-whites. Here, 48.1% of non-whites believed that marijuana should be legalized while 51.9% of non-whites believed that it should remain illegal. The findings are not statistically significant.

Table 4: Marijuana Legalization (2014)

	Support Marijuana Legalization	Support Legalization of Medical Marijuana
Blacks	<i>50.8%</i>	<i>85.3%</i>
Whites	<i>33.6%</i>	<i>69.7%</i>
Non-Whites	<i>48.1%</i>	<i>75.0%</i>
Whites	<i>33.6%</i>	<i>69.7%</i>
Source: Spring 2014 MTSU Poll, N=600.		
Note: Data in italicizes indicates that the results are statistically significant at p<.05.		

The findings show that although there is a slight difference in opinion on this topic between whites and non-whites, the results do not vary enough to be considered

statistically significant. Therefore, it could be said that whites and non-whites agreed more on the topic of marijuana criminalization in Tennessee in 2014 than whites and blacks did. With that being said, in both instances, whites are less favorable than the other groups toward legalization of marijuana. Across both Tennessee and the nation, there is a consensus that African Americans are more favorable of marijuana legalization than whites typically are, but the two races generally use the drug at about the same rates. If there were to be a difference in percentage of people in each race who consume marijuana, there would be a plausible explanation for the disparity in marijuana arrests, conviction rates, and sentencing.

Although there is a close similarity in the amount of people who use the drug in both races, there was a distinct difference in the opinions of whites as it pertained to marijuana and the opinions of African Americans and other non-white individuals. Four years later, however, attitudes begin to shift when individuals were asked about marijuana legalization. In the MTSU Spring 2018 poll, there is a small increase in the percentage of whites who believe that marijuana should be made legal for recreational purposes. Support among African Americans also increased. Still, the difference between the two groups is statistically significant.

One major difference between the 2014 and 2018 polls is support for medical marijuana became more acceptable in 2018. Results of the 2018 poll show that 35.6% of whites in Tennessee believed that marijuana should be made legal for recreational use, an approximately two percent rise from 2014. When asked about medicinal use, 48.4% of whites believed marijuana should be made legal. Sixteen percent were of the opinion that neither should happen and favored the complete criminalization of marijuana. The

percentage of African Americans who favored marijuana legalization for recreational purposes rose a couple percentage points to 51.5% with only 30.3% favoring medicinal legalization and 18.2% favoring complete criminalization.

An interesting finding in the 2018 poll is that 2.2% more African Americans than whites believe marijuana should be completely illegal in Tennessee. While the percentages of whites and African Americans who favor recreational legalization has a statistically significant relationship, the fact that whites are less favorable of complete criminalization is a change from the 2014 poll.

The results for the same questions comparing whites and non-whites strikingly similar in 2018, which is different from the 2014 poll. The results show a statistically significant relationship between whites and non-whites on marijuana legalization for recreational use but show no significant relationship between the two groups as it pertains to medicinal marijuana legalization and complete marijuana criminalization. While 35.6% of whites favor recreational legalization, 53.1% of non-whites prefer recreational legalization. More than 48% of whites favor marijuana legalization for medicinal use while only 30.9% of non-whites do. The percentages for both whites and non-whites who believe in complete criminalization is the same as 16%. The results for whites and African Americans and the poll for whites and non-whites show that, in 2018, whites were less likely than other races to favor recreational legalization, but more likely than other races to favor medicinal marijuana legalization.

Table 5: Marijuana Legalization (2018)

	Legal for Personal Use	Legal for Medical Use	Legal for Both Personal and Medical Use
Blacks	<i>51.5%</i>	<i>30.3%</i>	81.8%
Whites	<i>35.6%</i>	<i>48.4%</i>	84.1%
Non-Whites	<i>53.1%</i>	<i>30.9%</i>	84.0%
Whites	<i>35.6%</i>	<i>48.4%</i>	84.1%
Source: Spring 2018 MTSU Poll, N=600.			
Note: Data in italicizes indicates that the results are statistically significant at $p < .05$.			

Conclusion

There is no doubt that marijuana criminalization laws adversely impact African Americans. There are many issues that arise when discussing race and politics as it pertains to marijuana criminalization. Overall, marijuana policy has a direct tie to the politics of race. An abundance of data shows there is a correlation between the laws that are passed, both on a federal and state levels, and the disparity that exists between African Americans and whites as it relates to marijuana criminalization. There is a major difference in how marijuana is perceived among African Americans and whites, as shown in the MTSU polls. These perceptions of the drug may explain why there is a stronger culture of displaying, using, and glamorizing marijuana use in hip-hop culture.

Disparities that exist in relation to marijuana usage are important to highlight because they lead to several ramifications that create additional obstacles that African Americans must face. The progression of the laws over the past few centuries involving marijuana have created an environment that makes it harder for African Americans as it concerns employment, voting, and other basic acts. While the three main facets discussed in this thesis are race, politics, and popular culture, the disparities surrounding marijuana include several other issues as well.

There is a lot to be done when it comes to marijuana laws. The adverse effect that such laws have on African Americans, minority communities, and low-income communities are becoming more and more visible and prevalent. As mentioned in this thesis, felony convictions result in numerous obstacles for the offenders. Tennessee lawmakers must begin drafting and seriously considering legislation to amend the TCA as it concerns possession charges to ensure that individuals who commit nonviolent

marijuana related crimes are not stripped of very vital rights such as voting, employment, and housing. There must also be more conversation and dialogue between adults and children to educate them on how marijuana can influence their lives. With so many young people looking up to and idolizing influential figures in the popular culture sphere, it can be easy for them to believe that marijuana usage is normalized leading them to forget that it is still against the law. Because of this, young people do not have a concept of how severely marijuana related violations can affect their lives. Unfortunately, the criminal justice system does see high recidivism and does not necessarily make it easy to escape the cycle that commences when one gets into legal trouble at a young age. Proper education to children and young people has the ability to make a difference in the generations to come, considering the marijuana laws do not change or become looser any time soon.

This thesis shows that marijuana criminalization intertwines with race, politics, and popular culture. Marijuana criminalization is a complex issue. The relationship that exists between marijuana and themes such as race, popular culture, and politics illustrates the disparities that surround marijuana use. Through exploring these disparities and the causes of them, this thesis highlights the African American community's hardships in relation to their marijuana use.

Appendices

Appendix 1: Description of Medicinal Uses

1. Cannabidiol (CBD): a crystalline, nonintoxicating cannabinoid, $C_{21}H_{30}O_2$, found in cannabis and hemp that is sometimes used medicinally. After THC, cannabidiol is the second most prevalent cannabinoid in cannabis (Cannabidoil(CBD), 2023).
2. Cannabinoid: any of various naturally occurring, biologically active, chemical constituents (such as cannabidiol or cannabinol) of hemp or cannabis including some (such as THC) that possess psychoactive properties. The presence of cannabinoids in urine indicates marijuana use, and a great deal of weight is often placed on these positive findings of cannabinoids (Cannabinoid, 2023).
3. Cannabinol (CBN): a crystalline, mildly psychoactive cannabinoid, $C_{21}H_{26}O_2$, that is found in very small quantities in cannabis as a breakdown product of TJC and is believed to have sedative properties (Cannabinol, 2023).
4. Cannabis: the psychoactive dried flower buds, leaves, or preparations (such as hashish) or chemicals (such as THC) that are derived from the cannabis plant (Cannabis, 2023).
5. *Cannabis indica*: a subspecies of the cannabis plant, *Cannabis sativa indica*, having a short stem and broad leaves and grown mainly for use in drugs. Cannabis made from indica plants are used as a psychoactive (mind-altering) drug. *Cannabis indica* is characterized as more relaxing in effect than the sativa variety (Cannabis indica, 2023).

6. *Cannabis sativa*: a subspecies of the cannabis plant, *Cannabis sativa sativa*, that has a long stem and narrow leaves. It is grown for hemp fiber as well as for use in drugs. Cannabis made from sativa plants is used as a psychoactive (mind-altering) drug. *Cannabis sativa* is sometimes characterized as more stimulating in effect than the indica variety. (Cannabis sativa, 2023).
7. Dronabinol: a medication developed through medical marijuana that is used to treat nausea and vomiting caused by chemotherapy in people who have already taken other medications to treat this type of nausea and vomiting without good results. It is also used to treat weight loss in people who have acquired immunodeficiency syndrome (AIDS) and is in a class of medications called cannabinoids (Why is this medicine prescribed?, 2023).
8. Hemp: a tall, widely cultivated Asian herb that is used for its tough bast fiber and edible seeds. Cultivated hemp is often distinguished from cannabis by possessing very low levels of the psychoactive substance THC (Hemp, 2023).
9. Marijuana: the psychoactive dried resinous flower buds and leaves of the female hemp or cannabis plant (*Cannabis sativa* or *Cannabis Indica*) that contain high levels of THC and are smoked, vaped, or ingested (as in baked goods) especially for their intoxicating effect. NOTE: Several substances (such as cannabidiol) lacking psychoactive properties are extracted from the flower buds of marijuana and are used medicinally (Marijuana, 2023).
10. Nabilone: a medication used to treat nausea and vomiting caused by cancer chemotherapy in people who have already taken other medications to treat this type of nausea and vomiting without good results. It is in a class of medications

called cannabinoids and works by affecting the area of the brain that controls nausea and vomiting (MedlinePlus, 2023).

11. Nabiximols: An herbal preparation containing a defined quantity of specific cannabinoids formulated for oromucosal spray administration with potential analgesic activity. It contains a standardized extract of tetrahydrocannabinol (THC), the non-psychoactive cannabinoid cannabidiol (CBD), other minor cannabinoids, flavonoids, and terpenes from two cannabis plant varieties. Cannabinoids interact with G protein-coupled cannabinoid 1 (CB1) receptors in the central nervous system resulting in analgesic, euphoric, and anticonvulsive effects (Nabiximols, 2023). It is used to treat the common MS symptom of muscle stiffness and spasms (Sativex (nabiximols), 2023).
12. Tetrahydrocannabinol (THC): the main chemical component of marijuana and either of two physiologically active isomers $C_{21}H_{30}O_2$ from hemp plant resin. When a person tokes, eats, or vapes cannabis, a wave of THC washes into their brain (Tetrahydrocannabinol, 2023).

Appendix 2: Components and Usage of the Marijuana Plant

There seems to be a public perception that marijuana can only be used for the purpose of intoxication, but there are many different parts of the cannabis plant that are used for a variety of purposes. The cannabis plant is made up of the following physical components: the flower, the leaves, the seeds, the roots, and the stalks and stems. There is a plethora of uses that range from medicinal to recreational in terms of consumption but are also used to make objects such as clothes, lotions, ChapStick, and food.

It is important to fully understand all components of the cannabis plant. The flower is the part of the cannabis plant that is most known. The flower is what is used for the purpose of altering the mind and receiving what is known as a high. This part of the plant is typically cultivated for recreational use. There are many ways to ingest marijuana for the purposes of intoxication. The most common ways being smoking, eating, drinking, or inhaling it. Extracting marijuana has recently become popular and is a way to increase the THC content. The result of extracting the THC is the production of what is referred to as shatter [a hard, amber-colored solid], wax [a soft solid with texture like lip balm], or hash oil [a gooey liquid] (Nida, 2019). Seeds and seed oil, also known as hemp oil, are used for a variety of purposes such as human food, animal food, fuel, rituals, and social benefits.

One of the most debated aspects of the usage of marijuana is the consumption for purposes related to medicine. Female flowers and seeds are primarily seen in medicinal marijuana. Investigations into the medicinal properties have led to the development of cannabinoid pharmaceuticals such as dronabinol, nabilone, and nabiximols (Kramer, 2014). (See Appendix I. for a description of different herbal properties.) The medicinal

use of marijuana has been helpful in treating chronic pain and other symptoms experienced by patients with multiple sclerosis, nerve pain, Parkinson's disease, fibromyalgia, endometriosis, interstitial cystitis, certain forms of cancer, and many other health conditions (Grinspoon, 2020).

Appendix 3: IRB Approval

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Protocol Title – An Examination of the Effects that the Criminalization of Marijuana Has
on the African American Community

Protocol Number – 23-2030

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