



# SOCIAL [IN]EQUITY AND CANNABIS

FDLI 12/2021 Presentation



## BROAD STROKES

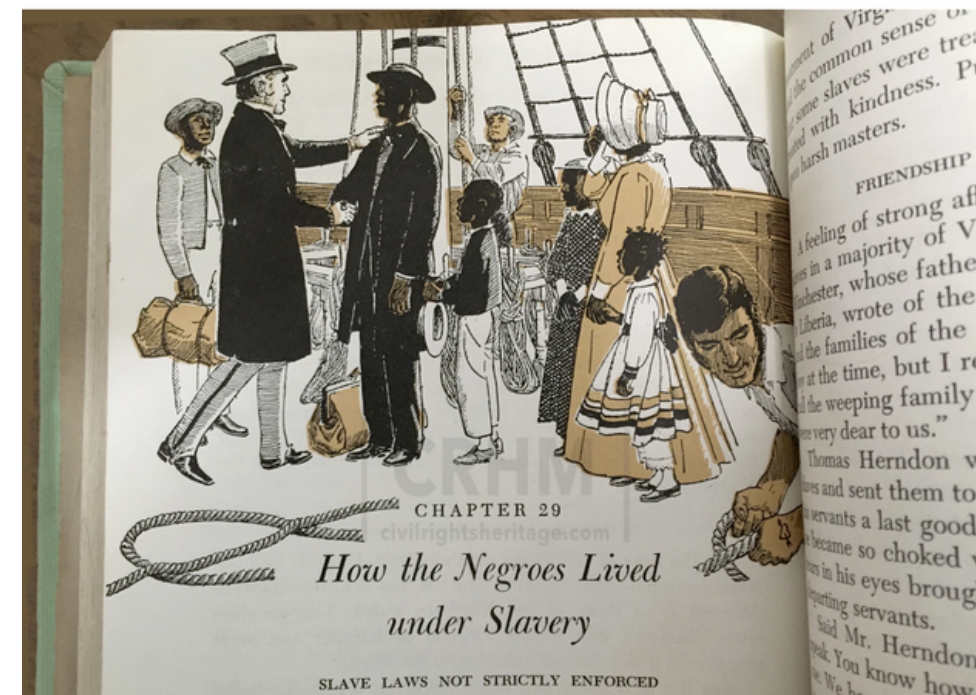
# A TIMELINE



Photo: Archive Photos/Getty Images

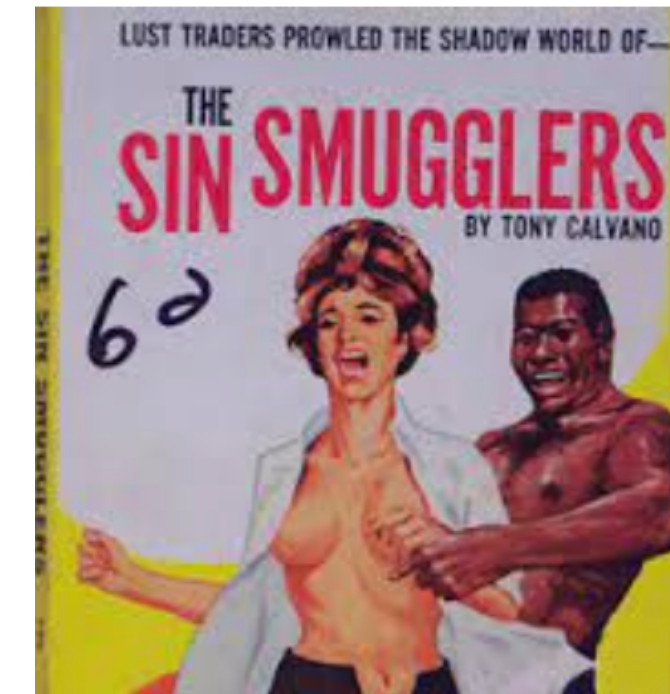
### CRISPUS ATTUCKS

First casualty of the American Revolution painted by future US Pres. John Adams, serving as a lawyer for the crown, reviled the "mad behavior" of Attucks, "whose very looks was enough to terrify any person."



### HAPPY SLAVES

"In his new home, the Negro ... had some of the comforts of a civilized life." Additionally, "[t]he planter looked upon his slaves as children and punished them as such."

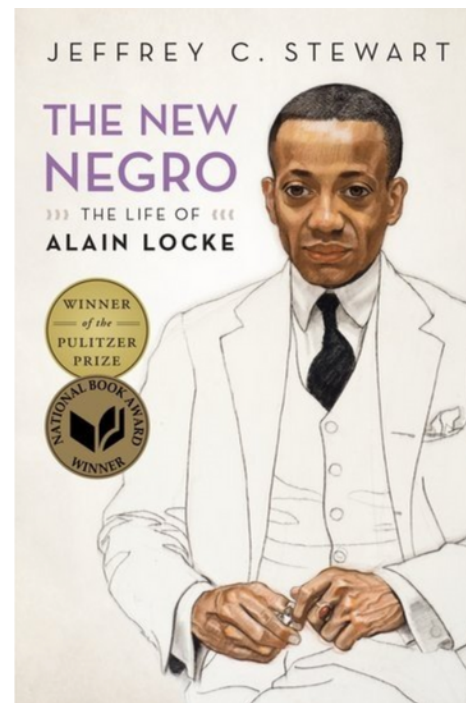


### MANDINGO TO BRUTE

During Reconstruction the reversion to the "criminal savagery" innate in Blacks necessitated the lynching of those "lazy, thriftless, intemperate, ..." brutes

## BROAD STROKES

# A TIMELINE



### EXCEPTIONAL NEGRO

The literary Negro of the Harlem Renaissance juxtaposed the drug addicted Blues vaudevillians and artists of the Jazz Age who embodied the moral failings of Blacks.



John Lewis (foreground) is beaten by a state trooper in Selma, Alabama, on March 7, 1965. The future congressman suffered a fractured skull. | AP Photo

### NON(?) -VIOLENT PROTESTS

As a tactic to distance themselves from the brutish stereotypes of Blacks, non-violent protests were adopted as part of the larger strategy that is still seen as the best and most effective way to accomplish social change.

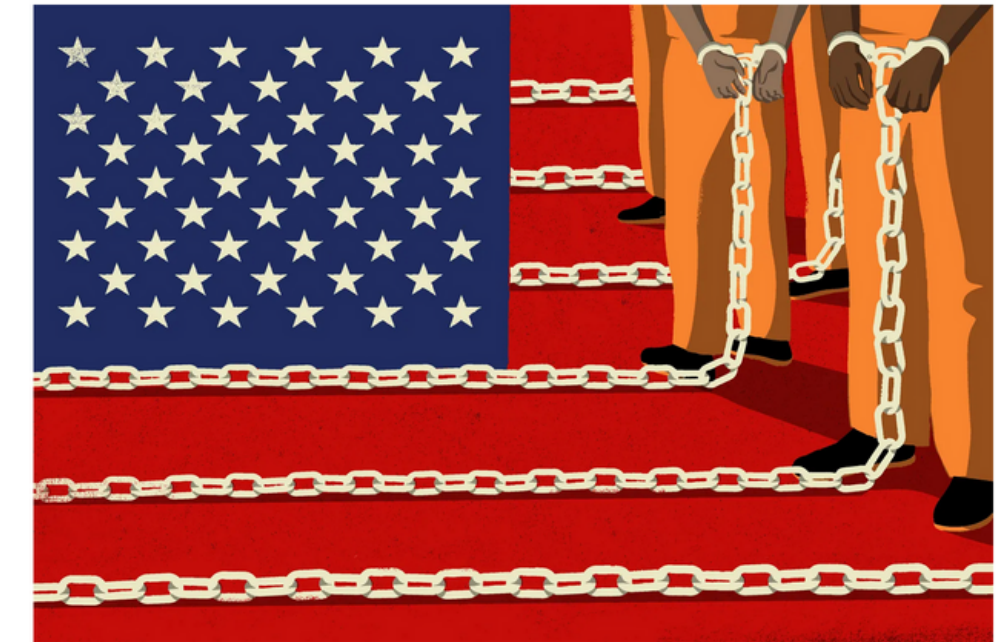


Illustration by Golden Cosmos

### MASS INCARCERATION

Changes in approaches to and disparate sentencing combined with the War on Drugs which were all out assaults on marginalized people that gave way to the inception of the prison industrial complex, prison privatization, and mass incarceration

# Context...

American Revolution	1765 - 1791	Cannabis was legal... so was enslavement
Enslavement	1776 - 1865	Hemp was a bumper crop used for fibers.
Reconstruction	1863 - 1877	Prohibition to preserve the family; moves to outlaw hemp
Harlem Renaissance	1918 - 1935	Attack on the immorality of bohemians and denigrate immigrants
Voting Rights	1957* - 1965	Addressing odifying of white terrorism
War on Drugs	1971 - present	Destruction of Black and Brown people, families, and communities



## CANNABIS LAW - A HISTORY

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### LEGAL

1840 and 1900 used medicinally in the United States.

\*1890s many members of the medical community considered it a narcotic that should be regulated.  
(1914 the Harrison Act was enacted, which declared drug use a crime)

### ILLEGAL

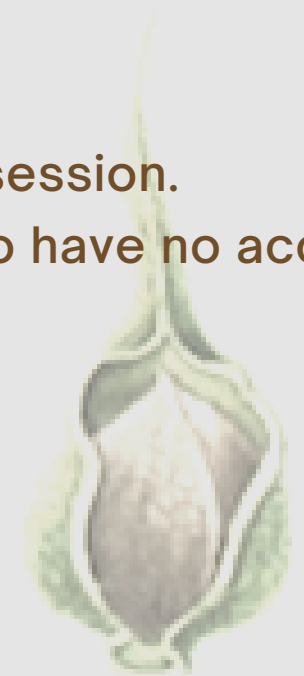
1937, the Marijuana Tax Act imposed a tax on cannabis.

1942, marijuana was removed from the U.S. pharmacopeia.

1956, cannabis was included in the Federal Narcotics Control Act, leading to strict Federal penalties for its possession.

1970 Controlled Substances Act categorized marijuana as a Schedule I substance, meaning it was considered to have no acceptable medical use and was among the class of drugs having the highest potential for abuse.

- Height of the Temperance Movement in the US



# CONTROLLED SUBSTANCES ACT OF 1970. 21 U.S.C. § 801, ET SEQ.

- Schedule I drug
  - “a high potential for abuse,”
  - “no currently accepted medical use in treatment,” and
  - “a lack of accepted safety for use ... under medical supervision.” 21 U.S.C. § 812(b)(1).
- Consequences.
  - significant penalties for those who illegally manufacture, distribute or possess the drug (see, e.g., 21 U.S.C. § 841; 21 U.S.C. § 844; 21 U.S.C. § 846).
  - status of cannabis as a controlled substance under Federal law has, for the most part, not changed.
- The classification of cannabis under Federal law has led to reports that cannabis businesses operating lawfully under State law have experienced difficulties in obtaining banking services, claiming tax deductions for operating expenses, and using the US mail, among other issues.

## CHANGES IN SENTENCING LEADS TO MASS INCARCERATION

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### LAW AND POLICY

#### 19070S VOLUNTARY SENTENCING GUIDELINES

Judges were not bound to follow them and needed to give no reasons if they did not; a defendant could not appeal the judge's decision.

#### LATE-1970S TO EARLY 1980S PRESUMPTIVE SENTENCING

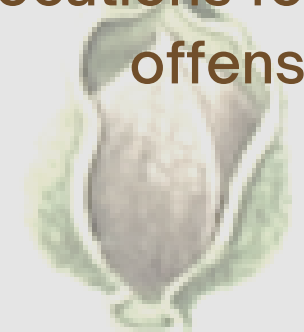
Judges were required to provide reasons for sentences not indicated in the guidelines; the adequacy of those reasons could be appealed to higher courts.

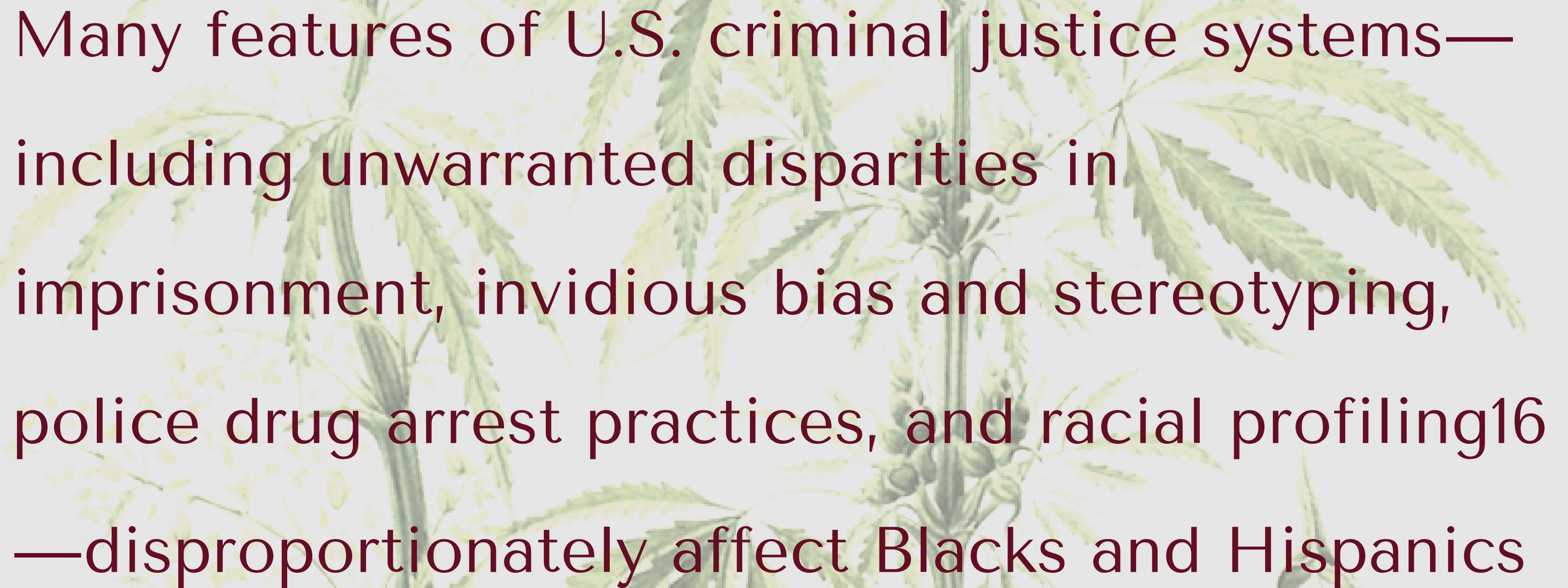
#### MID-1980S THROUGH 1996, MANDATORY MINIMUMS & 3-STRIKES

Policy making sentences harsher and more certain and preventing crime through deterrence and incapacitation. Focus on certainty, severity, crime prevention, and symbolic denunciation of criminals.

#### SINCE THE MID-1990S

Disparate sentencing, exceptions to the coverage of mandatory minimum sentence laws or slightly narrowed scope, expanded prison officials' authority, reduced the probability of parole and probation revocations for technical offenses





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Many features of U.S. criminal justice systems—  
including unwarranted disparities in  
imprisonment, invidious bias and stereotyping,  
police drug arrest practices, and racial profiling<sup>16</sup>  
—disproportionately affect Blacks and Hispanics



➤ **HALF OF DRUG BUSTS ARE FOR POT**

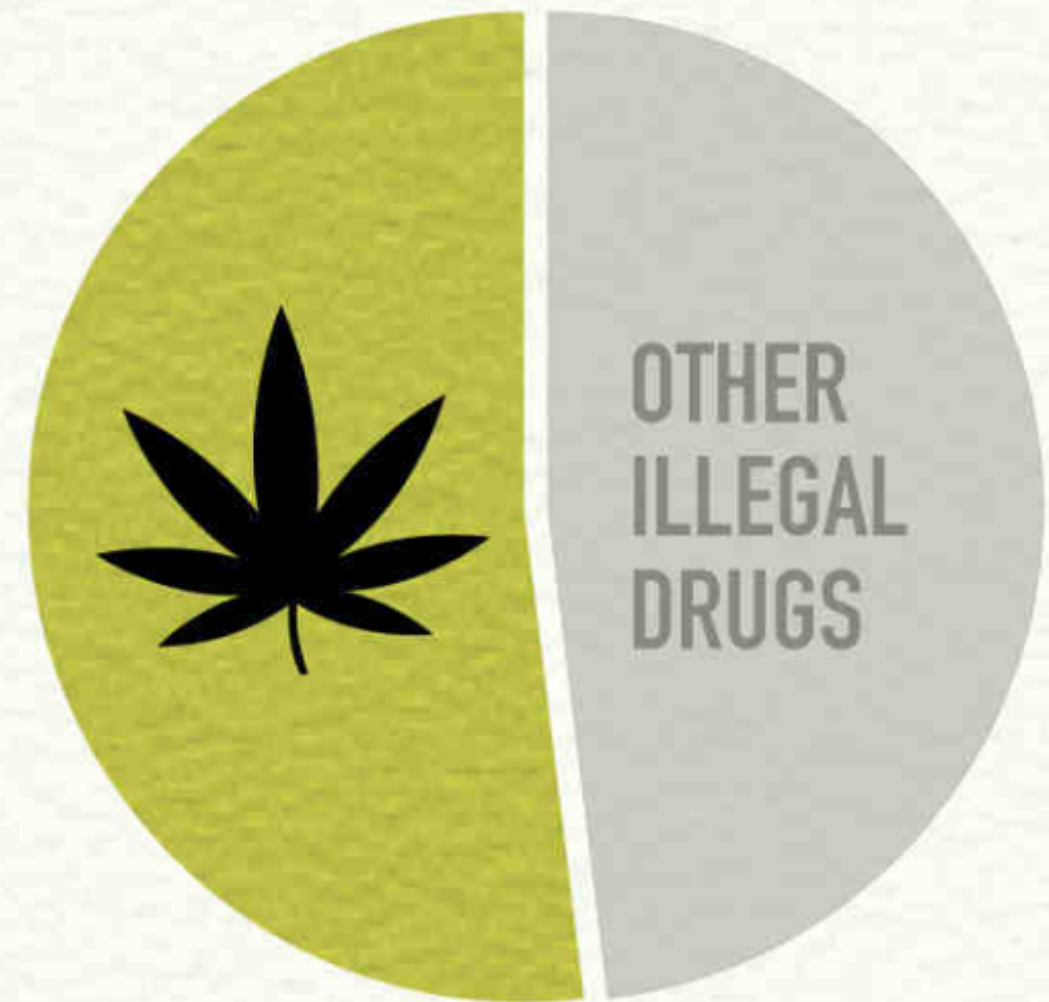
**MOST OF THE PEOPLE POLICE ARE ARRESTING AREN'T KINGPINS,**

**— BUT RATHER —**

**PEOPLE WITH SMALL AMOUNTS OF POT.**



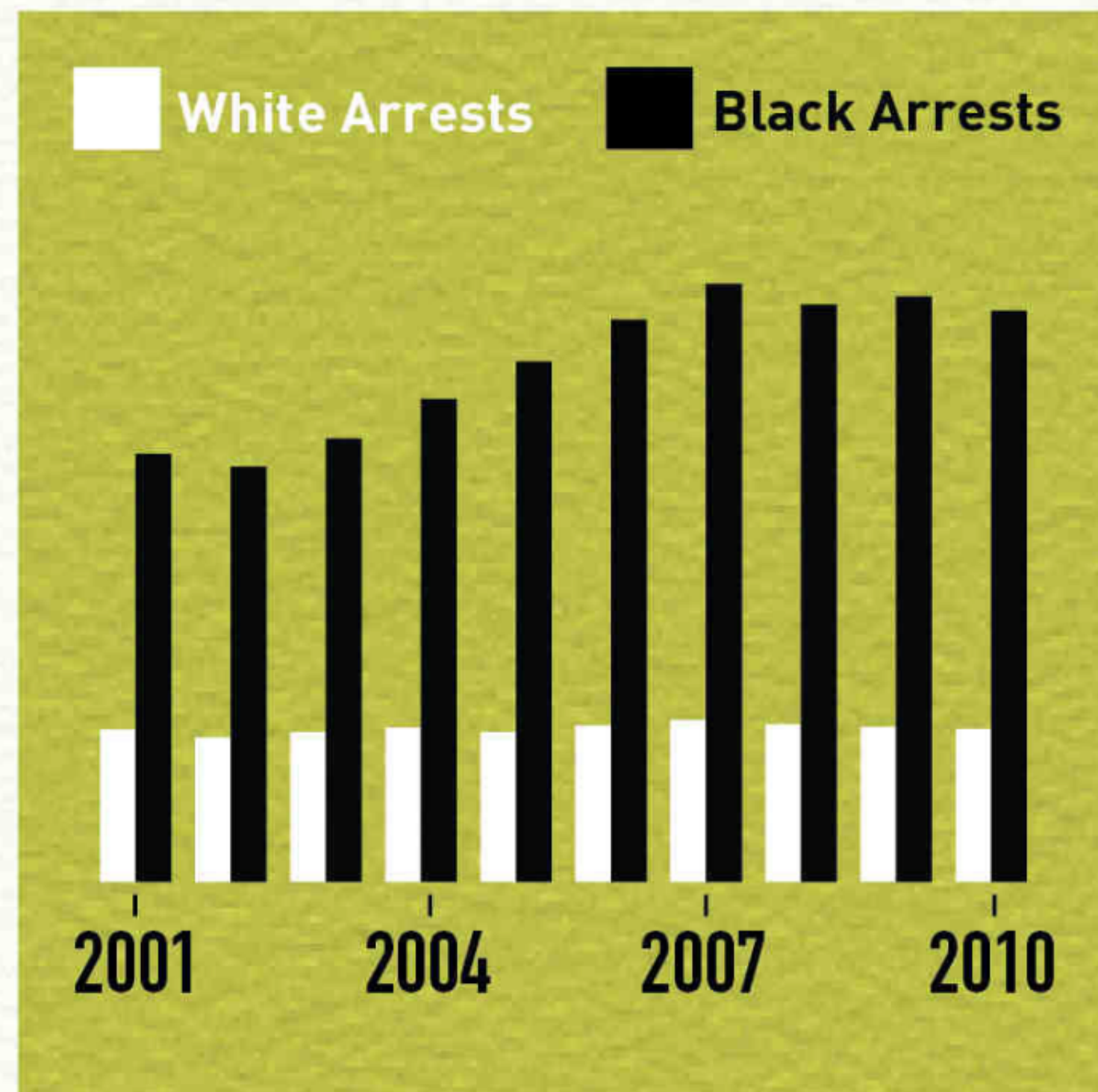
**52%** OF ALL DRUG ARRESTS IN 2010 WERE FOR MARIJUANA



## ➤ TARGETING COMMUNITIES OF COLOR

ACLU

BLACKS HAVE BEEN NEARLY  
**FOUR TIMES**  
MORE LIKELY THAN WHITES  
TO BE ARRESTED FOR  
MARIJUANA POSSESSION



# Federal Laws and Penalties

|||| Mandatory Minimum Sentence

Offense	Penalty	Incarceration	Max. Fine
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## Possession

Any amount (first offense)	misdemeanor	1 year	\$ 1,000
Any amount (second offense)	misdemeanor	15 days* - 2 years	\$ 2,500
Any amount (subsequent offense)	misdemeanor or felony	90 days* - 3 years	\$ 5,000

\* Mandatory minimum sentence

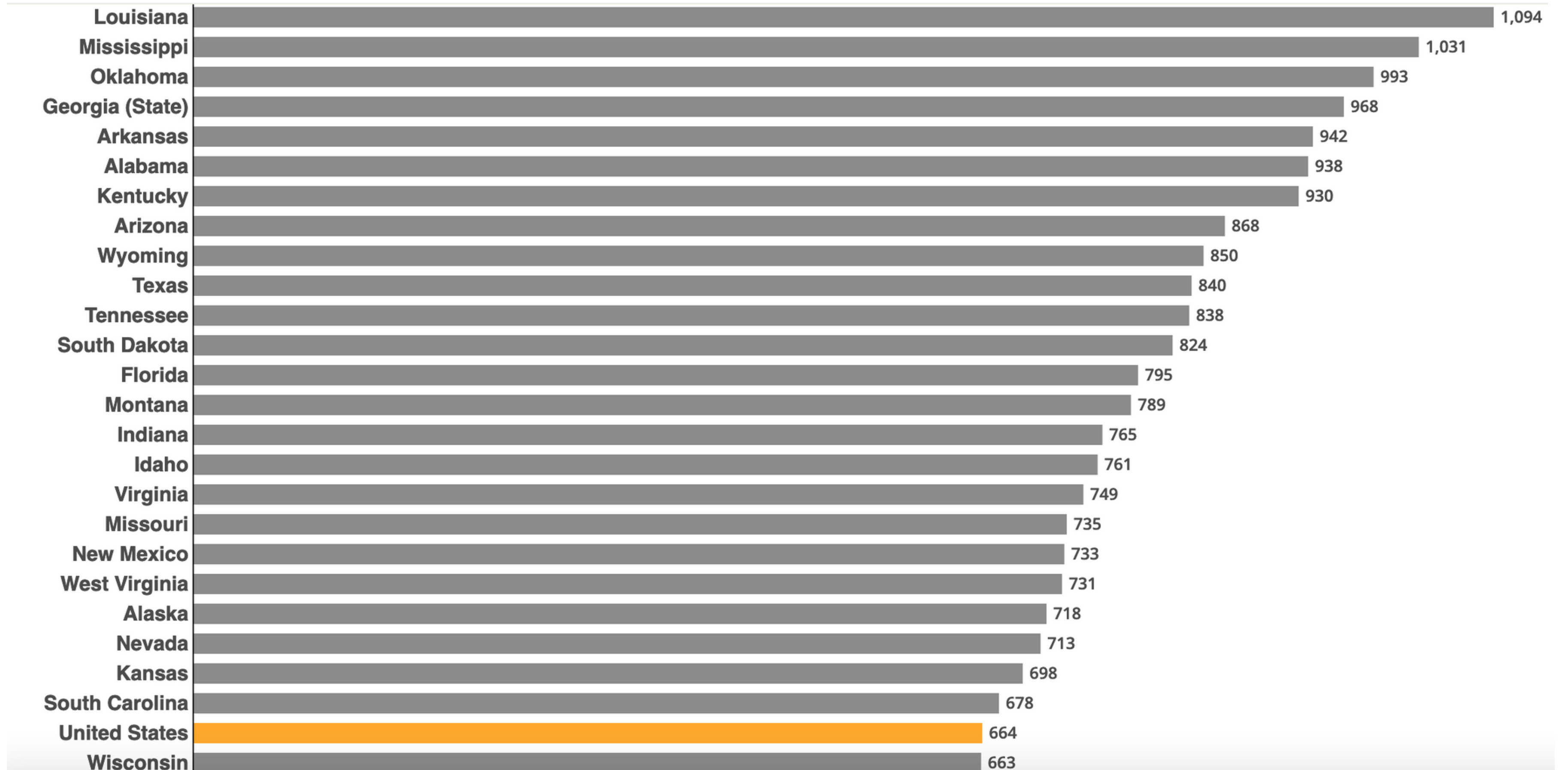
## Sale

Less than 50 kg	felony	5 years	\$ 250,000
50 - 99 kg	felony	20 years	\$ 1,000,000
100 - 999 kg	felony	5 - 40 years	\$ 500,000
1000 kg or more	felony	10 years - life	\$ 1,000,000

To a minor or within 1000 ft of a school, or other specified areas carries a double penalty.

Gift of small amount -- see Possession

# World Incarceration Rates If Every U.S. State Were A Country



*Figure 1. This graph shows the number of people in state prisons, local jails, federal prisons, and other systems of confinement from each U.S. state per 100,000 people in that state and the incarceration rate per 100,000 in all countries with a total population of at least 500,000.*

# Louisiana Laws and Penalties

- ✱ Decriminalization
- 🚗 Drugged Driving
- 📍 Local Decriminalization
- 🏠 Mandatory Minimum Sentence
- ➕ Medical Marijuana
- 🏢 Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
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## Possession

14 g or less	Misdemeanor	No possibility of jail time	\$ 100
More than 14 g – less than 2.5 lbs (first offense)	Misdemeanor	6 months	\$ 500
2.5 - less than 60 lbs	Felony	2* - 10 years	\$ 30,000
60 - less than 2000 lbs	Felony	5* - 30 years	\$ 100,000
2000 - less than 10,000 lbs	Felony	10* - 40 years	\$ 400,000
10,000 lbs or more	Felony	25* - 40 years	\$ 1,000,000



First and second offenders may be eligible for probation.

\* Mandatory minimum sentence

## Distribution or Cultivation of Marijuana

Any amount (first offense)	Felony	5* - 30 years	\$ 50,000
Any amount (subsequent offense)	Felony	10* - 60 years	\$ 100,000
To a minor (first offense)	Felony	5* - 45 years	\$ 100,000
To a minor (subsequent offense)	Felony	10* - 90 years	\$ 200,000

Includes possession with intent to distribute

\* Mandatory minimum sentence

## CANNABIS LAW - AN EVOLUTION

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# FARM BILL 2018: H.R.2, "AGRICULTURE IMPROVEMENT ACT OF 2018"

), which included a provision removing low-THC hemp (defined as cannabis with a THC concentration of not more than 0.3 percent on a dry weight basis) from the Controlled Substances Act.

Sec. 7605. Legitimacy of industrial hemp research.

“(1) In general.--The Secretary shall conduct a study of agricultural pilot programs--

“(A) to determine the economic viability of the domestic production and sale of industrial hemp; and

“(B) that shall include a review of--

“(i) each agricultural pilot program; and

“(ii) any other agricultural or ac

Sec. 10113. Hemp production. (Horticulture)

“In this subtitle:

“(1) Hemp.--The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

## FARM BILL FELONY PROHIBITION 297B(E) (3)(B)(I)

(1) A person with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the plan and producing hemp under the State or Tribal plan from the date of the conviction. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

# How Smoking Weed Helps Me As a Parent, According to 12 Dads

*Some turn to smoking weed to escape. Others do it to tune in. Some do it to bond. But, whatever their reasons, all of these dads discussed how smoking weed helps them.*

By [Matt Christensen](#) Updated Jul 22, 2021, 12:23 PM

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PARENTING

## Parents who smoke pot

When parents post #wineoclock memes on Facebook, no one bats an eye. So why is there still a huge stigma around moms and dads who use marijuana? With recreational use soon to be legal in Canada, pot-smoking parents—and there are already a lot of them—might be ready to come out of the closet.

By [Jennifer Goldberg](#)

April 20, 2018



Illustrations: Gillian Wilson

# How Marijuana Can Actually Make You An Even Better Parent

Mike Adams November 28, 2020

Cannabis





## SOURCES

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<https://www.pbs.org/wgbh/aia/part2/2p24.html>

Photo credit Brittanica.com

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<https://civilrightsheritage.com/2018/04/16/happy-slaves-described-in-7th-grade-virginia-textbook-used-for-20-yrs/>

### **FERRIS STATE UNIVERSITY: THE BRUTE CARICATURE**

<https://www.ferris.edu/jimcrow/brute/>

### **HUMANITIES TEXAS: THE HARLEM RENAISSANCE: WHAT WAS IT, AND WHY DOES IT MATTER?**

<https://www.humanitiestexas.org/news/articles/harlem-renaissance-what-was-it-and-why-does-it-matter>

Photo credit WilsonCenter.org

### **NON-VIOLENT PROTEST FOR VOTING RIGHTS**

<https://www.pbs.org/wgbh/aia/part2/2p24.html>

Photo courtesy of Politico.com

### **NORML: FEDERAL LAWS AND PENALTIES**

<https://norml.org/laws/federal-penalties-2/>

<https://norml.org/laws/louisiana-penalties-2/>

### **PRISON POLICY INITIATIVE: STATES OF INCARCERATION: THE GLOBAL CONTEXT 2021**

<https://www.prisonpolicy.org/global/2021.html>

### **ALCOHOL POLICY INFORMATION SYSTEM: ABOUT CANNABIS POLICY**

<https://alcoholpolicy.niaaa.nih.gov/about-cannabis-policy>

### **THE GROWTH OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES(2014) CHAPTER: 3: POLICIES AND PRACTICES CONTRIBUTING TO HIGH RATES OF INCARCERATION**

<https://www.nap.edu/read/18613/chapter/5>

### **H.R.2 - AGRICULTURE IMPROVEMENT ACT OF 2018 115TH CONGRESS (2017-2018)**

<https://www.congress.gov/bill/115th-congress/house-bill/2/text>

### **ACLU: MARIJUANA ARRESTS BY THE NUMBERS**

<https://www.aclu.org/gallery/marijuana-arrests-numbers>

### **FEDERAL REGISTER ESTABLISHMENT OF A DOMESTIC HEMP PRODUCTION PROGRAM: A RULE BY THE AGRICULTURAL MARKETING SERVICE ON 10/31/2019**

<https://www.federalregister.gov/documents/2019/10/31/2019-23749/establishment-of-a-domestic-hemp-production-program>

