By Dianne Anderson

The buzz around the bud lately is that if it becomes legalized, where will all the black people go?

Cannabis, known as the “the joint,” is often physiologically compared to a single glass of wine, and as popular in America as ever--the place where blacks also bear the brunt of possession arrests three times more than whites.

Jon Gettman, Ph.D., public policy analyst and adjunct professor in criminal justice at Shenandoah University in Winchester, Virginia, reports that blacks indulge in the weed about one-fourth more than whites, but are three times more likely to be arrested for it.

With an overall marijuana incarceration rate that has doubled since 1991, at last national count in 2007 whites were arrested at 195 per 100,000 while blacks are at 598 per 100,000 for possession of marijuana. In general, youths age15 to 24 made up over half of all possession arrests.

“Blacks account for 12% of the population, 14% of annual marijuana users, and 31% of marijuana possession arrests,” the report states. “While these are national survey figures it is unlikely that local variances in the prevalence of marijuana use among blacks and whites account for the tremendous disparities in arrest rates.”
In other research, Gettman cites over 21 million pot plants were grown in 2006 statewide, with an estimated $14 billion street value. In California, his recent report finds77% of cases drew a ticket and a $100 fine. In 2006, of the 51,838 charged with marijuana possession, 39,798 were cited, and 10,087 were booked.

Gettman’s study concluded, “The disproportionate arrests of blacks for marijuana offenses in the Unites States is not a local or regional phenomenon; it is a national characteristic of marijuana law enforcement, evident in every state, most counties and most local police agencies in the country.”

In January, the Assembly goes back to Sacramento for their second of three meetings around the new hot-button bill, the Marijuana Control, Regulation, and Education Act.

Authored by Assemblyman Tom Ammiano, (D- San Francisco), AB 390 wants to decriminalize regulated usage of the seven-pointed leaf. If it passes, it faces the same control laws as alcohol, and is expected to create revenue and save the state money in the long run.

“It is time to take our heads out of the sand and start to regulate this $14 billion industry. By doing so, we can enact smart public policy that will bring much needed revenue into the state and improve public safety by utilizing our limited law enforcement resources more wisely. The move toward regulation is simply common sense,” Ammiano said in a written statement before the hearing.

Ammiano, chair of the Public Safety Committee, presented AB 390 before Assembly members last month.

Working to highlight the extent of racism in the drug war, Human Rights Watch published its report in the Stanford Law and Policy Review, and highlights the extreme disparity of incarceration in its “Race, Drugs, and Law Enforcement in the United States.”

Earlier this year, HRW cited the federal Substance Abuse and Mental Health Services Administration data showing that 82.6 million whites have used illegal drugs in America compared to 12.5 million African Americans. The federal estimation is that 49% of whites and 42.9% of blacks age twelve or older have used illicit drugs in their lifetimes, the report states.

“All other things being equal, if blacks constitute an estimated 13% to 20 % of the total of black and white drug offenders, they, should constitute a roughly similar proportion of the total number of blacks and whites who are arrested, convicted, and sent to prison for drug law violations. But all other things are not equal. The data demonstrate clearly and consistently that blacks have been and remain more likely to be arrested for drug offending behavior relative to their percentage among drug offenders than whites who engage in the same behavior,” the report states.

Whites in America, just by virtue of their numbers, make up about six times more than the black population and majority of drug users. However, black males were jailed six times more than white males as of 2007, and black men are 11.8 times more likely than white men to be incarcerated for drug use or possession. African Americans comprise 54 percent of all those convicted of first time drug offenses, the report states.

The federal government's 2006 National Survey on Drug Use and Health also finds that 2.5 million whites sold drugs, compared to 700,000 blacks.

Bruce Mirken, spokesperson for the Marijuana Policy Project in San Francisco, said prohibition is clearly not working. Marijuana is widely accepted, and is used by many responsible adults, but it is not subject to regulation or control.

"Instead of producing tax revenue for roads, and schools and police, it produces profits for criminal gangs," he said, adding that while the public sentiment is shifting, politicians are skittish on the issue under a strong police lobby.

The historic bill could also open the door for a future proposition to be passed by the people, similar to medical marijuana that first passed as legislation, but was vetoed by the governor before it was enacted at the ballot.

"There is precedence for those two processes having cross pollination," Mirken said. "All of this stuff furthers this discussion. The more this issue is aired, the more the facts are put out there, the better we do."

Still controversial, but inching forward, medical marijuana is legal under state law in 13 states, but federal policy hasn't changed since1937 when the substance became illegal.

In California, murky areas remain, such as legal storefront dispensaries that are now being hashed out in court, he said.

“But at least there’s a sort of tolerance from the Obama Administration that they’re basically going to leave people alone if they’re clearly following their state laws,” he said.

Mirken called the race disparity between black and white arrests “hair raising,” and that there is a larger social cause of these policies.

“When you look at the differentials in unemployment and poverty rates of young black males, you have to wonder how much of that is being exacerbated by the fact that we’re giving so many of them criminal records and making them harder to employ,” he said. “It’s your tax dollars at work.”