

RACIAL DISPARITIES PERSIST IN MARIJUANA ENFORCEMENT, EVEN AFTER LEGALIZATION



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Panelists including Representative Ryan Winkler (fourth from left) and ACLU policy analyst Charlott Resing (second from right) spoke at the Be Heard on Cannabis, North Metro community conversation.

As the Minnesota DFL [considers whether to introduce a proposal \(https://www.twincities.com/2020/02/04/minnesota-democratic-lawmakers-to-push-for-legal-marijuana/\)](https://www.twincities.com/2020/02/04/minnesota-democratic-lawmakers-to-push-for-legal-marijuana/) to legalize recreational cannabis, they are hoping to address staggering statewide racial disparities in marijuana enforcement. But as ACLU policy analyst Charlotte Resing explained at a recent town hall on the subject, legalization alone won't necessarily reduce these disparities.

In fact, Resing said, some states have seen racial disparities in enforcement grow after legalization, even as total arrest numbers declined sharply. Be Heard on Cannabis, North Metro was one in a series of more than a dozen town halls across the state led by House Majority Leader Ryan Winkler. Resing joined Winkler and several state representatives at the Jan. 27 event, where she shared current data and insights into racial disparities in the enforcement of marijuana laws.

Nationally, Resing said, people use marijuana at roughly the same rate, regardless of race. But you wouldn't know that from looking at enforcement data, which shows that Black people are about [four times more likely](https://www.aclu.org/report/report-war-marijuana-black-and-white) than whites to be arrested for a marijuana-related offense. In Minnesota, the disparity is even more pronounced, with Black people being [almost 8 times more likely](https://www.aclu-mn.org/en/press-releases/minnesota-black-people-found-be-781-times-more-likely-be-arrested-marijuana) to be arrested.

When a state legalizes recreational marijuana, the number of total arrests decreases substantially. One might think that racial disparities in enforcement would similarly decline. But, as Resing explained, some states have seen a corresponding increase in racial disparities after legalization.

“That shows you how important [the] enforcement aspect is,” Resing said. “If there are racist police practices, then you are going to continue arresting more Black people than white people, even post-legalization.”

Some states have seen a rise in youth arrests after legalization, suggesting that police may be shifting their attention to young people who still cannot legally use cannabis because of their age without addressing the same biased practices that created disparities in adult enforcement.

In addition, it remains common for states to criminalize public consumption of marijuana, even after it is legalized. At the same time, most states fail to create legal public consumption sites, which means that people who do not own property and must use marijuana outside risk running afoul of state law. This legal catch-22 exposes people who are poor, and especially poor people of color, to disproportionately high levels of enforcement.

These disparities have a deep impact on the lives of individuals and communities.

People with drug arrests or convictions on their records are not eligible for federal financial aid and some other public benefits. And a drug arrest can also make it difficult for people to get a job or to secure housing.

A marijuana arrest is “something that impacts almost every single part of your life,” Resing said. “When we have this huge racial disparity that means we’re harming entire communities of people just because our enforcement of the same law is unequal.”

If Minnesota legalizes cannabis, a move the ACLU-MN supports, we can model a more equitable way forward that has the potential to address broader injustices in our system. But we must pair legalization efforts with explicit racial justice strategies aimed at reversing the disparate harms of the “War on Drugs.”

Those strategies include:

- Expunging marijuana-related offenses from people’s criminal records and releasing those who are currently incarcerated on those charges.
- Creating public consumption sites.

- Reforming police practices to ensure that racial disparities are not mirrored in youth enforcement, even after marijuana is legal for adults.
- Making it possible for individuals and communities harmed by the “War on Drugs” to participate in and profit from the legal cannabis industry.

Marijuana legalization has broader support than many people imagine, Resing pointed out. Approximately two-thirds of Americans support legalization, including a majority of people from every political affiliation.

“I think people think that it’s a radical issue, or it’s something that’s left wing,” she said. “But I think in reality it’s actually something that Republicans and Democrats can really agree on. It’s criminal justice reform, it’s a huge cost-saving measure, and it allows people to have their personal liberties.”