Disparately Deviant Labor(ers):
From Marijuana Dealers to Marijuana Doctors

by

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“Perhaps it's true that things can change in a day. That a few dozen hours can affect the outcome of whole lifetimes. And that when they do, those few dozen hours, like the salvaged remains of a burned house – the charred clock, the singed photograph, the scorched furniture – must be resurrected from the ruins and examined. Preserved. Accounted for. Little events, ordinary things, smashed and reconstituted. Imbued with new meaning. Suddenly they become the bleached bones of a story.”

– Arundhati Roy
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Abstract

In this thesis I analyze historical and present day depictions of those who grow and sell marijuana in the United States to explore the ways in which we disparately understand, represent, and penalize “deviant” labor(ers) along raced and classed lines. I detail the fluctuating designations of marijuana deviance as both “criminal” and “medical” since the end of the 19th and beginning of the 20th centuries and discuss how the marijuana laborer has recently entered into a space of liminality: understood to be both a “dealer” and a “doctor.” In order to reconcile these contrasting narratives, I explore current political and popular representations of marijuana laborers in California and ultimately argue that liberal efforts to assimilate the medical marijuana laborer into mainstream American life have resulted in the construction of the poor, male, and minority marijuana laborer as a threat to the safety of children, communities, and the nation. I discuss how the circulation of these images has reified restrictive and simplified understandings of morality and labor and informed cultural justifications of discriminatory punitive policies and practices. I conclude with a call to revisit liberal marijuana politics and to further explore the ways in which they interact with racial and socio-economic exclusion and inequality in their attempts to embrace cultural and political liberality.
Introduction

"I am large, I contain multitudes."
Walt Whitman, *Song of Myself*

While he does not typically speak about his father, today Alex\(^1\) distracts himself from his homework by drawing me his picture. He sketches a cartoon figure that is tall, regal, and – according to Alex – “chulo.”\(^2\) He is smiling next to a car, handing gifts to two smaller figures, ones that Alex describes as being him and his older brother. After erasing and realigning, he completes the drawing of his father: one arm up and extended, grabbing a Puerto Rican flag, as cartoon-like exclamations and smoke surround him.

“He’s like the, the, what do you call it? The Puerto Rican Superman,” Alex laughs. The tutoring coordinator announces the end of the afternoon’s session, triggering Alex to run out of the recreation center and make the short sprint to his front door on the other side of the neighborhood complex. After cleaning up I walk to Alex’s door to give him the drawing he left behind in his rush to leave. When I knock on the door, Lana, Alex’s half-sister, greets me. As I hand her the drawing, she shakes her head: “You can keep this, my mom shouldn’t see it. He’s been drawing this picture all week. His dad just got out and brought him gifts, so he’s real excited. Mom doesn’t like it cause she knows he buys presents with bad money. Alex is too little to know, though, so don’t tell him nothing.”

I continued tutoring Alex over the next few months, and although he did not always draw cartoon images of his father, I often saw references to his original picture in

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1 This anecdote portrays an actual interaction that I had with a student and his family. All of the names used are pseudonyms.

2 Common understandings of the Spanish slang-word “chulo” are related to good looks, prowess with women, and a “cool” or slick demeanor.
his notebook and on the sides of his homework sheets. A Puerto Rican flag with a man’s face next to it. A car trunk filled with gifts. A picture of what I assumed to be a family, sometimes with an adult male figure, and sometimes without. About once a week Alex would come into our tutoring sessions angry and upset, unable to focus on his homework. As he sat there, arms crossed and a large frown on his face, I would ask him what was wrong and he would tell me, without fail, “Nothing. Nada que mi papi no se puede arreglar.”

Alex’s father, whom I later came to know as Hector, was arrested on multiple occasions for marijuana sales and distribution, arrests which resulted in his incarceration in a Connecticut prison. Despite having served his time, Hector continues to retain a reputation of otherness. He is a man who is suspected by most around him of continued engagement in illicit activities that make him seem undesirable and untrustworthy: a “bad” man with “bad” money. His personhood, however, is not completely effaced by his crimes. He remains, in Alex’s eyes, the “Puerto Rican Superman,” and the man who can fix everything.

In thinking about my experience with Alex, I have continually asked myself why his father, Hector, does not have access to what Walt Whitman describes as essential to the self – the ability to be “large” and “contain multitudes.” Although Hector occupies a fringe space between several binaries (inclusion and exclusion, criminality and legality, and victim and victimizer), others perceive him one-dimensionally as legally and socially

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4 “Nothing. Nothing that my dad can’t fix.”
5 Hector’s incarceration is exemplary of larger trends in the American criminal justice system – a system that holds over 2.3 million adults in jails and prisons and that federally levies 99.85% of its long-term drug sentences not for consumption or possession, but rather for drug cultivation, trafficking, and distribution (Wakefield & Uggen 2010; Garland 2001; Motivans 2011; Schlosser 1997).
“bad,” despite his being, in the eyes of his son, a good father. How can one make sense of this array of conflicting representations? Should Hector be understood as a criminal, the Puerto Rican Superman, or an entirely different figure to which I, as Alex’s tutor, do not have access?*

While Hector and countless other individuals and communities struggle with the negative effects of the criminalization of drug-related work, many others engage with these same drugs and occupations, but with starkly different experiences and outcomes. In the case of marijuana, we have reached a cultural and political moment in America in which initiatives to decriminalize, medicalize, and legalize the drug have not only emerged, but have also been approved and celebrated, allowing those who work with marijuana to no longer be automatically relegated to the margins of national culture and community. Just last week a senior writer at Newsweek, Tony Dokoupil, released a memoir detailing his father’s career as a big-time marijuana smuggler. Despite describing his father’s abandonment (he left his wife and son for over twenty years) and criminal record, Dokoupil (a white man, like his father) has repeatedly told interviewers that after uncovering the “excitement” and “necessity” of his father’s work in the 1970s and 80s, he was able to see him not only as a good worker, but as a man he could call father.  

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6 A common concern about incarceration studies relates to the way in which academics “explain away” the very real and very dangerous violence associated with drug “crime.” While black and grey-market economies often employ violence to maintain market interests, our understanding of this violence is often misplaced; despite the increase in overall incarceration rates and, in particular, incarceration for drug offenses, scholars have repeatedly proved that these increases do not in fact result from increases in the offenses, nor from increases in offense-related violence, but rather from the intensification of policing practices and sentencing outcomes (Garland 2001; Alexander 2012; Hagan 2012; Mauer 2006).  

7 Nineteen states have approved state legislation to allow for the personal growing and consumption of marijuana for medical purposes, and two states, Colorado and Washington, have legalized the growing, sale, and consumption of marijuana for both recreational and medicinal purposes.
(National Public Radio 2014). And yet could we, as a nation, be so forgiving of “marijuana millionaires,” men who sell hundreds of tons of marijuana to children while abandoning their own, if they looked like Hector (a poor Puerto Rican man)? Would we be able to describe these men using terms like “father” and “worker” if they did not look like this?

Anthony Dokoupil holding his son, Tony (Connelly 2014).

The stories of Alex and Tony’s fathers reflect a problematic reality. We live in a cultural space and time characterized by the redefinition of marijuana labor, one in which a glaring multiplicity is being overlooked: not all drug laborers are seen in the same moral and legal light. Among individuals who work with marijuana – in its production, distribution, and sales – some qualify as hard-working businessmen or “doctors,” while others carry the stigma of dangerous “dealers.” These dichotomous understandings of marijuana labor and laborers have been constructed over the past two centuries and remain in effect, repeatedly invoked in contemporary American political and cultural narratives.
In an attempt to understand these differing moral and legal frames, this project will document their historical origins and describe and analyze a selection of the reiterated representations that assure their survival. It will seek to understand the following questions: How are marijuana laborers culturally framed, understood, and represented, both politically and in popular culture? Where do these understandings intersect and where do they diverge? And what impacts do these fractured, inconsistent, and co-occurring notions of marijuana labor have on one another and on the lived realities of those who work with the drug?

Research Methodology

In order to explore how we have come to know and engage with marijuana labor and laborers in the United States, I will focus on the representational landscape of California, from which a larger reactionary debate about marijuana has emerged. California was the first state to pass a marijuana medicalization proposition in 1996, an act that spurred similar initiatives across the country as well as numerous local measures within the state itself. The three most important contemporary marijuana legislative efforts in California’s history are Proposition 215 in 1996 (allowing medical use of marijuana), SB 420 in 2003 (clarifying Prop. 215 and establishing a program for patient identification cards), and the unsuccessful campaign for Proposition 19 in 2010 (to legalize marijuana use for adults). Although Proposition 19 failed, both Proposition 215 and SB 420 passed, enabling Californians to open over 1,000 medical marijuana dispensaries, delivery services, and cooperatives between 2007 and 2011 (Reinarman, et al. 2011: 130).
Despite the success of Proposition 215 and SB 420, not all cities and counties in California have positively received or complied with these legislative efforts, and acceptance has varied greatly. The political and cultural climate of California thus represents an important space in which marijuana, its users, and its laborers simultaneously appear through lenses of criminality and medicality. This fractured cultural climate is reflected clearly in three major California locations: San Francisco, Los Angeles and San Diego. As Heddleston (2013) describes in his study, “A Tale of Three Cities,” the Bay Area has adopted a pro-regulation approach:

City and district attorneys recognize the legitimacy of dispensaries to operate under state law, local law enforcement agencies do not cooperate with DEA dispensary raids, local ballot initiatives codify official support, [and] regulatory guidelines and bodies tasked with regulation exist (127).

While Bay Area policy rests on a belief in legally defendable marijuana labor, farther down the coast in Los Angeles the approach has been less supportive. Local attorneys do not recognize the legitimacy of dispensaries, local law enforcement inconsistently cooperates with raids, and local regulatory efforts were late coming, with the first ballot initiative approved only recently in 2011 (Heddleston 2013: 127). San Diego has adopted the most prohibitive and punitive approach, aligning closely with dominant federal opinion that all marijuana labor deserves punishment (Heddleston 2013: 127). These differing approaches represent local fractures in understandings of marijuana and emphasize that attitudes remain unstable and contested, privileging particular types (and locations) of marijuana labor and use while penalizing others.

As a state with coinciding medical practice and criminal sanction of marijuana production and distribution, California represents a contemporary space where the

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8 An Americans for Safe Access report on moratoria, bans, and ordinances propelled by the legislative campaigns and passages of Propositions 215 and 19 and SB 420 found that 193 cities and 20 counties in California enforced bans on medical marijuana dispensaries.
debate over marijuana’s “potentially” medicinal qualities and benefits are outdated (Feldman and Mandel 2011). The majority of political and cultural narratives in the state recognize that marijuana has some medical benefits such as controlling nausea caused by cancer treatments, enhancing the appetite of AIDS patients, and reducing glaucoma symptoms. The current debate in California, then, addresses not whether marijuana has medicinal benefits, but who is qualified to receive those benefits and who (how and where) is qualified to provide them (Feldman and Mandel 2011: 179). Despite the positive reimagining of those involved in medical marijuana labor and the access that some marijuana laborers have gained to mainstream American legitimacy, it is important to record and break down these depictions in order to ask ourselves whom we picture as marijuana “doctors,” whom we imagine as marijuana “dealers,” and what those assumptions imply about contemporary notions of national (cultural, social, economic, and political) belonging.

In order to record and break down these contemporary depictions of marijuana labor(ers), I will examine both political and popular representations. First I will discuss the three legislative texts that have grounded marijuana culture in the California since the end of the 20th century and the beginning of the 21st century: Proposition 215, SB 420, and Proposition 19. This analysis will be coupled with an exploration of advocacy groups’ and public responses to Propositions 215 and 19, focusing on the following:

- Pro and anti-Proposition 215 and 19 groups, their campaign literature and materials, as well as responses from public forums to these reactionary efforts

- An analysis of front-page articles, editorials, and letters to the editor concerning Proposition 215 and 19 within a year of their introduction (1996 and 2010 respectively) from local newspapers that align with

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9 Although all three political efforts mark important developments in the state, SB 420 spurred minimal public discussion. Because of this, only responses to propositions 215 and 19 will be examined.
the previously mentioned factions in California: *San Jose Mercury News*,
the *Los Angeles Times*, and the *San Diego Union-Tribune*

Second, I will analyze two reality series that reveal not only the ways in which popular
media has begun to engage with the political climate surrounding marijuana in California,
but also the impact that these series have on our own abilities to witness, imagine, and
evaluate marijuana labor(ers) in the state:

- “Weed Wars,” a four-episode reality series that aired in December of 2011, depicts and documents one of the largest medical marijuana
dispensaries of the time in Oakland, California
- “Weed Country,” a six-episode reality series that aired in February of 2013, explores the illicit nature of California’s marijuana industry,
highlighting the interactions between growers, dealers, and police in the Emerald Triangle

By exploring the documentation of marijuana politics as well as marijuana media, this
analysis strays from traditional efforts to examine political movements exclusively from a
policy perspective in terms of efficacy and outcomes. Instead, I begin to think about
marijuana’s cultural politics in terms of their broader implications: how do the narratives
produced by these politics influence how we think about marijuana, labor, crime, and
morality in 21st century America?

My interest in mapping out and articulating the ways in which marijuana labor
has been and continues to be represented in America emerges from and is grounded in
the belief that criminal studies are, in essence, cultural studies. Marijuana, its
consumption, and its sales exist in an unsettled culture “chunk” (Swindler 1986), a space
of contestation in which legal and popular complexes vie for jurisdiction over what
marijuana, its users, and its laborers look like and can do. From personal experiences to
crime-television entertainment and news reporting, Americans are bombarded daily with
descriptions of who marijuana laborers are; political and media representations of marijuana labor(ers) are thus not just images and statements, but also a cultural “tool-kit” (Swidler 1986) that facilitates how and what we should think about those who grow and sell the drug. The mode of cultural analysis I use recognizes this tool-kit as essential in extending culture from knowledge to material realities and asks what the practice of culturally framing marijuana laborers as both “dealers” and “doctors” implies for the individuals involved in this legally liminal occupation.

The main critiques of the kinds of cultural analysis employed in this study include issues of validity, reproducibility, and generalizability. While these are legitimate concerns, my exploration neither attempts to draw causal nor totalizing conclusions. Rather, I am interested in analyzing the associations between cultural representations and patterns of thought and action. As Ann Swidler (1986) suggests, sociology of culture must attempt to estimate “how culture is used by actors, how cultural elements constrain or facilitate patterns of action, and what specific historical changes undermine the vitality of some cultural patterns and give rise to others (284).

Another critique of this type of work focuses on the fact that the samples and data are not necessarily random, representative, or repeatable. While my samples and data sources are indeed accessed through convenience, accessibility, and interest, I have taken the precaution of choosing a pertinent case study. Basing my sources in California serves as an attempt to locate these cultural representations in a context that reflects both local and federal drug culture, as well as a political climate that roughly resembles the national one. Furthermore, this study is grounded in the understanding that culture can be studied only through an interpretive process of “cutting down” (Geertz 1973), in which the goal is not to predict but to describe, and in which interpretation is not only
essential, but justified. According to Clifford Geertz (1973), culture is a semiotic concept: “Man is an animal suspended in webs of significance he himself has spun […] I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning” (311). Although not randomly selected, the phenomena I interpret will reflect the ways in which average Americans encounter and consume representations of marijuana labor(ers) – the result of convenience, accessibility, curiosity, and a constant search for meaning.

While concerns about the validity, causality and generalizability of cultural analysis are reasonable, my methodological approach and project present an important deconstruction of deviance. By analyzing the ways in which cultural representations can construct, reproduce, and condition understandings of what it means to grow, produce, and sell marijuana in the United States, I emphasize the ways in which historical and contemporary realities of marijuana laborers, a category generally conflated into one larger homogenous group, are multiple and layered. Here, I complicate the idea that all deviance is negatively perceived, and document the ways in which access to “positive” deviance is often based in preexisting racial and socio-economic hierarchies. This project ultimately builds upon earlier sociological work in constructionist theory and introduces a new case study through which to further develop our academic, political, and social understandings of liberal labor, crime and morality politics in 21st-century America.

A Note on Terminology

This project draws on constructionist theories of crime and cultural studies of media, while examining a particular nuance that has been historically as well as contemporarily under-developed. Due to this underdevelopment, the vocabulary
available for talking about those who engage in what I call “marijuana labor” is extremely limited. The term “marijuana laborer” legally encompasses

Persons who sell, distribute, furnish, give, or offer to sell, dispense, distribute, administer or give, or possess for sale any synthetic cannabinoid compound, or any cannabinoid derivative, or persons who plant, cultivate, harvest, dry, or process marijuana or any part thereof (California Secretary of State).

Despite this formal conceptualization of marijuana laborers as those that grow, farm, provide, and sell marijuana – or engage with the drug as a form of economic work and/or financial gain – the terminology applied to them often draws on moral sentiment and represents some marijuana laborers as doctors or healers (good) and others as criminals (bad). In order to avoid such divisive assumptions about the identities and moralities of individuals who work with marijuana, I will eschew overarching labels such as “criminal,” and consider these new terms such as “marijuana laborer,” “marijuana criminal,” and “marijuana doctor” – terms that I hope will allow us to understand the disparate ways in which individuals and their relationships with marijuana are both perceived and represented.

Three important terms should be defined at the outset: legalization, decriminalization, and medicalization of marijuana. While simple to define, each term plays a complex role when it comes to defining, claiming, legitimizing, and institutionalizing marijuana labor and laborers within differing legal and moral contexts. *Marijuana legalization* refers to state laws and policies that make marijuana possession and use legal, while regulating its production and sales. *Marijuana decriminalization* refers to laws and policies that reduce penalties for possession and for use of small amounts of marijuana from criminal sanctions to fines. Finally, *marijuana medicalization* refers to state
laws and policies that allow individuals to possess and produce marijuana for personal medical purposes.

Outline

In this thesis I uncover the significance of the very terms described above as I investigate both the historical origins of marijuana culture and politics in America as well as their contemporary counterparts in the 21st century. This comparative socio-historical approach will help us to understand why we culturally and legally understand marijuana laborers to be both “dealers” and “doctors,” and ultimately allow us to reevaluate the efficacy and progressiveness of dominant liberal (marijuana) politics today.

In Chapter One, I discuss sociological trends and theorizations related to both the criminalization and medicalization of acts, behaviors, and persons. This chapter provides an overview of labeling theory and theoretically explains the mechanisms by which we come to “know” marijuana labor(ers). In this chapter I argue that mainstream research continues to erase the multiple identities and realities of the actors involved in drug related crimes, conflating all drug “criminals” into one overarching class. I conclude by suggesting the need for an expansion of contemporary studies of crime and deviance that allows for an exploration of the ways in which differently gendered, raced, and classed identities experience their marijuana deviance in America.

In Chapter Two, I provide a socio-historical analysis of the emergence and development of anti-drug, and in particular anti-marijuana, legislation in the United States since the turn of the 20th century. This chapter depicts mainstream understandings of marijuana use and labor from the passage of the first federal drug regulatory act in 1906 to the emergence of the first state-based marijuana medicalization
policy in 1996. In this chapter I argue that despite variations in attitudes toward *marijuana use* over the past century, understandings and representations of *marijuana labor and laborers* have consistently functioned within a negative social, cultural, and political landscape. I conclude by suggesting that it was only with the re-emergence of a medical marijuana culture in the late 1990s that marijuana laborers could be transformed from marijuana “dealers” into marijuana “doctors.”

In Chapter Three, I introduce a brief profile of California, the first state to adopt an official medical marijuana policy, setting off a chain reaction of local medicalization, decriminalization, and legalization initiatives nationwide over the past fifteen years. I then describe the three major legislative measures taken in California since the reintroduction of the medical marijuana debate – Proposition 215, SB 420, and Proposition 19 – and discuss reactionary trends that emerged both in print news media and public forums. Finally, I show how advocates as well as opponents of medical marijuana situate their arguments in frameworks of “protection” that clearly marginalize the non-white and non-American “marijuana working class.”

In Chapter Four, I continue my analysis of contemporary representations of marijuana labor and laborers and introduce two popular television series, *Weed Wars* and *Weed Country*, aired in 2011 and 2013, respectively. Taking a similar approach to that of previous chapters, my analysis both describes the representations that emerge from these cultural artifacts and engages with reactions and resistance that they have received in public forums. In this chapter I argue that despite political efforts to educate Americans on the differences between “good” and “bad” marijuana labor(ers), the popular media have been the only source to provide us with specific images of who these laborers are. Although both *Weed Wars* and *Weed Country* attempt to portray medical marijuana
laborers as normal, they do so at a price, juxtaposing images of the “good,” white, well-educated marijuana laborer with the “bad,” urban, poor marijuana laborer. I caution that as the public seems to accept and reify these images, the shows’ circulation effectively contributes to a cultural justification of racial and socio-economic disparities in the social acceptance and penal treatment of marijuana labor(ers).

This project aims to reconcile the content of contemporary cultural representations of marijuana labor, both politically and popularly, with the current aggressive and punitive carceral landscape in which many individuals and communities live today. I hope to clarify how and why certain work and workers are created, conditioned, and understood through raced and classed dichotomies of good and bad, permissible and impermissible, and forgivable and unforgiveable. This work in no way attempts to establish the costs or benefits of the medicalization and/or criminalization of marijuana, but rather explores and documents, reconstitutes, and imbues with new meaning (Roy 1998) some of the most salient representations of marijuana labor(ers) in contemporary America.
"Our passion for categorization, life neatly fitted into pegs, has led to an unforeseen, paradoxical distress; confusion, a breakdown of meaning. Those categories which were meant to define and control the world for us have boomerangled us into chaos; in which limbo we whirl, clutching the straws of our definitions."

– James Baldwin, *Everybody’s Protest Novel*

By dissecting marijuana labor into rigid binaries of goodness and badness, we have created a cultural environment in which marijuana laborers are understood in different moralized contexts: as hard-working “doctors” who protect and as dangerous “dealers” who threaten. These disparate understandings of marijuana laborers have taken root over the past two centuries as efforts to cleanly categorize marijuana labor and laborers as *either* deviant *or* normal have, as Baldwin reflects, boomeranged us into chaos. This chaos exists as part of a longer tradition of representation and production – a tradition of American social, political, and academic stumblings that ignore the possibility that goodness and badness (“deviance” and “normality”) are not all-encompassing identifiers and that ultimately limit the ways in which we come to learn and know not only what marijuana deviance is, but also what moral charge it carries.

In order to contextualize the larger framework (of stumblings and binaries) within which marijuana labor and laborers have been represented, this chapter will explore social, political, and academic understandings of deviance in America since the turn of the 20th century. Furthermore, in an effort to explain the ways in which these traditions of thought have influenced the contemporary realities of many marijuana laborers, I will introduce media theories essential to understanding how these depictions
of marijuana deviance are not only consciously constructed, but also effectively communicated (circulated).

**Traditional Theories of Crime & Deviance**

Some of the earliest understandings of deviance emerged in Genesis with religious connotations: deviant acts were violations of God’s absolute and unquestionable categories of “good” and “evil” (Lily, Cullen & Ball 2010). The criminal subject was represented in an animalistic form, so morally and divinely backwards that he was not completely human and was quite literally considered a *moral monster* (Foucault 2007). While early efforts to “control” deviance focused on the elimination of the “monster” through death, the introduction of the penitentiary in the 1800s marked a shift in understandings of crime and deviance. Criminality no longer had to be “eliminated,” but could be institutionally contained and altered.

The introduction of the prison system in America led not only to new practices of punishment and rehabilitation, but also to the expansion of traditional concepts of deviance in both political and academic spheres. Early theories of crime and criminality focused on the individual and their innate biological, mental, and racial “inadequacies” that led to crime (Burke 2009; Lilly, Cullen, & Ball 2010; Taylor, Walton & Young 2011). These theories posited that certain individuals were, due to “natural” hierarchies, less advanced and thus inclined to engage in criminal activity.

In the 1950s these earlier ideas of criminality as inherent to bodies, minds, and races gave way to new theories, no longer focused on individual but rather culturally

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10 For more detailed descriptions of these theories refer to Lombroso 1876; Goring 1913; Sheldon 1949; Glueck & Glueck 1950; Goddard 1921.
“learned” inclinations toward “criminal” and “immoral” tendencies. These theories embraced the idea that certain cultures (namely those of minorities and lower socio-economic classes) are more likely to teach acceptance of and appreciation for long-term criminal behavior. These conventional understandings of deviance further solidified in the 1970s, 80s, and 90s with the rise of the political right in the United States. Opinions about deviance and crime under the Nixon, Reagan, Bush, and Clinton presidencies maintained that regardless of external structural effects, “crime is quite simply an evil that requires a concerted and rigorous response” (Burke 2009: 33). Sociologists such as James Wilson and George Kelling (1982, 1989), Dale (1984), Morgan (1978), and Wilson and Herrnstein (1985) echoed the early metanarrative of criminals as exclusively evil and developed scholarship that ran parallel to the political climate of the time (Burke 2009; Lilly, Cullen & Ball 2010). As the Reagan Administration itself stated: “Moral poverty, and not economic poverty is the real ‘root cause’ of the nation’s drug and crime problem” (cited in Lilly, Cullen & Ball 2010: 317).

Whether locating the “badness” of deviance in the raced and classed “other,” or in the cultural and social tendencies of larger marginalized communities, these conventional developments found criminality to be a moral characteristic. Conventional criminology and conservative political thought overlapped in their representations of deviance as both inherent and learned, and provided academic foundations and justifications of racist and classist penal practices.

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11 Refer to the following authors for examples of this criminological strain: Sutherland 1947; Aker 1977; Herrnstein & Murray 1994; Miller 1958; Hirschi & Gottfredson 1990; Pratt & Cullen 2000; Kubrin 2009.
Labeling and Constructing “Crime”

The majority of early criminological studies explored the how and why of individual, biological, and culturally “based” deviant behaviors. Over the past sixty years, however, another strand of criminological research has explicitly and consciously removed itself from this tradition of explaining the criminality of the “other” with the development of “labeling theory.” The birth of labeling theory occurred as Franklin Tannenbaum (1938) began to notice the “normalcy of much delinquency” (Hagan 2012: 84). Tannenbaum problematized what he called the “dramatization of evil,” a process in which reports of average behavior as evil and/or criminal created a cultural image not only of an evil act that needed to be stopped, but also that of an evil individual who needed to be removed (Hagan 2012: 85).

In his book, Outsiders: Studies in the Sociology of Deviance, Howard Becker expands upon Tannenbaum’s line of questioning and contests the earlier “layman” understanding of crime espoused by conventional criminologists; an understanding which he explains as the belief that certain acts are, in and of themselves, “deviant,” and that certain people are inherently “criminal.” According to Becker, this understanding of deviance is typically based on three strains of thought: statistical criminality – that the act or person varies too drastically from the norm –, medical criminality – that the act or person is diseased or malfunctioning –, and relativistic criminality – that the act or person simply fails to obey common rules (Becker 1991). Labeling theory as a whole rejects these common understandings of crime and criminality and instead suggests that these categories are contextually, socially, and politically constructed.

12 Early contributors to labeling theory emerged predominantly in the early sixties and continued into the late seventies and early eighties. See the following for more specific contributions: Becker 1963, 1991; Kitsuse 1964; Erikson 1966; Lemert 1967; Cicourel 1968; Cullen & Cullen 1978.
If contemporary disparate understandings of marijuana labor and laborers are, like all deviance, constructed, then it becomes necessary to explain these processes of construction in more detail. All deviance labels (and those of marijuana “criminal” and marijuana “doctor” in particular) are heavily influenced by representational strategies and campaigns carried out by “moral entrepreneurs” (Becker 1991). These moral entrepreneurs work tirelessly to categorize marijuana labor(ers) as either good or bad and acceptable or unacceptable: promoting, representing, and convincing the public of both their positive and negative beliefs. The individuals and organizations that work as moral entrepreneurs fall into two categories: rule creators and rule enforcers. Rule creators do the majority of the moral policy work, assigning and promoting the moral reputation of particular deviant acts, such as marijuana labor. Once public opinion has aligned with the particular moral agenda, rule enforcers – such as law enforcement agencies and agents – take control of patrolling the activity by policing its actors (Becker 1991).

While moral entrepreneurs have been vying for jurisdiction over the meaning and importance of marijuana for decades, they have failed to create popular consensus. The debate over marijuana labor(ers) has thus extended from traditional academic and political spheres into less-formal spaces in which everyday Americans are contributing to the labeling process. Labeling theory is therefore extremely important in this work as I attempt to not only document the most salient representations of marijuana labor(ers) in this jurisdictional liminality (in which the public has not been convinced of the criminality of marijuana labor(ers)), but also as I work towards critiquing liberal moral entrepreneurs who engage in this ultimately disparate labeling process.
American Trends in Medicalization

While America has reached a new cultural and political crux in which those who grow, process, and sell marijuana are viewed in contradictory ways, these contradictions did not emerge over-night. Another strand of deviance research has begun to interrogate these historical origins by documenting the ways in which many deviant actions and characteristics change designations over time – moving between “badness” and “sickness” (Conrad 2005; Conrad and Schneider 1992; Curra 2010).

In the United States in particular, deviance formerly understood as sin and crime has tended to eventually become legally and culturally “medical.” Drapetomania (a “medicalized criminality” causing black slaves to flee captivity), “sluggish schizophrenia,” masturbation, erectile dysfunction, alcoholism, and caffeine withdrawal are all examples of conditions or actions that shifted from a criminalized to a medicalized identity (Curra 2010). These less common examples can be coupled with the more popular, such as mental illness and homosexuality. Thus both medicalization and criminalization exist along a spectrum that allows for complete, partial and even slight shifts and alterations over time and in different social and political contexts, making these categorizations neither stable nor all encompassing.

Mordechai Rotenberg (1978) suggests that America in particular is a “fertile ground” for medicalization (Conrad & Schneider 1992: 263). Building on Max Weber’s theory about the relationship between the Protestant ethic and the spirit of capitalism, he describes the ways in which Weber’s concept of predestination and the fundamental division of people into two groups, the “righteous elect” and the “wicked damned,” can be extended to explain America’s cultural vacillation between criminalizing and medicalizing deviance. The “wicked damned” are able to be both moral perverts
(criminals) as well as pitiful outcasts (sick), allowing American deviance, such as marijuana labor, to exist in moral and legal multiplicities as both criminal and medical.

Building upon documented historical shifts in medicalized and criminalized deviance, Conrad and Schneider (1992) suggest a five-stage model of “deviance construction” that mirrors the definition, prospecting, claims-making, legitimization, and institutionalization of labeling theory’s moral entrepreneurs. These stages mark territories in which the meaning of deviant acts are negotiated, and outline the process that marijuana labor and laborers have repeatedly gone through in order to be understood as criminal, medical, and legal.

- **Definition** includes the initial classification of an act (or a person) as abnormal, unwanted, or deviant (Conrad and Schneider 1992: 268).

- This process is followed by prospecting and claims making, acted out by corporations, lay organizations, government bureaucracies, and self-help groups (moral entrepreneurs) that are invested in shifting the moral and legal designation through publicity campaigns, lobbying legislatures, litigation, and other avenues of support (Conrad and Schneider 1992: 268).

- Once these acts of claims making cross over into the judicial sphere, they enter into the process of finding and establishing legitimacy and face the challenge of legally “grafting the sickness designation onto some parts of older ‘badness’ designations” (Conrad and Schneider 2010: 269).

- The final step in this model is institutionalization, when a designation reaches a state of fixity and semi-permanence and the act of deviance becomes codified and accepted within mainstream medical, legal, and/or cultural systems (Conrad and Schneider 2010: 270).

Mirroring Weber’s “wicked damned” theory, Conrad and Schneider suggest that deviance can exist in an “amalgam of hybrid badness-sickness” that allows fluid movement back and forth between the two categories (Conrad and Schneider 1992: 271). And as this five-stage model suggests, although marijuana labor in America has
been constructed and labeled as deviant, its designation as “badness” or “sickness” has been neither legitimized nor institutionalized.

**Marijuana: How We Come to Learn & Know**

As marijuana labor’s deviance – as either “badness” or “sickness” – remains to be determined, the subject’s negotiation has extended from formal moral entrepreneurs in academia and politics to less formal ones throughout American media. And although criminalization and medicalization theories are important for understanding how and why certain deviant actions are legally labeled and culturally treated as criminal and others as medical, media and frame theories are also essential for deciphering how we learn about these actions and their meanings in everyday life. Despite larger cycles of labeling marijuana labor, what do we (personally) know, feel, and believe about marijuana labor and laborers? And how, despite our possible lack of direct experience with such labor, do we come to feel and know these things?

While framing theories address the ways in which the media construct and deconstruct notions of crime and criminality, this project is concerned specifically with what these constructions and deconstructions do to and for media consumers. This perspective takes a step back from conventional framing analysis and draws upon what Max Scheler, a 1920s German Marxist, first introduced as the concept of a “sociology of knowledge” (Luckmann and Berger 1966: 14), or the premise that what we imagine society to be is mediated and created through our contact with the social world. In today’s day and age, the social world is largely comprised of media, in the form of news, advertisements, and entertainment. Contact with the media thus allows us to “behave toward what we have learned as though it were real” (Johnson-Cartee 2005: 4), and gives
us, as viewers, the ability to form strong moral beliefs in regard to marijuana labor with little to no evidence or experience. The idea that people can personally come to “know” realities that they have only seen on television is echoed in Michael Katovich’s (1998) study of “evocative telepresence.” In this study Katovich reveals that electronic image media – such as television and film – evoke strong and personal responses from viewers that extend beyond the content of the episode or film into an intertextual space in which the fictional reality becomes not only “knowable,” but also personally important to the audience.

As film and television give viewers access to newly knowable realities, they also “Provide models for identification, confer status on people and behavior, spell out norms, define new situations, provide stereotypes, set up frameworks of anticipation and indicate levels of acceptability, tolerance and approval” (Young 1974: 230). The media, then, structure and guide not what the viewer thinks, but rather the ways in which he/she is able to imagine and organize his/her thoughts. This relationship between media source and viewer can take place on a micro scale – in which the media influence what or how an individual knows, emotionally responds, and acts – as well as on a macro scale – in which the media either reproduce the status quo or provide a space in which changes can be imagined (Johnson-Cartee 2005: 8).

Whether on a micro or macro scale, however, the media only allow for fragments of their fictional realities to be communicated to their viewers, allowing for the construction of what Luckmann and Berger (1966) call “anonymous typifications.” These constructions rely on archetypes of individuals and realities – and in the case of marijuana deviance, allow viewers to consume vague yet suggestive images of both morally “wrong” and culturally acceptable marijuana laborers. While the images
themselves may not be conclusively influential, their circulation and consumption ultimately introduce them into the “social stock of knowledge” – a knowledge that is common, readily available, and which conditions us to imagine media-based realities as simply the ‘nature of things’ (Luckmann and Berger 1966: 83). The power of media depictions of marijuana labor(ers) thus becomes explicit: the anonymous typifications of both “good” and “bad” marijuana laborers condition us to think of divisions between the criminal/violent marijuana laborer and the medical/helpful marijuana laborer as “natural.” This naturalization thus allows the media to organize people and things by supplying context and suggesting “what the issue is through the use of selection, emphasis, exclusion and elaboration” (Johnson-Cartee 2005: 24).

How, then, does the media allow us to know “crime” and deviance, and more specifically, marijuana labor? While much of what we know about crime comes from media coverage, a shift has taken place that has given rise to “tabloid television” (Kooistra and Mahoney 1999). While television “by nature is a tabloid medium emphasizing imagery and emotion […] it was not until the 1980s that what we call tabloid television surfaced as a major format, with the emergence of the Fox network” (Kooistra and Mahoney 1999: 64). Crime focused media has thus expanded, not only relaying information and statistics on crime, but also entertaining with its image. Fox currently airs well over 30 crime-based shows, has an international channel titled “Fox Crime,” and is now confronted with competition from other media sources such as CBS, NBC, HBO, and Discovery Channel, all of which have their own versions of crime entertainment series. This rise in crime “drama” has given the public access to images of crime and its aftermath, as well as to depictions of the people and the lives behind it.
Exploring the Crossover: Criminalization, Medicalization & Representation

In a context in which academia, politics, and (crime) media project factual as well as fictional representations of deviance, what happens when these sources complicate the idea that all deviance is bad? What is the importance of contemporary representations of marijuana labor(ers) – understood not in a binary of good and bad crime, but as bad “crime” (dealers) and good “labor” (doctors)? While few scholars have addressed these questions, Patrick O’Brien (2013) and Jeffrey London (2006) have begun to situate themselves in this work, examining contemporary designations, conceptualizations, and representations of marijuana in the United States.

O’Brien (2013) explores the ways in which college undergraduates who have medical permission to possess and consume marijuana imagine themselves in this new social, political, and cultural medical marijuana domain. Through collection and analysis of forty interviews with individuals, O’Brien discovers that California’s sanctioning of medical marijuana has changed the way that individual users imagine their consumption of the substance. Marijuana users felt more “comfortable” and less “primitive” functioning within the medical framework, suggesting that for these users – all white, college undergraduates, and predominately male – medicalization made their marijuana use and labor “another functional and contributing piece of late modern society” (O’Brien 2013: 432). Although not explicit, these statements signal that acceptance of the medicality of marijuana has allowed these participants to imagine their use and labor not as deviant or unwanted, but rather as “normal,” modern, and necessary.

Despite the fact that O’Brien’s work is some of the most recent in the field, it continues to reflect an overtly normative, pro-medicalization attitude; in thinking about marijuana use and sales in the current historical and political moment, where marijuana
occupies a transitional space between illegality and legality and immorality and morality, statements like, “Why would I give it [money] to the drug dealer to go to Europe or buy a Beamer when I could give it to a local business owner. Some of these businesses are donating to cancer research and stuff like that” (O’Brien 2013: 431) are extremely important. While O’Brien’s research uncovers and documents these discursive representations of two distinct types of marijuana labor(ers), he himself does not enter into an analysis of what those representations mean and do on a larger scale. In what ways does the medical discourse on marijuana (its sales, distribution, and consumption) influence how people understand their own and others’ involvement with the drug? How do these multiple and oppositional claims about the morality and legality of marijuana labor impact the ways in which people think about this specific deviance in this particular moment in time?

London (2006) does just what O’Brien does not. In his research of the redesignations of marijuana laborers and users from criminals and addicts to doctors and patients, he deviates from formal and restrictive historical analyses of marijuana, and focuses instead on various forms of “marijuana discourse.” From his study of the ways in which statements and images impact how we imagine and describe marijuana, its use, and its labor, London concludes that there has been a shift mirroring Conrad and Schneider’s (1992): from an “expensive brand of hard power (i.e., criminalization) toward a soft form of economical power (i.e., medicalization)” (London 2006: 111). This study marks an underdeveloped abridgement of studies of crime with studies of representation and opens up a discussion that this work ultimately expands upon.

Despite these complex discussions, the scholarly work discussed in this chapter has almost exclusively privileged the drug’s users, blanketing the meanings and effects of
criminalization and medicalization for the other parties involved. In order to move beyond these simplifying frameworks, I will explore the ways in which contemporary American culture frames and represents *marijuana laborers*, a population who live these representations and their consequences in fundamentally different ways from the people who consume the drugs they sell. If, as contemporary analyses demonstrate, “using the medical model (instead of the criminal model) to regulate marijuana carries fewer connotations of immorality, low self-control, or defects of character for those who choose to use marijuana” (London 2006: 161), how do these simultaneous frameworks implicate, situate, and affect the individuals who choose not to consume marijuana but to work with it?
Chapter Two

Tracing the Socio-Political Trajectory of Marijuana in America

“The reigning public image of the criminal is not just that of ‘a monstruum – a being whose features are inherently different from ours,’ but that of a black monster, as young African-American men from the ‘inner city’ have come to personify the explosive mix of moral degeneracy and mayhem.”

– Loïc Wacquant, Deadly Symbiosis

The Greek word for drug, pharmakon, originally contained three conceptual images: the substance was a poison (bad), a remedy (good), or a magical amulet (wonderful) (Montagne: 2010; Curra 2010). The dynamic and oppositional ways in which drugs continue to be understood to this day is not limited to the study of Greek words, but extends into concrete social and political realities. Over the past century in America what we understand and how we legally and culturally engage with drugs has been in a constant and cyclical flux. Marijuana in particular has been understood, politicized, legislated, and represented as all three of its Greek roots: as a dangerous drug (poison), a medicinal cure (remedy), and a psychedelic source (magic).

While traditional historical explorations of marijuana and marijuana policy delve deeply into this concept, they neglect, much like dominant scholarly work, to consider the ways in which marijuana’s history is not a singular one. Although the socio-political attitude toward marijuana has ebbed and flowed in regards to cultural tolerance of the drug, the moralized history of marijuana labor and laborers is vastly different from the history of the drug and its users. While marijuana users have been transformed in the public imaginary from violent minorities to normalized and even passive “everyday” citizens, marijuana laborers – those who grow, produce, and sell the drug – have retained a reputation of dangerous otherness.
This chapter will explore the socio-political trajectory of marijuana in the United States with particular attention to the ways in which conceptions about marijuana laborers have, until the turn of the 21st century, remained essentially the same: men (mostly poor, undereducated, and often of color) who are not only irrational, but also intentionally malicious/bad. Through this exploration of the foundations of American understandings of marijuana, I argue that marijuana labor has always existed in weighty multiplicities – made sense of in varying gendered, raced, and classed dimensions that are overlooked in traditional accounts of the drug’s criminal and medical history.

**From Medicalization to Criminalization**

Marijuana labor has existed within America’s national borders since its introduction alongside the first formalized groups of colonists. In fact, in 1619 the Virginia Assembly passed its first official legislation that required farmers to grow hemp (Public Broadcasting Company; McWilliams 1992: 8). Early cultivation efforts focused on the use of the cannabis plant’s fibers and seeds, and the plant’s prominence is recorded to have spread across the country as people did: “From Virginia and Pennsylvania, the industry spread to Kentucky by 1775 and from there to Missouri by 1835. On a smaller scale, hemp was also cultivated in the late nineteenth century in Illinois, Indiana, Nebraska, Iowa and California” (Bonnie and Whitebread 1974: 3). Although the hemp industry flourished in the mid-to-late 1800s, by 1890 domestic production and labor had declined and was overcome by the cotton industry, which had begun to develop easier to use and time-saving machinery to aid in production and distribution (Bonnie and Whitebread 1974).
As the use of the hemp plant for fabrics and oils waned domestically, medical reports began to surface recommending the use of the plant’s resin – what is now understood to be “marijuana” – for its medicinal properties. Between 1840 and 1900, over one hundred articles were published in American and European medical journals championing marijuana’s medical properties, and in the mid-1800s the plant was officially included in the *United States Pharmacopoeia* (Bonnie and Whitebread 1974; Himmelstein 1983). Marijuana was used to treat symptoms such as menstrual cramps, asthma, opiate withdrawal, insomnia, lack of appetite, and convulsions (Himmelstein 1983; Gieringer, et. al. 2008). These medicinal uses of the drug were part of the fabric of wellness culture at the turn of the century: marijuana was not only purchased legally in grocery stores over the counter, but also with prescriptions from physicians and through various mail-order programs (McWilliams 1992). What was, at the time, often referred to as “Cannabis Indica” was not understood to be an illicit substance, but rather a common pharmacological remedy.

Medical Marijuana Tincture Bottle
(ProCon: “Historical Timeline”)
Marijuana was not alone, however. The medicalization of marijuana formed part of a trend at the turn of the 20th century in which contemporary illicit drugs were relegated to legitimate medical contexts. Opium was understood to be a legitimate painkiller, morphine was used as a treatment for many Civil War veterans, and heroin, produced by a German chemist, was used as a cough suppressant and general painkiller (Himmelstein 1983).

By 1906, the first federal legal sanctions on potentially “adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors” (U.S. Food and Drug Administration 2009) had been passed. The Federal Pure Food and Drug Act (also known as the Wiley Act) of 1906 aimed to discourage and regulate drug labors, including the manufacture, sale, and transportation of substances considered “potentially” unsafe. While the Federal Pure Food and Drug Act did not formally include marijuana in its purview, the act marks the first federal legislative shift from drug medicalization to criminalization. This act was followed by the Harrison Narcotics Tax Act in 1914, which placed a “special tax on all persons who produced, imported, manufactured, compounded, dealt in, dispensed, sold, distributed or gave away” any narcotic substance (“Schaffer Library of Drug Policy”). These two acts, although not created for marijuana alone, introduced the idea of treating the drug issue as one to be controlled and regulated. As tax measures whose main foci were the production, distribution, and sales of various drugs, the Wiley and Harrison acts opened up the first federal avenues to make drug use medical, and informal, non-medical drug labor criminal (Booth 2003; Inciardi 1999; Witte 2013).

Over the next two decades, federal legislative action to regulate drug use, production, and sales was limited, but states began passing marijuana-specific initiatives
all across the country. Beginning as early as 1900 in towns along the Mexican border and almost a decade later along the Gulf coast, marijuana prosecution began to take root. From these two geographic localities, legislative action spread in two directions: “It traveled north and west from the border, taking along an ethnic identity, and north and east from New Orleans, with its identity as a fungible narcotic and enslaver of youth” (Bonnie and Whitebread 1974: 32). This local phase of prohibition, which extended from roughly 1914 to 1931, included twenty-nine states that prohibited use of marijuana for nonmedical purposes (Bonnie and Whitebread 1974: 51). These local prohibitions responded to the perceived threat that the influx of Mexican and other immigrant labor populations represented as alleged purveyors of marijuana (Bonnie and Whitebread 1974; Himmelstein 1983; Booth 2003; Meier 1994; Witte 2013), marking the birth of racially and socio-economically infused perceptions of marijuana in the United States. Despite scattered local advertising along the United States-Mexico border, particularly in the city of El Paso, Texas (the first city to officially prohibit marijuana use and sales) warning against the negative and violent side effects of the drug and its association with influxes of poor Mexican immigrants, marijuana remained a relatively obscure cultural and political matter (Gerber 2004; Lee 2012; Meier 1994). Between 1890 and 1935 an average of less than one article per year was published in periodicals across the nation in reference to marijuana, its use, or its negative effects (Himmelstein 1983: 39).

In 1929 Doctor Hugh Cummings, the surgeon general, released a Preliminary Report on Indian Hemp and Peyote, describing his belief that marijuana should officially be

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13 Between 1915 and 1933 the following states specifically prohibited distribution of marijuana for nonmedical purposes: ME and MA (1914), VT, CA and UT (1915), CO (1917), RI (1918), TX (1919), IO (1921), WA, OR, NV, NM, and AK (1923), LO (1924), ID, MT, KA, NE, OH and NY (1927), WY, IN and MI (1929), AR, SD, IL and AL (1931) and in 1933 PA, DE, ND, and OK followed suit.
considered a dangerous and habit-forming narcotic drug. From this moment on, the federal government’s interest in marijuana transitioned from one of loose regulation and advocacy of state based initiatives to a more aggressive and centralized approach. In 1930 Harry Anslinger was appointed commissioner of a new federal agency: the Federal Bureau of Narcotics (FBN). Under Anslinger, the FBN pushed for the passage of the Uniform Narcotic Drug Act, adopted in 1932 for the purpose of creating a uniform law to control not only the sale but also the use of narcotic drugs across all states. A year after the act’s passage, however, only two states had begin to enact parallel legislation, and the FBN’s efforts to unify marijuana policy intensified: “Perceiving the absence of public awareness of marihuana and wanting to encourage positive action to overcome the drug’s optional status, the bureau sought to arouse public interest in marijuana through ‘an educational campaign describing the drug, its identifications and its evil effects’” (Bonnie and Whitebread 1974: 94). The FBN began releasing public announcements in the 1930s that highlighted not only the dangers of the drug itself (harm to potential user-victims), but also the image of the prowling dealer:

![FBN Advertisement, 1930s and 40s](Sager 2013)
While the legislative impact of the FBN’s campaign advanced slowly in the face of previously fractured cultural opinions about marijuana, the federal government’s various publicity efforts nonetheless initiated “immense changes […] in the entire framework of assumption within which the drug and the laws were publically discussed” (Himmelstein 1983: 4).

At this time, local and federal depictions of marijuana users diverged, representing the user as both a violent addict and a helpless victim. What all representations agreed upon, however, was the need to represent the marijuana dealer as dangerous. A typical advertisement would include a young child or a female “addict” being “gripped” by the dangers of marijuana, often times represented by monster like hands with claws physically restraining the unknowing user, or a cloaked man tempting them with drugs, sex, and money. These depictions were coupled with visual images of drug “peddlers” – sinister-looking men either provoking crime with their marijuana cigarettes or being reined in by law enforcement. A number of authors have noted that these patterns are exemplified in images such as “The Idol of Both” from a 1930s New Orleans publication and “One Place to Get Tough,” which appeared in Cleveland a few years later:

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Similar images suggested that although marijuana addicts were “wrong” in smoking the drug, marijuana dealers were largely at fault – inherently evil and deserving of criminal
penalties. One cartoon image from the *Times-Picayune* in 1937 titled “And There Should be No Hope of Parole” depicts a line of putative marijuana dealers being herded into a prison. One of the men’s faces is visible, showing an almost dejected demeanor, as he carries a box labeled “Locking Away Peddlers of Soul-Destroying Narcotics.”

These changes in “marijuana ideology” are also reflected in press reporting. As noted earlier, until 1935 national newspapers published little material focusing on marijuana; by 1937, however, the average number of publications per year was up to eight per periodical, and the usual descriptors characterized the drug as “dangerous,” “weakening the moral fiber” of its users, and as being used by “Mexicans,” “Spanish speakers,” and “Blacks” (Himmelstein 1983: 45-47). Although Americans had been consuming and producing marijuana for decades based on doctors’ advice and local reports had long been describing the use of marijuana by “criminal” Mexican immigrants, by the mid-1930s its use became *nationally marked* with a particular racial and class association (Witte 2013: 70). Recreational use (“marijuana smoking”) was reported as being introduced “not from Europe […] but from Asia and Africa by way of South and Central America, particularly Mexico and the West Indies” (Bonnie and Whitebread 1974: 5). And while marijuana itself was still medically legitimate, anti-marijuana publicity and policy began to emerge as it achieved “street use,” “especially when that use was identified with the poor, racial minorities, and criminal classes” (Bonnie and Whitebread 1974: 14; Earleywine 2002). Summarizing the national efforts to conceptualize marijuana as a source of violence and danger, Anslinger himself wrote the following in 1937: “How

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15 48% of the publications referred to the “weakening of moral fiber,” the “disintegration of personality,” and “general instability”; 57% of those publications referred to violence provoked by marijuana use; 46% described users as being “Mexican or Spanish speaking,” 23% described them as being “Black,” and 62% described them as being “youth from marginal groups” (Himmelstein 1983: 45-47).
many murders, suicides, robberies, criminal assaults, holdups, burglaries, and deeds of maniacal insanity it [marijuana] causes each year, especially among the young, can only be conjectured” (cited in Witte 2013: 66).

Despite extensive advertising and campaigning efforts, the FBN achieved little success prescribing federal law to the states. In response, the FBN initiated another measure in 1937 that would come to be known as the Marijuana Tax Act. This act, primarily a taxation measure, would attempt the following: (1) require all manufacturers, dealers, and practitioners to register and pay a special “occupational tax,” (2) require that all transactions take place through the use of written order forms, and (3) impose a tax on all transfers in the amount of $1/ounce for transfers to a registered individual and $100/ounce for transfers to an unregistered one (Booth 2003; Sloman 1998; Witte 2013). The specifics of the act were coupled with a four-pronged enforcement strategy that included control of cultivation of the plant and eradication of wild growth, pacification of marijuana sensationalism, education, and federal focus on major trafficking rather than minor possession of the drug (Bonnie and Whitebread 1974).

Although the Marijuana Tax Act of 1937 included possession in its taxation policies and allowed for regulated marijuana labor in the country, it stressed a clear moral differentiation between marijuana users and marijuana laborers. Findings from Congressional hearings repeatedly confirmed the image of the marijuana user as “victim” and the provider as “criminal”: “It is being placed in the hands of high-school children in the form of marihuana [sic] cigarettes by unscrupulous peddlers. Cases were sited of school children who have been driven to crime and insanity through the use of the drug”

16 On October 2, 1937, the same day that the Marijuana Tax Act was officially enacted, Samuel Caldwell, an “unemployed” man from Colorado, was arrested for selling marijuana. Sentenced with a $1,000 fine and four years of labor and imprisonment, Caldwell became the first man to be convicted of illegal marijuana sales under the act (NORML).
Similar sentiments were echoed across the country. One Colorado judge, for example, stated that marijuana influenced men to “Become beasts […] Marijuana destroys life itself. I have no sympathy with those who sell this weed” (cited in Bonnie and Whitebread 1974: 179).

The punitive approach to controlling marijuana use and labor reached its first peak in the 1950s. In 1951 Congress passed the Boggs Act, which increased penalties for all drug violators. This effort dovetailed with the Narcotic Control Act of 1956. According to the Commissioner of the FBN, Harry Anslinger,

There should be a minimum sentence for the second offense. The commercialized transactions, the peddler, the smuggler, those who traffic […] if there was a minimum sentence of five years without probation or parole, I think it would just about dry up (U.S. Congressional Record (82) 1951: 430-431).

Congressman Jenkins echoed similar sentiments and summarized federal opinion about the need to eradicate the “evil” of the drug laborer when he stated the following: “The enforcing officers will always have sympathy for the unfortunate consumer, especially if he is harmless. These enforcing officers are going to protect little boys and girls. They are not going to drag the high school boys and girls before the criminal courts until they know that they are collaborating with the peddlers” (emphasis added)(U.S. Congressional record (97) 1951: 8207). These statements reveal the moral and legal divergence of marijuana history into one of the “unfortunate consumer” and another of the peddlers, the smuggler, and the trafficker.

These overwhelmingly negative views of marijuana labor developed into equally harsh penal guidelines. Both the Boggs Act of 1951 and the Narcotic Control Act of

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17 Upon induction to the position of Commissioner, Harry Anslinger briefly considered implementing the death penalty for narcotics sales.
1956 established a federal five-year minimum sentence for a first sale offense, a ten-year minimum for a second and/or subsequent sales offenses, a ten-year minimum for selling to a minor, and no ability to qualify for probation, parole, or sentence suspension. Despite the fact that federal and state law included labor (sale, transport, and cultivation) as well as possession in their statutes, there was a clear moral politic in circulation that played into penal guidelines; the marijuana user was the unfortunate and harmless individual, whereas the marijuana laborer was the source of harm.

In the 1960s the predominant user demographic shifted from the foreign minority to the college dropout, and with it came a redefinition of the image of what marijuana was and what it meant. At this time the image of the user as “victim” remained, but it was coupled with a new image: one of a marijuana-smoking hippie or a “political revolutionary” (Bonnie and Whitebread 1974: 225). Although the medical community did not find that marijuana exhibited the same addictive qualities as other narcotics, its use stood in stark opposition to national goals and American identity politics. Linked to youth culture and the anti-Vietnam war movement, marijuana users were represented as politically insidious and revolutionary, while marijuana laborers became linked in the public imagination with images of foreign infiltration and communism, offending governmental nativist and patriotic sentiments of the time (Booth 2003; Sloman 1998; Werner 2011; Witte 2013).

Despite marijuana’s negative reputation at the federal level, culturally its use had gained significant acceptance. By the end of the 1960s and beginning of the 1970s marijuana was no longer an alien weed of which the general population had no knowledge. It was a drug represented as being used recreationally by people the “average American” would know: blue-collar youth, young professional classes, and even soldiers
during and after serving in the Vietnam War. A multitude of studies conducted during the mid-to-late 70s estimated that about 50% of the nation's college population had tried or used marijuana (Bonnie and Whitebread 1974: 237). The federal government even initiated the Compassionate Investigational New Drug Program (IND), a program that provided federally grown marijuana to “patients” in need of the drug’s pharmacological remedies (Witte 2013: 17). The problematic image of the user had thus begun to soften; the marijuana user had been a violent ethnic immigrant, a lazy citizen, a dangerous revolutionary, and was now re-imagined as a “normal” American.

Criminalization and the “Tough on Crime” Era

Widespread use of marijuana by the “average American” and the advent of conservative presidential dominance triggered a series of “tough on crime” measures that increased penalties for all drug crimes, including marijuana possession, cultivation, and sales. The Controlled Substances Act of 1970 was introduced into Congress in the spring of 1969 and signed into law in 1970 by President Nixon, classifying all drugs into “Schedules” according to their abuse potential, known effects, harmfulness, and level of accepted medical use. The Act introduced five schedules of drugs, organized in descending order of harmfulness and legal penalties; despite overarching belief in the medical community that marijuana had “weak” addictive qualities, it was classified as a Schedule I drug.

With this classification marijuana was politically declared to be highly dangerous and Nixon officially initiated what most people now know to be America’s “war on drugs,” which declared drugs to be the nation’s “Public Enemy #1.”(McWilliams 1992; Mauer 2006: 45). These public statements were coupled with the creation of the Office
of Drug Abuse and Enforcement (ODALE) in January of 1972. Directed by a member of Nixon's Executive Office, Myles Ambrose, ODALE’s main function was to “put pressure on the street-level or the lower-echelon dealer and pusher” (McWilliams 1992: 22). These efforts once again emphasize (in their rhetoric if in nothing else) the threat of the “dealer” and “pusher,” conventionally imagined as a poor man of color.

In response to the classification of marijuana as a Schedule I drug, the Marihuana Commission Report and the Department of Health, Education and Welfare Report, both released in 1971, attempted to debunk the myths surrounding the drug. Although these reports attempted to investigate claims about marijuana and its effects on the user in order to differentiate between drug use and drug labor, they faced consistent opposition from the federal government. In response to a public statement in which the President rejected the findings of the Marijuana Commission Report, the committee stated that to win the war on drugs the laborer involved in marijuana production or distribution should be punished, while the individual user forgiven:

In American law there is ample precedent for a partial prohibition scheme […] the criminal sanction extends to the gambling entrepreneur, not the gambler; to the distributor of pornographic material, not the private consumer; to the person who sells alcohol and tobacco to underage consumers, not to the youths themselves […] during alcohol prohibition, it was the bootlegger, not the individual consumer, who was the criminal (cited in Bonnie and Whitebread 1974: 77).

Despite unfaltering attempts on behalf of the government to narrate marijuana as a corrosive drug, the public remained legally incompliant, showing extreme fragmentation in political and cultural understandings of “tough-on-crime” strategies and to whom they should apply. By 1971, four states allowed prosecution of marijuana possession as a misdemeanor and only three states (Texas, Pennsylvania and Rhode Island) maintained mandatory felony penalties for the same offense (Bonnie and Whitebread 1974: 278). In
fact, in 1971 California issued the California Marijuana Initiative (CMI), which stated that citizens under 18 years of age would not be criminally punished or targeted for planting, cultivating, harvesting, drying, processing, preparing, or transporting marijuana for personal use (Bonnie and Whitebread 1974: 281). By the end of that same year, all but three states had removed the felony penalty for possession, effectively marking a temporary but widespread decriminalization at the state level. And by 1978, eleven states\(^{18}\) had decriminalized marijuana for individual use, with public support from a multitude of national organizations such as the American Bar Association, The American Medical Association, the American Public Health Association, the National Education Association, the Consumers Union, the National Council of Churches, and the American Academy of Pediatrics (Himmelstein 1983: 105).

Despite this spreading liberality at the local level, these measures guaranteed protection only for the individual distributing and consuming marijuana for personal recreation or medicinal purposes, not for those engaged with the drug as a larger economic resource. Even those who were in favor of legalizing or decriminalizing marijuana consumption and possession were adamant about the inherent criminality of selling the drug, signaling a moral demarcation of the two activities. In 1976, Dr. James Goddard, head of the FDA, stated that “there should be no penalty for possession of marijuana, only for sale or distribution […] I’m interested as a physician in changing the penalty for possession. I don’t think we ought to be making felons out of our college students” (cited in Bonnie and Whitebread 1974: 235). The language used by the medical community and others in support of the decriminalization of marijuana presented an

\(^{18}\) Oregon, Alaska, Maine, Colorado, California, Ohio, Minnesota, Mississippi, Nebraska, New York and North Carolina.
argument that delivered a rather conservative message under the guise of liberal penal sentencing. By focusing on the innocence and even victimhood of drug users, and maintaining the need to fight a war against “sales and distribution,” conservative and totalizing representations of those who sell drugs as “bad” and in need of punishment persisted.

In 1984, seven years after Nixon’s presidency, President Ronald Regan took office and initiated the first comprehensive revision of the United States’ criminal code since the turn of the century. As Marc Mauer suggests,

One means of expanding the federal role in crime policy was by taking on the drug problem, thus offering intriguing political possibilities for an administration seeking to send a moral message and wanting to take visible action (Mauer 2006: 60).

In order to take these “visible actions,” federal drug agencies began to enhance the role of the federal court system in the prosecution of drug offenses. The administration, along with Congress, authorized $125 million to be spent on the establishment of twelve new regional drug task forces, raising drug prosecutions by 99% between 1982 and 1988 (Mauer 2006: 61). In addition, the Anti-Drug Abuse Act of 1986 declared it national policy to create a Drug-Free America by 1995 and proposed the following: strengthening Federal efforts in eradicating illicit drug crops, shipments, and trafficking; providing strong leadership in establishing drug abuse and prevention programs; and providing Federal support for drug-abusers’ rehabilitation efforts (Civic Impulse, LLC). This national policy formalized what had previously been only unofficial understandings: the drug user needs to heal, while the drug laborer needs to be eradicated.

The proposal for a Drug-Free America and federal monetary allocations were coupled with legislative reforms designed to establish stricter mandatory sentencing laws. During the Regan Administration legislators on Capitol Hill introduced more than eighty
drug-related bills, and the House of Representatives voted to spend more than $2 billion over three years (McWilliams 1992: 25). While many of the goals set forth by the Anti-Drug Abuse Act were not fulfilled, stricter law enforcement was in fact achieved: between 1980 and 1992, the risk of imprisonment after arrest rose by 447%, and during that same period incarcerated drug offenses rose by 546% nation-wide (Mauer 2006: 30-33).

The expansion of federal interest in cracking down on drugs was not limited to the formal legislative arena, however. In 1983 Nancy Reagan established the “Just Say No” advertising campaign to encourage young adults to reject offers of drugs from dealers. On January 14, 1986, President and First Lady Reagan delivered a televised address to the nation on the Campaign Against Drug Abuse. President Reagan opened the address by saying, “Drugs are menacing our society. They are threatening our values and undermining our institutions. They are killing our children” (Reagan Foundation 2011). The pair continued their twenty-minute advertisement of the government’s tough-on-crime movement with statements that include the following:

**First Lady Nancy Reagan:** [Drugs are] tearing at our lives [and] aimed at destroying the brightness and light of the sons and daughters of the United States [...] [they] take away the dream from every child's heart and replace it with a nightmare [and] it is time for us to replace those dreams, every one of us [...] Our job is never easy, because drug criminals are ingenious. They work every day to plot a new and better way to steal our children’s lives [and] open new doors to death.

**President Reagan:** [Our] personal crusade should become our national crusade [...] we should make] treatment available to abusers [...] while treating drug trafficking as a threat to our national security [...] When we all come together, united, striving for a cause, then those who are killing America and terrorizing it with slow but sure chemical destruction will see that they are up against the mightiest force for good that we know. Then, they will have no dark alleyways to hide in [...] Please remember this when your courage is tested: you are Americans (emphasis added) (Reagan Foundation 2011).
Despite the President’s harsh carceral laws and policing measures for all drug crimes, the images publicly projected of drug users and dealers here are vastly different. Not only are youth addicts portrayed as innocent and in need of saving, they are portrayed as the victims of “drug criminals” that lurk in “dark alleyways” to quite literally kill and destroy the fabric of American life. Drug laborers become for the public not only the ultimate criminals (pure evil), but also un-American – the threat against which true Americans must respond with courage.

Similar representations circulated heavily throughout the Reagan, Bush, Clinton, and Bush II years. From the presidents and their offices emerged echoing rhetoric that painted drug abusers as potential victims while portraying drug laborers as Foucauldian “moral monsters.” Exemplifying this pattern, President George H.W. Bush appointed William J. Bennett as the Director of the Office of National Drug Policy; a man who, in response to a suggestion that drug dealers be executed using a sword’s blow to the neck, commented that “Morally, I wouldn’t have a problem with it” (cited in McWilliams 1992: 27). And Clinton, although representing a shift to a Democratic presidency, maintained the posture of being “tough on crime,” stating in his 1994 State of the Union Address,

And so tonight, let us resolve to continue the journey of renewal […] to begin to reclaim our streets from violent crime and drugs and gangs, to renew our own American community (emphasis added)(Peters and Woolley).

While Clinton’s anti-marijuana rhetoric was not nearly as aggressive as his predecessors, he endorsed the idea of a federal three strikes law (Mauer 2006: 77), and his appointed director of the Office of National Drug Control and Policy, Barry McCaffery, implemented a policy that threatened physicians recommending or prescribing medical marijuana with the loss of their DEA license to prescribe (Boire and Feeney 2006: 115). Furthermore, in 1995 the administration began a $1 billion public relations campaign.
against drugs (the National Youth Anti-Drug Media Campaign Act) that authorized $195 million per year for 5 years to produce and air anti-drug public service announcements predominantly focused on marijuana (Fox, Armentano, and Tvert 2013). Shifting back to a Republican politic in 2000, George Bush’s appointed “drug czar,” John Walters, stated that the cause of the crime problem was “moral poverty” (cited in Mauer 2006: 84), marking an intensification of anti-marijuana sentiment under which marijuana criminals were understood not only as bad, but also as morally deficient.

These political statements and legislative actions against marijuana labor and laborers were paralleled in media advertising throughout the 1980s and 1990s. The Partnership for a Drug Free America initiated a heavy advertising campaign warning youth less of the dangers of marijuana as a drug, and more so of the relentless evil of those who sell it. In the 1980s, for example, one PSA advertisement, “Snake,” depicts an African-American male in his twenties saying:

Hey, little dude, send your momma and daddy out the room, I gotta get you up on this [...] you know who I am, dealing in weed [...] now some folks will tell you that I’m dealing in poison, but hey, do I look like the kind of guy that would do that to a kid like you? (Spacesic 2006).

The advertisement ends as the dealer’s head transforms into that of a large snake, flicking his tongue at the camera. Another PSA advertisement from the early 1990s, “Kevin Scott,” shows a young school-aged African-American boy running quickly through grungy streets. A frightened voice that we can only imagine to be “Kevin Scott” says: “My teacher tells us all we have to do is ‘just say no.’ Well, my teacher doesn’t have to walk home through this neighborhood. And maybe the dealers are scared of police, but they’re not scared of me. And they sure don’t take ‘no’ for an answer” (JadoreLulu 2007). The voice stops and the camera zooms in on a large group of twenty-something African-American men looking and leering in Kevin Scott’s direction. While the last
major overhaul of laws against marijuana use and labor(ers) occurred in 1986 under the Reagan Administration, political and popular representations of drug users as being confused victims, and of drug laborers (predominantly dealers and sellers) as being ethnically and racially “dark,” malicious, and un-American, continued into the 1990s.

**Marijuana in the Contemporary American Context**

After more than two decades of the almost total criminalization of marijuana, California became the first state to legalize the medical use, possession, distribution, and cultivation of marijuana. In November of 1996, California passed Proposition 215 with 56% of the vote, officially removing state-level carceral penalties for medicinal marijuana patients who obtain either written or oral recommendations from a registered physician (London 2006; Vikovic 2010; Witte 2013). Soon after the proposition’s passage, the New York Times reported that “Proposition 215 marks the end of ‘Just say no’ – and the beginning of American’s saying a great many other things about drugs. It is a conversation that the war on drugs may not survive” (quoted in London 2006: 112).

Since then, the number of state medical marijuana legislative actions has grown exponentially. Currently, 20 states and Washington, DC have passed medicinal marijuana laws, and in 2012, two states, Colorado and Washington, passed legislation legalizing use, sale, and production of marijuana for both medicinal and recreational purposes.

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<th>State/Territory</th>
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State Marijuana Medicalization Legislation  
(Office of National Drug Control Policy)
While a large number of states have taken legislative action to legalize medical and/or recreational marijuana use, distribution, and cultivation, nine states have unsuccessfully attempted to initiate medical marijuana bills (without reaching a voting process) and seven states have never considered either a bill or an initiative (Witte 2013).

Despite variety between state initiatives that determine regulatory measures and “patient” qualifications on a continuum of loose to strict, the presence of so many similar efforts marks a popular local political shift from understanding, framing, and representing marijuana use as criminal to medical: “Marijuana patients are normal and not criminal” (London 2006: 115). According to a 2009 Gallup poll, 49% of Americans support legalizing marijuana use, and various national polls have shown that approximately 70% of Americans think marijuana should be legally available for medicinal use (Mendes 2010; Witte 2013). Yet while marijuana has vacillated between being identified as a violent, dangerous drug and an effective remedy, and its users have transformed from poor racial and ethnic minorities into “everyday” American citizens, marijuana laborers have consistently been understood as rightfully marginalized (evil) non-citizens throughout history.

Under federal law, however, marijuana use, possession, sales, and cultivation remain illegal. Yet despite the fact that legislative and penal policies have maintained themselves both in form and severity since the passage of the last major marijuana specific legislation of the 1970s and 1980s, the federal government has coupled its

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19 These states include Alabama, Iowa, Florida, Missouri, Pennsylvania, and West Virginia.
20 Support for the medicalization and legalization of marijuana is not limited to political affiliation: a recent Pew survey identified that while a higher percentage of Democrats support medical marijuana (80%), 61% of those who identify as Republican also support the legislation (cited in Witte 2013: 21).
legislative severity with unofficial rhetorical leniency. In October of 2009 what is now commonly known as the “Ogden Memo” was released, stating the following:

The prosecution of significant traffickers of illegal drugs, including marijuana, and the disruption of illegal drug manufacturing and trafficking networks continues to be a core priority in the Department’s efforts against narcotics and dangerous drugs, and the Department’s investigative and prosecutorial resources should be directed towards these objectives. As a general matter, pursuit of these priorities should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources. On the other hand, prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority of the Department (cited in Witte 2013: 24).

These sentiments – expressing strong federal interest in prosecuting traffickers and manufacturers of illegal drugs but a blind-eyed approach to penalizing sick individuals and their “caregivers” for personal use and cultivation – were echoed repeatedly during Obama’s first term by Attorney General Eric Holder as well as by the President himself (Marijuana Policy Project 2013). Most recently, on August 28, 2013, the Justice Department released an update stating that although still illegal under federal law, marijuana offenses in states that have legalized consumption and possession would not be prosecuted by the federal government unless involving violence or high-level distribution and sales (U.S. Department of Justice 2013: “Update to Marijuana Policy”).

While official federal policy maintains a “tough-on-crime” marijuana stance, the inconsistent dynamic between state and federal communities has left not only discussions but also penal realities unpredictable. In 2010, for instance, there were 853,838 arrests for marijuana offenses, but only 7,130 marijuana cases ended up in federal
court – a mere .8% of the total number of marijuana offenses on record (Kreit 2013: 1036).

Just as the original wave of marijuana criminalization relied on extensive campaigns and advertising to create public images of users and laborers (sellers, cultivators, etc.), so too did this most recent shift back along the deviance continuum towards medicalization and legalization. The first five successful state medical marijuana ballot initiatives were supported by concerted efforts from “anti-drug-war non-profit organizations” such as the Lindesmith Center, which received approximately $5 million dollars from marijuana advocacy organizations to advertise and fund the various campaign efforts (London 2006: 113). As Vikovic (2010) found, during the initial surge of medical marijuana initiatives across the country the media represented medical marijuana users and sellers/distributors in a positive light approximately 64% of the time (81).

Acceptance of medical marijuana thus extends even further than reluctant agreement to patient use; in medical marijuana states users and distributors are publically celebrated. Medical marijuana dispensaries in these states openly advertise their services in newspapers, on billboards, and in other virtual and communal spaces such as websites and the Yellow Pages. The “H★Wood Herb Medical Center” distributes the following leaflet, highlighting not only “easy” medical marijuana evaluations, but also the ability to “issue Caregiver and Growing Licenses” as well (Mental Floss):
Medical Marijuana Advertising
(“Get Legal Today!”)

Many advertisements similarly focus on the possibility of becoming a licensed producer, provider, and distributor, while emphasizing the goodness of the “doctors” and the accessibility of the “medicine.”

Medical Marijuana Advertising
(“Medical Marijuana Doctor”)

Medical Marijuana Advertising
(“Everybody Loves Our Doctor”)

55
Representations of marijuana users as patients is not new; as discussed previously, depictions of addicts through the frames of victimhood and illness have existed since marijuana campaigning began surfacing in the 1930s. In 21st century America, however, the role of marijuana laborers has been introduced in a novel way. Not only does “everybody love” them (and presumably not despite their work but rather for it), but they are no longer represented as dark men lurking in alleyways; instead, we see them as young attractive “doctors” ready to serve their patients.

By promoting medicalization efforts in a manner similar to criminalization efforts decades earlier (as moralized media and advertisement campaigns), marijuana laborers and users have begun to acquire the ability to politically and popularly transform their images from criminals into doctors and patients, and medicalization and legalization efforts have managed to become “hip, stylish, compassionate, new and even exciting” (London 2006: 145). This ability only occurred, however, as marijuana became a “mainstream” American issue, further marking disparities between different types of
marijuana labor(ers) in the United States. Older images of marijuana dealers depicted poor men of color, inherently immoral and in need of imprisonment; now, white men and women are represented as good neighborhood marijuana doctors and healers.

As Tracie Witte (2013) summarizes in the introduction to her research,

Within the past century in the United States, marijuana has been constructed as a little known medicinal remedy listed in the United States Pharmacopoeia, a violent drug brought into the country by our Southern neighbors in order to wreak havoc on middle class youth, an aid to African American musicians who played “voodoo” music (jazz), a “drop out” drug leading to the downfall of potentially participatory citizens, a tool to spur resistance against the government, an enemy in a war, a therapeutic medicine for a various ailments and diseases. Its constructions have greatly fluctuated (4).

From early media efforts under the moral-entrepreneurship (Becker 1991) of Anslinger in the 1930s to the most recent shift toward medicalization at the turn of the 21st century, the ways in which marijuana has been patrolled and policed has been greatly influenced by its public representations. How, then, can we understand and articulate this dichotomous relationship in which some drug laborers have gained access to a medicalized framework that turns them into prestigious “doctors” (healers, helpers, and “caregivers”), while others remain on the criminalized fringe? What does this relationship look like? And how do contemporary political and popular representations inform or push back against the construction of such a dichotomy?
“The DEA targets criminals engaged in the cultivation and trafficking of marijuana, not the sick and the dying.”
– U.S. Department of Justice (2013), Position on Marijuana

The previous chapters’ socio-historical analysis of how we have come to know, represent, and treat marijuana deviance in the United States provides important insight into the designation shifts that have occurred nation-wide over the past century and emphasize that contemporary marijuana designations remain in a state of legal and cultural liminality. Though strict understandings of marijuana as an inherently criminal substance are fading, “liberal” understandings of marijuana as acceptable and “medical” have not completely taken root. As the 2013 Department of Justice statement unintentionally reflects, contemporary legal and cultural treatment of marijuana as both medically justified for the “sick and the dying” as well as criminally punishable for cultivators and traffickers speaks to a larger effort to define and categorize who is capable of partaking in the medical marijuana industry and who should be forced to reside in its margins.

Evidenced by the heavy campaign and advertisement work done by moral entrepreneurs (such as Anslinger and Reagan) in the historical marijuana debate, political representations of marijuana deviance often help to condition how the public understands marijuana labor and laborers. In order to investigate what contemporary political representations are saying about this work and these subjects, this chapter will discuss and analyze three major statewide legislative efforts in California to medicalize and legalize marijuana (Proposition 215, SB 420, and Proposition 19). I will also analyze
reactions to Propositions 215 and 19 within three political geographies in the state: San Francisco (pro-regulation), Los Angeles (moderate), and San Diego (prohibitive/punitive). In both in the legislative texts as well as in public responses to them I will consider the following: What figures and meanings are given to marijuana labor and its laborers? As concurrent representations of “criminals” and the “sick and the dying” emerge in federal rhetoric, how do politics in California come to negotiate marijuana’s liminal legal state at the local level?

Local Legislative Efforts: Proposition 215, SB 420 & Proposition 19

Proposition 215, SB 420 and Proposition 19 are the three main marijuana legislations to be attempted around the turn of the 21st century in California. While Proposition 215 proposed the permissibility of marijuana use and prescription for medical purposes and SB 420 attempted to clarify the former’s requirements for patient eligibility (both of which passed), Proposition 19 proposed statewide legalization of marijuana for all purposes, an effort that ultimately failed.

Proposition 215 was one of the first successful statewide medical marijuana legislations in the nation, and the first in California. Proposition 215, commonly known as the Compassionate Use Act, was spearheaded by Dennis Peron (a long-time California medical marijuana activist) and two major medical-marijuana groups of the time: Californians for Compassionate Use and Californians for Medical Rights. Various individuals across the country helped to financially support the campaign for Proposition 215, including George Soros (a New York-based philanthropist, who donated $350,000),

22 My analysis of reactions to California’s main marijuana legislative efforts will not include a discussion of SB 420. This decision emerged as I began my research process and noticed that SB 420 did not garner significant public attention either in support or opposition.
George Zimmer (the owner of Men’s Warehouse, who donated $160,000), Peter Lewis (the President of Ohio’s Progressive Corporation, who donated $300,000) and Laurence Rockefeller (who donated $50,000) (Vitiello 1998: 4). These monetary donations were coupled with local campaigns to collect signature support for the proposition, efforts exceeding necessity with approximately 850,000 signatures (Vitiello 1998: 4). On November 5, 1996, Proposition 215 was enacted with 56% of the vote, with the majority of approval votes coming from the coastal counties of the state.

![Proposition 215: Electoral Results by County](Kuryk 2009)

Despite these varied rates of approval, Proposition 215 managed to successfully add Section 11362.5 to the California Health and Safety Code to “ensure” the following:

That seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person’s health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other illness for which marijuana provides relief […] that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction [and] to encourage the federal and state
governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need (California Secretary of State).\textsuperscript{23}

While extremely concise, the proposition is often criticized for its “loose” language, primarily in reference to “any other illness” being considered valid medical need for marijuana upon the recommendation of a physician. Much of the opposition from anti-marijuana advocacy groups such as Citizens Against Legalizing Marijuana (CALM), Coalition for a Drug-Free California, and Californians for Drug-Free Youth focused heavily on the proposition’s lack of specificity as grounds for demanding its repeal. Concerns about unsafe child (“even children could smoke pot,” “there is no age restriction”) and consumer consumption (“no consumer protection,” “home grown pot” as not constituting “real” medicine) were common (Fox, Meyers, and Rose). While critics focused on the possible harm to children and consumers, television advertising campaigns in support of the proposition focused on another side of the victimization debate, featuring cancer survivors, doctors recommending marijuana to ailing patients, and the widow of a cancer patient who had used marijuana to ease his suffering (Vitiello 1998: 4).

An aspect of the proposition that is not as often discussed, however, is the fact that under Proposition 215, physicians, primary caregivers, and patients are all given state-sanctioned immunity from prosecution, while marijuana laborers are not. Even the advocacy groups in support of Proposition 215, such as Americans for Safe Access, NORML, and Safe Access Now publically focused their efforts on establishing the rights of adults to use marijuana legally, both for recreation and medicine. Their support for marijuana laborers, on the other hand, is organized into simple pieces of advice, such as

\textsuperscript{23}Chapters three and four of this thesis are predominantly analysis chapters of primary materials, including visual as well as language-based representations of marijuana labor(ers); all emphasis in these primary materials was added by the author of this thesis.
NORML’s “Guide to Medical Marijuana Physicians,” and Americans for Safe Access “Legal Information,” which highlight ways to limit law enforcement encounters and emphasize knowing one’s legal rights under California law. The complete absence of a discussion about the legal and moral status of marijuana laborers demonstrates an erasure of marijuana laborers’ specific legal and cultural status.

After the passage of Proposition 215 and the ensuing critique of its potentially negative implications, SB 420 (2003) was introduced by Senator Vasconcellos, requiring the State Department of Health Services to “establish and maintain a voluntary program for the issuance of identification cards to qualified patients and would establish procedures under which a qualified patient with an identification card may use marijuana for medical purposes” (California State Legislature 2003). SB 420 also highlights the legislature’s goals:

It is the intent of the Legislature, therefore, to do all of the following [including]: clarify the scope of the application of the act [Proposition 215] and facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid unnecessary arrest and prosecution of these individuals and provide needed guidance to law enforcement officers [and] enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects (emphasis added)(California State Legislature 2003).

Although characterized by its intent to clarify and improve the functioning of Proposition 215, SB 420 introduces a legal framework fraught with latent moralized definitions of who is considered a “qualified” medical marijuana patient, who belongs to “collective, cooperative cultivation projects,” and who is understood to be “unnecessarily” (versus necessarily) arrested and prosecuted. The definitions that SB 420 provides to clarify earlier Proposition 21 make these latent moral divisions even clearer:

*Attending physician* means an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board
of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient’s medical record the physician’s assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate (California State Legislature 2003).

**Primary caregiver** means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person (California State Legislature 2003).

**Serious medical condition** means all of the following medical conditions: AIDS, anorexia, arthritis, cachexia, cancer, chronic pain, glaucoma, migraines, persistent muscle spasms, seizures, severe nausea, any other chronic or persistent medical symptom that either (a) substantially limits the ability of the person to conduct one or more major life activities or (b) if not alleviated may cause serious harm to the patient’s safety or physical or mental health (California State Legislature 2003).

While these definitions use words such as “qualified” and “designated,” formalizing the prescription, purchase, and use of marijuana in California, they do so at an exclusionary cost not directly represented in the text of the bill. In describing the California Medical Marijuana Program implemented by SB 420, the California Department of Public Health states that to participate in the program one must have a physical copy of a doctor’s recommendation, proof of identity, proof of residency (a bill and/or vehicle registration), and pay a fee (California Department of Public Health 2013). Although these requirements were created for a valuable reason and mirror standard state-initiative requirements across the country, they create an impact that excludes poor Americans from access to the program and demonstrate a definitive class bias in who is able to be “sick enough” and responsible enough to use or provide medical marijuana.

Furthermore, SB 420 includes no mention of how those who produce and provide large quantities of medical marijuana to patients can do so under California law.
This lack of legislative representation and the ensuing legal ambiguity of marijuana laborers are addressed only with the idea that “caregivers” and “collective, cooperative cultivation projects” are legally, politically, and morally justifiable; those who are not mentioned in SB 420 are thus assumed to be unjustifiable in all respects. The end of the bill reads as follows:

The individuals specified in subdivision (B) [described above] shall not be subject, on that sole basis, to criminal liability […]. However, nothing in this section shall authorize the individual to smoke or otherwise consume marijuana unless otherwise authorized […]. nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit (California State Legislature 2003).

Although largely excluded from the document, marijuana laborers are directly referenced in the concluding comments of SB 420 in reference to the complete and uncontested illegality of cultivation and distribution of marijuana for profit. While SB 420 is typically seen, by both pro and anti-marijuana forces as a beneficial legislative effort in the negotiation of medical marijuana’s legal clarity, it underhandedly creates standards of inclusion and exclusion based upon classed definitions of what qualifies as “necessary” and “unnecessary” arrests and prosecution and what it means to be a “safe,” “collective,” and “cooperative” project.

California’s most recent major legislative move in regard to the marijuana debate occurred in 2010, when Richard Lee and Chris Lehane introduced Proposition 19 (also known as the Regulate, Control, and Tax Cannabis Act) in an attempt to legalize marijuana in the state. Although the proposition was defeated, with 53.5% of California voters in opposition, Proposition 19 would have added Article 5 to Chapter 5 of Division 10 of the Health and Safety Code, and intended to achieve the following:

[To] make lawful certain personal and commercial marijuana-related activities, authorize local governments to adopt ordinances to regulate, control, and impose appropriation taxes or fees on those commercial
activities, and prohibit the furnishing of marijuana to minors (State Board of Equalization 2010).

Stepping out of Proposition 215’s framework of “legitimate/illegitimate” need and “necessary/unnecessary” criminalization, Proposition 19 would have made it legal for adults over the age of twenty-one in California to “personally” possess, process, share, transport, and cultivate marijuana. The proposition also specifically stipulated the legality of marijuana labor and laborers, making it “lawful to regulate, license, control and/or permit” the cultivation processing, distribution, transport, and sale of marijuana to adults (State Board of Equalization 2010). The stipulations of Proposition 19 on marijuana labor(ers) included the following: retail sales on licensed premises only, “safe and secure transportation,” the prohibition and punishment “through civil fines or other remedies [of] the possession, sale, possession for sale, cultivation, processing, or transportation of cannabis that was not obtained lawfully,” and “limits on zoning, locations, size, hours of operation, occupancy, protection of adjoining and nearby properties and persons from unwanted exposure […] and other controls necessary for protection of the public health and welfare” (State Board of Equalization 2010). This inclusion marks the first legislative attempt to make marijuana labor visible and acceptable in California, and its failure to pass marks a clear rejection of such an attempt.

Though Proposition 215 and SB 420 were approved when they went to the California ballot in 1996 and 2003 respectively, Proposition 19 fell just short of approval in 2010. The failure to legalize marijuana for adults over the age of twenty-one demonstrates that although most of California, and certainly the state legislature,
recognizes the potential medicality of marijuana,\textsuperscript{24} there is still much debate surrounding to whom, where, and how legitimate access should be available.

**Marijuana Activism’s Universal Concern For Child Protection**

Advocacy groups in support of Propositions 215 and 19 emphasize the regulatory effects of the two legislative efforts, with particular interest in the ways in which the propositions would counter violence and sickness by demanding a drug policy in which patients and adults could safely access marijuana. Although on different sides of the political spectrum, groups such as Citizens Against Legalizing Marijuana (CALM), Coalition for a Drug-Free California, and Californians for Drug-Free Youth employ similar strategies in their anti-campaign efforts. All three groups feature images of groups of children on their webpages, ranging in age from preteen to teen, on a spectrum of skin tones and ethnicities, smiling and hugging (Citizens Against Legalizing Marijuana; Coalition for a Drug Free California; Californians for Drug Free Youth 2012). Citizens Against Legalizing Marijuana states the following:

We affirm the 2006 FDA finding and vast scientific evidence that marijuana causes harm. The normalization, expanded use, and increased availability of marijuana in our communities are detrimental to our youth, to public health, and to the safety of our society (Citizens Against Legalizing Marijuana).

Their focus is to decrease harm to communities, youth, and the health and safety of “our society,” with an emphasis on eliminating the “availability of marijuana.” Sentiments that imply moral indignation toward those who supply the drug (rather than those who

\textsuperscript{24} Multiple national polls have demonstrated public support for doctors being able to legally prescribe marijuana as a treatment for their patients, including a CBS News national poll (2011), a Gallup Organization national poll (2010), an ABC News/Washington Post national poll (2010) and a Pew Research Center poll (2001) (ProCon 2013).
demand it) are mirrored in the mission statement listed on the Coalition for a Drug-Free California’s webpage: a program to “reduce demand,” “prevent use,” and “treat and rehabilitate those who have fallen victim to addiction (Coalition for a Drug-Free California). These advocacy groups highlight the victimization of users at the hands of an unknown source. While readers and potential voters can understand this source to be marijuana itself, the drug evades personalized blame, and drug dealers/distributors assume the identity of criminals who threaten and endanger the happy children that need to be encouraged to “Say NO to drugs, YES to life” (Citizens Against Legalizing Marijuana).

While breaking from the medical framework and stepping into one of legalization, Proposition 19 campaigns utilized strategies reminiscent of the campaigns for both Proposition 215 and SB 420. The “YES on 19” campaign released multiple television advertisements highlighting the benefits of the proposition. One video focused on the reduction of underage use, depicting a group of teenagers trying to buy alcohol, getting carded, and then successfully going to a house where they easily purchased marijuana. The advertisement’s voice-over tells the viewer: “Kids can’t buy alcohol, but buying marijuana doesn’t require an ID. It’s time to control it. Just like alcohol. Vote Yes on 19” (TaxCannabis 2010: “Ask for ID”). Another advertisement uses the voice and opinion of a California Police Chief to deliver their message:

Today, it’s easier for a teenager to buy pot than beer. Proposition 19 will tax and control marijuana just like alcohol. It will generate billions of dollars for local communities and allow police to focus on violent crimes and put drug cartels out of business. Join me, vote Yes on Proposition 19 (TaxCannabis 2010: “Police Chief McNamara”).

As the message is delivered, police sirens wail and the camera displays dark city streets complete with the sounds and pictures of slamming prison bars.
These advertisements received an abundance of public response and support, much of which resembled the advertisements and campaigns themselves. These responses seemed to loosely describe one sentiment: despite condoning marijuana labor, Proposition 19 would effectively serve as a form of “protection” against “bad” marijuana laborers (drug cartels and “street dealers”) and would, via the help of “good” marijuana laborers,” protect America’s children. A sample of public forum responses in support of Proposition 19 reveal this fracturing of marijuana laborers into different moral categories:

Atlantasbest: Legalize drugs and regulate them, tax them and we will reduce crime and put the drug cartels out of business and don’t give gangs in America something to do (TaxCannabis 2010).

Myskyren: Again, I ask you, what’s stopping your kids from getting weed now? I assure you that finding a dealer and getting some pot is no difficult task, and if anything you should be more worried about THAT because that is quite a lot more risky for them […] People might buy it for them, but I think it will still be less risky than getting it from shady drug dealer folk (TaxCannabis 2010).

Pred: Let’s think about the movie Friday. Do you want to buy your weed from Big Worm or do u want to buy it from the local smoke shop? Hell even if u don’t smoke (like me) do you want your kids getting it from a guy who is likely to shoot u if he don’t get his $20? It’s clear to me, vote yes on 19 (TaxCannabis 2010).

Blainyrules: Asking ID for weed has got to be one of the funniest things I’ve ever heard. Just arrest the damn dealers (TaxCannabis 2010).

Ari K: Prop 19 won’t cut down the use of marijuana for anyone who wants to use it young or old. We’re simply not making it illegal for 21 and up, effectively kicking the drug cartels out of our state thereby reducing the weapons on our streets (TaxCannabis 2010).

Representations of marijuana laborers that exist outside the medical-legislative sphere as dangerous, violent, and undesirable circulate on many websites that discussed the passing of Proposition 19. NORML California’s website featured an article discussing the release of the two “Yes on 19” advertisements discussed above and was met with similar
comments from readers. Multiple commentators discussed the violence of drug cartels, stating:

The *drug cartels just killed another 13 people* this weekend 1 mile across the border. Let’s take away some of their funds! Vote YES on 19! (Armentano 2010).

Today I heard *another 13 people were just executed* in a drug rehab facility by *drug cartels* there […] voting no on 19 does not make sense (Armentano 2010).

Yeah! Vote NO on prop. 19 and *give the power to the Mexican drug traffickers and all afghan war enthusiasts* (Armentano 2010).

While the majority of the comments centered on Proposition 19 as a form of protection – whether for children or against “cartels,” “dealers,” “Mexican drug traffickers,” or “afghan war enthusiasts” –, and reiterated the historical image of the racialized marijuana criminal, a few discussed the idea that the criminalization of marijuana smoking and sales is an attack on personal freedoms. One commentator (“john davis”) wrote on October 26, 2010: “This is not just about people wanting to smoke pot its also about personal freedoms and taking away govt. control people shouldn’t be punished for having different views and lifestyles […] vote yes please” (Armentano 2010). While few, these comments introduce the possibility that marijuana laborers could be nothing more than Americans exercising their rights as citizens.

**Reactionary Representations: Public Response to Propositions 215 & 19**

As the previous chapter demonstrated, since the 1930s the use of the media to project and circulate representations of the dangerous and racially othered street-level marijuana laborer was essential in both political and cultural marijuana campaigns. Currently, the print news media continue to reflect upon marijuana designation shifts. In
California, a state that is politically and popularly fractured in its understandings and support of new “liberal” drug policies such as Propositions 215 and 19, the print news media occupy an important site of representational negotiations in which “forms of jurisdictional claims focusing primarily on defining strict knowledge boundaries and behavior regulation” are both explicitly and implicitly exhibited (cited in Mizrachi and Shuval 2005). How are marijuana laborers, who are eliminated, ignored, and forced into master binaries of good and bad in most legislative discussions, imagined in less official public forums?

To answer this question I will be analyzing, as discussed in the introduction to this thesis, three major local news sources (San Jose Mercury News, the LA Times, and the San Diego Union-Tribune) from California. These news sources represent the supposed political variation within the state (pro-regulation, mixed, and punitive/prohibitive), as well as three different geographic regions. In order to analyze the representations that have emerged from these sources, I have compiled and analyzed all front-page articles, editorials, and letters to the editor in each news source for the yearlong period (January 1 – December 31) surrounding Proposition 215 (1996) and Proposition 19 (2010) respectively.

<table>
<thead>
<tr>
<th>Number of Front-Page Articles, Editorials, and Letters to the Editor</th>
<th>San Jose Mercury News</th>
<th>Los Angeles Times</th>
<th>San Diego Union-Tribune</th>
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<tbody>
<tr>
<td>Prop. 215</td>
<td>8</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Prop. 19</td>
<td>5</td>
<td>14</td>
<td>17</td>
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The majority of front-page articles, editorials, and letters to the editor that exclusively addressed propositions 215 and 19 discussed marijuana labor in reference to protection:
protection of children, protection of families and communities (including the nation), and protection of patients.

Negative reactions to the possibility of both medicalizing and legalizing marijuana focus largely on the proximity of and access to marijuana that the two propositions would enable if passed:

Proposition 215 will make it legal for people to smoke marijuana in the workplace, in public spaces, next to your children […] Don’t be fooled by Proposition 215. It is an initiative created by drug dealers and promoted by drug legalization advocates (Gates 1996).

The reality is that Proposition 19 is a poorly constructed and misleading initiative funded mainly by the personal fortune of one marijuana dealer. It will increase drug use among our youth, waste tax payer dollars and create new regulatory burdens for local governments […] the last thing we need to do is make it easier for dealers to increase their customer base by pushing pot on kids (Feinstein and Baca 2010).

Passage of Proposition 215 would grind to a halt any law-enforcement effort to investigate the illegal, recreational use of marijuana […] Giving that responsibility to voters who must evaluate a poorly written initiative is not the answer, and it will not assist our efforts to keep drugs out of the hands of children (Feinstein 1996).

These excerpts emphasize not only the threat that propositions 215 and 19 pose for “efforts to keep drugs out of the hands of children,” and intent to decrease and eradicate “drug use among our youth,” but also the implicit source of that threat: drug dealers who not only “push pot on kids,” but also are considered to have drafted the legislation themselves.

In addition to the more formal articles and editorials that emphasize protecting children from an identified source, other less formal discussions of the propositions present a similar argument: the passage of the propositions will hurt our children. For example, on October 23, 2010, two letters to the editor comment on Proposition 19’s possible passage in the November elections. One writer, Marcie Beckett, asks: “Doesn’t
anyone care about how legalizing marijuana will *hurt our kids* […] *anyone who cares about our youth will vote against* legalizing marijuana,” while another, Denny Morrow, adds, “To approve Proposition 19 would only serve to *further spin the moral compass of youth and increase the probability of use*, validated by misguided and uninformed adults” (*San Diego Union Tribune* 2010: “Proposition 19”).

Extending the discussion of the need to protect children from drug dealers to a more general moral endangerment and threat of harm, some commenters stress the need to protect families and communities. While the contributors that discussed protecting children were unanimously opposed to propositions 215 and 19, those who expressed the need to protect families and communities (locally as well as nationally) included supporters as well as their opponents. One author, after describing crime commonly associated with the marijuana trade, wrote, “Growing numbers of *innocent people are killed in the black-market trade* […] continuing to do more of what has not worked for a century will *enrich marijuana drug producers and criminals*. But a ‘yes’ vote on *Proposition 19 will make all of us safer*” (McNamara 2010). Although on opposite sides of the political spectrum, various authors and contributors similarly emphasized the need to protect families and communities from marijuana “criminals,” and the “threat to America” that those individuals represented (Fiore 1996). Deborah Gilly writes as follows to the *San Diego Union-Tribune* before the elections in November of 2010:

> When I was in high school, students had a saying that every student in school understood: ‘Drug abusers are snoozers and losers.’ Why can’t the adults understand what students already understand? *Vote against the legalization of marijuana and send a message that drugs destroy families* (“Proposition 19”).

While some believe that medical/legal marijuana would discourage “drug producers and criminals” and “make us all safer,” to others that possibility represents not only the
destruction of the family but also a “threat to America.” What is common among the
narrative of all of the aforementioned commentators, however, is the belief that the
current marijuana situation in the United States represents something that threatens
families, communities, and the nation and thus requires “protection.” Although the facts
used in support of their arguments vary, these commentators conclude with totalizing
statements that imply similar moral positionings: if marijuana labor, and particularly non-
medical marijuana labor, is dangerous, violent, and destroys families, what type of person
would not want to eradicate it?

While the notion of protecting children and communities was predominantly
cited by individuals who expressed opposition to Propositions 215 and 19, a third
framework also emerged, and was more commonly utilized by supporters of these
legislative initiatives. Although still functioning within a protection framework, this
seemingly more “liberal” construction focused on protecting patients who need medical
marijuana. Personal narratives dominate the patient protection framework, such as the
story of “Sonia Kaye.” Sonia Kaye is described as going “on a wine country vacation”
with three friends, “all in their 80s,” during which they decide to stop by the Cannabis
Buyers’ Club. Sonia and her friends react to the experience, stating that

The four of us were very impressed with the way they helped all those
people who really were practically dying […] I’m not a smoker or a
drinker, but I do very much want to see this legalized (Wilkie 1996:
“Marijuana as Medicine”).

These narratives depict all-American characters – generally elderly, “law-abiding”
citizens, who find solace in witnessing and participating in the care that medical
marijuana dispensaries gave to severely ill patients.

Woven into the patient protection framework is the less common and yet
extremely important discussion of the protection of patients’ rights and freedoms.
Although this discussion was sparsely found and inconsistently incorporated, its presence is important. Mirroring the Sonia Kaye narrative discussed previously, these patient-rights narratives argue for not only the normality of medical marijuana supporters, but also their “Americanness” and inherent non-criminality:

Two weeks ago, my parents accompanied two of their good friends on an adventure into an unknown world. Four octogenarians who lived through the Depression, helped fight a world war, built successful businesses and would never think of smoking, let alone doing drugs, were in search of marijuana […]. The intrepid four were overwhelmed by the sick and sad condition of so many around them. Sick and sad, not from drug use, but from the ravages of disease and the debilitating effects of pain and nausea. The four travelers accomplished their mission and returned home with a whole new view of what they had been taught about drugs. The simplicity of ‘zero tolerance’ no longer seemed so simple […]. The real issue is whether people should be denied the opportunity to seek some relief from the symptoms that make their lives miserable. We are not talking about a bunch of kids sneaking out to get high. Will the sick and dying have to go to illicit sources? Sources that do not test to see if the cannabis is laced with more dangerous drugs? […]. Do we really want to create another class of criminals? […]. People who have led valuable lives, made significant contributions to society, raised productive, caring families and are now following a doctor’s advice should not be unintended casualties of friendly fire of a drug war (Hayutin 1996).

While the dynamic remains the same – the patient as the sick(end) victim – the discussion here provides a new perspective, as it pertains not only to the patient who needs protection but also the that patients’ very rights and freedoms. As Hayutin writes, “The real issue is whether people should be denied the opportunity to seek some relief from the symptoms that make their lives miserable.”

Responses to propositions 215 and 19 not only depict patients in need of protection (help from the medicine as well as access to it, safe from the dangers and insecurity of the “streets”), but also everyday “normal” people who support legislative efforts to medicalize and legalize the drug:

This issue is about fairly normal people. It’s not about wackos and drug dealers. It’s about normal people trying to make the final days for someone they love as tolerable, as free of pain as they can (Bailey 1996).
It’s bad enough he ordered state police to raid an underground club where sick and suffering patients are forced to obtain illegal medicine [...] We are in desperate need of a legalized and regulated system of distribution for medicinal marijuana. Keeping it illegal and under control of the black market forces patients to become criminals. What in heaven’s name is this accomplishing? (Regen 1996).

Californians should vote yes on Proposition 215, which would let doctors recommend marijuana without fear of criminal prosecution [...] This initiative doesn’t legalize marijuana use by healthy people. It doesn’t legalize ‘engaging in conduct that endangers other.’ Essentially, it lets law-abiding people seek relief from pain and illness without feeling like criminals. Vote yes of Proposition 215 (San Jose Mercury News 1996: “Marijuana as Medicine”).

These commentaries reveal moralized binaries; “normal people” are posited against “wackos and drug dealers,” and those who deserve to “become criminals” against those who do not. These normalizing efforts demonstrate that the campaign for medical/legal marijuana is steeped in the same values that the more conservative opponents of legalization profess, creating boundaries between who does and does not deserve their criminality; “patients” are not “criminals” and “wackos and drug-dealers” are not “normal people.” Even though the source of the “danger” is not explored explicitly in conversations about patient protections and rights, it lurks within remarks made by those on both sides of the debate. If marijuana itself is not dangerous (it is at least a potential medicine), whom can we blame for this overwhelming need to protect ourselves, our family members, and our nation?

Localizing the “Threat” of Marijuana Labor(ers)

These accounts, which stem from both advocates and opponents of legal/medical marijuana, converge not in their descriptions of the drug itself, but rather in their descriptions of the people who provide it. Marijuana laborers are represented as a fractured category: medical providers who protect versus drug dealers who are
unwaveringly and inherently “bad,” closely resembling depictions of street-level drug peddlers found in American media landscapes since the 1930s. Although these “bad” drug laborers are not always transformed into the snakes and monsters seen in the public service announcements of the 1980s and 1990s, they are often referred to as Mexicans, illegal aliens, predators, cartels, gangs, terrorists, (street) dealers, and outlaws – in essence, violent and othered non-citizens.

As previously discussed, many public responses to both Propositions 215 and 19 circulated the image of the need for protection (of children, communities and patients) from an unknown yet prominent presence. While discussion of the dangers of marijuana use were prevalent, the face of danger, associated for conservatives with the passage of Propositions 215 and 19 and for liberals with their rejection, was repeatedly described as a violent menace:

*Legalizing and taxing marijuana could put the cartels and the gangs out of the marijuana business […]* legalization would take away the huge economic incentive for the terrorism, corruption and killing ([Los Angeles Times](2010: “The Pot Problem”).

Up to now, the fact that cannabis is illegal has meant that the unregulated market has been largely controlled by organized crime groups, and the trade has sparked considerable violence, both in the United States and in Mexico. Given the widespread availability and use of cannabis despite aggressive criminal justice measures, *there is no doubt that a saner system can be created if marihuana is strictly regulated rather than left in the hands of organized crime* ([Wood](2010)).

*By defeating Proposition 19, you’ve succeeded in keeping the Mexican drug cartels and the street drug dealers in huge profits, committed previous law enforcement manpower to the pursuit of a futile effort, empowered more gang violence, obligated yourselves to continued expenditures prosecuting and imprisoning people who shouldn’t be in the criminal justice system ([Los Angeles Times](2010): “Take the Gloves Off”).*

These descriptions do not depict a specific individual, but rather call on an imagery of a collective stored in the back of many Americans’ minds from both personal and
fictitious exposure: that of cartels, gangs, and organized crime groups that bring “terrorism, corruption, and killing” to those (like children, communities, and patients) who need to be protected.

In response to the possibility of the passage of Proposition 19, Winton (2010) summarized direct commentary from the then Los Angeles County Sheriff, Lee Baca:

“Citing last week’s triple murder in West Hollywood as an example of how enterprising criminals have infiltrated some of the [medical marijuana] dispensaries […] Baca said, ‘The medicinal marijuana program that voters authorized years ago has been hijacked by underground drug-dealing criminals who are resorting to violence in order to control their piece of the action […] There are predators armed and seeking easy dollars in sale of marijuana.’”

These print news media representations do not depict the doctors who prescribe marijuana as dangerous and threatening, nor do they often describe licensed marijuana dispensaries as being something that the community should be wary of. More often than not, these descriptions apply specifically to marijuana producers, dealers, and distributors who operate informally “on the streets”:

However, if we don’t pass Proposition 19, pot will still be available to children and the unprecedented crime and violence by cartels and street gangs will go unabated (Los Angeles Times 2010: “Proposition 19”).

Members contend that the closing leaves the sick who need pot to combat pain and nausea at the mercy of the street dealers (Gathright and Reed 1996).

Self-evidently, cannabis is here to stay. Let’s address this reality and stop ceding control of this market to unregulated, untaxed criminal enterprises and put it in the hands of licensed business. Proposition 19 is a first step in this direction (Armentano 2010).

It is understandable that (“drug czar”) Gil Kerlikowske would state that the administration is opposed to drug legalization, including marijuana. Wake up, sir! We already have all of these costs now and we taxpayers are paying them while all the profits go to the Mexican drug lords and our own street gangs […] How about the greatly lowered court and jail costs of not prosecuting nonviolent drug offenders and how about taking a big bite out of the power of

Here, street-level marijuana laborers are represented as both inherently violent as well as the cause of America’s need for protection. These commentaries span both liberal supporters of Propositions 215 and 19 as well as their opponents, creating a pan-political enemy of working-class men who are understood to be dangerous and unwelcome. Even commentaries that harshly criticize licensed and taxed medical marijuana facilities, such as those of Jane Doane, the chief of the California State Bureau of Narcotics Enforcement, express discomfort not at the idea of doctors and health-care providers prescribing and distributing marijuana, but at the idea that these people are indeed “just drug dealers”: “There are no doctors or health-care providers at this club. There are drug dealers” (Gathright and Reed 1996).

While depictions of the unwanted marijuana laborer (i.e. violent street dealer) dominates the print news media’s negative representational efforts, these images are often coupled with coded references to acceptable marijuana laborers. These references allude to the need for physicians’ and citizens’ “good judgment” to save California from drug abuse (Los Angeles Times 1996: “Pall of Turmoil and Concern Over Medical Marijuana Law”) and create an understanding for the reader that not all involved in the “marijuana issue” are bad or threatening. After all, California could be saved by the reason and “good judgment” of physicians and citizens. Yet if physicians, citizens, and users are not bad or threatening, from whom do we (and does California) need protection? An anonymous reader in support of Proposition 19 wrote the following to the San Diego Union-Tribune:

I’m an 84-year-old who has never tried drugs […] Criminalizing a substance such as alcohol or marijuana does not work. Among the many horrible results
of criminalizing marijuana is putting its distribution into the hands of criminals, including illegal aliens drawn by the smell of money, and then enacting laws that enroll hundreds of thousands of young, experimenting people in our bulging, badly managed and exorbitantly expensive universities of crime that we call prisons” (“Proposition 19”).

In an almost eerie reflection of decades-old representational politics, here marijuana laborers continue to be constructed as violent non-citizens: racially and ethnically charged “illegal aliens” and “criminals” who should not be trusted.

These exclusionary juxtapositions (marijuana criminals and illegal aliens versus responsible Americans) mirror federal opinion. Just as the U.S. Drug Enforcement Administration stated that “The Clinton administration will focus not on the cancer patient with an ounce of pot, but on ‘targeting the most significant drug traffickers at home and abroad’” (Wilkie 1996:), so do opinion-writers in major California publications. Following the passage of Proposition 215, San Diego Union-Tribune authors Sweeney and Meinert (1996) wrote that “declaring war on doctors in California makes no political sense,” and concluded that under the law it would be best to allow “federal prosecutors to move on a case-by-case basis […] to not single out doctors for prosecution,” and to maintain low prosecution rates for “individual users” (Sweeney and Meinert 1996).

These declarations symbolically approve of discretionary politics and policing and privilege particular people involved with marijuana while targeting others. Although inconsistent, a hand-full of informal readers take issue with these approvals. One letter sent to the Los Angeles Times by Leticia Pepper argues:

When a few criminals engage in illegal behavior it does not constitute the hijacking of an entire program. When doctors write inappropriate prescriptions or when patients themselves improperly seek prescriptions for medications, [Baca] doesn’t say that the pharmaceutical company had been hijacked by criminals (“The Pot Problem”).
Here, Leticia Pepper expresses discomfort about the ways in which particular individuals (such as violent street dealers and unprofessional dispensary owners) are depicted as “criminally hijacking” medicinal marijuana, while others, such as doctors and patients, are not. Similarly, others find a problem in how these disparate depictions play out in what are inherently racist policing practices. An editorial published in 2010 in opposition to Proposition 19 illuminates the conservative consequences of liberal Proposition 19:

A report released last week found that police in California’s biggest cities arrest blacks at four, five and even 13 times the rate of whites […] Indeed, the phenomenon occurs in every county in the state and involves almost every police department. The upshot for those arrested, even if they don’t end up in prison, is a permanent record that has life-long consequences […] having an arrest record and the stigma of being a ‘drug offender’ negatively affects opportunities for employment and housing and higher education […] California recently downgraded the charge to an infraction [for possession], but collateral damage is still likely; the low-income people most commonly arrested would have the most difficulty paying the fines for the infraction – and failure to do so would bring the charge back to a misdemeanor […] Supporters of Proposition 19 say the solution is to legalize marijuana for all. But that’s addressing a symptom, not the problem. The real culprit is not marijuana laws but policing practices that vary widely from community to community. That’s why Proposition 19 is not the answer (Los Angeles Times 2010: “Marijuana Profiling”).

These reactions represent an extremely small but important space of contestation in which readers question the consequences of both liberal and conservative marijuana politics. Instead of representing the poor minority marijuana laborer as a violent non-citizen, these readers represent him as a victim of discretionary and unjust practices of law enforcement. While rare, these comments are emblematic of the ways in which new forms of informal political participation, such as reader commentary, are complicating the larger moral frameworks projected by marijuana activists on both sides of the debate.
Bi-Partisan Rejection(s) of the Marijuana Working Class

Just a few months after the passage of Proposition 215 two major marijuana activists, Dale Gieringer (a member of California’s NORML chapter) and Dennis Peron (cofounder of the Cannabis Buyers Club and coauthor of Proposition 215), butted heads in a discussion about “what to do next.” According to Gieringer, although Peron was a long-time activist in California and had worked toward the passage of Proposition 215, “When the millionaires came, they basically said, ‘Look, we’re doing our own thing, and we want a clean organization […] They didn’t want to have anything to do with a known dope dealer and a bunch of his pothead friends’” (cited in Wilkie 1996: “Medicinal Marijuana: Smoke and Fire”).

This statement by Gieringer, an educated middle-class marijuana activist with his Ph.D., about war-veteran turned activist Peron, reflects what seems to be a blurring of liberal and conservative politics in relation to marijuana labor(ers); a blurring that uses the “inherent” criminality of the informal, poor, untrained, and racially “othered” marijuana laborer as the image of ultimate badness. The framework that emerged in my analysis of front-page articles, editorials and letters to the editor during the years of Proposition 215 and 19 tended to represent these propositions as either necessary or detrimental to the protection of children, communities, and patients.

While these representations of marijuana labor and provide only a vague occupational and cultural image of whom to fear and whom to punish, they clearly suggest a larger moral framework to think about these laborers. The street-level marijuana dealer thus become posited within an array of rigid and dehumanizing binaries: not a “normal” citizen, but a “criminal” one; not a “trustworthy” or “responsible” doctor, but a person of “chaos” and “hazards”; not a victim, but a
victimizer; not an American citizen, but a person on the fringe of American identity and community. If negative imaginings of the informal marijuana laborer is utilized not only by opponents of medicalization and legalization efforts but also by their supporters, it implies that despite the liberality of marijuana politics, the representational consequences have been overwhelmingly conservative. As marijuana in California is treated simultaneously as both medical and criminal, there is a demeaning marginalization of particular members of what could be called a “marijuana working class.”
Chapter Four

*Marijuana Labor(ers): Visualizing the Good, the Bad & the Ugly*

“It’s the medicine, from the medicine man/Nobody can give it to me like the medicine man/These ain’t your local d boys/These are the brothers that be fighting the weed wars.”

– Snoop Dogg, *Weed Wars*

While the representations described in the previous chapter provide verbal archetypes of both the good and the bad marijuana laborer, they do not provide the reader with any actual images of him. Instead, these images have emerged as detailed subjects in film and television. In 2005, the popular comedy *Weeds* was released as a Showtime series that lasted until 2012; in 2009, CNBC released a documentary, *Marijuana Inc*.; and in 2011 and 2012 three reality television series – *American Weed*, *Weed Country*, and *Weed Wars* – were aired on the National Geographic and Discovery channels. This surge in media engagement with the concepts and images of marijuana labor(ers) marks an expansion of political negotiations. These non-traditional representational sources have democratized access to the topic and have coupled with new media communities, such as social media and public response threads, to create spaces in which formal negotiations are met with informal approval and contestation.\(^{25}\)

This chapter looks at television portrayals of marijuana labor and laborers within a larger political culture that seems to support state-legitimized medical marijuana labor(ers) while simultaneously rejecting the same labor in different contexts and among

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\(^{25}\) Analyzing representations of marijuana labor(ers) in television and film is important not only because the subject has come to dominate contemporary recreational media, but also because marijuana politics, most often enacted through initiative processes, rely heavily on “shortcuts” that expedite voter/supporter decision-making. These “short-cuts” include media summaries and ideological (rather than fact-based) imagery (Alvarez 1999: 4). Thus, an analysis of these sources serves as an important component of analyzing the larger political and cultural climates discussed throughout this thesis.
different populations. More specifically, this chapter will examine two reality series about the “business” of marijuana in California, *Weed Wars* and *Weed Country*, which were launched by the Discovery Channel at the end of 2011 and the beginning of 2013, respectively. These series formed part of a popular surge in reality-television in which “cupcake makers, pawnbrokers and storage container raiders have all had their moments,” their creators’ purpose being to do nothing more than to introduce viewers to this little-known niche of contemporary America (Bauder 2013). Despite narrating personalized stories that remain on the periphery of everyday American life, both *Weed Wars* and *Weed Country* contribute to the normalization of their characters and allow for the viewer (you and I) to hone in on the divisions between acceptable and unacceptable marijuana labor(ers); allowing us to visualize not only the larger debate about medical versus criminal marijuana laborer, but also to publically react to it.

**Weed Wars: From Marijuana Businessmen to Marijuana Activists**

*Weed Wars* premiered on the Discovery Channel on December 1, 2011 and continued through the 22nd of the same month with the intention of “documenting the world’s largest medical marijuana dispensary, Harborside Health Center, in Oakland, California.” As the series pitch explains, the aim was to “enter a reality unfamiliar to most Americas: the world of legal cannabis.” The month-long series offered four episodes: “World’s Largest Medical Marijuana Dispensary,” “Federal Crackdown,” “Harborside’s Employee Betrayal,” and “Harborside’s Alternative 4/20 Celebration.” Despite being the first reality show on the Discovery Channel to represent individuals involved in the “marijuana business” in the state of California, the episodes received only
low to moderate viewer attention. After the culmination of the first season, and despite the cast’s desire to continue the show, *Weed Wars* was cancelled by the Discovery Channel just over a year after California’s Proposition 19 failed to pass.

Although *Weed Wars* did not earn a permanent spot in the Discovery Channel’s schedule, its existence represents a concerted effort to make people who work with medical marijuana in California publically visible. The show’s very structure, built around personal profiles and interviews, allows the viewer to “get to know” these workers, whom many viewers may have learned about from articles and campaigns such as the ones discussed in the previous chapters, but may have never “seen.” Direct encounters with the characters, then, are an extremely important aspect of the show’s representational efforts. As the Discovery Channel’s own advertising conveys to the potential viewer of *Weed Wars* in the “Meet the Staff at Harborside” section of their website, the men and women working with medical cannabis are, in fact, knowable. The series follows a small group of main characters, including Steve and Andrew DeAngelo, Jon Richards, Terryn, Dave, Rick, and Luigi: all men, almost exclusively white, and all well-educated.

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26 According to various cable television ratings, episode one of *Weed Wars* had approximately 1.359 million U.S. viewers, episode two had .979 million U.S. viewers, episode three had 1.044 million U.S. viewers and the last and final episode had 1.328 million U.S. viewers (“Thursday Cable Ratings” 2011).
Steve DeAngelo, cannabis activist and Harborside Health Center Founder (Discovery Channel: “Weed Wars”).

Andrew DeAngelo, General Manager at Harborside & Steve’s Brother (Discovery Channel: “Weed Wars”).
Jon Richards, medical marijuana patient and grower for Harborside (Discovery Channel: “Weed Wars”).

Terryn, Sales Associate at Harborside (Discovery Channel: “Weed Wars”).
Dave “Wedding Dress,” Co-Founder & Treasurer of Harborside (Discovery Channel: “Weed Wars”).

As Nancy Daniels, Executive Vice President of Production and Development for the Discovery Channel, stated in an interview, Discovery considered the series important because,

This is a business that is at the forefront of a movement and an industry that is coming out of the shadows […] it is fascinating to get a glimpse
into this once illegal world. And we’ve also found in Harborside some
great real-life characters who are building their family business. It’s got
drama, stakes, compelling characters and an unexplored world (Barney
2011).

The featured faces of the show’s main characters reflect Discovery’s priorities and
interest in the series itself. Regardless of whether or not they are young adults, middle-
aged businessmen, or older “alternative” individuals, the workers at Harborside seem to
be “normal” everyday Californians raced, gendered, and classed in non-threatening ways.
Terryn, although the show’s only non-white main character and the only main character
whose last name is not featured, is nonetheless represented in similar ways as the rest of
the show’s characters. Despite being involved in the marijuana business, Terryn is well
educated, “questions” his involvement in the business (often asking himself if he could
do “more” with his life), and lives with his middle-class psychologist mother: he is the
potential “model minority,” and a non-threatening brown face for the medical marijuana
business to show to the world.

The show’s clearly articulated positive intentions were instantly mirrored in
television reviews across the country, from small local publications to larger ones in New
York; Weed Wars, despite its name, features not “criminal characters”, but rather
“business” or “medicine men” involved in marketing and selling their products.

Focusing on a medical marijuana dispensary in Oakland, the show
features an eccentric lot who fight the good fight to distribute their product and
freely partake of it […] Critics might see this as romanticizing the
participants or serving as a gateway to harder shows – “Heroin
Hustlers?” “Crack Crusaders?” – but it’s really just a family business saga
(Lowry 2011).

Anyone who has every bought pot in a cloudy baggie or a wad of tin foil while someone
flushes in the next stall will be impressed by the modern face of marijuana retailing as
portrayed in the new Discovery Channel program ‘Weed Wars’ […]
depicting a family business conducted on or just past the border of polite
society (Hale 2011).
These statements present a new image of marijuana labor(ers). No longer evoking the othered and dangerous street dealers of the print-media and legislative texts, these descriptions focus on the legitimacy of medicinal marijuana dispensaries as start-up businesses: “just a family business saga.”

Notions not only of legality but also of civility and modernity are reflected in the content of the series itself. In the very first episode, Jon – a medical marijuana patient and a grower for Harborside marijuana – becomes the central focus, with detailed and lengthy camera time devoted to his expert techniques of growing, cropping, and cloning marijuana plants. These images are coupled with the show’s depiction of the purchasing department at Harborside – where Rick Pfromner, the head of the department, teams up with other workers to use computers, magnifying glasses, and scales to test and examine marijuana for type and quality.

While emphasizing the centrality of medical and scientific knowledge at Harborside, an environment in which particular workers – such as Jon and Rick – seem like marijuana “scientists,” the show also develops a narrative of medical marijuana laborers as revolutionary and visionary activists. Steve DeAngelo, the executive director of Harborside, often expresses this sentiment directly:

I’m one of those lucky people who found out at an early age what was important to them […] I’m an agent of change who’s working to bring the truth about the cannabis plant to the rest of the world [smiles] (Wallace & Braverman 2011: Episode 1).

What we are doing is risky. What we are doing is dangerous. It could put me and my family in a lot of peril. But I believe in it. I believe in this plant. I believe in what it can do for people (Wallace & Braverman 2011: Episode 1).

I can’t really list any reasons why I was drawn to doing cannabis instead of anything else. It’s like I was called by an inner voice. It’s not even something I
really have a choice about; it’s just something I have to do (Wallace & Braverman 2011: Episode 4).

Statements like these occur repeatedly in each of the four episodes, creating an image of the medical marijuana worker – be he a grower, distributor, or salesman – as working for a larger cause that is not only revolutionary (“an agent of change”), but also part of a larger goal for humanity. As Steve DeAngelo states, the work done at Harborside aims to bring cannabis “out of the shadows, into the light” (Wallace & Braverman 2011: Episode 2). This claim to revolution and moral superiority marks a shift in contextual agency in which the medical marijuana laborer can not only speak for himself, but also is able to claim his own legitimacy.

While *Weed Wars* does significant work to create the image of the marijuana worker as intelligent and revolutionary (forward thinking) the series also couples this image with another: that of the passionate family man. While the dispensary itself is seen as being “one big extended Harborside family” (Wallace & Braverman 2011: Episode 3) the characters are also shown to be family focused men who share mainstream American values. A significant portion of each episode is spent interrogating the personal lives and spaces of the main characters: we see Steve at home with his wife, picking out his conference outfits or cooking and washing dishes; Andrew doing yoga and meditating before work; Terryn eating dinner and discussing his job with his mother. In the second episode, Andrew tells us

> You know me and my brother would be great dads. I’m sure my parents would like to see that. You know a lot of it has to do with prohibition. We’re still illegal under federal law. I can’t go to jail and look through the glass, talking on the phone to my son or daughter (Wallace & Braverman 2011: Episode 3).

These sequences provide a backstory for these otherwise ostracized individuals, representing them as “normal,” responsible, and loving and depict images of “safe”
home-life – white, middle-class American values that demonstrate to viewers that even though their work is on the legal and moral fringe, these marijuana laborers are not. As Steve said in an interview with The Bay Citizen, “We’re like most American families. We say grace before dinner, we celebrate birthdays, and we mourn losses” (Barney 2011). Those who work at Harborside are portrayed as far more than “just” marijuana growers or distributors: “the best bud tenders are the people who it’s not just a job for them” (Wallace & Braverman 2011: Episode 3).

While viewers are left with a positive image of the almost entirely knowledgeable (educated and “scientific”) white male staff of Harborside at the end of the last episode of Weed Wars, the emphasis on those who grow and sell marijuana as working toward and for the health of patients is ultimately juxtaposed with an “othered” image to which the show’s own characters allude. In multiple stressful situations, in which Harborside’s reputation is attacked by both federal and state government agencies, members of the cast contrast themselves to non-medical drug traffickers and gang members:

We want to pay our fair share of taxes, however I do not believe that it is reasonable or fair to apply a measure that was intended for king pins to us [...] Nobody thinks that [IRS law] 280E should be applied to people who are helping patients, it was designed for cocaine dealers (Wallace & Braverman 2011: Episode 2).

The only question is where medical cannabis patients should get their medicine. Apparently the Department of Justice believes that it’s better for medical cannabis patients to purchase their medicine on the streets from criminals, than to get it from a legal, regulated, taxed outlet (Wallace & Braverman 2011: Episode 2).

It flies in the face of stereotypes about ‘drug dealers’ that we would develop and encourage patients to use a type of cannabis that is less psychoactive rather than more psychoactive […] I’ve been doing this for over 40 years now, and I’m not gonna stop until it’s over (Wallace & Braverman 2011: Episode 4).

In contrasting the “good,” “professional,” medically trained health practitioner with the dangerous, street-level drug dealer depicted in California legislation and print media,
these representations rely upon a similar othering strategy intended to fortify the character’s moral and social legitimacy. As Steve DeAngelo explained, the dispensary agreed to appear in *Weed Wars* in hopes of dispelling the image and reputation of the “typical criminal”: “We have been stereotyped as slackers, profiteers and criminals. With this show, they will see that we are decent people who are providing medicine for patients in a responsible way” (Elinson 2011). In this framework, medical marijuana laborers figure as sources of (rather than threats to) safety and agents of social change; according to *Weed War’s* own characters, street dealers, traffickers, and “criminals” have no place at Harborside.

*Weed Country*: American Men in an American Profession

Two years after the cancellation of *Weed Wars*, the Discovery Channel took another look at marijuana laborers, this time airing *Weed Country*, a reality series focusing on “the battle between cops, dealers and growers” within California’s “Emerald Triangle.” This series, which premiered on February 20, 2013, looked primarily at the conflicts between state, federal, and local laws concerning the cultivation and transportation of marijuana as they affected approved medical marijuana provisions. Although *Weed Country* lasted somewhat longer – six episodes27 airing over the course of more than a month – viewer interest resembled that of *Weed Wars*, with no single episode reaching more than approximately 1.3 million U.S. viewers (“Wednesday Cable Ratings” 2013).

Weed Country emphasizes the continued cultural and political controversy around marijuana in California, and by profiling a small group of individuals involved in the business, delves into the complex relationship between the politics, policing, and labor of marijuana growth and distribution. There are the “all-American” characters, such as Mike and Tawni Boutin, who, despite having relatives in law enforcement, choose to grow marijuana. There are the educated and scientific-minded characters, such as B.E. Smith and Nate Morris, who grow and sell medical marijuana first and foremost because of patient need. There is Matt Shotwell and his “crew,” characters who represent the business (and money) associated with urban marijuana distribution. And there are the police that try to enforce conflicting federal, state, and local marijuana laws within the major counties of the Emerald Triangle.

Weed Country’s Mike Boutin, Proprietor of “Grace Farms” (Discovery Channel: “Weed Country Bios”).
Weed Country’s Tawni Boutin, Co-Proprietor & Grower at “Grace Farms” (Discovery Channel: “Weed Country Bios”).

Weed Country’s Nate Morris, Emerald Triangle Grower (Discovery Channel: “Weed Country Bios”).

Weed Country’s Matt Shotwell, Former Dispensary Operator (Discovery Channel: “Weed Country Bios”).

What is most significant about these character profiles is that despite the controversy surrounding Mike, Tawni, B.E., Nate, Matt, and the work they do, their
narratives (like those of the workers at Harborside) are presented as part of an older American one: “This is the Emerald Triangle […] the marijuana market is growing out of control and rebels are staking their claim […] It’s a decades old battle between cops, dealer, and growers […] This is a story about America at war with itself” (Pruitt, et. al. 2013: Episode 1).

The representation of these marijuana laborers and their labor as being grounded in American values and history is echoed in the characters’ own word-choices. Mike Boutin, the owner of a marijuana farm, states in the first episode that “There’s nothing more American than a man taking his piece of ground and producing a product that people want” (Pruitt, et. al. 2013: Episode 1). Mike repeats this claim several times in the show: “I feel like what I’m doing is a blessing to people, I feel like what I’m doing is as American as it gets” (Pruitt, et. al. 2013: Episode 4). The image of the all-American farmer challenges the notion that the marijuana grower should occupy only the margins of society. Similarly, B.E. Smith, a Vietnam War veteran, sees his business growing and selling marijuana as more morally righteous than his service to his country, and Matt Shotwell, an urban dispensary owner, believes his work mirrors that of an American visionary tradition: “This country was founded on outlaws doing things they weren’t supposed to do, breaking the mold, and that’s what I’m gonna do” (Pruitt, et. al. 2013: Episode 6). The language of the characters mirrors not only the intentions of the producers, but also the imagery and rhetoric of the American cultural and political mainstream.

Adding to the construction of the marijuana grower and farmer as a familiar American man are depictions of him as family-focused, intelligent, and inspired. Mike, B.E., and Nate are all represented as caring father figures who try to protect and provide for the young people in their lives. Mike not only becomes concerned for his wife and
their German Shepard when he has to make marijuana delivery runs (Pruitt, et. al. 2013: Episode 1), but also assumes the role of surrogate father to Taylor, a teenager that comes to work at their farm: “I'll teach him like he’s my own son […] I feel a great amount of responsibility to make sure Taylor leaves here better than when he showed up” (Pruitt, et. al. 2013: Episode 2). This desire to protect and provide for others extends beyond Mike’s relationship with his farmhand. In describing his relationship with an ex-cop turned patient, Mike says,

You know what, when I see that he can even walk up steps now, I’m gonna come down here and make sure he doesn’t end up back in a wheel chair. That’s a big part of the reason why we do what we do, for patients just like him, cops be damned (Pruitt, et. al. 2013: Episode 1).

Similarly, B.E. and Nate both assume a sort of savior role in their efforts to help young children, be they relatives or strangers, in need of medical care:

B.E.: You’re putting yourself in a bad spot with the law, but you’re doing it for a great purpose. You’re doing it for children. And I’ve gotta take my hat off to ya.

Nate: I won’t lie man, I’m scared. Children are just a whole other element of this, it’s its own felony to supply to children, and it’s, ya know, it’s, it’s never even occurred to me that it’d be something I’d want to do until I found out about this. I can’t not do it, though, I mean it’s not, it’s so important (Pruitt, et. al. 2013: Episode 3).

While these individuals are represented as caring providers, they are also depicted as highly intelligent and morally inspired. The camera often emphasizes the work being done – planting and harvesting – as well as the expertise of each individual: not only can Nate Morris talk about the loss and gains of marijuana’s “genetic heritage” (Pruitt, et. al. 2013: Episode 3), but B.E. Smith is “the only man in the business to have read California’s legal code front to back” (Pruitt, et. al. 2013: Episode 2).
The educated grower and seller is more than that; the characters often profess their passions and their hopes for marijuana’s future. Matt Shotwell describes what he does as part of a larger “movement” that needs not only hard workers but also, “courageous people that will not give up on what they believe in” (Pruitt, et. al. 2013: Episode 4). Similarly, Mike Boutin, with a song in the background echoing a phrase introduced in Weed Wars two years before (“What’s down in the dark will be brought to the light”), tells the viewers the following: “I’m about freedom, and I’m about, ya know, give me liberty or give me death” (Pruitt, et. al. 2013: Episode 4). Here the controversy over marijuana labor and laborers explicitly joins the controversy over Americans’ rights and freedoms, transforming the formerly immoral criminal drug laborer into an American fighting for his right to mental and occupational freedoms.

In Weed Country, these positive representations of the Emerald Triangle marijuana laborer as an American, who is often male and who functions, albeit on the fringe of legality, within the larger social and political tradition, are juxtaposed with other, more negative images. Mimicking dominant representational patterns, these depictions focus on the violence and danger associated with marijuana labor(ers) who operate outside of state-approved medical guidelines. The series associates these individuals with a “tidal wave of violence,” describing them as “armed and ruthless,” using guns and booby traps to achieve their goals, and allied with MS-13 gang members (Pruitt, et. al. 2013: Episode 1). Similar ideas emerge as law enforcement officers describe their involvement in policing the growing and selling of marijuana in their communities: “There’s not a

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28 MS-13 is a large transnational gang, focused primarily in Central America and California, known for its extreme violence and called the “World’s Most Dangerous Gang” by National Geographic. Allusions to MS-13 are particularly telling, as they associate dangerous marijuana laborers with Hispanic men and gangs from urban California areas, effectively distinguishing them from the rural white marijuana growers found in the Emerald Triangle.
garden that we’ve been in where we haven’t taken weapons out of there. It’s big business
to them, and they’re willing to do anything to get their crop in” (Pruitt, et. al. 2013:
Episode 3).

While these officers stress the need to “get marijuana off the streets” (Pruitt, et. al. 2013: Episode 3), they also express a desire to eliminate the individuals who make marijuana accessible. Naming these unseen, but apparently “known” individuals as a “danger to the public” (Pruitt, et. al. 2013: Episode 2), the law enforcement officers in the Emerald Triangle make the person, rather than the substance, the issue:

Bad guys are great to get, and we push for that, because I think we hurt em twice as bad if we arrest people and get their dope (Pruitt, et. al. 2013: Episode 3).

I get kind of jacked up and excited and it’s like ‘ohhh yeaahhh,’ we’re moving in on the good stuff. I do enjoy taking the gardens out, but I will not be satisfied until I’m busting people (Pruitt, et. al. 2013: Episode 4).

Those who sell marijuana are not only portrayed as being deserving of “hurt,” “busting,” and imprisonment, but also as morally wrong non-citizens. As police officers from the Jackson County Police Department tell us,

The drug cartels are terrorists. It’s narco-terrorism that’s, uh, being imported from, uh, Mexico. They’re gonna use any means to accomplish their goals. And they will kill, will maim, and they will destroy (Pruitt, et. al. 2013: Episode 6).

From the border of Mexico, drug cartels are moving northward to the Emerald Triangle to take advantage of the remote locations’ perfect environment for growing high-quality weed. They bring with them violent tactics [show guns, bombs, hammers, etc.] used to intimidate and overpower anyone looking to get in their way. Including torture, kidnapping, and beheadings […] and the brutal cartels are now in [the] back yard (Pruitt, et. al. 2013: Episode 6).

In Weed Country, just as in Weed Wars, then, representations of the immoral marijuana laborer tend to be coupled with layered understandings of “badness.” Although Mike, B.E., and Nate, for example, are operating outside of the law, they are still part of the
Emerald Triangle, of California, and of the nation. Mike, a man who grows and sells marijuana for a living, exemplifies this, state that he fears “thugs who wanna hurt” him and his family (Pruitt, et. al. 2013: Episode 4). The utmost threat is again represented (even by those members of the marijuana labor community who participate in growing and distributing the drug for “humanitarian” purposes) by the foreigner and by the terrorist intent on bringing harm to the community.

While images of the foreign and dangerous drug cartels continue to dominate depictions offered by the law enforcement officers in Weed Country, the series also focuses on the “threats” that come from closer to home. Differing from Weed Wars, the series attempts to leave the viewer with a fixed image of what the “bad” marijuana laborer looks like. If, as Mike Boutin says, he doesn’t “wanna be thought of as a thug, a typical marijuana guy” (Pruitt, et. al. 2013: Episode 5), then what does the “typical marijuana guy,” or the “d boy” alluded to in Snoop Dog’s song look like?

The figure of the “typical marijuana guy” – as understood by Mike Boutin and the other “well-intentioned” marijuana laborers feature in Weed Country – appears in the character of Matt Shotwell. Matt Shotwell is the only character in the series that does not come from the Emerald Triangle. He is a young(er) former distributor who spends time with the only characters of color on the show, and represents, to the other members of the Emerald Triangle marijuana business, “a city guy” who “makes them nervous” (Pruitt, et. al. 2013: Episode 3). In the words of Nate Morris and B.E. Smith, he epitomizes what is “sketchy” about selling marijuana. Nate Morris expresses the local growers’ suspicion of the interloper: “I like the idea of growers and patients in need having a direct connection, cutting out as many middlemen as possible. Dispensaries scare the hell out of me” (Pruitt, et. al. 2013: Episode 2).
The attitude of the marijuana laborers from the Emerald Triangle, coupled with editorial choices that set Matt and his friends apart, underscore the distinction between acceptable and unacceptable (or “shady”) marijuana labor. The first characters of color on *Weed Country* are introduced to us as Sticks, Squeaz and Curtis – three young men with no last names who are interjected into the previously all-white character set as the country music soundtrack gives way to rap (Pruitt, et. al. 2013: Episode 4). As we briefly see these characters featured, we hear them referred to as “boys,” “Shotwell’s crew,” and traitors. Describing his interaction with Shotwell and Squeaz, who he believes may have been involved in uprooting his plants, Mike says in stereotyping language, “Why wouldn’t you have marched your ass up to my house and said, ‘hey, brutha’ […]. That just stunk to high heaven right off the bat to me” (Pruitt, et. al. 2013: Episode 6). Mike not only changes the language and the tone of his speech as he mimics Squeaz, but also expresses his distrust of the newly introduced character. While not explicitly racist, Mike’s linguistic characterization of Squeaz marks a clear othering strategy that signals him as not belonging. These brief interactions juxtapose the already complex, fundamentally sympathetic characters of Mike, B.E., and Nate with the urban, racialized drug dealer, ultimately leaving the viewer with a specific image to fear: that of the young, “urban,” brown(er) male.

**Contestational Spaces: Public Reactions to *Weed Wars* and *Weed Country***

Although the dialectic and visual imagery in *Weed Wars* and *Weed Country* suggest distinctions between acceptable and unacceptable marijuana labor(ers), both shows teeter between documenting the “reality” of the medical marijuana business in California and dramatizing it. The responses of viewers and media critics to the meanings, content, and
characters of these two series reveal narratives that both confirm and complicate the binaries of good and bad and acceptable and unacceptable marijuana labor.

Most public reception of the two series reflects a positive and accepting attitude towards the characters featured as laboring within the medical marijuana business in California. Growers and distributors alike are described by viewers as representing “interesting subcultures,” the “common citizen,” and the “hard working” American (Bauder 2013). These commentaries speak of the featured characters as part of a larger framework of “family farmers” and “botanists” (Hinckley 2013); people who are “positively evangelical in their quest for what they believe is a given American right. That right, of course, is the right of any person to cultivate, grow and profit from the pot crops” (Stasi 2013).

Others focus on the raced and classed “other” and the ways in which they threaten the sanctity of the medical marijuana industry and medical marijuana laborers by contrasting the professional, intelligent, entertaining, and modern/civilized medical marijuana laborer with the violent, non-medical, and criminal one. As Netflix viewers of Weed Wars reflect,

What the filmmakers did not address is the importance of bringing all American people who choose to use cannabis into this increasingly structured and regulated economy. If these businesses were swept up by the Feds then maybe that little boy and his father can continue finding solace from the Mexican gang member that beheaded the female snitch on Facebook […] maybe we should begin choosing the light so that our hearts and minds do not fester in the darkness with the likes of monsters (Netflix).

Legalize, tax and control the marijuana…leaving it prohibited empowers the criminals and American continues paying for both sides of the war on drugs…our politicians pay the drug warriors and we the people pay the criminals (Netflix).
Despite the positive image of the medical marijuana dispensary owner and workers as conscious, professional, and protective, both viewers and characters of the show reflect the divisionary sentiment that some marijuana labor(ers) are acceptable, while others are not. These reactionary representations divide marijuana laborers into two categories, leaving the non-medical marijuana laborer outside of what viewers have conceptually constructed as the respectable American community; they are, as one viewer writes, “monsters in the darkness.”

Although these commentaries reflect and confirm the overall fragmentation of the contemporary marijuana debate in California, they also challenge the validity of both Weed Wars and Weed Country. One viewer, “humboldtoutlaw,” comments that “These people do NOT represent the Emerald Triangle of the cannabis movement although I’m sure they’re quite entertaining to folks who like Jerry Springer or Judge Judy” (Wertz 2013). Other viewers reflect similar sentiments, reflecting on the “fake” quality of the shows and their characters: “the show is 100% scripted […] reality TV is just for entertainment purposes only” (Mansur 2013). Despite the overall skepticism as to the reality of Weed Wars and Weed Country, these viewer commentaries include positive moral representations of acceptable marijuana labor(ers). As one commentator, “El Dangeroso,” writes:

Reality T.V. is far from reality. What intrigued me about the series is that it did give a handful of growers a voice […] It’s comforting that even though the show was over edited, it included real scenes from real medical marijuana farmers […] the biggest myth about marijuana is that it is an industry controlled by drug cartels and criminals. Most marijuana growers in this area have small plots. If they sell their pot, they use the money to supplement their income, to raise them, if not on paper, above poverty line levels […] Marijuana cultivation allows the waitress, and janitors, and secretaries who populate this area to live here comfortably, to keep their lights on, to keep their families fed (Mansur 2013).
Here, viewers begin to push back against both political and cultural constructions of the marijuana laborer, transforming him into someone “we” probably know – struggling waitresses, janitors, and secretaries who work in our neighborhoods – familiar faces that are simply looking for “the road to a better life” (Pruitt, et. al. 2013: Episode 1). These everyday characters may be poor, but they fit into the well accepted American narrative of the hardworking man pulling himself up by his bootstraps.

Despite these ideological conflicts between viewers and commentators, Weed Wars and Weed Country exemplify a larger shift in the media toward representations and characterizations of marijuana labor and laborers as “knowable” domestic phenomena. Comedy series and films, such as Weeds, an eight-season Showtime series that aired between 2005 and 2012, and Pineapple Express, a popular action-comedy film from 2008, continue to allow viewers to laugh at (and with) the non-threatening marijuana laborer – the suburban, white family member who, despite his/her profession, is just like “us.” These media-based depictions set up frameworks and “indicate levels of acceptability, tolerance and approval” (Young 1974: 230) of marijuana labor based upon disparate methods of “selection, emphasis, exclusion and elaboration” in the content and set up of the programs. By projecting what was once a foreign and sinister threat to American health, families, and communities as a domestic, neighborhood phenomena, these series have produced new images of morality, making marijuana labor both acceptable and unacceptable depending on the motivations, the actors, and the environments involved.

While the medical marijuana laborer can have American values and fit into American history – as exemplified by the DeAngelo brothers, Mike Boutin, and B.E. Smith – these positive images continue to be contrasted with that of a racialized, urbanized “other”; the “d” boys, the drug cartels, the street-level gang members. Despite
offering a positive framework within which to visualize and talk about medical marijuana labor, *Weed Wars* and *Weed Country* perpetuate exclusionary practices in which we not only see and come to know the “good” marijuana laborers, but also confront the “bad.” These “bad” laborers, although not heavily featured, are racialized depictions of the “other,” he who does not belong in “our” communities and whose labor will likely never be understood within a context of acceptability and belonging.

For the Discovery Channel, known and respected for the accessible educational and informative content of its programs to project these biased representations of what marijuana labor is and looks like marks an effort to guide public opinion. While residing outside of the formal political realm, this effort contributes to what media scholars have continually described as the ability of media produced images and narratives to produce knowledge(s); allowing us, as viewers, to conditionally see and know marijuana labor(ers) only within the frameworks provided. Although *Weed Wars* and *Weed Country*, as well as the series’ viewers, overwhelmingly reject traditionally conservative views of marijuana and marijuana laborers – identifying instead with the characters and justifying the “goodness” of their work – this liberal frame is conditional. By relying on white, educated, middle-class images and ideals to communicate the message of “goodness,” these media series have constructed a moral liberality to which not all marijuana laborers have access.
Conclusion

“If we’re not going to have a real conversation about that [racial and socio-economic disparities in marijuana sentencing] and ultimately be willing to care for ‘them,’ the ‘others,’ those ‘ghetto dwellers’ who’ve been demonized […] we will have managed to downsize our prisons, but some new system of racial and social control will have emerged again because we have not yet learned the core lesson that our racial history has been trying to teach us”

– Michelle Alexander

On February 12th of this year, two Wesleyan students were arrested by Middletown police officers and charged with the “intent to sell, as well as the possession of less than four ounces of marijuana.” The two students – both white males – were later released on bail and allowed to return to Wesleyan’s campus to await their court hearing.

The presence of student “drug dealers” on college campuses, and on Wesleyan’s own, is not a new one. This particular incident, however, provoked conversations among the student body that reveal that although we are conditioned to think of drug dealing as “bad” (socially, politically, and morally), that sense of badness is circumstantial at best. A comment about the incident on Wesleyan’s own “Wesleying” reads as follows:

If you support the USE of an illicit substance, you de facto have to support the DISTRIBUTION and SALE of the illicit substance. Thus, there has to be distributors on campus. Would you rather the distributors be sketchy Middletown people or Wesleyan students? Obviously students.

While not the only commentary on the issue, this strand of dialogue confirms the complexity and proximity of this thesis to the reality we live everyday: a reality that rejects the notion that all deviance is “bad,” and assigns differing degrees of legitimacy and morality to marijuana laborers, as “sketchy” Middletown residents or as presumably “safe” Wesleyan students.

29 (Short 2014).
This thesis has begun to document and interrogate the ways in which these contrasting images exist in contemporary America – to, as Arundhati Roy (1998) implores, examine, preserve, smash, reconstitute, and imbue these representations with new meaning so that they may “become the bleached bones of a story.” As the commentary above expresses, ultimately these representations (examined, preserved, smashed, and reconstituted in this thesis) polemically mirror and exacerbate previously existing raced and classed hierarchies and inform the realities of all marijuana laborers for better and for worse.

The conflicting ways in which we understand and think about marijuana labor were not born overnight, but rather developed alongside shifts in American political and cultural structures, institutions, and citizenries. As my historical exploration of marijuana in the United States reveals, academic and political efforts to understand deviance have fashioned the multiplicity of deviant experiences into that of a singular malady. Despite these erasures of difference, however, the ways in which we contemporarily understand and come to know deviance (and deviants) are in continuous states of flux, shifting between designations of criminality and medicality. In the case of marijuana deviance, American political and cultural understandings historically have allowed for marijuana users to figure as victims, while demonizing marijuana labor and laborers. Although marijuana labor has gone through multiple designation shifts since the middle of the 19th century, transitioning between bad and criminal to good and medical, these designations have entered a contemporary space of political and cultural liminality. In this current state, marijuana laborers are no longer siphoned into mutually exclusive categories of good or bad, but instead are simultaneously conceived of as both marijuana “dealers” and marijuana “doctors.”
In order to grasp these conflicting and concurrent categories of dealers and doctors it is necessary to interrogate the ways in which these images are produced and circulated by “moral entrepreneurs,” (Becker 1991) such as Harry Anslinger, President Reagan, the Public Service campaigns of the 1980s and 90s, and, more recently, medical-marijuana activists across the country. These individuals have generated a profound and long-lasting debate about marijuana in the United States at large and in California in particular, and have contributed to a cultural scenario in which marijuana labor is formally discussed, depicted, and negotiated in the political realm while informally mediated by accessible public forums and entertainment media.

From my documentation and analysis of these discussions, depictions, and negotiations in contemporary California, a disturbing reality emerged in which the designation of marijuana laborers as both dealers and doctors is supported with raced and classed hierarchies of morality and citizenship. These divisions revealed themselves within both conservative and liberal marijuana politics, signaling a bi-partisan image of good and bad marijuana labor(ers). The good, acceptable marijuana laborer is raced as white, gendered as male, located in more suburban or rural geographies, and classed as well-educated. The bad, criminal marijuana laborer, although still gendered as male, is almost always raced as brown, specifically African-American and Hispanic, “urban,” and in desperate search or need of money (poor).

In the political arena, the images produced via medical marijuana legislation and responses to those efforts created blurry and inexact images of who the marijuana laborer is and what his work means in California. Although these depictions did not make visible the faces of actual marijuana growers, sellers, or distributors, they did narrate medical marijuana laborers as having positive attributes – such as being well-
educated activists with mainstream “American” ideals – while conceiving of their non-medical counterparts as dangerous, foreign, street-dealing “others” from whom children, families, patients, and the larger American nation need protection. These depictions, while not localized in any specific individual, fracture the historical and totalizing image of the “bad” marijuana laborer into binaries of badness and goodness.

Building upon these blurry suggestions of a non-visible but known threat to safety, reality television series such as Weed Wars and Weed Country have created a visually fixed archetype of who qualifies as an acceptable marijuana laborer and who does not. The images conveyed to the viewer mirror those depicted in political narratives: that of the medical marijuana “doctor” who is a well-educated, family oriented, “all-American” white male, and the criminal marijuana “dealer” (the source of drug danger and violence), visualized as a man who is sometimes raced as brown and non-American and always classed as poor(er) and “urban.”

The use of these comparative imageries for liberal political agendas and by medical marijuana activists is particularly disturbing, and echoes a larger tendency of using discrimination and prejudice to construct and maintain fringe-group advantage – processes that Tilly (1998) describes as (perverse) constructions of “social closure.”

Many ethnic whites (i.e., Irish and Italian immigrants) gained access to “whiteness” and the privileges that come with whiteness by drawing upon racist rhetoric and practices to distance themselves from other minority and immigrant groups (Takaki 1993; Tilly 1998; 30 The concept of social closure was originally introduced by the founders of sociology. For Weber, social closure means social relations that can be either open or closed; for Marx these “closures” are specifically class-based; and for more recent scholars, these processes of closure occur in relation to most identifiers, including class, race, gender, religion, etc.)
In the same vein, educationally and racially privileged marijuana activists that construct themselves in opposition to the raced (brown) and classed (uneducated, poor) “other” in an attempt to legitimize the “business” of medical and legal marijuana contribute to this divide and continue a long history of access inequality in laboral and conceptual spheres.

This use and exacerbation of inequality for political and social movements is reflected in what Burns (2014) has called the “gentrification” of marijuana labor: the imagery produced by politicians, activists, and television reflects predominantly well-educated white men pinning dreams and success on the marijuana business, while generations of African-American males have been and continue to be put in jail for the very same acts (Short 2014). These disparities are not only being produced within communities that “know” marijuana labor through reality series such as Weed Wars and Weed Country, but are also being discussed by those who live with and near marijuana labor every day. On a popular social networking and news website, Reddit, an entire thread has been devoted to discussing how changes in marijuana law – both medical and legal – have affected “dealers’” work. Many readers express concern at being put out of business because they lack the significant amounts of money needed for start-up and operating costs as well as training in business management and sales – all factors that disallow many “dealers” from becoming legitimized “doctors.”

While the three authors diverge in their specific discussions of this topic – Takaki (1993) in relation to union exclusion and labor advantage/disadvantage, Tilly (1998) in relation to opportunity hoarding, and Feagin (2010) in relation to access to and adoption of the dominant meaning system or “white racial frame” – all three authors touch upon the ways in which culturally and racially marginalized groups draw upon discriminatory understandings of the excluded other to gain privilege and legitimacy.

Refer to Alexander (2013) and Wakefield and Uggen (2010) for more information on how blacks and Latinos are put in prisons for drug crimes at higher rates than whites, despite evidence that whites are equally if not more likely to use drugs and engage in “drug crime.”
The othering strategies used by liberal marijuana politics, activists, and supporters not only seek to legitimize medicalized and regulated marijuana laborers – already on the fringe of legality and acceptability in American culture and politics – but also to construct them as part of a longer tradition of American work and belonging. As is evident throughout this study, racial and socio-economic differentiations of marijuana laborers often appear in tandem with references to nationality and citizenship; an effort to incorporate marijuana labor into the American narrative of hard work and family by excluding those who are already denied such a narrative. By exacerbating already existing hierarchies of race and class, the representations of marijuana laborers discussed here draw on concepts of “nation” and ultimately create an exclusionary narrative in which white, well-educated medical marijuana laborers “belong” in our communities, and their browner, less educated counterparts do not.

By informing both individual and collective conceptions of marijuana labor(ers), the images documented and discussed throughout this work encourage detrimental, disparate, and discretionary treatment of marijuana laborers based upon historical exclusionary notions of who can be good, who can be moral, and who can be truly American. The existence of these racist and classist representational strategies and the circulation and tolerance of their visual and conceptual products highlights the need for marijuana activists to disengage with these systematic hierarchies of oppression and exclusion. In order to construct a productive liberal (marijuana) politic, marijuana activists will need to make that politic accessible to all marijuana laborers, and not only the already racially and socio-economically privileged ones. If they (and we) do not, we will, as Michelle Alexander states, ignore (under the guise of liberality) once more the “core lesson” that America’s history has tried to teach us.
Bibliography


---. “Moratoria, Bans and Ordinances.” Accessed January 2014: PDF.


