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Socially Constructing Marijuana Policy and Target Populations in the News Media

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Socially Constructing Marijuana Policy and Target Populations in the News Media

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Abstract

   This research focuses on different aspects of the co-construction African Americans and marijuana in the news. First, the historical background of modern drug laws, including marijuana prohibition, and how this was dependent on racialized fears in the wake of the abolition of slavery. Next, the prevalence and variety of marijuana constructions in a national newspaper, with careful attention paid to associations with racial identifiers. Finally, how African American athletes and marijuana are co-constructed in an exemplary article.

   Chapter 2 describes how racial fears relate to the social construction of disadvantaged population in the media. We first describe the current situation in which African Americans are disproportionately incarcerated for drug crimes. Then, we briefly review the history of drug policy in the US and describe how it was dependent on slave-era beliefs and thus became a model of institutional racism. Finally, we relate this situation to research from various fields, including sociology, media studies, politics and discourse in order to show the justifications for the proceeding research project. Due to the changing landscape of marijuana policy in the US, but a continuation of racially disproportional punishment for marijuana use, Chapter 3 was designed to assess current constructions of marijuana in the news. Specifically, the use of fear-based discourse in the co-construction race and the three general categories of marijuana policy. The results of the analysis confirmed that African American men are associated with marijuana in disproportional numbers and that fear-based discourse and imagery are the primary characteristics of this discourse. Interestingly, this analysis also found a potentially unique construction in which both criminal and medical marijuana policy constructions were associated with African American athletes Chapter 4 is a critical analysis of an article exemplifying this frame. The results of this analysis are discussed in the context of hegemonic power relations in the US, racialized discourse, and marijuana policy alternatives. Chapter 5 is a discussion of the

conclusions generated from this research as a whole, including implications for marijuana policy

and future research.

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Chapter 2: Langner, Jonathan, Anna Zajicek. 2017. "Social Construction of Drug Policies and Target Populations: U.S. Policy and Media Discourse." in Acta Universitatis Lodziensis. Folia Sociologica, 62, 47-62.

Chapter 3: Langner, Jonathan, Anna Zajicek. (in press in Harm Reduction Journal). "Marijuana policy in the national news: framing the agenda using race and fear."

Chapter 1: Introduction

Despite obvious advancements for African-Americans in the last 150 years, disturbing statistical anomalies persist. African-Americans comprise 13% of the US population but represent 39% of the prison population, and 75% of this is for non-violent-crime (i.e. the "War on Drugs"). In 2014 the ACLU provided a diverse array of statistical evidence showing that arrests for marijuana outnumber any other drug. This means that an African-American male in the US has between a thirty and fifty percent chance of being incarcerated in a federal penitentiary in his lifetime (Blumstien, 2015; Mauer, 2011), and an African-American child is less likely to grow up with both parents than he/she was during slavery (Alexander, 2011). Systematic oppression of African-Americans has led to their unequal representation in the largest prison-industrial complex in the world (US Bureau of Justice Statistics, 2018), and this has led to social and political disenfranchisement through multiple channels, including legal denial of the right to vote or serve on a jury, legal discrimination in housing and employment, and legal denial of access to education and public benefits (Alexander, 2011). The multi-dimensional effects of this pattern include (but are not limited to) the disproportional distribution of poverty and poor health and educational outcomes. Since 1980, an African-American man's wage, compared to a white man's has decreased from 52% to 28% (Bangs and Davis, 2015). The severity the social and intergenerational consequences of institutional racism is as disturbing as physical and emotional damage of incarceration itself.

Institutional racism. According to Lopez (2000), the environment in which one functions plays an essential part in the racial beliefs one has about both oneself and others. How one thinks about things is influenced by what is seen, heard, experienced such that if the environment contains elements of racially-based status hierarchy, information may be

categorized differently. "Racial institutions" are unexamined beliefs one has about oneself and others (Lopez, p. 1809) based on ascriptive characteristics, and "action influenced by racial institutions becomes "institutional racism" when those actions produce racial status harms." (Lopez, p. 1811). Many scholars have pointed out that the national news discourse provides a shared "social knowledge," or the boundaries of what is considered an acceptable idea within a culture (van Dijk, 2003), and that news "format" is the most likely to be taken as factual by the public (Harris and Sanborn, 2013).

Researchers have confirmed that both the *number* and *type* of messages in the media may influence audience beliefs. Gibbons, Lukowski and Walker (2005) found that merely increasing the exposure to initially unbelievable news headline increases the likelihood that viewers would accept these headlines via "elaborate cognitive processing," and Lowry, Nio, and Leitner (2003) found that changes in network TV news accounted for four times as much of the variance in public perceptions as did actual crime rates.

Other research has also confirmed that the media may actively shape perceptions of social problems, even in the absence of a measurable problem. Beckett (1994) and Reinarman and Levine (1995) found that the drug "epidemics" and public support for criminal policy were not based on evidence but produced by increased coverage in the media. Hughes, Lancaster, and Spicer summarized four ways in which the media may influence the agenda; they tell us what to think about, by showing or omitting certain topics; they tell us how to think about certain topics, by constructing these topics in certain ways, and repeating these constructions in a consistent manner; these constructions may influence perceptions of risk in the audience, which builds

public support for an issue; and any of the above may influence the public debate through the anticipated consequences for elected officials.

Social Construction of Drug Use

The social construction of the modern war on drugs has also been studied from a variety of perspectives. For instance, Stone (1989) described how political actors construct drugs as a social problem by manipulating the "so-called issue characteristics" (p. 282), and she identified three competing models underlying the War on Drugs, each of which constructs the user in relation to intentionality. The criminal model (based on "intentional cause,") constructs users as "accomplice(s) to murder" (Nancy Reagan, Public Papers of the Presidents, 1990: 269, found in Rochefort and Cobb, 1994), while the legalization model attributes the harms of drug abuse to drug policy itself (an "inadvertent" cause). Presenting drug use as a criminal issue depends on associating drug users with risk, and this is often accomplished by associating drug use with an already marginalized group, which increases the negative stigma of both, and compounds real-world consequences. The social construction of marijuana as a social problem linked to criminality blends the political dimensions of agenda setting, social constructionism, and discourse analysis.

Many researchers have provided evidence that the historical foundations of drug laws are rooted in racial discrimination (Glaser 1999; Alexander, 2011; Bender, 2103; Musto, 1999; Nunn, 2002; 2011; Hawes, 2015; Langner and Zajicek 2016; Reinarman & Levine, 1995). For instance, Bender conducted a historical review of the interplay of state, federal, and international drug policy, which provided a rich historical record of how racial fears were the basis for the prohibition of certain drugs, and how these fears were promoted by elite lawmakers to legally justify the disenfranchisement of darker-skinned ethnic groups. He concluded that drug policy

continues to support a secondary social status for certain groups. Hawes (2015) compared the policy trajectories of alcohol and marijuana prohibition and found that marijuana prohibition was highly dependent on images of criminality associated with race, promoted by political entrepreneurs seeking control of minorities during periods of civil rights advancements.

Beckett et al. (2005) examined motivations for racial disparities in drug arrests in Seattle and found that historical misperceptions and longstanding fears have solidified into genuine fears and beliefs that dark-skinned drug users are the highest priority for the criminal justice system because they are viewed as threatening. Although they did not emphasize the role of the news media, they found that the images of dark-skinned people as drug users and/or criminals are being perpetuated in the public and that these images contribute to the continuation of racial disparities. In 2006, Manning looked at the symbolic framing of drugs in the media and concluded that drug policy discourse "builds upon historical associations between substances and marginalized groups to frequently identify certain social groups with which to symbolically associate drug consumption and "risk" "(p. 50).

Agenda Setting, Drug Policy, and Race

Agenda setting scholars, utilizing social construction theory, have long recognized the importance of the news in telling the public *what* to think about. In 1994, Beckett showed that while violent crime has decreased over the last decades, public concern over crime has risen in parallel with political rhetoric disseminated through the mass media. By collecting statistical data of crime and drug use, prevalence of these topics in the news, and public opinion, Beckett found that mentions of "street crime" and drug use in the media preceded public concern and were not necessarily a result of any

real increase in either. She concluded that the news media may be used as a tool to promote policies by constructing dangers which justify a political solution. Reinarman and Levine (1995) examined the evolution of the "crack epidemic" and found that increased public concern was a result of political entrepreneurs taking advantage of negative (and exaggerated) images of freebased "crack" cocaine in inner cities. They also found the construction of drug use was framed primarily as an "inner city" issue associated with "street crime," (which co-constructs "risk" with race in *indirectly*). They concluded that the reported danger to all aspects of "normal" life (health, crime, economy, education, family, etc.) was without factual basis, and produced distorted images and ineffectual policy. Both research projects echo Altheide's (2006) findings that a discourse of fear may be used in to achieve certain political goals.

Many different types of analysis have linked racial stereotypes to drug law enforcement, and a combination of methods are often needed to analyze the social construction of certain drugs (and/or drug users). For instance, Beckett et al.'s (2005) research utilized survey and observational data to link the history of drug prohibition and the racialized "other," to "the diffusion of potent cultural images of dangerous black crack offenders," and the racialized beliefs and practices of law enforcement officials. Quantitative data is often used to provide background or confirm patterns, while qualitative data provides a deeper explanation of the phenomenon. In the most extensive US research relating drug policy and the media, Eversman (2013) examined "harm reduction" discourse in relation to "illicit drugs" in nearly three-hundred US newspapers from 1990-2012. He conducted both a summative content analysis of topic frequency and distribution to enable the textual discourse analysis to be viewed in the larger political landscape. Eversman explains that the construction of discourse may help to reinforce power relationships in the public, and that the "harm reduction" approach is at odds with the US

led prohibition approach, making the prohibition approach the *status quo*. However, Eversman chose to focus on opinion, rather than "hard news," he did not specifically look at marijuana, and he did not discuss the racial background of the drug war, nor fear-related language in media discourse. He did recommend that future policy and research "should explore the discourse surrounding harm reduction in other media content such as internet news outlets and broadcast news" (p. 36).

International research on drugs in the news often follows the pattern of Eversman, in which summative discourse analysis provides the foundation to explain "existing social power relations," which are then examined more deeply in a textual discourse analysis (2013, p. 25 from Lupton, 1992, and van Dijk, 1983). Hughes, Lancaster, and Spicer (2011) performed a content analysis of 11 Australian newspapers from 2003- 2008, specifically looking for topics, messages, and values associated with 5 different illegal drugs. They found that illegal drugs are still primarily presented as a law enforcement/criminal issue and that different drugs were framed with different types of warnings. For instance, while cocaine and ecstasy were framed as health or social issues, heroin and cannabis were associated with legal issues. Additionally, they found that cannabis was the most often discussed illegal drug.

Haines-Saah et al.'s (2014) used quantitative sampling techniques to perform large-scale qualitative analysis of the construction of marijuana policy in Canada. They utilized a sample of all marijuana stories from national newspapers in Canada between 1997- 2007 and found that "privileged normalization," occurred in national marijuana stories such that marijuana use was framed as acceptable for those with "power and status" (p. 47). The celebrity-athlete was identified as one category of a "privileged" marijuana user who could use their status to frame marijuana use in a positive way. However, they also found that *black* celebrity-athletes were

often framed as the 'fallen hero,' a construction in which these high-profile men are chastised for marijuana use, and use was constructed as weakness. They concluded that "privileged normalization, as present in news stories about celebrities, is also racialized." (p. 53), and that the "(r)eporting of marijuana use is still framed as morally permissible only for those with power and social status" (p. 59).

Most research on marijuana in the US news has adopted a *status quo* construction of marijuana (Stryker, 2003; McGinty et al., 2016; McGinty et al. 2017). For instance, Stryker (2003) analyzed media coverage of "why people should not use marijuana" (p. 305) for effects on youth abstinence and personal disapproval of marijuana. McGinty et al. (2016) analyzed the distribution of marijuana arguments in the news but adopted a (false) dichotomy of pro- vs. anti-legalization arguments, and McGinty et al. (2017) surveyed public perceptions of these arguments. To date, very little research has critically analyzed the construction of marijuana policy in the US news in relation to race. In one notable departure, Lewis and Proffitt (2012) examined reactions to marijuana in the sports media, with a focus on race. They used framing analysis to examine the tone of discourse surrounding prominent athletes who were caught using marijuana and found notable differences in white vs. black athletes' marijuana use. For example, (Michael) Phelps marijuana use was minimized and excused, while (Michael) Vick's was framed as a criminal activity and deviant behavior. They concluded that marijuana is framed in a racialized manner such that marijuana use by African American athletes is seen as a character flaw, while a white athlete's use is treated as poor judgement.

Given that image salience is considered a vital component to message construction (Lancaster, 2011; Van Sterkenburg, et. al, 2010), the consistency of co-constructing marijuana with darker-skinned users and negative imagery undoubtedly plays a role in perpetuating

negative beliefs about both marijuana and African Americans and undermining their political legitimacy. Critical scholars have examined the construction of race in the sports media (Davis & Harris, 2002; Van Sterkenburg, et al., 2010) and found that "the sport media also portray racial and ethnic minorities in stereotypical ways, thereby reinforcing and confirming racial and ethnic inequalities in society at large" (Davis & Harris, p. 820). This is reinforced by the findings of Haines-Saah et al. (2014) and Lewis and Proffitt (2012). However, until now, very little critical research has examined how racial stereotypes in the US sports news are related to marijuana policy construction.

Overview of this Research Project

The overarching goal of this research project is to assess the construction of marijuana policy and African Americans in the national news based on the idea that the volume and content of marijuana constructions, particularly as it is associated with African Americans, may frame policy marijuana policy alternatives in a way that contribute to negative racial stereotypes and disproportional punishment for African Americans. The project is sequential and explanatory, meaning that "the initial quantitative phase of the study may be used to characterize [media discourse] along certain traits of interest related to the research question" (Clark & Creswell, 2008, p. 168). Specifically, a quantitative summary is used to situate patterns and categories of content found in the data, which then provides the basis for an in-depth analysis of any emergent themes.

Chapter 2 is a review of the history of the social construction of drug policies and target populations in the context of the drug war, and it includes a summary of current federal and state marijuana policies and the three general categories of marijuana policy

alternatives. A strong body of scholarly work suggests that drug policy is a part of the continuing civil rights struggle in which the *status quo* (criminalizing minority users of certain drugs) has become a form of institutional racism. This review summarizes the historical and racial background of the drug war and presents the argument that the national environment of the US is a source of racialized beliefs, or "racial institutions" (Lopez, 2000). The relationship between race, drug policy, and the media, is examined through the convergent perspectives of social construction, agenda setting, framing, and critical discourse analysis, thus providing the over-arching rationale for the central research questions. The research questions were designed to explore the language used in current constructions of marijuana policy in the national news. Specifically, they ask if marijuana constructions in the national news may contribute to the (national) policy of criminalizing marijuana users and/or the disproportional rate at which African Americans are punished for marijuana use.

Chapters 3 and 4 examine how current media discourse contributes to the social construction of marijuana policies. Chapter 3 examines the distribution of the three general marijuana policy alternatives—criminal, medical, recreational—as well as indicators of racial associations and the use of fear relative to each policy alternative. It is very similar to Eversman's research in that it includes a summative content analysis of constructions used in the national news media as background to emphasize the *form* of constructions and *how* they are combined with race. The research questions for Chapter 3 are: How often does the national news media frame marijuana discourse in relation to the three general marijuana policy types? Are there racial associations by frame/policy type? If racial elements appear, how are they distributed by marijuana frame/policy? Are constructions which promote fear associated with any policy alternatives or race, and if so, how?

Chapter 3 shows that (in the *USA Today* in 2016) African Americans were disproportionally associated with marijuana and fear-based constructions, but it also identifies a potentially powerful frame that connects marijuana, African Americans, and criminality in the sports pages. The frame of African-American-athlete-as-criminal-marijuana-user echoes the "privileged construction" of marijuana use discovered by Haines-Saah et al. (2014), as well as the findings of Lewis and Proffitt (2012) regarding racially-dependent constructions. The co-construction of African American athletes and marijuana is identified as frame which co-constructs criminality and marijuana use with race in sports stories, and Chapter 4 is a critical discourse analysis of this frame.

Chapter 4 utilizes critical methods suggested by van Dijk (1993, 2000, 2003) to illuminate the policy/power-related aspects of the racially dependent framing of marijuana use by athletes began by Lewis and Proffitt, who do not apply critical methods. Chapter 4 examines how negative racial stereotypes combine with marijuana in the sports pages in order to elucidate how particular types of messages may reinforce beliefs about race, policy, or both. The research question guiding this analysis is: "How is the co-construction of African-American athletes and marijuana use accomplished in the news stories."

Chapter 5 is a discussion of the possible agenda setting implications of the results of each of these chapters for marijuana policy and the disproportional punishment of African Americans for marijuana use, including how the distribution and form of marijuana constructions may influence audience beliefs and thus affect political decision-making.

Significance

Chapter 2 reviews the literature showing how with each advancement in civil rights, drug prohibition has coupled negative (and fear-based) racial associations with a

particular drug in order to justify criminal penalties. Additionally, it shows how this was done the express purpose of delegitimizing, stigmatizing, and dehumanizing minority populations. Additionally, we know that negative racialized constructions justifying the criminalization of certain drugs have continued in the modern drug war, and marijuana policy is one of the largest and most contentious areas of drug policy. Only recently have researchers recognized the role of the news media in either promoting or undermining racial bias, and the role this plays in reinforcing negative racial stereotypes, and thus shaping drug policy. Lancaster et al.'s (2011) suggest that "the relative lack of attention paid to impacts of media on the public perception of illicit drugs, their use, and those who use them is striking. Given the potentially important role played by media, and the proliferation of new forms of media in modern society, we suggest that this research gap needs to be addressed." (p. 398). Chapters 3 and 4 address this gap. If the news media provides negative racial stereotypes in association with marijuana, these cues are likely to reinforce racial bias throughout the legal process and antithetical policy solutions, thus support institutional racism. This project is designed to examine the US national news for frames and discourse which explain a.) racial disparities in the legal penalties surrounding marijuana prohibition (i.e., inconsistent application of drug laws), and b.) the continuation of current national policy (which is at odds with state policy, science, and regulation consistent with similar substances). Chapter 3 looks at the general construction of marijuana in one national news publication in 2016, and chapter 4 critically examines the power dimensions of racialized marijuana discourse in one sports news story. The overall purpose of this research is to illuminate how the *status quo* policy of criminalization is dependent on and supportive of negative racial stereotypes and how these stereotypes may be either reinforced or undermined.

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Social Construction of Drug Policies and Target Populations:
U.S. Policy and Media Discourse

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Chapter 2: Social Construction of Drug Policies and Target Populations:

U.S. Policy and Media Discourse

Abstract

In this review, we discuss the historical changes in U.S. drug policy discourse, institutional racism, and the social construction of target populations in media discourse. We do not intend to show a cause-effect relationship; instead, we use a social constructionist approach that focuses on meaning production and "truth-claims" to explore the relationship between news media and drug policy. We begin by discussing mass incarceration, war on drugs, and institutional racism. Next, we review a sample of the current research from the fields of sociology and criminology on drug policy, race, and media discourse. We then focus on the most recent articulation of drug-related policy and media discourse—the discourse surrounding marijuana use, including most recent trends in marijuana discourse. We conclude by noting the possible direction for drug policies and discussing the need for research addressing gaps in current understanding of drug-related discourse and the social construction of target populations.

Social Construction of Drug Policies and Target Populations:

U.S. Policy and Media Discourse

Currently, the United States, which contains 5% of the world's population, holds 25% of the world's imprisoned population, and though African-Americans comprise around 13% of the population, they represent 38% of those imprisoned, or 800,000 out of the over 2 million currently imprisoned. For whites, they constitute 62% of the general population and 35% of the incarcerated population. While data describing ethnic composition of incarcerated population are not as reliable as race-related data, the rate of incarceration for Hispanics is 21% (17% of the general population) (Carson 2015; U.S. Census 2015). According to Blumstein, those convicted of drug crimes comprise 20% of state prison populations and 50% of federal populations, representing "the single largest crime type" (2015, p. 187).

Rates of incarceration, which were steady throughout the first 70 years of the 20th century, began increasing by 6-8% per year from the late 1970's through 2000, where they have remained at roughly 700% of the pre-1970's rate (Blumstein, 2015), with about 6.1 million Americans unable to vote as a result of felony disenfranchisement laws. This mass incarceration,[1] comprised heavily of minorities, followed increased criminal penalties towards "street drugs" (mainly heroin and marijuana) that began in the 1970s in the context of the "War on Drugs." This occurs despite evidence which suggest that

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[1] The term "mass incarceration" was coined to describe a phenomenon of imprisonment that has two characteristics: (1) the comparatively and historically unprecedented rates of imprisonment for a society of a specific type; and (2) systematic of imprisonment of specific groups in the larger population, in the U.S. case, mostly young, African American men living in neighborhoods of concentrated disadvantage (Garland, 2016)

African-Americans, for instance, use less drugs than whites (Johnson, et al., 2004 in Massey, p. 70) and that "the surge in drug arrests do(es) not reflect changes in drug taking so much as the policy choice made by politicians and the police to fill the prisons with drug offenders" (Tonry, found in Beckett and Sasson, 2003, p. 173). In fact, a 2007 report (Mauer and King, 2007) based on 25 years of federal data concludes that "the War on Drugs" and the criminal justice system have, over the years, increasingly targeted low-level offenders. Although the "lock 'em up" approach to drug offences has softened in the 1990s when alternatives to imprisonment were developed, the national drug policy has had the most profound effect on the U.S. criminal justice system (Mauer and King).

War on Drugs and Institutionalized Racism

The modern War on Drugs dates back to the 1970s, when President Nixon signed the Controlled Substances Act (CSA) into law in 1970 and then publicly declared a "War on Drugs" in 1971. Enforcement of the legislation followed in 1973 when Nixon increased federal funding for agencies focused on drug addiction treatment and drug control and created the Drug Enforcement Administration (DEA). Importantly, the Nixon administration allocated most of federal spending for prevention and treatment of drug addiction and only one third for enforcement (Amundson, Zajicek, Hunt, 2014). Under Reagan administration new policies were passed, including the Anti-Drug Abuse Act of 1986 that established mandatory minimum prison sentences for some drug offences. At the same time, the focus of the drug war also shifted, with the most federal funds allocated to enforcement and one third to prevention and treatment (Califano, 2010).

Regardless of a specific fund allocation between prevention/treatment and interdiction/enforcement, studies show that a broader political strategy, the so called "Southern

Strategy," was aimed at convincing poor white Southerners with racial fears to vote against their class interests. This constitutes a common thread linking the policies of the two administrations:

> using racially coded political appeals on issues of crime and welfare to attract poor and working class white voters who were resentful of, and threatened by, desegregation, busing, and affirmative action. In the words of H.R. Haldeman, President Richard Nixon's White House chief of staff: "[T]he whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to."- (cited from Alexander, 201, p. 16, from Willard M. Oliver, The Law & Order Presidency 126-127, 2003)

In this context, the War on Drugs and the record rates of imprisonment of the U.S. population, especially African-Americans and more recently Hispanics, have been linked to the long history of institutional racism, which is broadly defined as racism perpetrated through legal channels (Lopez, 2000, 1811). According to Glaser (1999) and also Duber, "In a very real way, criminal possession of a controlled substance came to replace "vagrancy"[2] as the statutory mechanism used most commonly by state authorities to regulate and control the behavior of poor African-Americans" (2001, quoted in Massey, p. 97-98). In fact, robust scholarship links the history of drug-related prohibitive legislation to the politics of racial fears, on the one hand, and a way to control minority populations, on the other. Musto notes that "[t]he most passionate support for legal prohibition of narcotics has been associated with fear of a given drug's effect on a specific minority. Certain Drugs were dreaded because they seemed to undermine essential social restrictions which kept these groups under control" (1999, p. 294)

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[2] Vagrancy laws were passed after the Civil War (1861-1865) when the newly freed slaves began leaving their domiciles in search of work and displaced family members. Essentially these laws criminalized freed Africa-Americans.

Historically, until the late 1800's, drugs such as opium and marijuana were legally sold as a main ingredient in many over-the-counter pharmaceuticals. In fact, in the 1890s, households receiving Sears & Roebuck catalogs could purchase syringe and a small amount of cocaine for $1.50. Subsequently, in the post-civil war era, opium and cocaine use was linked to poor communities, typically black, Chinese, and Hispanic GIs returning from the Philippines. As Bender describes, "it was hysteria over the predominantly male Chinese immigrant workers in Western U.S Chinatowns smoking opium that led to drug's prohibition" (2013, p. 361). Officially defining the new approach to drugs and directly linking it to African-Americans, in 1900, the *Journal of the American Medical Association* published an editorial stating, "Negroes in the South are reported as being addicted to a new form of vice – that of 'cocaine sniffing' or the 'coke habit,'" and, in 1914, cocaine was reported in the *Medical Record* to give African-Americans "Dutch courage" (Provine, 2008, p. 77). In this context, the Harrison Act of 1914 restricted opium and cocaine use to medical purposes only, and regulated taxation of their production and distribution. Other instances of using drugs in conjunction with race to politically justify violence and/or disenfranchisement of certain groups include linking Mexican laborers living in the Southwest to marijuana use and targeting the indigenous Indian American populations as the users of psychedelics.

Exceptions were made for the white producers of certain medicines, who were initially excluded from prohibition. LSD, known mainly among the counterculture, was made illegal in the 1960's as a result of it producing "pacifist syndrome." LSD and MDMA were successfully used to treat PTSD and alcoholism until the US government decided that only laboratory animals could be used for these types of tests. Marijuana gained attention after a number of states had decriminalized it following the 1960's. The Carter administration discussed decriminalization

and refocusing drug policy on prescription drugs. This stopped immediately following his chief health advisor's reported use of cocaine at a Christmas party.

More recently, researchers have found that although African-Americans tend to abuse drugs at lower rates than Caucasians (Johnson, et al., 2004, from Massey, p. 70), they receive discriminatory treatment throughout the entirety of the judicial process (Nunn, 2002). Specific laws such as those involving crack versus powdered cocaine are an example of how associating a particular form of the *same* illegal drug with African Americans and criminality/violence has allowed public acceptance of a 100 to 1 difference in sentencing guidelines (Hartman and Golub, 1999). "Three strikes" laws are another example of policy that disproportionately affects African Americans. These laws make incarceration mandatory for any person convicted in a third crime. This affects African-Americans more often *because* they are disproportionately policed, arrested, and convicted, particularly in association with illegal drugs (ACLU, 2013). Mandatory sentencing laws effectively take judicial decision out of the hands of judge or jury, and often disproportionately affect African Americans (particularly in combination with "three strikes" laws) for the same reasons. Finally, "simultaneous possession" laws (of drugs and firearms) increase criminal penalties, and again, disproportionately affect African Americans who may have justifiable reservations to call police officers for help in settling disputes (or any "black market" transaction).

Criminality, Drug policy, and Discourse

Scholars have linked discriminatory treatment of racial minorities, mass incarceration and policies related to the War on Drugs, to controlling images of racial minorities and racial fears, wherein the discourse of fear is used by decision-makers in

order to achieve political goals (Reinarman and Levine 1995; Altheide 2006). As Reinarman and Levine (1995: 147-148) suggest, "the antidrug crusades," which they call "drug scares," typically link a scapegoated drug to a troubling subordinate group – working-class immigrants, racial or ethnic minority, rebellious youth," at the same time justifying "enduring and ever growing urban poverty" (p. 151). This is supported by Bender's (2013) research, which provides a rich historical record of how racial fears were the basis for the prohibition of opiates and cocaine, and that these fears were promoted by elite lawmakers in order to legally justify the disenfranchisement of darker-skinned ethnic groups.

Over the years, social science research noted a coalescing of racial discourse, drug discourse, and criminality. In 1994, Beckett conducted agenda setting research using a constructionist explanation for the rise in political concern about drug use and "street crime" in the 1960's. She examined state claims making, media initiative, statistical and criminal data, and public opinion. She did not focus on news producers or the types of drug narratives, though she does focus on the conjunction of drugs and "street crime" as a social control mechanism and presents this in conjunction with evidence relating it the advancement of civil rights for African Americans. Chermak (1997) conducted a content analysis of drugs and crime in the news media. He found that official sources such as lawmakers and law enforcers were the primary sources of information about drugs in the news media. The "reliance on criminal justice sources" as drug policy authorities leads people to classify it as a criminal issue. He concluded that the news media acts as a social control mechanism in its reporting of drugs and crime. Hartman and Golub (1999) examined the narrative and volume of stories about crack cocaine in the media from 1985-95 and found that it was disproportionally represented as an "urban" problem. Hawdon (2001) empirically explored the role of presidential rhetoric concerning drugs during the

administrations of Reagan and Bush and found that different types of statements by the presidents directly affected the rise or decline in moral panic. His conclusions support the constructionist view of the drug epidemic and the types of policies that result from particular definitions.

The criminalization of drug users has also been analyzed by Beckett (1994), who studied crime trends and public concern over crime. She found that while statistically crime and drug use decreased over time, public concern over drugs and crime has rose along with political rhetoric. Beckett, Nyrop, Pfingst, & Bowen, (2005) found that misperceptions and longstanding racially-biased fears that dark-skinned drug users are more threatening and therefore the highest priority have provided justifications for criminal responses to the use of drugs. Recently, Amundson, Zajicek and Hunt (2014) analyzed federal-level legislative discourse from War on Drugs and Welfare Reform debates to assess whether and to what extent welfare and criminal justice discourses are connected, including whether social pathology themes associated with the War on Drugs were present and used in Welfare Reform debates to justify drug testing welfare recipients. They found common themes of the social pathology, crime, drug addiction, and welfare dependency in the two policy areas, and concluded that social pathology discourse "contributes to the social construction of target populations of both policies" (Amundson et al., 2014, p. 23).

These studies suggest a need to re-educate the public (including authorities) in order to embrace a more humane drug policy. This is especially important since "those who have little contact with illicit drugs and illicit drug users, tend to shape their

perception of risk and their behavior around prominent portrayals in the media" (Gelders, Patesson, Vandoninck, et al., 2009, p. 399).

Drug Policy and Race Discourse: The Case of Marijuana

Marijuana has been used medicinally and recreationally by most known cultures, including the US, until the 1870s. While the 1914 Harrison Act created the first prohibitions on the production and distribution of opioids and cocaine, it took until 1937 before federal law prohibited marijuana use. The first marijuana laws were small city-state laws, beginning in El Paso, banning the use of opium and marijuana. Twenty-nine states had prohibited it by 1931, and by 1937, all 48 states had restricted the manufacture and sale of marijuana.

Similar to other drugs, racial narratives associating marijuana use with "dangerous minorities" was a primary tactic of lawmakers, and the news media faithfully printed their statements. For instance, in 1927, the Butte Montana Standard ran a story about the state's decision and quoted a state legislator as saying "(w)hen some beet field peon takes a few traces of this stuff… he thinks he has just been elected president of Mexico, so he starts out to execute all his political enemies" (Hawes, 2015). A Texas senator on the senate floor, was quoted as saying "(a)ll Mexicans are crazy, and this stuff (marijuana) is what makes them crazy" (Bender 2013, pp. 361-362). In the East, marijuana was associated with African-American Jazz artists, or "boogiemen" and other "subversives" (Himmelstein, 1983). In 1934, a widely circulated editorial reported: "Marihuana influences Negroes to look at white people in the eye, step on white men's shadows and look at a white woman twice" (Hawes, 2015).

Prevalent news narratives linked minorities, marijuana use, and violence. In 1931, the New Orleans Medical and Surgical Journal published a report by Dr. A. E. Fossier in which he said, "(u)nder the influence of hashish those fanatics would madly rush at their enemies, and

ruthlessly massacre every one within their grasp" (p. 247). The Boggs Act of 1951 enacted similar penalties for marijuana and heroin and used the first "stepping stone" argument, later reframed as the "gateway drug" narrative. After many states enacted "little-Boggs Acts," Congress passed the Narcotic Control Act in 1956. These two acts expanded the federal control of marijuana use, production, and trafficking, authorized federal agents to carry weapons, and provided for mandatory/harsher sentences, warrantless arrests, and deportation. The media continued the narrative that marijuana smokers were "others," "deviant," and "dangerous."

In the 1960s, a different marijuana narrative moved to the center stage. First, the Kennedy administration reconsidered drug use and abuse as a health issue. The passage of the Narcotic Addict Rehabilitation Act in 1966 (NARA) allowed "self-commitment for users seeking to avoid prison time" (Whitford and Yates, 2009, 39). During this time academics began to question the taken-for-granted nature of marijuana users as "deviant" (Becker, 1963), but the public seemed to support the suppression and control of drugs through federal involvement. During the 1960's, the mainstreaming of a new marijuana narrative and the first attempts at state-sponsored decriminalization efforts occurred. Marijuana became associated with "hippies" and anti-war efforts, due to, or resulting in, wide use by white suburban youth.

The passage of the 1970 Controlled Substance Act signified the most critical development in the recent marijuana prohibition. Specifically, the Act classified marijuana as a Schedule I substance, the highest drug classification, reserved for drugs that 1) have high potential for abuse, 2) have no currently accepted medical use in treatment in the United States, and 3) there is a lack of accepted safety for use of the drug

under medical supervision. The classification of marijuana as a Schedule I substance has been

one of the main factors behind failed efforts to decriminalize it.

Goode first elucidated the political nature of the marijuana argument in 1969, noting the

competing claims to scientific legitimacy among other things. He said the "(s)cientific truth or

falsity seem to have little or no impact on the positions taken-although both sides will invoke

scientific findings and in fact will actually believe them" (Goode, 1969, p. 83). In the same vein,

Koski and Eckberg (1983) focused on marijuana specifically during a period of policy change

from 1977-1980. They performed a content analysis of the discourse used to legitimate policy

reversal, specifically the mixture of "fact" and "value" statements presented in the DEA's public

relations magazine, and how they changed over this period to eventually becoming quite

disjointed and contradictory.

More recently, in 1988 Judge Francis Young (DEA administrative law judge) reviewed

all evidence from a lawsuit against federal marijuana prohibition, and found the following:

> The evidence in this record clearly shows that marijuana has been accepted as capable of
> relieving the distress of great numbers of very ill people, and doing so with safety under
> medical supervision. It would be unreasonable, arbitrary and capricious for the Drug
> Enforcement Administration to continue to stand between those sufferers and the benefits
> of this substance in light of the evidence. Marijuana, in its natural form, is one of the
> safest therapeutically active substances known. In strict medical terms, marijuana is safer
> than many foods we commonly consume.

Yet, in response to the growth of state-level policy changes, the Drug Enforcement

Agency recently opposed a petition to reschedule marijuana from Schedule 1, which contains the

list of "most harmful" substances. A spokesperson for the DEA said "This decision is based on

whether marijuana, as determined by the FDA, is a safe and effective medicine. And it's not."

(DEA acting Administrator Chuck Rosenberg). At the same time, the U.S. Health and Human

Services obtained patent #6630507 in 2001 which "lists the use of certain cannabinoids found

within the cannabis sativa plant as useful in certain neurodegenerative diseases such as

Alzheimer's, Parkinson's, and HIV dementia." These contradicting viewpoints seem irreconcilable if taken at face value. However, theories of the social construction of reality may shed light on how contradictory statements may appear equally true and be independent of any measurable reality. Elite theories of agenda setting as well as critical discourse theory may shed light on why and how the "appearance of truth" influences political reality. Obviously, while empirical proof may require measurable quantities, public interpretation or reporting of research does not. *Beliefs* about facts may be manipulated through discursive practices. Concepts like "drug abuse" expose an ideology. For instance, having a "high potential for abuse" might alternatively lead people to believe it is either a.) dangerous (if they accept the criminal narrative), b.) highly beneficial (if they accept medical narrative), or c.) highly enjoyable (if they accept recreational narrative). Drug use may be alternately defined as a cause of violence, or an effect of social inequality, and thus the alternatives between criminalization and redistribution are dependent on the accepted (or dominant) narrative. Koski and Eckberg recommend that any researcher attempting to understand the discourse of legitimation, should pay attention to the "fact/value intermix" (1983, p. 255). This intermix can be discern in the more recent discursive trends, current policy development, and future policy directions.

Current Developments in Marijuana Discourse and Policy

With the legalization of marijuana for medical and recreational uses that expanded under Obama Presidency, the criminalization discourse has lost some ground. As discussed it later in this section, this recent weakening of the criminalization discourse appears to be rather short term.

In general, the struggle for discursive domination, hence public attention, continues to occur among three types of marijuana narratives—criminal, medical, and recreational-which correspond to the three broad categories of laws regulating marijuana: absolute prohibition, heavy regulation, and light regulation. In what follows, we first define the main characteristics of these three models and relate these to recent state-level policy developments.

The criminal model is still embedded in the federal law, which portrays marijuana users (and the drug's effects) as quite dangerous, requiring complete prohibition and criminal punishment. Discursive strategies included under this model are used by the anti-marijuana lobbying groups, such as Citizens Against Legalizing Marijuana (CALM), the American Society for Addiction Medicine, or Partnership for Drug-Free Kids. These groups use strategies in the form of *attack posture*, or *symbolic placation*. In the attack posture the anti-marijuana groups link the pro-advocacy groups to negative stereotypes or dispute medical facts that don't support their policy position. In general, their strategies usually associate alternative marijuana policy with major harm to children, public safety, and/or health. While these strategies have been used against marijuana policy reform since the 1980's, recent bouts of marijuana legalization in several states has reinvigorated and reenergized well-funded anti-legalization organizations. Typical examples of stories commonly disseminated (though factually questionable) by these organizations include the "gateway drug" theory or the media campaigns relating "your brain on drugs" to a frying egg (2016).

The medical model is by far the most diverse (Malizia 2013, p. 82), but in general, it emphasizes the positive effects of marijuana on the user. During the 1990's, while the "war on drugs" still held its grip on public discourse, changes in state laws began occur. In 1996, California's Proposition 48 challenged federal law. Since then the medical discourse has been

gaining ground as more states began to legalize medical marijuana, with Montana becoming the 10th state to do that in 2004. By April 2017, this number had expanded to 29 states. Importantly, Southern states have been less successful in reforming marijuana laws. Until 2016, no state in the South had abandoned absolute prohibition for marijuana (with criminal penalties). (*Mississippi is an exceptional case). In 2016, Arkansas was the first southern state to pass a medical marijuana law, though it is a very conservative version, with criminal penalties attached to unauthorized use. It appears that southern states will continue to be the battle grounds wherein the local struggles between discourse of criminalization and medical use will continue into the foreseeable future. It is possible that the developments in these states may provide a fertile ground for future research on policy changes and potential use of contradictory discursive arguments.

For the time being, under the medical model, policy suggestions such as rescheduling marijuana as a Schedule 2 drug, or the use of drug courts, have been made. Medical studies report that the therapeutic ratio of marijuana is 10 times safer than Tylenol (Baker et al., 2003), meaning re-classifying marijuana as Schedule 2 is still scientifically inaccurate, and would continue to limit research. Additionally, this change would keep marijuana users at the mercy of the legal system. Medical marijauna laws may treat marijuana as a harmful drug, or a beneficial medicine, but treatment, not punishment, is the recommended policy. Although the medical marijuana policy has been gaining some traction, it has been stalled at the national level. Between 2003 and 2013, the Supreme Court officially refused a writ of *certiorari* that was intended to hear an appeal to the DEA to reschedule marijuana based on the opinions of doctors, rather than bureaucrats. However, if we measure the success of discursive arguments by the number

of major policy changes, then the fact the 29 states voted to allow medical marijuana use,

certainly suggests that, at the policy level, these arguments have gained more ground

while the criminalization discourse has been losing some of its grip at the state level.

Between 2012 and 2016, nine states passed measures to legalize recreational marijuana

use by adults. Several states have also decriminalized the possession of small amounts of

marijuana. The discursive strategies supporting the recreational model portrays marijuana users

and the effects of its use as relatively harmless and recommends regulation similar to caffeine,

tobacco, or alcohol. The basis of this argument is the affirmed by statistics showing that in the

states that have already allowed medical and recreational use (e.g., Colorado), there is no

evidence of a rise in crime, or evidence of negative effects on local communities nor the states a

whole. The recreational argument also emphasizes that if marijuana becomes addictive it is less

harmful than addictions to alcohol, tobacco, sugar, or prescription drugs (which have now

acquired a status of a major national crisis).

Interestingly, as alternative narratives have solidified in recent years, the criminal image

of the African-American-marijuana-smoker-as-violent persists, and this seems likely to continue,

especially in the Southern states. Medical and recreational narratives appear to be reserved for

Caucasian, middle-class users (the lazy stoner, or the middle-class guy who can afford a doctor's

prescription to get his "weed"). Since marijuana laws have been enforced disproportionally,

specifically targeting African-Americans, it may be that social constructions of this group in the

news reinforces this belief.

In this context and given the struggle among the proponents of the three narratives, it will

be interesting to see which of these three discourses assume domination in the years to come.

This question, of course, cannot be answered outside of considering the election of Donald

Trump as the 45th President of the United States and his administration's stance on marijuana. While the issue is complicated by the unpredictability of the current political environment, including the changes in cabinet appointees, it appears that the criminalization narrative has been regaining some ground. This has occurred in the context of the appointment of Jeff Session as Attorney General and his campaign to target medical marijuana use, which for the time being was stopped by the U.S. Senate. This has occurred despite a consensus of the medical community, and the widespread reporting of both medical utility and the social repercussions of prohibition.

Recently, one important change in the criminal marijuana strategy, is that instead of just arguing how dangerous marijuana is, proponents of the criminal narrative appear to use a denial strategy, denying the existence of new medical evidence rather than just ignoring it. An example of this can be found in a recent article from the New York Times (Chilcote, "States Keep Saying Yes to Marijuana Use. Now Comes the Federal No."; July 15, 2017). This story contains the criminal and medical narratives, describing how Jeff Session asked senate leaders to override the state rights and allow the enforcement of a federal ban on medical marijuana, and also features one of the main opponents of recreational marijuana, chairman for Citizens Against Legalizing Marijuana (CALM). Specifically, the story presents the arguments of Attorney General Jeff Sessions and his task force, which seek to link marijuana use to violent crime. The story also indicates that the notion of "recreational" use is a misnomer because recreation is defined as "a bike ride, a swim, going to the beach" (CALM Chairman). This argument is not challenged, and as such, seems to stand on its own, but the argument contains a mixture of facts and values. Of course, riding bikes and going to the beach are healthy recreational activities,

but the assertation that changing one's body chemistry for pleasure is bad, is value-laden. The obvious counterpoint being the prolific use of many different mind-altering substances which are recognized, regulated, and widely used in the context of recreation (alcohol, caffeine, and nicotine are some of dozens of socially acceptable substances, none of which have a purported medical value). Using Koski and Eckberg's (1983) typology, this anti-recreational marijuana narrative is enabled by the blending/intermix of selectively chosen facts and values.

The trend that we see continuing into the future is the likely strengthening of the medical/health related discursive category, which is becoming more available and is likely to be used to suggest policy alternatives. The medical narrative is more likely to become more widely reported because the availability of marijuana for research has increased. New discoveries of the anti-carcinogenic and/or pain-relieving properties, for instance, have led to news stories which, by their very nature, explain how marijuana works in the human body. These may be used to justify various levels of regulation and strengthen the arguments that emphasize marijuana as a medicine.

The recreational category, like the medical category has evolved in response to medical advancements, social science discoveries (such as the disproportional arrest rates of minorities), and more open dialogue comparing marijuana to other medicines or other recreational drugs. According to a recent study by McGinty et. al (2016), stories that may be categorized as using the criminal discursive strategy are still very prolific particularly from a national perspective; stories containing either medical or recreational perspectives tend to be concentrated in states that have already adopted progressive marijuana policy. This research raises some interesting issues regarding the disjunction between national level discourse and policy and local discourse

and policy. This is in addition to the possible differences in marijuana narratives that exist at the local level between the Southern States and the other parts of the U.S. state system.

Conclusion

The media may function to set the public agenda in a variety of ways outlined by Lancaster et al. (2011) such as "setting the agenda and defining public interest; framing issues through selection and salience; indirectly shaping individual and community attitudes towards risk; and feeding into political debate and decision making" (p. 398). In relation to drug policy, the media may supply environmental cues, deliver *status quo* opinion, limit discussion, provide schema and images of "drug users," and offer "official" opinion, threats, etc. To many observers, the media appears to function as a fourth arm of government. If even absurd stories become more believable with repetition and the news media is the venue of the mass media which is most widely believed to represent "truth," proportionally inaccurate associations of criminality, drugs, and violence with African Americans in the news may act as an inequality mechanism. The narratives in these stories may provide an explanation for the support of (or apathy towards) failed and racially biased drug policy. Specifically, if one were to put aside the obvious problem of the racially disproportional mass incarceration and consequences of a criminal record on personal and intergenerational opportunities, the most obvious inequality mechanism may be a pervasive narrative in the news media that constructs the belief that minorities are more violent, certain drugs are illegal because they cause violence, and minorities use these drugs more. Historically, progressive changes have been stalled when political entrepreneurs successfully pair urban violence with images of minority criminality

(Western, 2006). Marijuana discourse itself, has received some little attention recently (McGinty et al., 2016), and though this research focused solely on the general categories, it did confirm that stories that could fall under the recreational narrative occurred in the states with recreational marijuana policy. Additionally, at the time of this writing, the most recent period discussed (2000-2017) was monumental in the advancement for progressive marijuana policy, but by no means a clear signal of victory.

In addition to providing a historical background of the history of drug laws and how racial fears have shaped the drug policies in the United States, we have also attempted to show that they continue to reach into and operate in the present. The final issue to address is whether the same three types of marijuana discourse will persist in the future and which is likely to gain more ground. On the one hand, we must consider the potential for a reversal of this trend that has come with the last election cycle. As of 2017, a majority of states came to recognize medical marijuana, and 9 states had adopted recreational marijuana policy. The first southern state (Arkansas) recognized marijuana as a medicine, and a majority of Americans support recreational policy. At the same time, a "conservative" president was elected, (which has historically been accompanied by "tough on crime" policy stance supporting criminal penalties for marijuana users), and his newly appointed Attorney General, Jeff Sessions, has promised to return to the old drug war tactics. However, since at this point in U.S. history, it seems "all bets are off," in the sense that uncertainties constitute the most certain pattern, what can be predicted about a situation in which a majority of people, a majority of states, and the media are openly opposed to the federal government? We believe that the predictions are very tricky to make given the clear differences between state and federal policy, particularly considering the

unpredictability of national policy. Equally difficult to imagine is which discourse the mainstream media that are being defamed by the executive branch will embark upon and how.

On the other hand, we believe that the criminalization discourse will retain its dominance at the national level through the federal policy as long as Jeff Sessions remains the Attorney General. However, the implementation of this policy is not likely to occur. At this point, Jeff Sessions future is uncertain. If he leaves, the key question is who will assume this position. Although President Trump remained silent on marijuana policy, in 2017 he stated that "Department of Justice may not use any (government) funds to prevent implementation of marijuana laws by various States and territories" (Bowden, 2017). This could be a sign that, unless his position changes, regardless of who occupies the position of the U.S. Attorney General, the state rights approach will prevail through the rest of current presidency. However, in a recent response to opioid addiction in the US, Trump suggested an increased media push designed "to shock people into not using it" (opioids) and the death penalty for drug dealers, saying that they "will kill thousands of people during their lifetime" but won't be punished for the carnage they cause (Merica, Gray & Drash, 2018). This type of discourse is clearly the subject of this research, but it is unclear if or how this will influence marijuana policy.

The primary purpose of this paper was to present the argument that although the nature of marijuana discourse has been studied in the past, the current research of marijuana discourse research is lacking. Yet, this period of history has a great potential to shed light on the tensions and contradictions between different levels of discourse and media's role in creating, justifying, and supporting (or opposing) a policy. There are multiple levels upon which research could be conducted, from the most general

quantitative numerical analyses of terms, to the most specific analyses of specific use of language in a given story. Areas of future research may also include comparisons and/or analyses of international, national and/or state-level discursive strategies used in the news media concerning marijuana. Any of the aforementioned levels of research may seek connections between, as well as if stories contain connections between various drugs, racial stereotypes, fear, violence, and/or criminality. Finally, researchers may seek to understand how newer types of media, such as social media, factor into public perception and/or policy.

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Chapter 3: Marijuana Policy in the National News: Framing the Agenda Using Race and Fear

Abstract

According to many researchers, drug policy was created as an official means of delegitimizing and/or controlling people of color by characterizing them as the primary users of certain drugs. This has led to a disproportional representation of African Americans in US prisons and an abundance of intergenerational inequalities. It may also create racial stereotypes related to drug use and danger. As an increasing number of states have enacted both medical and recreational marijuana laws, studies show that African-Americans are still being disproportionately targeted and incarcerated for marijuana use. This research is an integrative discourse analysis designed to examine the national news for marijuana policy constructions that include racial identifiers. The research questions guiding this research are: How often does the national news media frame marijuana discourse in relation to the three general marijuana policy types? Are there racial associations by frame/policy type? If racial elements appear, how are they distributed by marijuana frame/policy? Are constructions which promote fear associated with any policy alternatives or race, and if so, how? The results of the analysis showed that African Americans are associated with marijuana at grossly disproportional rates relative to the general population, and these constructions include fear-based discourse such as health risks, danger to others, and punishment. Additionally, a larger portion of these constructions than would be expected were found in the sports pages. The co-construction of marijuana and African Americans using fear-based discourse in the US news probably contributes to racist beliefs as well as disproportional levels of punishment for marijuana use. The abundance of this construction in the sports pages constitutes a particular frame for supporting criminal marijuana policy that utilizes name-recognition rather than direct racial references.

Marijuana Policy in the National News: Framing the Agenda Using Race and Fear

From 1957-1971, and despite a decrease in actual crime, public concern about violence jumped from 5% to 57%. Similarly, from 1986-1989, concern about drug use increased from 3% to 67% while reported incidence of drug use fell (Beckett, 1994). As early as 1974, Lukes cited numerous studies suggesting criminal and drug policies are not directly explainable in terms of incidence and recommended that researchers examine the role of the media in shaping public perception of crime and drug use. According to Beckett, the primary cause of public concern and the justification for policy concerning certain drugs and "street crime" was the rhetoric of national politicians dispersed through mass media.

Since then, others have also noted a coalescing of racial discourse, drug discourse, and criminality (Chermak 1997; Beckett, Nyrop, Pfingst, and Bowen 2005; Amundson, Zajicek and Hunt 2014). In the public policy arena, scholars have linked the history of drug-related prohibitive legislation to the discursive politics of racial fears. The discourse of fear is used by decision-makers in order to achieve political goals (Reinarman and Levine 1995; Glasser, 1999; Beckett, Nyrop, Pfingst, and Bowen, 2005; Altheide, 2017; Langner & Zajicek, 2017), on the one hand, and a way to control people of color, on the other (Alexander, 2011; Bender 2013; Musto 1999, 294; Nunn, 2002).

While much attention has been paid to the intersection of racial discourse, drug discourse, and criminality, marijuana policy arguments and marijuana discourse have received relatively little attention until recently (McGinty et al., 2016). Recent studies of marijuana policy arguments in the US have focused on public support and public perceptions of pro- and anti-legalization arguments (Subbaraman & Kerr, 2017; McGinty et al., 2017), or the public health

effects in states which have enacted medical marijuana policies (Bachhuber et al, 2014; Choo 2014; Davis et al., 2016).

Regarding the U.S. news media and marijuana discourse,[3] we found only one recent study (McGinty et al., 2016), which analyzed the volume and distribution of state and regional media coverage of pro- or anti-legalization arguments between 2010 and 2014. McGinty et al. (2016) found that the most prevalent pro-legalization arguments were the reduction of the criminal justice-related costs and an increase of tax revenues, while the most prevalent anti-legalization arguments invoked the negative effects on youth health, impaired driving, and crime, among others. While this study is a very important contribution, it glosses over the arguments related to medical marijuana policy, and thus does not untangle the threads of the three major policy alternatives. Moreover, although "[t]he most passionate support for legal prohibition of narcotics has been associated with fear of a given drug's effect on a specific minority" (Musto 1999, 294), McGinty's study does not examine the role that fear and/or racial discourses play in anti-legalization arguments.

This research fills the gap in extant literature by examining the construction of marijuana policy in the national news in relation to three distinct types of marijuana policies while focusing on whether there is an association between race and fear-based framing of marijuana (Altheide's 2006). Specifically, we examine stories printed in a major national news publication, the *USA Today*, during the 2016 election period, to address the following questions: What is the distribution of different types of statements (i.e., frames) about marijuana in the national news? Is any racial group more often associated with any kind of statements used to frame marijuana?

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[3] Other notable studies of the news media were conducted outside the U.S. context (e.g., Haines-Saah et al., 2014; Hughes, Lancaster, Spicer, 2011; Sznitman & Lewis, 2015),

And, is there any discernable pattern of associations among fear-based frames, racial groups, and the construction of marijuana policy alternatives in the news?

By addressing these questions our study moves beyond a pro- and anti- legalization dichotomy and contributes a new insight as to whether fear-based frames and race play a role in framing policy alternatives (Lancaster et al., 2011). As such this study contributes to the literature about the relationship between the news media, agenda setting, and the social construction of social problems.

Social Construction, Framing, and Agenda Setting in the News

Agenda setting scholars utilizing social constructionism have long recognized the importance of the media in telling the public *what* to think about and *how to think* about it (Beckett, 1994; Rochefort & Cobb, 1994).[4] Among the variety of media, the news media is one of the most important contributors to the agenda setting process through the presentation of policy issues via "problem definition" (Sharpe, 1994a; Stone, 1989) or "framing" (Entman, 1993; Scheufele and Tewksbury, 2006; Lancaster et al., 2011). Social constructionism informs agenda setting as it explores how social problems and their definitions may arise independent of conditions and calls for more case studies considering "common themes or social processes" that "link the constructions of different problems" (Best, 2002, p. 704). Discourse analysis has aided agenda setting scholars by emphasizing how discourse in the national news may provide the

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[4] Cobb and Ross define agenda setting as "the politics of selecting issues for active consideration" (1997, p. 3), and according to them, it is a way to study how parties may advance an issue, typically conducted by analyzing the prominence of issues in relation policy action. They describe the 'agenda-setting' effect as how people typically describe what they have seen on the *news* as *the* significant issues facing the nation (Iyengar, 1991, 132, found in Cobb and Ross, p. 12).

boundaries for what is considered acceptable. Even if discourse does not influence individual opinion directly[5] competent members of society distinguish socially acceptable policies based on the parameters defined by dominant discourse found in the national news (van Dijk, 2003).

Empirically, numerous studies of public discourse (Entman, 2007; Scheufele and Tewksbury, 2006, Gelders et al., 2009) have suggested the convergence of framing, problem definition, and agenda setting in the cues found in mass media, particularly national news media. Scheufele and Tewksbury (2006) define framing broadly as "how an issue is characterized in news reports (which) can have an influence on how it is understood by audiences" (p. 11), and Entman (1993) further defines framing as a process of selecting some aspects of the reality and omitting others in order "to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described." He later described a frame as fully-developed when it performs four functions: "problem definition, causal analysis, moral judgment, and remedy promotion" (2007, p. 164).

Agenda setting and drugs. In this vein, Lancaster et al. (2011), examined existing discourse analysis studies on the influence of the news media in relation to the drug policy agenda and distinguished four ways in which the media may function to set the agenda: they may (1) define public interest, (2) frame issues through selection and salience, (3) shape attitudes toward risk, which (4) feeds into political debate and decision making. According to Sharp (1994a), the unique and lasting nature of the war on drugs has allowed multiple and evolving definitions to form, and these definitions have a direct impact on policy formation such that social construction and agenda setting literature have often overlapped. For instance, Stone

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[5] In this regard discourse analysis diverges from communications research which has produced strong evidence supporting the effects of message construction in the media on individual beliefs (Lowry, Nio, and Leitner, 2003; Gibbons, Lukowski and Walker, 2005; Wicks & Drew 1991).

(1989) showed how political actors define drugs as a social problem by manipulating the "so-called issue characteristics" (p. 282). She identified three competing models underlying the War on Drugs, each of which constructs the user in relation to intentionality. According to Stone, the most popular model is the criminal model, which portrays evil drug traffickers, and users as "accomplice(s) to murder" (Nancy Reagan, *Public Papers of the Presidents*, 1990: 269, found in Rochefort and Cobb, 1994). Drug problems are constructed in such a way that danger is attributed to the bad intentions of a specific person. Thus, criminal punishment is not only appropriate, but it mitigates risk for the public.

International discourse analyses of marijuana constructions in the news offer various degrees of insight into the potential agenda setting impact of these constructions. Hughes, Lancaster, and Spicer (2011) cited the work of agenda setting scholars as a foundational purpose of their analysis of the discursive construction of 5 illegal drugs in the Australian news. They found that the Australian media's reporting of illegal drugs was heavily biased towards associating drugs with criminality and deviance. Additionally, they found that marijuana was still the most commonly discussed of drugs, that it was often associated with heroin, and that both were more heavily linked to crime and/or legal trouble than cocaine and ecstasy, which were constructed as social and/or health issues. Other research reaffirms the need to recognize distinctions based on race, as well as the potentially confusing nature of marijuana construction in relation to different policy alternatives. For instance, Haines-Saah et al.'s (2014) qualitative study of marijuana discourse in Canadian newspapers (where medical use was accepted, but recreational use prohibited at the time), revealed that "privileged normalization," occurred in marijuana stories. This meant, for instance, that a "celebrity-athlete" (a pre-selected category of marijuana user) was constructed as a "privileged" marijuana user. However, they also found that

"articles about entertainers and athletes being charged or arrested for marijuana possession followed a 'fallen hero' script wherein high-profile (black) men were chastised for their drug use, which was represented as a weakness or character-failing…" (p. 53). In other words, "privileged normalization," was racialized.

Other international research highlights the need to consider the multiple, and often confused constructions of marijuana related to recreational, medical, and criminal policies. Sznitman & Lewis (2015) conducted research in Israel, where marijuana is accepted for medical purposes. They examined discourse related specifically to the *therapeutic uses* of marijuana in Israeli news and found that 31% of *medical* marijuana stories still depicted marijuana as an illicit drug.

Fear-based discourse and criminal policy. Gordon & Arian (2001) found "that the stronger the (perceived) threat, the more belligerent the policy choice…likewise, the lower the threat, the more pacific the policy choice." (p. 196). In research on fear-based discourse in the news, Altheide (2006) analyzed the construction of discourse related to terrorism in 5 US newspapers. He specifically focused on how decision-makers (in the media) the promote and use audience beliefs and assumptions about danger, risk, and fear, to achieve certain goals. Altheide found a prevalent association of the words fear, victim, terrorism, and crime and concluded that a "politics of fear as public discourse represents an emergent feature of the symbolic environment," and that "(t)he politics of fear joined crime with victimization through the "drug war" (p. 434). In 2013, Eversman conducted research into the distribution of a "harm reduction" discourse (related to *all* illegal drugs) and found that criminal constructions dominated the news and that "harm reduction" discursive strategies were antithetical to criminal constructions.

Numerous studies have suggested that when combined with race, fear-based constructions may have very potent effects. Gelders et al. found that communities with little exposure to minorities or drugs may be more susceptible to construction of messages in the media such that perceptions of risk reinforce support for criminal policies (2009). Gilliam and Iyengar (2000) found the themes of crime and race to dominate the script in a sample of local news and that exposure to the racial element of the crime script increases support for punitive approaches to crime and heightened negative attitudes about African-Americans among white, but not black, viewers" (p. 560). Finally, Beckett, Nyrop, Pfingst, and Bowen (2005) found that images associating African American men and violence, with "crack" cocaine in particular, "had long-lasting institutional and cultural effects that continue to shape police perceptions and practices" (p. 419). Specifically, they found that law enforcement officials viewed African Americans as more dangerous which contributed to race-based disparities in arrests. These studies reinforce the expectation that repeated associations of African-Americans with marijuana and violence in the news will reinforce support for criminal marijuana policy, racial bias in the legal process, and racial bias in the larger environment.

In relation to the research questions, Hughes, Spicer, Lancaster (2011) found that marijuana is still the most prevalent drug discussed in the Australian news and that it is most often associated with the crime and/or legal issues. Haines-Saah et al. (2014) found race-based differences in marijuana constructions such that the "privileged normalization" (of marijuana use) which was afforded white celebrity-athletes was not given to black celebrity-athletes, who were characterized as deviant and weak. Boyd and Carter (2012) found that in Canadian news, "domestic marijuana cultivation is depicted as a dangerous environment that places children at risk" and "some of the most pernicious of these claims are directed at the racialized parents of

children discovered living near… a marijuana grow operation" (p. 239). McGinty et al. (2016) found that the three most prevalent anti-legalization arguments were the potential harms to young people, businesses that attract crime, and marijuana-impaired driving. The social construction of marijuana as a social problem linking racial "others" and fear-based discourse is an area that blends the political dimensions of agenda setting, the racialized history of drug policies, and frame analysis. It helps us to trace the diffusion of a common theme, race and fear, across the social construction of various social problems. After all, "(m)arijuana criminalization, as with cocaine and opiates, stemmed from racialized perceptions of users of color as threatening public safety and welfare" (Altheide, 2017, p. 693).

Methods

The *USA Today* was selected as a nationally representative newspaper. In addition to having the highest national circulation, the next three newspapers with the highest circulations (*The New York Times*, *The Wall Street Journal*, and the *Los Angeles Times*) could be viewed as containing regional bias (*New York Times* and *Los Angeles Times*) or as a trade publication (*The Wall Street Journal* is intended for a particular audience). Additionally, given that the research questions are meant to address a sample of national news framing, and not a comparison of national newspapers, utilizing the single largest circulating paper, and the only one without an obvious regional affiliation, should adequately provide a sample of the frames being used to present marijuana at a national level.

This research is concerned with the framing strategies being used to present marijuana policy at a national level, so the election year of the most recent national elections was selected (January 2016 through December 2016). Agenda setting theorist have noted election periods as predictable policy windows for stakeholders to promote policy frames (Kingdon 1984), and the

period preceding a presidential election would seem an ideal time to assess current national discursive trends, as it is a time when competing views may contentious and/or visible. According to Google Trends, this period does include a peak in interest for both the national news and marijuana. January through December 2016 also provides of sample of how marijuana was being framed during a tipping point in marijuana policy. From 2015- 2017 (and for the first time since the civil rights movement and the onset of the modern "War on Drugs"), a clear majority of the states had medical marijuana policies, directly contradicting the national policy position.[6] According to the Pew Research Center, 2016 was also the first recorded year in which a clear majority of citizens supported recreational marijuana policy (Geiger, 2016).

In 2016 there was also a major shift in national leadership. Conventional wisdom would suggest that the incumbent, democrat-led administration would be distinctly opposed to their conservative opponents on the issue of marijuana, given several different traditional party-based positions.[7] It might also be natural to suppose that during the 8-year tenure of a democrat, a balanced presentation of marijuana policy alternatives may have become the norm. Furthermore, President Obama has publicly acknowledged using marijuana in the past as well as the belief marijuana is less harmful than alcohol. Finally, in 2013 the ACLU presented data-based evidence of the racial disparities in arrest and punishment for marijuana-related offenses, and by 2016, this rationale had become salient in public debates. Given that the media had the information that African American's have been unfairly treated at every stage of this marijuana prohibition, it is

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[6] Under federal law marijuana is a schedule 1 drug; the highest priority classification assigned, meaning there is no recognized medicinal value and that possession or use are punishable as a criminal offense.
[7] Being tough-on-crime and criminalizing drug use are considered conservative positions, while supporting civil rights and treating drug use as a health issue are traditionally liberal positions.

reasonable to assume that a range of marijuana policy constructions could be found during this time.

America´s News database was utilized to collect these stories. An identical search on another news database (US Newsstream) yielded a smaller number of stories, of which all were overlapped by the America´s News search. In the same way that Eversman (2013) conducted his summative content analysis, data have been generated using a Key-Word-In-Context (KWIC) search for "marijuana" to get the total number of stories discussing marijuana. According to Leech and Onwuegbuzie (2011), this is an appropriate method of finding specific words and their context.

There were 1,781 total news stories available in the Newsbank/America's news database, published by the *USA Today* from January 2016 through December 2016, and the analysis included all news stories that contain the word "marijuana." The results of the search yielded 173 stories containing the key word "marijuana," and we utilized Nvivo qualitative analysis software to code these stories.

Coding. The following section contains an explanation of how codes were developed, grouped into categories, and discussed in relation to the natural divisions between marijuana policy alternatives already discussed (criminal medical, and recreational). A code is "a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data" (Saldana 2009, p. 3). Codes have been grouped into categories which are used to simplify the data by grouping logically connecting codes. Categories were expected based on the literature. For instance, marijuana prohibition has been historically connected to deviance (Becker, 1963), and since criminal marijuana policy is the *status quo*, statements detailing punishment (legal and professional) or marijuana use were

anticipated. We also anticipated that criminal constructions would emphasize danger to oneself or others based on earlier studies which found that "public discourse that characterizes social life as dangerous, fearful, and filled with actual or potential victims… invites protection, policing, and intervention to prevent further victimization." (Altheide, 2006, p.423). The final analysis included four categories of codes related to criminal policy: "punishment," "violence/deviance," "danger to others," and "personal risk." However, in order to allow the data to determine the final structure of presentation, these categories were finalized only after initial coding was complete.

Some codes were also anticipated based on previous research, while others emerged during analysis. For instance, "danger to innocents" and "health risk" were expected, but "dangers to the environment" and "death" were not. Codes were also re-defined or combined during analysis. For instance, "danger to the environment" was originally coded as a "danger to innocents," but a separate code was created after this construction was found in numerous articles. Similarly, "death" was coded as a "health risk" until its preponderance suggested the creation of a unique code. "Illegal drugs/violence/guns" were originally distinct codes, but due to similarities in the type of associations with marijuana, they were combined.

Decisions about how codes were grouped into categories stemmed from logical connections in the data, though final decisions were based on the judgement of the researcher. For instance, the code for "fringe viewpoints/negative stigma," could have be categorized a form of (social) punishment, but the ultimate decision was based on the measurability of legal or professional punishments and the closer relation of associating marijuana with "illegal drugs/violence/guns," and "fringe viewpoints/negative stigma." In the end, the category for punishment included "police action" and "professional penalties," and the category of

violence/deviance included "illegal drugs/violence/guns," and "fringe viewpoints/negative stigma." The category of danger to others included the code for "danger to innocents (non-users)" and "danger to the environment," and the category of personal risk included codes for "health risks" and "death."

Of the three remaining categories, one was connected exclusively to medical policy, one was exclusively related to recreational arguments, and one was applicable to both medical and recreational policy. The "medical" category was rather straightforward and contained only one code for statements describing the medical uses of marijuana. Statements and arguments advocating recreational policy often take the form of political ideals, therefore the codes of "regulation like other legal drugs," "racial justice," and "freedom" fell naturally under this category. Owing to the transition of marijuana transactions from illegal to legal status under both non-criminal marijuana policy alternatives, financial opportunities are connected to both medical and recreational policies.

Given the research problem (the discriminatory rates of criminalizing African American´s for marijuana use) statements were also coded when they include the race of someone associated with marijuana (For simplification, the term "race" was used to describe both race and ethnicity). However, since the post-civil rights era has demanded that overt racial references be avoided (Bonilla-Silva, 2003), codes were assigned based on both direct and indirect references. Indirect cues often rely on the recognition of a first name, a surname, a profession, or celebrity status. Therefore, if any ascriptive characteristics was identifiable based on indirect reference, a corresponding code was assigned. Also, in order to reveal any unanticipated constructions, codes for ascriptive characteristics also included gender and socio-economic status. These codes were also assigned when indirect references were made. For instance:

Whoopi & Maya is a medical marijuana company that focuses on cannabis-infused salves, balms and edibles designed to relieve menstrual pain, according to the company's website. Goldberg told Colbert how she got into the cannabis business… (Brady, 2016).

This statement would be coded as "African American," "female," and "medical benefit" because Whoopi Goldberg's status as an African American woman is recognizable to the typical reader. The code of "none" was assigned to statements about people for whom no race was identifiable.

Finally, as patterns in the data emerged, codes were created for the "type" of story in which marijuana constructions were found. Story types included codes for traditional news genres such as "sports," "entertainment," "crime," and "politics and government," but also catch-all codes such as "summary" and "other." Although some stories overlapped, codes for story type were typically based on the headline or the section of the news in which the story was found. The code of "summary" was assigned to stories which summarized state-level news from around the country, and "other" was used for stories that did not fall neatly into any of the categories. Additionally, in order to determine if any story type was more heavily associated with marijuana construction, a code for "marijuana story" was assigned to any story that discussed marijuana as a central topic.

This research is designed to assess marijuana constructions in the national news media and possible connections to the disproportional punishment of African Americans for marijuana use. The analysis was conducted in order to measures how often "marijuana" is constructed as a criminal activity, a medicine, or recreational activity, the extent to which marijuana constructions are connected to race, and if marijuana (or racial) constructions occur more often in any specific genre of news stories. In the following section, the distribution of statements related to marijuana policy types, race, and placement within types of news stories are reported. The discussion

section will then provide possible explanations of how fear and race are co-constructed in policy

frames that reinforce criminal marijuana policy, negative racial stereotypes, and institutional

racism.

Results

   Marijuana and the statements describing it. A total of 436 statements were found in

173 stories containing the keyword "marijuana." Table #1 shows the number of statements

related to marijuana that were found in all the stories from the *USA Today* in 2016 as well as

larger categories into which codes have been grouped by policy. These categories have been

ordered on the table according to the political spectrum of marijuana policy alternatives and

prevalence.

   Most of the statements used to define marijuana fall into two categories:

"violence/deviance," which included the codes "illegal drugs/violence/guns" (73), and fringe

viewpoint/negative stigma (51), and "punishment," which included the codes "police action"

(74), and "professional penalties" (50). These constructions account for 56.5% of all statements

and are commonly associated with criminal policy. Other categories often used to construct

criminal policy included "danger to others," and "personal risk," which included the codes

"danger to innocents" (34), "danger to the environment," (4), "health risks" (21) and "death"

(15). Together, categories related to criminal policy represent 73.5% of all statements made

about marijuana in the *USA Today* in 2016. The following example contains a statement coded as

both punishment and deviance:

> Khalil Abu-Rayyan, 21, whom the FBI had investigated since May, was arrested on
> weapons and marijuana charges after allegedly threatening terror attacks in support of the
> Islamic State, the Detroit Free Press reported. (*USA Today*, 2016.)

Statements such as, "cannabis is a safer alternative to potentially deadly and physically addictive prescription drugs like OxyContin," (Hughes, 2016) were coded as "medical benefits." A total of forty-nine (49) statements citing the medical benefits of marijuana were found, or 11.25% of all statements made in the *USA Today* in 2016. Statements in the "political ideals" category such as "freedom" (3), "racial justice" (4), and "regulation like other legal drugs" (21), represent 6.5% of all statements related to marijuana. Financial opportunities are used alternatively with medical or recreational policy and represent 8.75% of all statements. In total, statements related to medical or recreational marijuana policy, including financial opportunities represent 26.5% of the statements found in the *USA Today* in 2016.

Table #1:   Statements in 173 marijuana stories found in USA Today, 2016

Statements	Discursive category	% of total (436)	Policy	% of total
Illegal drugs/violence/guns (73) Fringe viewpoint/negative stigma (51)	Violence/deviance (124)	28.5%	Criminal	73.5%
police action (74) Professional penalties (50)	Punishment (123)	28%		
Danger to innocents (34) Danger to environment (4)	Danger to others (38)	8.75%		
Health risk (21) Death (15)	Personal risk (36)	8.25%		
Medical benefits (49)	Medical	11.25%	Medical	11.25%
Financial opportunity (38)	Financial	8.75%	Medical/ Recreational	8.75
regulation like other legal drugs (21) Racial justice (4) Freedom (3)	Political ideals (28)	6.5%	Recreational	6.5%

Marijuana and ascriptive characteristics. As expected, racial codes were most often assigned based on name recognition (Bonilla-Silva, 2003). In statements such as "(r)eal-world resonance is precisely what appealed to rapper Snoop Dogg about Mary + Jane, for which he's an executive producer," (Patrick, 2016) it is assumed that readers will be aware that Snoop Dogg is

an African American. When no racial identifiers were present, the code of "none" was given. Latinos were included, but very rarely mentioned, and women rarely appeared in relation to marijuana (gender was also primarily available primarily through name recognition). SES was referred to only once.

In total African Americans were associated with marijuana 85 times compared to 94 times for those in the "none" category. In other words, 47% of arguments associated marijuana in the *USA Today* in 2016 were also associated with African Americans. The actual population of African Americans in the US relative to Caucasians is between 12.7 and 14% (meaning that the *USA Today* overrepresented African American marijuana use by 350%). The following figures present a visual representation of the distribution of African Americans in relation to the rest of the population in the US, compared to their association with marijuana in the *USA Today* in 2016.
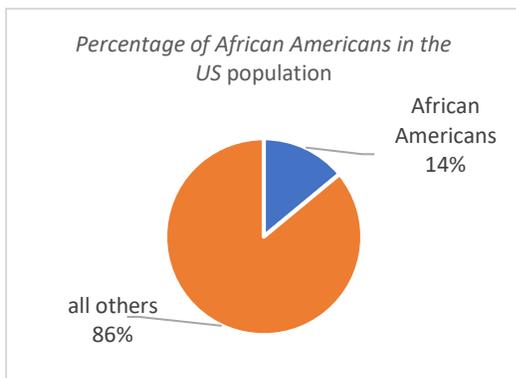
Figure 1

Figure 2

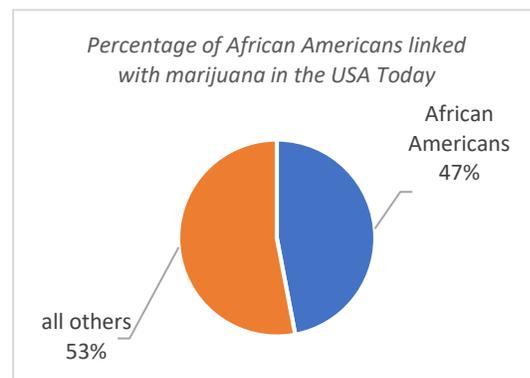For the remainder of this analysis and due to the "invisible" nature of dominant group characteristics, the code of "none" will be discussed as Caucasian. For example, if Michael Bronstein (co-founder of the American Trade Association for Cannabis and Hemp) is mentioned in the context of marijuana, (and no other racial indicators are present) audiences will correctly presume that Michael Bronstein is Caucasian.

Race and marijuana statements. The primary purpose of this research is to identify how marijuana or marijuana users are portrayed in the national news, specifically if negative racial stereotypes are being used to support criminal marijuana policy. For instance, if a statement associating marijuana to violent crime occurred disproportionally with African Americans compared to Caucasians, this statement could be said to contribute to beliefs that African Americans are more dangerous, and that marijuana is connected to this danger. This type of association, if prevalent, would have the dual effect of reinforcing criminal policy and negative racial stereotypes. Associating African Americans and marijuana with police activity may also create a general belief that African Americans use marijuana more often, but it may also send message that African Americans will be disproportionally punished. The basic distribution of marijuana statements in relation to a race is shown below. (Categories for gender, SES, and Latinos have been omitted.)

Table #2:   marijuana statements and Race in 173 marijuana stories found in USA Today, 2016

Discursive category (total)	African Americans	Caucasian	% African Americans*
Punishment (76)	46	30	60%
Violence/deviance (52)	34	18	65%
Danger to others (24)	5	19	21%
Personal risk (18)	9	9	50%
Medical benefits (39)	25	14	64%
Financial opportunity (15)	3	12	20%
Political ideals (15)	4	11	27%

*(actual percentage of African Americans in the US is 12.7-14%)

As shown above, African Americans are *disproportionally* associated in *all* categories. For both groups, discursive categories associating marijuana with criminality dominate marijuana discussions, but compared to Caucasians, African Americans are associated with "violence/deviance" and "punishment" *far more often* and *extremely disproportionally* compared

to the general population. For example, "his best player, starting left tackle Cam Robinson, is going to face punishment after getting arrested in his hometown for marijuana and felony possession of a stolen handgun" (Wolken, 2016). There are other notable differences that occur along racial lines. Caucasians are associated with "danger to innocents" more often than African Americans, but they are equally associated with "personal risks." African Americans are more often associated with "medical benefits," but racial identifiers are typically absent when "financial opportunities" are connected to medical or recreational marijuana policy. Caucasians are also associated with political ideals more often than African Americans, though at a rate almost proportional to the general population. In total, Caucasians are (slightly) more often associated with marijuana policy alternatives than African Americans, owing largely to associations of African Americans and medical benefits, though African Americans are clearly over-represented in all categories.

Distribution by story type. As the number of marijuana statements appearing in the sports pages and their co-occurrence with African Americans emerged, a category of codes called "story type" was created. This category included codes for stories that could be generally considered "crime," "entertainment," "politics and government," "sports," "summary," and "other."[8] The "other" code included all stories that did not fit into these six categories. An additional code of "marijuana stories" was created for stories in which marijuana was the main topic (as opposed the stories in which marijuana is only mentioned), and this code was used for the sole purpose of quickly identifying the depth of discussion among each of the story types.

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[8] For example, a recurring story entitled "State-by-state," (one or two newsworthy items from each state the US), was included with other articles summarizing news from various regions under the code of "summary."

Table #3 displays the number of each story type in which marijuana appeared in *USA Today* in 2016, and Chart #3 shows the recurrence of each story type by percentage.

Table #3:   Story "types" and "marijuana stories" in 173 marijuana stories found in USA Today, 2016

Story type	Politics and Government	Sports	Summary	Crime	Entertainment	Other
marijuana	28	56	58	10	9	12
"marijuana story" (34)	16	8	0	3	3	4
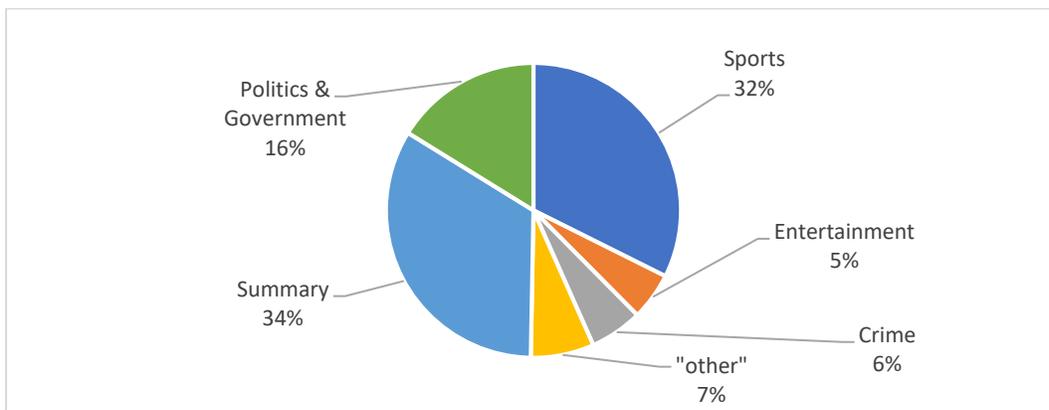
Figure 3: Distribution of marijuana among six "story types" found in the USA Today, 2016

Fifty-eight (58) of the articles (34%) in which marijuana was discussed were of the "summary" type, though by design, these stories contain very few arguments and no "marijuana stories." Interestingly, marijuana is mentioned the next most frequently in "sports" stories (55 stories, or 32%), which is nearly twice as often as it was mentioned in "politics and government" stories (28 times, or 16%). As expected, "marijuana stories" occur most often in political stories (16), but the sports section contained eight (8) stories in which marijuana was the main subject.

Race and story type. As previously mentioned, patterns related to race and discursive categories associated with different marijuana policies emerged in relation to different story "types," which led to the creation of six codes under the heading of "story type." Specifically, it

become apparent that if African American athletes were more often associated with marijuana in sports stories than any other story type. Statements such as the following commonly occur in the sports pages.

> The Cardinals researched both men and the strange circumstances of the cases: Jones suffering a bad reaction to synthetic marijuana, according to The Boston Globe; Nkemdiche admittedly drunk and charged with misdemeanor marijuana possession after police found joints in the room. (Pelissero, 2016a)

Table #4 presents the distribution of African Americans and Caucasians among the different story types.

Table #4:   Race and "story type" in 173 marijuana stories found in USA Today, 2016

Story type	African Americans	Caucasians
Sports	67	21
Entertainment	7	9
Crime	2	5
Other	1	7
Summary	4	20
Politics and Government	4	32

African Americans are clearly and dramatically over-represented in relation to marijuana in sports stories. In sports stories, African Americans are associated with marijuana more than three times as often as Caucasians. In relation to the general population, African Americans were disproportionately represented all story types (entertainment, crime, summary and "other") with the exception of "Politics and Government" stories where proportional racial distribution occurred.

Race, discursive categories, and story type. The purpose of this research is to analyze associations in the national news between race and statements describing marijuana use or users, and it is specifically designed to see if the national news contributes to the construction of marijuana policy or African Americans via the co-construction of either or both as dangerous. Table #1 showed that arguments associated with criminal marijuana policy, that is, those

associating marijuana with deviance, punishment, and a danger to others, are still the most often reported. Charts #1 and #2 show that in the *USA Today* in 2016, African Americans were also disproportionally represented in relation to marijuana. Finally, Table #2 shows that African Americans are most often associated with the categories of arguments typically associated with criminal policy. Finally, an examination of "story type" revealed that certain types of stories contained different levels of racial associations, and specifically that African Americans were linked to marijuana more often in the sports pages.

Though "summary" stories contained the most references to marijuana, the references did not often co-occur with an individual, nor did they often present specific arguments. Individuals and statements associated with marijuana were most often presented in "marijuana stories" and these were most often found in politics and government and sports. For these reasons, tables #5 and #6 present the distribution of discursive categories by race, for the story types in which both African Americans and Caucasians were most often discussed (sports for African Americans, and Politics and Government for Caucasians). All other story types were combined into one category ("all other story types").

Table #5:   African Americans and discursive categories by "story type" in 173 marijuana stories found in USA Today, 2016

Discursive category	Total	Sports	Politics and Gov't	All other story types
Punishment	**55**	41	1	4
Violence/deviance	**38**	28	2	8
Danger to others	**5**	3	1	1
Personal risk	**9**	7	0	2
Medical benefits	**25**	24	0	1
Financial opportunities	**3**	0	0	3
Political ideals	4	2	1	1

Table #5 shows that in "all story types," African Americans and marijuana were most often associated with punishment (total of 55 times), and that this occurred overwhelmingly (41

times) in the sports pages. The next largest type of argument linked African Americans with the

potential medical benefits of marijuana (25). In total, the majority of all statements associated

with African Americans and marijuana were found in the sports pages (81%).

Table #6: Caucasians and discursive categories by "story type" in 173 marijuana stories found in USA Today, 2016

Discursive category	Total	Sports	Politics and Gov't	All other story types
Punishment	30	6	7	17
Violence/deviance	34	6	15	13
Danger to others	19	1	10	8
Personal risk	9	2	4	3
Medical benefits	14	7	4	3
Financial opportunities	12	0	8	4
Political ideals	11	0	8	3

As shown previously, argument categories typically associated with criminal

policy dominated the news, and for Caucasians, this continues to be true. Caucasian

marijuana users were also heavily associated with deviance (34), and interestingly, they

were often associated with dangers to others. The next largest category was medical

benefits (14). Personal risk (9), financial opportunities (12), and political ideals (11) were

all found at relatively similar rates, and these occurred more often for Caucasians that

African Americans. When associated with Caucasians, marijuana statements were spread

throughout all story types. In political stories, statements linking Caucasians and

marijuana to criminal policy occurred the most frequently. In relation to medical or

recreational marijuana, Caucasians were more often associated with the potential

financial opportunities (8) or political ideals (8) than to medical benefits (4) or personal

risks (4).

To summarize, nearly three-quarters of statements about marijuana were those typically

advocating criminal policy. Of those, statements related to violent criminality and punishment

were the most prevalent. marijuana was also disproportionally associated with African Americans. An examination of the combination of race and discursive categories found that African Americans were more heavily associated with criminal policy, specifically deviance and punishment, than Caucasians. Caucasians were far more likely to be associated with financial opportunities, or political ideals related to medical or recreational policy, and African Americans were more heavily associated with medical marijuana policy. An examination of the type of story in these descriptions were found revealed that African Americans and marijuana were being discussed together primarily in the sports section, whereas Caucasians were far more likely to be found in stories about politics and government. Though the sports pages did contain the largest number of statements in which African Americans were associated with the medical benefits of marijuana, but these statements were outnumbered 3:1 by criminally-oriented statements, specifically punishment and deviance.

Discussion

The following section describes how the narrative patterns, or frames, discovered in the *USA Today* in 2016 may reinforce criminal marijuana policy *and* contribute to the disproportional criminalization of African American marijuana users through discursive frames which construct African American marijuana users as *more* dangerous.

"Politics of fear" and the impact on different groups. The findings of this research support Altheide's findings that drug war discourse utilizes language used in the larger "politics of fear" (2006). This analysis found that discourse in the national news most often associated marijuana with crime, deviance, danger, and threats. Indeed, a large majority (nearly three-quarters) of the statements used to describe marijuana or marijuana users were associations with, criminal activity, deviance, dangers to innocent people, or the punishment of marijuana users.

Additionally, the analysis found that fear-based discursive strategies were associated with African Americans more often than any other race. Altheide argued that the prominent role of the victim in the form of "entertaining" crime reporting has the effect of encouraging the audience to identify as potential victims and may increase support for punitive policies, and other researchers have shown that in communities with fewer illegal drugs, viewers will assess their risk based on how messages in the media are constructed (Gelders, et al., 2009).

We have already mentioned how different types of threats, particularly when combined with racial categories, may have diverse effects, depending on the group with which one identifies (Gilliam and Iyengar, 2000), and in many parts of the US, the only exposure Caucasians have to African Americans comes via constructions in the mass media. For *non-marijuana* users, the image promoted in the national news is that marijuana users are dangerous, that African Americans use marijuana *more* often, and that African American marijuana users are dangerous. For Caucasian, non-users, the dangers of marijuana use and/or marijuana users appear to be greater than the benefits. When news narratives prominently co-construct marijuana use and African Americans with violent criminality, this population is very likely to prioritize criminal policy as a safety measure, ignore medical science (when it is reported), and believe that racially disproportional punishment is a result of disproportional use. For Caucasian marijuana users, racialized associations of African Americans with marijuana may support the belief that African American marijuana users *are* different from themselves, more dangerous, and therefore, more deserving of punishment.

These same images would convey a different threat to marijuana users (particularly African Americans). The most immediate threat is that African American marijuana users will be punished more often, and that this punishment will often include (but not be limited to) law

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enforcement officials and/or incarceration. However, it may also contribute to and internalized sense of de-legitimization for African American advocates of alternative marijuana policies. Using the typology of social construction, African American marijuana users are constructed as deviant, or "less deserving" of policy benefits (freedom, financial opportunities, health benefits, etc.), and as having little political power.

Policy frames: African American criminal athletes and white entrepreneurs. The results of this research also show that the patterns of marijuana constructions in the news appear to be racially-dependent. African Americans are disproportionally associated with marijuana in nearly all circumstances, but they are *more* heavily associated with criminal constructions in the sports pages, while racial identifiers are conspicuously absent from recreational narratives. Medical narratives were also disproportionally connected to African Americans in sports stories, but they were often juxtaposed to professional punishments (fines and/or suspensions) given for marijuana use, details of interaction with law enforcement officials, or associations with other illegal drugs, guns, or violence.

Racism in sports commentary has been studied, and researchers agree that the sports media often confirm negative stereotypes and reinforce inequalities. (Bruce, 2004; Carrington, 2001; Davis & Harris, 1998). "The (sport) media have the potential to render certain racial and ethnic categorizations more salient than others, thereby shaping or reifying the racial and ethnic categories that people use to structure and order the world around them" (Hall, 1995, found in Van Sterkenburg, Knoppers, & De Leeuw, 2010, p. 820). Players may be simultaneously lauded for their skills, while also being criticized for making too much money or being "spoiled" (for negotiating contracts or challenging the authority of the "owners").When one considers previous research, which found that images associating crime and race increase support for punitive policy

(Gilliam and Iyengar, 2000), these results may be quite meaningful. It is possible that the

presentation of the medical benefits of marijuana by African American athletes may *de*legitimize

medical marijuana policy to some audiences, depending on race. If African American men have

already been constructed as "less deserving," changing policy so that it would benefit them is not

as appealing as changing policy to help a more positively constructed group, such as disabled

veterans, or children. NFL players continue to be punished for marijuana use despite its legal

status in some states, and despite its potential medical benefits. In the end, the message to

African Americans appears to be quite simple: regardless of state-level rules, medical efficacy,

or celebrity status, marijuana use will result in shame and punishment.

Financial opportunities associated with recreational marijuana policy (as well as medical)

are typically associated with persons for whom no racial identifiers are present. This is

conspicuous when compared to other marijuana narratives. Financial opportunities are nearly

always constructed as the domain of "everyone," and these constructions are dispersed

throughout the news. In this sample of the national news, recreational advocates who challenge

the emphasis on public "safety" are also Caucasian. Finally, recreational arguments, which

depend primarily on value-based statements such as comparisons to the regulation of other drugs,

freedom, and racial justice, are asserted almost exclusively by Caucasians.

The power of incumbency. Eversman's theory that incumbent criminal discourse (*status

quo*) was likely to provide the foundation upon which criminal policy advocates claim to have

the monopoly on "commonsense," is exemplified in the following quotes. Roger Goodell

(commissioner of the NFL) said that "he does not distinguish between medical marijuana use and

recreational marijuana use" (Prisbell, 2016). Steelers owner Art Rooney said "It's legalized here

and there, decriminalized in a lot of places. They may not take it as seriously. But our rules

haven't changed." (Bell, 2016). Brian McCarthy (NFL spokesman) said that league medical

advisors are "constantly reviewing and relying on the most current research and scientific data.

We continue to follow the advice of leading experts on treatment, pain management and other

symptoms associated with concussions and other injuries…However, medical experts have not

recommended making a change or revisiting our collectively bargained policy and approach

related to marijuana, and our position on its use remains consistent with federal law and

workplace policies across the country" (Pelissero, 2016b). These statements justify continuations

of the league policy of punishment for marijuana use and disregard fact-based claims regarding

the potential benefits to the professional athletes over whom they have authority (despite the

huge potential for marijuana to be used as an alternative to opioid-based pain treatment, or for

the treatment of traumatic head injuries related to concussions). Although Cobb and Ross

contend that high-cost agenda denial strategies are typically the last resort due to the "great

expenditure of opponent's resources" (Cobb and Ross, 1997, p. 38) in the case of criminal

marijuana policy, this has not proved to be the case. The reasons for this are likely the

entrenched nature of both racial stereotypes and marijuana prohibition, as well as the fact that

that the "costs" (of enforcement, incarceration, etc.) appear to serve political and economic

purposes valued by *status quo* policy-makers (law enforcement budgets, privatized prisons, etc.).

The "unique" nature of drug policy which has kept it on the political agenda, has led to a diverse

array of criminal marijuana policy narratives. These strategies have ranged from low to high

cost, depending on the *zeitgeist*, but high cost strategies, in this case, are the policy itself.

Conclusion

      This research found that the image of the African American marijuana user as dangerous

is prevalent, and far more likely than would be an accurate sample of either African Americans

in the U.S., or African American marijuana users. This represents a construction of marijuana users that supports criminal policy and justifies the disproportional punishment of African Americans for marijuana use. Additionally, these associations of marijuana with danger and the association of both with African Americans, may contribute to van Dijk's (2003) "social boundaries" such that racism towards African Americans becomes part of the spectrum of excepted social beliefs (for some).

Unfortunately, one of the most easily identifiable ascriptive characteristic is skin color or "race," a socially constructed category long used to assert the dominance of lighter-skinned people over darker-skinned people. That the fear-based arguments surrounding marijuana are attached to an already disadvantaged (negatively constructed target) population, is not surprising. In this case, African American men are associated with marijuana *and* crime at rates extremely disproportional to the general population. Its common occurrence in the sports pages may be said to represent a narrative frame specific to marijuana policy, and this frame represents a form of institutional racism. Whether this racism is a cause or a result of beliefs already present is beside the point. The continuation of these race-based narratives reinforces and contributes to the problem. The belief that African American men are more dangerous than Caucasians is the cause of innumerable injustices in the US today. Despite being only 12.7% of the population, and despite using marijuana at similar rates, African Americans are associated with marijuana and criminality more often than Caucasians. The resulting disproportional punishment of African Americans for marijuana use, in turn, reinforces this belief and contributes to an ever-increasing cyclical process in which African American men are

viewed as threatening and deserving of punishment ranging from social, professional, and political, and including incarceration.

Beckett, Nyrop, Pfingst, and Bowen's findings (2005), that particular images related to drugs "had long-lasting institutional and cultural effects that continue to shape police perceptions and practices" (p. 419) appear extremely relevant in the case of national marijuana policy. Narratives which support criminal marijuana policy contribute to racial injustice because they depend on racial fears to support value-based arguments that increase the beliefs that African Americans are more dangerous, that marijuana is dangerous, and that criminal marijuana policy is about protecting Caucasians from most marijuana users (who appear to be African Americans). These beliefs very likely contribute to decision-making at all levels, including (but not limited to) the decisions of people seeking medical help, voting decisions, the decisions of policy-makers, the decisions of law enforcement officers, the decisions of judges and lawyers in the legal process, and the decisions of housing officials.

The potential effects of policy frames in the sports section is unclear. However, the co-construction of African Americans with violent criminality and marijuana use is presented often and disproportionally in one prominent national news source (compared to Caucasians), particularly in the sports pages, and these images cannot help but to reaffirm images of African American marijuana users as dangerous and deserving of punishment.

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Chapter 4: African American Athletes, Criminality, and Marijuana:

A Critical Analysis of Racism and Policy in the News

Abstract

Marijuana policy has been highly contentious in recent years as 47 states have enacted medical or recreational marijuana laws in direct opposition to the national policy prohibiting marijuana use. Yet still today, African-Americans are disproportionately punished for marijuana use, a significant contributor to the disproportional representation of Africans in U.S. prisons. Research has shown that certain drugs were prohibited for the express purpose of maintaining a racial hierarchy by constructing darker-skinned users of those drugs as dangerous, and recent research has confirmed that criminal marijuana discourse is *still* the most prevalent in the national news and that it is *still* largely associated with African Americans. Additionally, research revealed that this discourse is commonly found in sports stories. The following analysis is based on this frame of African-American-athlete-as-a-criminal-marijuana-user, a narrative which contributes to negative racial stereotypes and support for criminal marijuana policy. One exemplary news story was chosen, and a critical discourse analysis was performed. Critical discourse specifically examines how power is wielded through discourse The results of this analysis are discussed in the context of audience beliefs, subsequent political choices, and the potential capacity of this frame to reinforce racism towards African Americans.

African American Athletes, Criminality, and Marijuana:

A Critical Analysis of Racism and Policy in the News

Many scholars have asserted that the foundational reasons for the regulation of certain drugs were to create a legitimate means of disenfranchising people of color (Alexander, 2011; Glaser, 1999; Langner & Zajicek, 2017). Since the 1970's, the U.S. prison system's population has increased nearly 700% and the largest percentage of those are people convicted of drug crimes (20% of state prison populations and 50% of federal populations) (Blumstein, 2015, p. 187). Research has also shown that though African Americans use drugs at lower rates than Caucasians (Johnson, et al., 2004, from Massey, p. 70), they represent 38% of the prison populations (compared to 13% of the total population) (U.S. Census 2015). In 2014, the ACLU published a report saying the punishment for marijuana use outnumbered any other drug, and that African-Americans were nearly four times as likely to be arrested for marijuana use than white Americans. Interestingly, in the 1980's public concern about street crime and drug use rose in response to activity by state and media coverage, rather than an actual increase in either (Beckett, 1995), and darker-skinned drug users continue to be targeted at higher rates because they are viewed as more threatening (Beckett, Nyrop, and Pfingst, 2005; Manning 2006).

Scholars in the U.S. have examined marijuana policy discourse from a variety of angles (Stryker, 2002; McGinty et al. 2016; McGinty et al., 2017; Langner & Zajicek, 2019). Stryker's research is based on value-laden (*status quo*) assumptions, and although both analyses of McGinty et al. adopt a more scientific (value-free) stance, they do not distinguish between recreational and medical policy arguments. Although power is embedded in how an issue is "represented rhetorically" and how it is talked about "can be more important than the number of times the issues is mentioned" (Lupton 1992, p. 147), apart from Langner and Zajicek, these

studies have failed to address the power of cultural hegemony inherent in marijuana policy. Outside the US, Van Dijk examined power-related characteristics that contribute to the social construction of marijuana in the US news (2002), as well as dominant racialized constructions in the news of Europe and North America (van Dijk, 2000), though never the combination of the two. A more recent analysis of drug policies by Eversman (2013) provides an in-depth analysis of the power-dimensions of the criminalization vs. "harm reduction" policy approaches to the use of illegal drugs.

Finally, the racialized construction of athletes has been examined (Bruce, 2004; Carrington, 2001; Davis & Harris, 1998; Van Sterkenburg, et al., 2010). Lewis & Proffitt (2012) specifically compared the construction of marijuana use of African American and white athletes and attributed differential constructions to the sympathies of (primarily white) journalists. Van Sterkenburg et al. recommended a critical analysis of "the complex interaction between racialized/ethnicized discourses and power relations in society at large and specific sports commentary practices" (p. 832). With regard to race, athletes, and marijuana, Haines-Saah et al. (2014) conducted a qualitative analysis of all marijuana stories in Canadian national news (over a 10-year period) and found that marijuana use by white celebrity-athletes was constructed in positive terms and normalized, but that this "privileged normalization" did not apply to *black* celebrity-athletes. To date, no study has critically examined how marijuana is co-constructed in relation to African American athletes and power.

The following analysis examines the co-construction of marijuana and African American athletes in an exemplary sports story (Pelissero, 2016), a policy frame that may reinforce criminal marijuana policy and negative racial stereotypes. The research

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question guiding the analysis is: How is the co-construction of African-American athletes and marijuana use accomplished in the news?

Social Construction and Agenda Setting in the News.

The theoretical lenses of agenda setting and critical discourse are built upon the concepts set forth by social constructionists and provide the linkage between fear-based constructions of marijuana in the national news, institutional racism, and criminal marijuana policy. Best (2002) described how social "problems" may the product of claims-making campaigns rather than actual conditions, and this has been confirmed by numerous researchers (Beckett 1994; Reinarman & Levine, 1995). Best emphasized the necessity of "more micro-sociological studies of the application of constructions in social problems work (in the media)" (2002, p. 704). Lukes (1974) stated that "the ability to politicize issues… represents an important component of the exercise of power: the selection, omission, and framing of issues and events are crucial in shaping not only public opinion, but political debate and policy as well" (p. 426), and he recommended that future research examine the potential influence of the media on perceptions criminality or drugs. Critical discourse analyses, particularly as related to agenda setting, depend on the theoretical foundations of the social construction of social problems. Many researchers have pointed out that, in communities with little exposure to people of color or drugs, political beliefs and corresponding solutions may be more susceptible to racial symbolism in the media (van Dijk, 2000; Gelders et al., 2009).

Cobb and Ross (1997) define agenda setting is as "the politics of selecting issues for active consideration" and agenda setting is often accomplished by "policies, state actors and others represent(ing) social issues in ways that imply the need for desired policy outcomes" (Edelman, 1988). In relation to criminal drug policy, agenda denial tactics are particularly

relevant. Agenda denial strategies may include the absence of policy alternatives, the negative construction of policy alternatives or advocates, "creating a commission to study a problem" (Cobb & Ross, 1997, p. 215), and/or the threat of social, professional, or legal punishment. Cobb and Ross also say that "(c)ultural processes, and especially the dynamics of identification and symbolization, matter when they invoke threats and deep fears and effectively link political grievances to existing worldviews and individuals to political groups" (1997, p. 4). Researchers from various fields (Rochefort & Cobb, 1994; van Dijk, 1993b; Fairclough, 1998) have identified the news media as a potent source for the discursive construction of policy, policy alternatives, and the maintenance of hierarchical structures within society, and thus an important area to analyze critically.

Critical Discourse Analysis (CDA). CDA researchers seek to investigate power relationships between elite groups, and those who have little or no access to public discourse. CDA seeks to examine "the role of discourse in the (re)production and challenge of dominance. Dominance is defined here as the exercise of social power by elites, institutions or groups, that results in social inequality, including political, cultural, class, ethnic, racial and gender stereotyping" (van Dijk, 1993b, p 249-250). Van Dijk summarizes the "principles, aims, and criteria" of CDA, saying that, "critical discourse analysts (should) take an explicit sociopolitical stance: they spell out their point of view, perspective, principles and aims, both within their discipline and within society…" (1993b, p. 252). The chief principle and aims of CDA are to "deal primarily with the discourse dimensions of power abuse and the injustice and inequality that result from it." (252). CDA is both a theoretical orientation and a methodology.

Critical Discourse and Racism. Analyzing the "new racism" includes the basic understanding that the "general strategy of positive self-presentation and negative other-presentation is prevalent in most dominant discourse about immigrants and minorities" (van Dijk, 2000, p. 38-39). According to (Bonilla-Silva, 2003), in the context of new racism, racialized beliefs have been re-defined in terms of American individualism, and, according to van Dijk (2000), news stories about people of color are usually confined to those with a negative dimension, such as stories of crime, deviance, and violence. He claims that in contrast to open and physically coercive forms of the "old racism," "new racism" is identified by normalized discourse among the dominant group which includes an underlying belief that "minorities are not biologically inferior, but different." "Differences" are "constructed as deficiencies such as single-parent families, drug abuse, lacking achievement values, and dependence on welfare and affirmative action pathologies that need to be corrected" (van Dijk, 2000, p. 35.) "New racism" takes place on two levels, the social (ranging from everyday speech to institutional practices) and the cognitive (beliefs and decision-making processes). Discourse analyses provide the critical linkage between the social practice and cognitive beliefs of racism. Examples of how discourse helps enact racism include that "whites restrict the access of blacks to the press…" (van Dijk, 1993b, p. 260), and when minorities are quoted, "those are selected that confirm the general attitudes about the group in question" (van Dijk, 2000, p. 39)

Current research: International scholars have looked at various aspects of marijuana construction in the news (Haines-Saah et al., 2013; Sznitman and Lewis, 2015). Haines-Saah et al.'s qualitative analysis of marijuana constructions in Canadian news identified a "privileged normalization" of marijuana use among celebrity-athletes, that excluded black celebrity-athletes. This means that marijuana use by those in more privileged positions (such as a celebrity-athlete)

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was constructed in positive terms, but *black* celebrity-athletes who use marijuana were constructed as poor decision-makers and "fallen heroes" (p. 53). Sznitman and Lewis looked at the competing constructions of medical and criminal marijuana use in Israeli news and found that despite the legal and professional acceptance of marijuana's medical efficacy of marijuana, a large proportion of news stories still describe marijuana as an "illicit drug."

Of the limited studies of marijuana in the US news, many are grounded in *status quo* constructions of marijuana (McGinty et al., 2016; McGinty et al., 2017; Stryker 2002). For instance, Stryker (2003) studied how marijuana messaging effects marijuana use among the youth, and included assumptions such as "drug abuse can only be prevented through abstinence," that marijuana is a "'gateway'" drug, which will ultimately lead to the use and potential abuse of other more dangerous and addictive illicit substances," and that "that the successful prevention of any marijuana use will also curtail the use or abuse of other drugs" (p. 308). She did find that the "majority of marijuana media coverage consisted of references to negative consequences of marijuana use (PRO), and little mention of positive aspects of use over time (CON)" (p. 318), which mirrors findings upon which this research is built (Langner & Zajicek, 2019).

McGinty et al. (2016) analyzed the distribution of pro- vs. anti- legalization, but despite the public health orientation of this research, they fail to apply any type of medical rationale. Their research itself is based on a misleading (false) dichotomy between criminal prohibition and unregulated recreational use, which means they also fail to discuss how "anti-legalization" arguments such as "detriments to youth health and well-being" contain implicit (medical) assumptions about the effects of marijuana use. In

similar fashion, McGinty et al. (2017) simply surveyed public "perceptions" of these arguments, thus negating a discussion of the mixture facts and values contained in these ideas, or the relevance of medical uses. Only Langner and Zajicek (2019) examine the differing rationale for criminal, medical, and recreational marijuana policies, including the use of negative racial stereotypes. They found that not only were criminal constructions still the most prevalent, but that they were linked to African Americans, and co-constructed as dangerous, in grossly disproportional numbers. Additionally, they found that both criminal *and* medical constructions were consistently found in the sports pages and linked to African Americans athletes.

Recently, sports media has become an important branch of media scholarship. Like Bonilla-Silva (2003) and van Dijk (1993a, 2000), sports news researchers have recognized that the race or ethnicity of athletes is also rarely mentioned explicitly (Jamieson, 1998; Sabo et al., 1996). The stories found in sports discourse often emphasizes associations that identify the race or ethnicity of an athlete implicitly. It "is these discourses that create the racial and ethnic categorizations used in sports commentary in the first place and make them look 'natural' and 'real'" (Van Sterkenburg et al., 210, p. 831). Many researchers have found that negative racial stereotypes in sports commentary and concluded that these stereotypes support racial inequalities in the larger society (Bruce, 2004; Carrington, 2001; Davis & Harris, 1998; Van Sterkenburg et al.). According to Van Sterkenburg, et al., "both the societal categorizations of race and ethnicity and the processes through which they are (re)produced still require scholarly attention" (2010, p. 830).

However, while Van Sterkenburg et al. included a discussion of how racialized discourses reinforce power relations in society, they did not examine marijuana specifically. Lewis and Proffitt looked specifically at racialized marijuana constructions in the sports pages

and found that marijuana use by white athletes is treated as a unique occurrence, while use by black athletes is characterized as a generalized character flaw. They attributed these racialized constructions to the inability of the reporter to identify with black athletes (2012). Similarly, Claringbould et al., (2004) found that most mainstream Western sports commentators are white males, which means they speak from this racialized location, and are thus unable to identify with female and/or minority athletes. Although both researchers identified the presences of negative ascriptive constructions, they limited their focus to the causes of these constructions, rather than the larger hegemonic relationships involved in the formation and continuation of criminal marijuana penalties

The following research utilizes an article exemplifying the co-construction of marijuana and African American athletes, in order to critically analyze *how* African American athletes are associated with marijuana, and how these constructions relate to different policy alternatives. Additionally, this research incorporates the insight that fear-based constructions in the news are used to support criminal policies via narratives that associate a given topic (in this case marijuana) with danger and/or victimhood (Altheide, 2006). Fear-based constructions may also be viewed as a unique combination of agenda denial tactics.

Methods

The following analysis is part of a larger research project that seeks to identify patterns of social constructions related to race and marijuana use in the national news by performing both an integrative (summative and qualitative) content analysis and an in-depth critical discourse analysis. The following analysis utilizes critical discourse methods to examine racialized discourse and its co-construction with marijuana in the sports news in an article entitled

"Steelers' Ramon Foster offers passionate defense of marijuana as pain-killing alternative,"

(Pelissero, 2016). According to van Dijk, a "critical or sociopolitical analyses of discourse as a

form, expression, or means in the enactment or legitimation of ethnic inequality always need to

make explicit specific discourse structures in relation to their various "contexts."" (1993a, p.

118). In relation to racialized discourse, van Dijk (2000) suggested that mainstream discourse

often limits the voices of "racial" or ethnic minorities or mediates these voices through a "white"

interpreter. Pejorative word choices may be applied to "others," or their actions (van Dijk, 2000),

but whites often avoid racializing their own identities, such that "others" are given labels, but not

themselves (Dyer, 1997). News about minorities may also be restricted to certain topics, such as

those characterizing deviance, social problems, or the political response to a "threat" (violence,

crime, drugs, etc.).

For these reasons, critical discourse strategies, and particularly those used to analyze

racialized discourse, were used to analyze the co-construction of marijuana and African

American athletes in the article, "Steelers' Ramon Foster offers passionate defense of marijuana

as pain-killing alternative" (published on November 11, 2016 in *The USA Today*). The article

was chosen based on the results of a quantitative analysis all 174 stories published in *USA Today*

in 2016 containing the keyword "marijuana," which revealed a discursive frame used to

construct marijuana policy that involved the co-construction of African American athletes,

criminality, and marijuana use. This analysis provides insight into *how* racialized constructions

of marijuana in the sports combine negative stereotypes about both race and marijuana and

confuse (or discredit) policy alternatives. We then discuss how these constructions may affect

personal beliefs and thus support for criminal marijuana policy.

As is typical of CDA, the analysis and discussion will be conducted simultaneously and involve a back-and-forth movement between text and context. The analysis begins with descriptions of schemata, grammatical structures, and lexical style, each of which provides different levels of context through which meaning is deconstructed. Schemata refer to the meaning conveyed by the macro-, or "superstructure" in which it occurs. For instance, stories in the sports section of a national news may include assumptions regarding how the NFL relates to national politics. These macro- features often contain necessary background for understanding the implications of meta- or micro- features. Meta-level information may be communicated through grammatical structures such as word order, subject-object choices, perspective, verb transition, or arrangement, which can indicate presumptions, implications, or coherence. At the micro-level, lexical style, or word choices, communicate important information about how to think about a subject. Classic examples of the lexical style related to this study include various word used to describe "marijuana" (cannabis, pot, reefer, weed, dope, etc.), or various ways "African Americans" have been referred to historically (negro, black, colored, etc.). The analysis begins with the headline before continuing into the examination of different levels of context, followed by a description of racialized constructions.

Systematic analysis

     Headline. The headline "Steelers' Ramon Foster offers passionate defense of marijuana as pain-killing alternative" introduces a story which appeared in the November 11, 2016 issue of *The USA Today* (both print and electronic). As the first item which the reader encounters, the headline communicates the topic of the story. In this case, it announces that an African American athlete will speak about the use of marijuana as a pain-relieving medicine. It also contains at least three interesting discursive devices that

can be identified. First, Ramon is identified with the team for which he plays. Second, the designation of marijuana as a "alternative" implies that marijuana is a *less* effective treatment. Third, "pain-killer" is a non-medical reference to opiates, perhaps blurring the line between medical or recreational use. Finally, the headline appears directly above a large picture of Ramon on the field in full athletic gear, with visible tattoos, ready to tackle someone, and the caption "Steelers G Ramon Foster has been a regular starter since 2010." From this, readers who are unfamiliar with his name, profession, or race, may quickly identify that Ramon is an African American professional football player. Elements of the picture may also reify negative stereotypes (tattoos, muscles, aggressive posture), and combined with his "passionate defense" may color his arguments as intellectually inferior. In contrast, a picture of Ramon in more formal attire might reinforce the intellectual veracity of his arguments.

      Schemata: Power structures in the US and the NFL. In the headline, Ramon is identified by his team affiliation with a possessive "The Steelers' Ramon Foster." While this construction may be common in sport journalism, it also activates the similarity between the racial makeup of the NFL and the racial history of the US. At the beginning of the 2017 season, a clear majority of NFL players (68%) were African American players but team owners, were exclusively white males (Lapchick & Marfatia, 2017). The possessive referent combined with this well-known fact, activates images of slavery. This is just one of many examples in which larger socio-historical stereotypes are activated, which are described in the following section.

      For instance, the story is built around the NFL Players association (NFLPA) and the NFL management as opposing sides in the re-negotiation of marijuana regulation. Followers of the NFL will be aware of the hierarchy between the NFLPA. The NFLPA is a union representing the

players, or "workers," and the NFL management refers to the owners. As with most union-management relationships, the management has a distinct advantage.

The story contains multiple references to this hierarchy such as the following quote in which Foster is described as speaking on behalf of the NFLPA:

> Foster said medical marijuana came up in bargaining before the current drug policy was ratified in September 2014, with a slower disciplinary scale for offenses involving marijuana than other drugs. But Foster said the union didn't push for it, and he acknowledged issues standing in the way of marijuana reform at the league level, including federal laws on the drug.

When marijuana policy is described as coming up "in bargaining" (or "collective bargaining") the reference activates imagery associated with unions and "workers vs. management." In recent U.S. history, unions have been associated with "deviant" groups such as communists and organized crime.

However, terms like "bargaining" might also de-emphasize, or soften, the top-down power structure in which the owners hold the advantage. On the surface, "bargaining" suggests that terms are mutually agreed upon such that players agree on terms, and then submit them for approval. The structure of this "bargaining" evokes images of children petition parents for a raise in allowance, it also signals that the players have agreed to the current status of marijuana prohibition, and any accompanying punishment. Softening management advantage also occurs in statements such as "the union didn't push for it" (medical policy reform), or when the article states that the "league has bent that rule" in reference to banishing players for repeated failed drug tests.

Additionally, the NFLPA is constructed with conflicting loyalties, which also signals that they have less authority than the NFL management. They help negotiate the rules, they also warn player of upcoming drug tests.

NFLPA alerts guys on March 20th: 'Guys, you're 30 days away from when they (NFL management) can test you for street drugs,' Foster said. Say I got my test — this year, I got my test on 4/20. If I wanted to, I can indulge for the rest of the year until next year on March 20th. They know that.

Context: grammar, implications, and assumptions. In the headline, the phrase "offer(ing) a passionate defense," of medical marijuana, contains multiple features which may weaken any subsequent medical arguments. For instance, a "passionate" argument could be considered next to its opposite, a logical or reasonable argument, and "defense" suggests a position that is already at a disadvantage.

Stereotypes or schemas associated with recreational drug dependence may also be activated through implication, presupposition, or coherence. Foster is consistently quoted using informal language to describe both users and use. For instance, he refers to other players using the term "guys," (not players, professional, patients, etc.) and to the use of marijuana as "smoking weed." These characterizations do not activate the image of marijuana as a medicine, nor people who use it, as patients.

On the other hand, statements given by NFL management appear in clear, formal, authoritative language, and include dominant construction that marijuana use is *not* medicinal (all use recreational) and still illegal (*status quo*). It also implies that use will be punished and refers to the power of incumbent policy.

League spokesman Brian McCarthy told USA TODAY Sports in a statement Wednesday that the league is working with medical advisors who are 'constantly reviewing and relying on the most current research and scientific data.' 'We continue to follow the advice of leading experts on treatment, pain management and other symptoms associated with concussions and other injuries,' the statement said. 'However, medical experts have not recommended making a change or revisiting our collectively-bargained policy and approach related to marijuana, and our position on its use remains consistent with federal law and workplace policies across the country.'

Grammatical structures may also imply agency. Discursive structures often give (or deny) agency using verb transience. Verbs imply if someone has power as the agent, the target, or the victim of an action. According to scholars of racialized discourse, minorities are often denied agency, unless the actions are negative, "such as illegal entry, crime, violence or drug abuse" in which case "their responsible agency will be emphasized" (van Dijk, 2000, p. 40). For example, in the following quote, Bryant is the target of the first two actions, but the agent of the last one.

> Steelers receiver Martavis Bryant is this season — *not being allowed* around the team, though the league *has bent that rule* in some recent cases. One of Bryant's agents, Brian Fettner, told USA TODAY Sports in March his client *smoked* to help him with depression. (italics added)

Lexical choices. Table 1 is a (partial) list of words used in this article, grouped by topic, which illuminate how the words chosen may reflect different dimensions of the dominant (*status quo*) marijuana construction in the article. The left column contains a quote, with a specific word in **bold** and alternatives word choices listed in parenthesis below, and the right column contains a short explanation of the construction associated with this choice. For instance, the lexical choice in the statement, "Ramon Foster **offers** a passionate defense…" is indicated in **bold** and would be explained (in the right column) as a word choice which indicates a weak argumentative gesture (as opposed to *makes*, *gives*, or *asserts*) which are listed in parenthesis.

Additionally, some word choices that imply that some African-American players are not completely trustworthy. In the following statements, "Le'Veon Bell, served a three-game suspension to start this season for what he *claimed* were three missed drug tests" (italics added) the reporter suggests some reason to doubt Bell's statement. In this case, the reason behind the drug-related suspension of an NFL player is a fact that could

be verified or repudiated by a professional journalist. This is also an example of an indirect

quote, which will be discussed in the following section.

Table 1: Lexical choices, alternatives, and function

Recreational stereotypes	
marijuana (pot, weed, reefer, dope, cannabis, THC, CBD, edibles)	Common, but informal, and a de-legitimizing referent to Mexico/Latinos
"nobody really cares if players **smoke weed**" "his client **smoked** to help him with depression" (used, administered, ingested)	informal terms associated with marijuana use, even in combination with medical use; other means of ingesting marijuana are associated with medical use (such as the use of orally-administered concentrates, oils, etc.)
"30 days away from when they can test you for **street drugs**,"	marijuana labeled as a "street drug" medicine
"If I wanted to, I can **indulge** for the rest of the year" (use, consume, take, etc.)	Is all *use* excess? Similar to "abuse" vs. "use" Does one *indulge* in medicine?
Painkillers; "**cousin to heroin**" (generally, "opioids;" specifically Oxycontin, oxycodone, Percodan, etc...)	Informal, marijuana as an alternative to recreational drugs
Punishment	
"with a **slower disciplinary scale** for offenses involving marijuana than other drugs" (Less punishment, Reduced punishment)	softening the continued punishment for marijuana use for non-addictive pain treatment, possibly in states where medical use is recognized
"**offenses** involving marijuana" (use of)	highlights marijuana as an "offense"
"**banished** Cleveland Browns receiver" (kicked out, excommunicated)	Emotive; permanent, scary; connotations of exile, excommunication, etc.
Softening opposition to medical marijuana.	
"**issues** standing in the way of marijuana reform" (obstacles, opposition, people)	"issues" appear to stand by themselves; non-personalized
"medical experts have not recommended **making a change or revisiting** our collectively-bargained policy" (recognize the medicinal use)	reinforces the incumbency of the *status quo*
Delegitimizing the NFLPA (and their arguments).	
"the NFL Players Association's **nascent** committee on pain management"	implies newness, or infancy, further delegitimizing the NFLPA
medical advisors people in the scientific and medical communities (par. 12 and 13)	Medical staff for the NFLPA
leading experts" medical experts"(par. 14)	Medical staff for the NFL

Discussion

  Marijuana and Race. The primary focus of this analysis on the co-construction of African Americans and marijuana in a way that may de-legitimize both, and the results of this analysis support that idea. One of the most prominent features of the selected article was the de-legitimization of evidence and advocates for medical marijuana. As we have already pointed out, Foster (not a medical professional) is "offering a passionate defense," (as opposed to a logical one). One of the more derogatory stereotypes identified with African Americans is that of having greater physicality and lower intellectual capacity (Steele, 2011). A similar stereotype exists for athletes (or "jocks"), and followers of the NFL would be aware that this stereotype extends to down-lineman (as opposed to a quarterbacks). In general, the combination of negative racialized stereotypes and medical marijuana constructions may greatly affect audience perception of medical policy. While the story may give equal space to each argument, medical arguments are weakened (or ignored), criminal arguments are presented unequivocally, and advocates are presented in illegitimate and/or racialized terms.

  As we have already pointed out, the combination of negative constructions of both marijuana and marijuana advocates may be accomplished through the association of African American athletes with marijuana and criminality, particularly if the African American advocates are described with racially biased discourse. Van Dijk (2000) pointed out many features of racialized discourse, such as differences in the ways that minority sources are quoted. He also pointed out that word choices may imply racialized local meanings, and grammatical structures may deny agency to minorities unless "they are agents of negative actions" (p. 40). For instance, in the headline, the word "offer,"

(though it does not *deny* agency) may be seen as weakening "Foster's passionate defense of marijuana." Stronger (and more common) word choices include *presents*, *makes*, or *gives*.

According to van Dijk (2000) quotes reflect the source discourses of those cited, and it is expected that news reports will contain multiple sources to reflect both sides of an argument. However, depending on issues of access and control, the journalist may use their discretion to determine how minorities are quoted. What often occurs is that minorities are quoted less frequently, selected quotes confirm common stereotypes, and minorities are rarely "allowed to speak alone: a white person is necessary to confirm and convey his or her opinion, possibly against that of the minority spokesperson" (p. 39). In this article, Foster's indirect quotes are often used to undermine his own arguments. The lead paragraph and initial statement by Foster offers an example of indirect quotes interspersed with direct quotes that imply the dominant (status quo) construction of recreational marijuana use.

> Pittsburgh Steelers guard Ramon Foster says he needs "higher clearance" to discuss the NFL Players Association's nascent committee on pain management, which will study, among other things, possible uses for marijuana as an alternative to painkillers.

Whatever Foster has said, is translated by the author of the story, except for the term "higher clearance." Not only does the phrase "higher clearance" elicit images of "getting high," (a recreational, not medical construction), it also undermines Foster's authority by emphasizing that he is not an official spokesperson for the NFLPA. These constructions immediately undermine the (implied) topic of the article (Ramon Foster is an advocate of medical marijuana). Examples of differences in quoted material can be found throughout the article, and the difference is noticeably subject/race-related. For instance, "Foster has a lot of issues with the existing policy, starting with the reality players who aren't in the drug program need only to pass one test in the offseason" suggest that Foster thinks players are not being tested (for marijuana)

consistently. Later, Foster is said to have "no problem with punishment for players who break the law, for things such as marijuana possession in a state where it's not legal." In these examples, indirect quotes of an African American athlete reinforce the *status quo*.

However, de-legitimizing constructions of both African Americans and marijuana are not limited to indirect quotes. In the quote below, authority is minimized, negative stereotypes are activated, and medical constructions are confused with criminal.

> If I can stop a guy from using opioids or any other type of drug that inhibits him or makes him an addict, I would rather that guy smoke marijuana than to be on something that's a cousin to heroin…That's how I feel about it. And you have guys that say, yes, this makes me feel better. And not just your regular guy that's from the inner city. You have suburban guys, or guys standing up in a deer stand on Saturdays hunting. This is a universal thing.

The informal presentation of his medical assertions ("how he feels about it," "guys that say yes, this makes me feel better") undermines assertions that would be better validated with medical research. Foster also reaffirms (by denial) the stereotype that only African Americans, or a "guy that's from the inner city" use marijuana, and the statement that marijuana use helps "suburban guys, or guys standing up in a deer stand on Saturdays hunting," seems to suggest that medical marijuana policy should be re-considered because it works for white people too. Finally, while Foster's direct quotes appear to construct marijuana as an alternative to opiate addiction, referring to marijuana as a replacement for a "cousin to heroin" frames medical applications with language typically used for recreational use. Other lexical choices which refer to recreational use of both opiates and marijuana include "*addict*," "*on something*," and *"smoke."*

Reinforcing negative stereotypes or *status quo* constructions may also be accomplished through "apparent denial" (van Dijk, 1993a, p. 112). For example, Foster is quoted saying "it's (marijuana) not *taboo* anymore. If it's proven and a guy's not being a

degenerate or being *reckless* in what he's doing, *driving around with it*… No, we're not trying to

make guys *druggies* or anything like that" (italics added)." This quote contains multiple negative

stereotypes commonly used to construct criminal policy (*degenerate*, *reckless*, *druggies*). A

reader could only conclude that these must be common stereotypes of marijuana use/users. The

word "proven" also indicates that a marijuana user must prove they are *not* being a "degenerate,"

or "reckless," and the word "anymore" implies that these stereotypes *used* to be true

  De-legitimizing/undermining medical arguments. Even in the absence of racialized

constructions, medical constructions are undermined. For example, in the following excerpt,

"possible amendments to the collectively bargained substance abuse policy's stance on

marijuana as more states legalize it for recreational and medical use" state policies are given as a

reason for the topic, (*not* medical research). As previously mentioned, the headline describes

marijuana as an "alternative" to opioids and this construction is repeated throughout the article.

In the first paragraph, the NFLPA "will study, *among other things*, *possible uses* for marijuana as

an *alternative* to painkillers." According to Mizrachi, Shuval, and Gross, the word "alternative,"

particularly in combination with medical terminology, implies that something is NOT accepted

and "outside" of the mainstream medical field (2005). Phrases such "possible uses" reinforce the

repeated claims that there is not yet evidence supporting medical marijuana, though a quick

search of google academic with the terms "marijuana" and "pain" produces medical publications

which show that marijuana has nearly *equal* analgesic properties to codeine (Campbell, et al.

2001). The phrase "among other things" implies numerous other alternatives, though none are

mentioned in the story. This suggestion is repeated later in the story in paragraph 12, "Marijuana

will be one substance that we will look at in the context of this chronic pain issue." Again,

marijuana is one of many (unnamed) substances that the NFLPA will review in relation
to pain-management.

Additionally, the claim that there is no scientific evidence of the medical efficacy
of marijuana is repeated throughout the story and left unchallenged by the journalist.
According to a quick google search, these statements are patently false. (A summary of
recent medical findings can be found in ElShebiney, 2016.)

In the following example, advocates for medical marijuana are constructed with
less legitimacy than advocates of the *status quo*. "(T)he union (NFLPA) is forming a pain
management committee, which Atallah said will be made up of current and former
players and people in the scientific and medical communities…" In contrast, "the league
(the NFL) is working with medical advisors who are constantly reviewing and relying on
the most current research and scientific data."

The phrasing suggests that, while the NFL depends solely on medical advisors,
while the NFLPA has players (along with people in the scientific and medical
communities) reviewing scientific evidence. Additionally, as we have already pointed out
that readers will be aware of the racial make-up of the NFL, and the combination of
negative racial stereotypes with negative constructions of marijuana is believed to have a
synergistic effect. In general, the strategies used in this article are consistent with agenda
denial strategies, particularly undermining the legitimacy of the marijuana advocates, but
also including the denial of evidence and the referring decision-making to a (relatively
powerless) commission (NFLPA).

Mixed Constructions: medical-recreational-criminal. Problem definition
researchers have long recognized that clear and consistent associations (image saliency)

are a powerful advantage for those asserting a policy definition. This research has looked at

marijuana constructions in terms of three broad categories of marijuana policy, each of which

relies on implicit assumptions about marijuana in order to justify a policy solution. Criminal

policy depends on the belief that marijuana use is recreational, harmful, and dangerous, medical

policy depends on the medical uses of marijuana, and recreational policy depends on treating

marijuana like to alcohol or tobacco. The headline suggests that this article will focus on the

medical applications of marijuana, but it also limits the medical focus to marijuana's use as an

alternative to "painkillers," a slang term for opiates, which mixes medical and criminal imagery.

Throughout the story, the arguments for medical marijuana lack clarity and the constructions of

marijuana use are inconsistent. In paragraph 6, the article turns to drug testing, and use. The

"medical" focus shifts from the possible medical uses of marijuana for pain-relief, to drug

testing, and how to catch more players for marijuana use/failed tests.

The transition begins with an *indirect* quote in which "Foster has a lot of issues with

existing policy, starting with the reality players who aren't in the drug program need only to pass

one test in the offseason, giving the impression nobody really cares if players smoke weed…".

The topic of drug testing confuses the constructions of marijuana even further, as the tests are

intended to screen for performance-enhancing drugs (i.e., steroids), or *recreational* drugs such as

cocaine or heroin, not medically prescribed substances. The quote also implies that testing for

(recreational?) marijuana use in the offseason is a concern of Foster's that is nearly as important

as recognizing the medical uses for marijuana. Foster refers to the testing as "test(ing) you for

street drugs," marijuana use as "*smoke(ing) weed*," and when he elaborates, Foster says "I got

my test on *4/20*. If I wanted to, I can *indulge* for the rest of the year" (par. 6-7). Given the

efficacy of marijuana related to many conditions caused by a career as a professional athlete, it is

conspicuous that use would be described with recreational terminology (or as an "indulgence"). An argument more consistent with medical use (the stated topic of the story) and drug testing, might involve how private (or off-season) marijuana use may be a *type* of self-medication for conditions related to the sport. In this section, punishment for use is taken-for-granted.

Punishment. The fifth paragraph stated that the players agreed to a "slower disciplinary scale" (a softer term for less punishment), and the paragraph ends with a re-statement of the federal prohibition of marijuana. Examples of African American players and their punishments for marijuana use are included throughout the body of the story. "Le'Veon Bell, served a three-game suspension to start this season … Bell also served a two-game suspension in 2015 following an arrest for DUI and marijuana possession the previous August." (par. 11). This example contains no reference to medical use, but it does imply a potential danger to innocent bystanders caused by a player's marijuana use. Only once was use related to a medical condition. "Brian Fettner told USA TODAY Sports in March his client smoked to help him with depression" (par. 9).

It is interesting that this condition is reported by a (white) representative of Martavis Bryant *and* connected with a punishment ("not being allowed around the team" "taking away all of his money for a year"). Presenting legal and professional punishment in a story about medical marijuana policy may convey the message that despite the (tentative) acknowledgement of the medical uses of marijuana, treatment will be viewed as recreational and severe punishments will be given. (It is particularly noteworthy that no "white" athletes were among those listed.) Foster is (indirectly) reported to have said that "he has no problem with punishment for players who break the law, for things such

as marijuana possession in a state where it's not legal" (par. 16), which is an assumption consistent with criminal policy construction. Using Foster to reinforce the status quo construction is not only typical of racialized constructions, but it serves the dual purposes of normalizing punishment and threatening (African American) marijuana users.

In the final paragraph, Foster says, "(w)ould you rather have somebody that smokes occasionally or someone that, when you take that away from him, you have the guy that's downing a fifth of Hennessy every night, or Tito's Vodka. Is that what you want?" This argument clearly confuses medical marijuana use with the marijuana as a recreational alternative to alcohol, and it is at odds with both the purpose of the story and with his reported concern with drug testing.

Finally, many statements are vague, bordering on nonsensical. For instance, "Foster is willing to make his position clear: Something can be done." What that "something" is, remains a mystery. Later, Foster says that "(w)e're a league that wants to evolve and help the player, push the player, put the players on the platform… Martavis -- he can be a superstar in this league. But we can help that guy by also helping him help himself." Use of the pronoun "we" implies that Foster takes some responsibility for Martavis' punishment, which is inconsistent with his previously stated professional and ideological positions. And how does Martavis help himself in the situation where he is punished for using marijuana for depression on the offseason? In the concluding paragraph, Foster says, "(t)hink about the help processes. And I know it's not perfect. The league's not perfect, the union's not perfect. But if we know there are certain things that guys can use to help with information, help with sleep, help with pain that's not going to have them addicted, why not?" What is "the help process"? What does Foster's apology ("the league's not perfect, the union's not perfect,") mean? Finally, the list of things that marijuana "helps

with," (*information*, *sleep*, *pain*) mixes medical, recreational, and unknown (*information*?) constructions, and is just confusing.

Conclusion

The success of a policy construction (either towards a topic, or population) depends on image saliency and one well-recognized feature of the mass media is the ability to provide this consistent imagery. The article chosen for this research was based on previous research finding that African American athletes are combined with criminal marijuana constructions in the sports pages, but also that the sports pages contained the most references to medical marijuana. The selected article was chosen due to obvious indicators that it contained medical marijuana discourse. The results of the analysis have shown medical constructions are presented as weak, and criminal constructions, including dangers associated with use, and racialized images of users, are conflated with medical justifications.

Marijuana use is characterized using imagery which promotes negative racial stereotypes and a confusing combination of all three (criminal, medical, and recreational) policy constructions by which medical use is confused with dangerous recreational use, which justifies criminal policy. Medical research/arguments are neither prevalent, nor presented any consistency or clarity. Medical uses were rarely discussed (primarily in the opening four, and final two paragraphs), and are constructed using informal language typically used for recreational use. Marijuana is characterized as a less addictive substitute for opioids, but this has included assumptions of danger and deviance that have been historically associated with criminal policy. Negative stereotypes were communicated both directly and through denial. Arguments utilizing the incumbency of

marijuana prohibition (federal prohibition, lack of scientific evidence) are presented with authority, and laws and policies prohibiting marijuana use (federal and workplace) were presented without question. The body of the story describes in detail, numerous instances of African American players penalized for marijuana use, including specific names, details of the incident, and the specific legal and professional penalties. Beginning in the headline, throughout the article, and including the conclusion, racialized imagery is activated and medical policy for is both de-legitimized and confused with constructions of danger and recreational use. In summary, though the story claims that a "passionate defense of medical marijuana" would be offered, much of the story presents vague medical arguments, and descriptions more consistent with criminal narratives.

Limitations. This analysis is limited in ways both practically and theoretically linked to CDA. A critical discourse analyst has all potential levels of meaning as available material, and therefore, no analysis can be complete. A good analysis includes as many descriptions as possible until the researcher is satisfied that all relevant (any significant) connotations, or potential contextual references have been addressed. Additionally, CDA depends on logical extensions of what is known about the "black box" of human cognition. Though research has made significant advances in understanding how information is received, filed, and subsequently acted upon, there are many unknowns in this field. Consequently, though the greatest effort has been made to refer to previous research, patterns of discourse, and logic, conclusive connections between the "evidence" and political decision-making, construction of the news. However, at this point, beliefs about others cannot be known.

Additionally, this research contains an element of the normative which has the potential cast a shadow over the interpretations made. The research is normative in the sense that the

purpose of the project is to illuminate the mechanisms by which African Americans are disenfranchised and marijuana remains criminally prohibited. The normative values that form the foundation of this research are an orientation towards social justice which includes the recognition of historical and present-day racial discrimination and the willingness to correct practices which may support it. Additionally, this researcher advocates the use of science (as opposed to cultural "values") to justify drug regulation. That being said, it is the belief of this analyst that all research contains some normative values (be they to the scientific method, capitalism, individualism, the medical model, etc.) which are either more or less explicitly stated.

Finally, it is important to keep in mind that the concept of "race" is an imaginary one, with no biological basis, which is used to establish hegemony in social situations. That is, a group of people who may be identified by ascriptive characteristics, are constructed as inferior and singled out for differential treatment. In other words, for one group to establish dominance over another group, speech, images, and acts are constructed such that they consistently affiliate negative or dangerous traits with that group, including the consequences for affiliation with that group and how dominance will be maintained. This analysis was designed to "de-construct" constructions of African American athletes in relation to marijuana, in order to show how negative racial stereotypes are combined with criminal, medical, and recreational marijuana constructions, and delineate how these constructions may support the continuation of criminal policy and negative racial stereotypes

Future researchers may seek to describe relationships between marijuana policy and a larger group of "others," such as immigrants, Latino/as, the LGBT community,

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progressives, etc. Similarly, critical analysts may look at the combination of racial stereotypes and marijuana policy in other countries, emphasizing how different racial histories produce different constructions. Critical researchers may also seek to understand how racialized images are combined with other drug policies (such as "magic mushrooms"), policies involving criminality or prison, and/or policies which involve a distribution of resources to socially disadvantaged groups.

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Chapter 5: Conclusion

This research is mixed-methods project, focused on the continuation of federal criminal marijuana policy and disproportional criminalization of African Americans for marijuana use. The basis of this research project is the recognition that the "dangers" associated with African Americans and illegal drugs have become so prevalent at a national level that individuals (even if they do not believe it) are aware of this construction, and that this "awareness" may translate into support (or apathy) towards criminalization of users of particular substances. Given that federal and state marijuana policies are contradictory and rapidly changing, this project focused on marijuana policy specifically. The project consisted of three articles designed for publication.

The results of these analyses have shown that in the *USA Today* in 2016, criminal marijuana narratives continue to dominate the national news, which suggests that federal marijuana policy is still firmly entrenched. This research project provides a comprehensive look at the construction of marijuana policy in the national context. Chapter 3 showed that criminal marijuana policy is still the primary policy construction at a national level, and that this construction uses negative racial stereotypes such that the resulting disproportional punishment of African Americans for marijuana use should be viewed as a predictable result. Chapter 4 provided a more detailed view of how marijuana policy constructions, in combination with other power structures, such as professional sports management hierarchies, may co-contribute to negative stereotypes of African Americans.

Chapter 2. The first, (Chapter 2) is a summary of literature related to the racial roots of drug prohibition and continuing through the modern "War on Drugs" as a policy

"solution" to oppose civil rights advancements made by darker-skinned minorities since the beginning of the century. It provides historical evidence that drug policy entrepreneurs co-constructed dark-skinned minorities and certain drugs with fearful imagery, with the intention of legally and socially delegitimizing African Americans, Mexicans, and Asians through legal consequences for the use of these substances. Additionally, the article discusses public documents that indicate that racism is *still* the foundation for the current war on drugs, and thus responsible for the mass incarceration in the U.S. that is disproportionally composed of minorities. Finally, the article examines how this construction reifies criminal marijuana policy as well as negative racial stereotypes to such a degree that drug law enforcement has become a form of institutionalized racism. This article concludes with a summary of research on drug policy and race from the fields of sociology, public policy, communications, and discourse, including the recommendation for research addressing the construction of drug policy in relation to racial stereotypes. The purpose of this chapter was to summarize the racialized motivation for the creation of laws prohibiting certain substances, how it has continued into the present and contributed to the modern drug war, and the enormous impact that it continues to have on minorities. Given the recent adoption of medical and recreational marijuana policies by many states, but the continued criminal policy of the federal government, this chapter provides the foundation for the two-part, mixed-methods analysis designed to examine the modern national news for racial stereotypes and/or co-constructions of criminality with marijuana policy in the national news.

Chapter 3 was an integrative analysis of all stories containing the word "marijuana" in the *USA Today* in the year 2016. The results showed that African Americans were associated with marijuana far more often than would be representative of the general population *and* these

images were far more likely to be associated with risk or danger than any other type of narrative. Interestingly, differences were found in relation to race and each of the three marijuana policy alternatives. Logically, fear-based narratives form the backbone of criminal marijuana policy, as they seek to deter use and/or justify criminal punishment, and the analysis showed that criminal constructions are still dominant in the national news. These fear-based constructions included associations with risk, crime, and punishment, but they also relied heavily on references to punishment for marijuana use or the risk marijuana use pose to innocents (often children). Nearly three-quarters of the statements associated marijuana with crime, dangers to innocents, or punishment.

Fear-based constructions also occurred far more with African Americans than whites, and at a grossly disproportional rate related to the general population. Interestingly, these constructions were often associated with African American Athletes, and these narratives often mixed medical with criminal constructions. They occurred most often in relation to two common sports-related injuries; pain management, and head injury, but these stories also commonly included details of punishment for marijuana use, and a reiteration of federal (prohibition) and NFL policy (banned) as a justification.

Recreational policy narratives were found to be evenly distributed throughout the news, and the most common theme was the financial opportunities associated with medical and/or recreational policy. These opportunities are nearly always constructed as the domain of "everyone" (Caucasian). Recreational constructions included more normative (value-based) arguments such as medical efficacy vs. public safety, regulatory consistency (in relation to other substances), freedom, or civil rights/racial justice/equality, and these types of statements were made most often by Caucasians.

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When African Americans where associated with recreational constructions, narratives were often mixed with medical constructions. (Interestingly, a common recreational policy justification includes the denial of financial opportunities for the "black market.")

In total, the analysis produced similar findings to Eversman's (2013), who found that "harm reduction," as a policy category (and alternative to criminalization policy), was outnumbered by constructions which supported criminalization as a policy solution within the larger "war on drugs." The combination of marijuana and fear-based constructions support Altheide's (2006) conclusions about the larger "politics of fear," and its relation to drug laws. We concluded that marijuana policy is framed in ways that support the continuation of criminal marijuana policy and the disproportional punishment for marijuana use for African Americans, via constructions found commonly in the sports pages.

Chapter 4. Based on evidence supplied by multiple researchers who concluded that the national news media is a vehicle for the maintenance of hegemonic power over minority populations, who have less access to the media, Chapter 4 was a critical discourse analysis of a nationally circulated article that contained a racialized frame which co-constructed marijuana, African American athletes, and danger/criminality. Given what previous research has shown about the effects of the news media, this specialized construction is likely to reinforce to the continued disproportional punishment of African Americans for marijuana use (Gibbons, Lukowski and Walker, 2005) and racism in general (van Dijk, 2003).

The analysis found many interesting features which confirmed previous research about both racialized discourse and marijuana construction. For instance, among the many ways in which the media may reproduce and reaffirm inequality and contribute to "the new racism" (2000, p. 37), van Dijk pointed out that minorities are quoted less, their quotes are "translated"

by intermediaries, or quotes are often used to support the *status quo*. The latter two are exemplified in quotes such as "Foster said he has no problem with punishment for players who break the law, for things such as marijuana possession in a state where it's not legal" (Pelissero, 2016, par. 16). Numerous examples of this type of construction were found throughout the article.

Racialized imagery was also used in combination with word choices, or other contextual references which de-legitimized or undermined medical arguments. Criminal marijuana policy was presented with clear, concise language, (by white men) while medical policy (and its African American advocates) were presented with weak or confusing descriptions. For instance, in the headline, "Steelers' Ramon Foster offers passionate defense of marijuana as pain-killing alternative," (Pelissero) announces that an African American athlete will be discussing marijuana, but also contained two *informal* references to medical constructions, "alternative" and "pain-killer." Both hold negative connotations, one of which indicates illegitimacy in the medical field and the other, associations with informal opioid use. In another example, player-advocates were affiliated with their team or the "nascent" NFLPA, while advocates of the *status quo* were named as "medical advisors" and "leading experts."

Despite indications that the story would feature medical marijuana, a closer look revealed criminal constructions, such as dangers associated with use, users, and punishment, were often mixed with medical justifications. Specifically, the constructions are confused in a way that obfuscates medical and recreational uses, and frequently combined them danger and/or punishment. Though one (or two) potential medical uses were discussed, very little detail was given, and these statements, like the advocates

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themselves, were de-legitimized. For instance, marijuana was constructed as a *substitute* for opioids, but also as a recreational substitute for binge drinking or taking too many pills. Even as a substitute for opioids, and despite the multiple methods of administration, marijuana use is referred to as "smoking" marijuana or "smoking weed." When examples of medical efficacy were presented, they were juxtaposed to the assertion that there is "currently no evidence of the efficacy of marijuana." The stand-alone presentation of this type of statement in a national publication indicates that it is correct information, though in reality it relies on the "commonsense" of incumbency (Eversman 2013), and contradicts widely available research (for example, see ElShebiney, 2016).

Finally, numerous examples of the punishment for marijuana use were presented in detail, including the arrest of players (who also possessed guns), and multiple professional penalties. Punishments were either softened, such as when the players were said to have agreed to "slower disciplinary scale," or justified by associations with criminal activity, or reminders that marijuana prohibition (and punishment) "remains consistent with federal law and workplace policies across the country."

Connections to Previous Research

In both analyses, African Americans were disproportionally associated with crime and punishment, and though a large portion of medical arguments were associated with African Americans, they were found in the sports section and often mixed with criminal constructions. Caucasians were associated with the financial opportunities associated with both medical and recreational policy and social justice issues, and they appear less frequently than African Americans in association with crime, particularly in the sports pages. A majority of the U.S. population is white, non-marijuana users (Jacob, 2015), which means that (if constructions in the

media have the strongest impact on the beliefs, and subsequent decisions-making of the

those with little or no exposure to African American or marijuana (Gelders et al., 2009))

the impact of constructions in the sports section should not be underestimated. Hall

identified that the media is a powerful tool for creating successful policy constructions

via salient representations of racial and ethnic categories (1995) and multiple studies on

racism in sports commentary have found that sports media constructs racial and ethnic

minorities in ways that *confirm* negative stereotypes and *reinforce* inequalities (Bruce,

2004; Carrington, 2001; Davis & Harris, 1998).

In fact, researchers and marijuana advocates have recognized that the historical

constructions of marijuana users as deviant/dangerous and African American probably

means that the presentation of medical marijuana constructions by African American

athletes may delegitimize the arguments for white audiences *and* reinforce the belief that

African Americans use marijuana more. Marijuana advocates may be justified in omitting

references to racial injustice. Additionally, if African Americans are constructed as

dangerous and undeserving, a policy that would benefit them is already disadvantaged.

This appears to be the case as the NFL continues to punish players for marijuana use

despite its legal legality and/or efficacy.

Narratives strategies discovered in chapters 3 and 4 may be compared to

Lancaster's (2011) list of the means by which the media may contribute to agenda

setting. Specifically, the dominance of criminal constructions is likely to influence what

the public is interested in. Additionally, criminal policy narratives continually and

consistently associate marijuana with other types of criminal activity (or violence), and

they consistently reference both legal and professional punishment for use. These

narratives may shape attitudes towards personal and professional risk and political entrepreneurs may have to decide if the policy constructions are effective; that is, they must decide what their constituents want and/or how much their position on marijuana policy will affect support.

Images of danger, or "victims" related to marijuana use may encourage some viewers to identify as victims (Altheide, 2006) and increase support for punitive policies (Altheide; Gilliam and Iyengar, 2000; Gelders et al., 2009)) and images associating, marijuana, crime, *and* race in local news may not only increase support for punitive policy, it may cause some to ignore racially disproportional punishment. African American marijuana will understand that they are more likely to be punished including professional, but more often, legal penalties. Additionally, African American advocates of alternative marijuana policies may have less political legitimacy.

Marijuana criminalization is, by definition, a high-cost agenda denial strategy as it requires a large amount of resources, including legal threats, arrest, and imprisonment (Cobb and Ross, 1997, p. 38). However, due to the historical roots and longevity of drug prohibition (which both contribute to and depend on long-held and culturally rooted stereotypes), criminalizing African American users of marijuana reaffirms the *status quo* as it confirms negative racial stereotypes in the general population, and thus, the efficacy of criminal consequences when "dangerous people" are punished. For politicians and/or government officials, the "iron triangle" of law enforcement, privatized prison, and tough-on-crime symbolic politics, are mutually supportive.

Findings

Professional sports and politics. The US government has always enjoyed a close relationship with professional sports. Given the popularity of both professional sports and professional athletes, it no wonder that governments around the world have recognized the

potential for political agendas to be constructed in the sports arena. For instance, the NFL

(until recently) enjoyed a "non-profit" status, and in 2009, tax dollars were directed from

the Department of Defense to the NFL on the condition that the players would be present

on the field during the national anthem as a show of patriotism. The resulting fallout of

this policy needs little clarification. The Olympics been the stage of numerous forms of

protest, including the famous clenched fist of Jesse Owens, raised in support of civil right

advancements in the US.

In both analyses, incumbent policy (criminal) is often the basis upon which

prohibition is legitimized and alternative policies de-legitimized (Eversman, 2013).

Criminal marijuana policy advocates use the *status quo* to justify the supremacy of their

"facts." In addition to the NFL spokesperson Brian McCarthy's quote, discussed in

chapter 4 (Pelissero, 2016), Roger Goodell, commissioner of the NFL has stated that "he

does not distinguish between medical marijuana use and recreational marijuana use"

(Prisbell, 2016). Steelers owner Art Rooney said "(i)t's (marijuana) legalized here and

there, decriminalized in a lot of places. They may not take it as seriously. But our rules

haven't changed." (Bell, 2016). Clearly these statements are justified by the incumbency

of the *status quo* and are used to disregard medical marijuana.

Facts, values, and race. In 1983, Koski and Eckberg said that marijuana policy

constructions "will be likely to include complex combinations of fact and value

statements wedded in such a way that they reinforce one another." (1983, p. 256).

Similarly, this research showed that while the arguments associated with medical policy

are primarily fact-based (the "value" of evidence-based medicine being widely accepted),

both criminal and recreational policy rely on a combination of facts and values, but also

racialized constructions. Criminal policy advocates claim that national policy is based on commonly known "facts," including that marijuana *users* as different than "normal" and dangerous, but they also criminal policy commonly connect marijuana to violent or deviant activity and African Americans. These kinds of statements blend empirical realities with culturally-based standards of morality, and racialized images, and these dangers depend on marijuana's criminal status, rather than the physiological effects of marijuana use. Dangers posed by users to themselves, others, or the environment *may* be factual statements, but they are rare, and spuriously connected. Associations with other illegal drugs, guns, or violence are also clearly related to the illegitimacy of marijuana transactions. The financial opportunities associated with medical and recreational policy were also a combination of facts, values, and racialized imagery. Any sort of legalization will divert taxable money from the illegal to the legal market, but associating marijuana with financial gain could also be considered a value-driven argument, and it was the only type of construction which was not disproportionally associated with African Americans. All of this affirms Eversman's (2013) conclusions that criminal ("prohibitionist") discourse dominates the news and "incumbent" power was commonly constructed as "commonsense" in order to justify punishment or discredit factual claims by "harm reductionists."

Social constructions or reality? One might argue that the constructions in the national media *do* represent reality. For instance, one may point out that most financial opportunities DO go towards Caucasians. One may also point out that African Americans ARE arrested more frequently. In response, one may point out that that African Americans tend to use illegal drugs less than Caucasians, or that African Americans are more commonly associated with marijuana "crime" because they are arrested more frequently. Racial disparities in drug war arrests and

strict regulations excluding those who have been convicted of drug-related offenses from taking part in marijuana-related businesses have led to a large portion of the economic opportunities created by the marijuana industry to go to Caucasians. Put another way, images of African Americans in the news *may* be attributed to present social realities, but they also reinforce disenfranchisement. The media is not an organic entity. Human beings choose both the story and the style of presentation. Any characterization of the media as simply a mirror, must be abolished. The influence racial constructions in the media's must be recognized, and thus undermined, if the media itself cannot be used to promote equality. However normative this stance may be, it depends on addressing the motivations of a privatized media (i.e., the normative stance of the media). The maxim that "sensational" stories sell is reasoning based on a value. If current "reality" is left unquestioned, the delegitimizing constructions of African Americans in the mass media will continue to perpetuate historical disenfranchisement.

The creators of the news media have a choice: they could present this "reality," or they could report the racially disproportional outcomes of current policy. In the same vein, savvy political entrepreneurs may choose to *avoid* racial justice issues and focus on the medical or economic benefits for "everyone." However, given that racialized constructions of marijuana may have long-lasting repercussions, or even function as form of institutional racism, this strategy is paramount to complicity. When the news leaves this type of social "reality" unquestioned, it is actively constructing the "privileged normalization" of marijuana use (Haines-Saah et al., 2014); i.e., Caucasians are the financial beneficiaries of medical and recreational marijuana, and African Americans are marijuana "criminals."

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Racial bias in the presentation of the news. It should be reiterated that the concept of "race" is imaginary. There is no biological basis for race. It is dependent on both historical hegemony and physical (ascriptive) features and it may include a legal component. Therefore, it is maintained through models of thinking, or constructions, found text and talk. These "constructions" may include speech, images, or acts which associate minority group members with negative or dangerous situations, or the penalties for membership or association with that group, and the news media is a particularly powerful vehicle for these constructions. In other words, when a historically marginalized group of people is singled out for differential treatment, both the justification and the means of maintaining dominance are communicated through constructions found in the news. This analysis identified many instances in which African Americans were constructed (in relation to marijuana policy) in negative and dangerous ways.

Limitations

The limitations of this research are consistent with those inherent in both social construction and critical discourse analyses. As previously mentioned, critical discourse analyses allow the widest range of contextual references and include analyses of the potential influence of power relations within society. The analyst is tasked with examining all levels of meaning, and therefore, no critical analysis can ever be complete. Additionally, how social constructions may affect decision-making, either within the populace, or in the minds of official decision-makers, is a theoretical voyage into what is known as the "black box" of human cognition. Though new and better tools increasingly available to researchers, there are many unknowns in this field, and conclusive statements cannot be made. For this reason, empirical research has been discussed in the context of theory and logic in order to find meaningful connections between the data and

possible socio-political outcomes. In the first place, the volume of articles and the time

limitations did not permit the coding in chapter 3 to be peer-reviewed.

This research also contains a normative element, specifically the foundational

belief that social justice is more important than enforcing cultural beliefs, and that

scientific evidence should be the basis of drug regulation. However, it should be pointed

out that this research was conducted in an effort to critically evaluate the values and

assumptions *not* explicitly stated in most drug policy research/constructions. Finally, the

conclusions certainly contain an orientation towards social justice, including the

recognition of modern racial discrimination and the willingness to examine and correct

laws built upon these practices.

Combining quantitative and qualitative data. It is argued/cautioned that

combining results may not be advisable based on competing views regarding the basis of

knowledge. For instance, quantitative research is based on the idea that measurable,

countable, visible phenomena provide the foundation of knowledge, whereas qualitative

research methods rely on (often immeasurable) phenomenon such as opinion, point of

view, and context. However, this researcher is based on the idea that both types of data

are meaningful, and that each type of data may provide an alternative angle for viewing a

subject. In this case, the initial analysis showed that a unique combination of descriptions

of marijuana and African Americans occurred more often in the national news than other

combinations, and that this combination often coincided with descriptions of risk and/or

punishment. The frequency of this combination stands on its own, but it also indicates

that a deeper look at this type of construction may be useful. And, while it is accepted

that the number of times something is repeated may influence audience perceptions, (and

thus policy), the way in which something is presented is also relevant and may be quite powerful. In relation to this work, both projects indicate that marijuana, African Americans, and fear-based discourse are combined in ways that support criminal marijuana policy. One indicates that this combination is frequent, and establishes basic patterns of constructions, and the other digs deeply into how racialized marijuana constructions reinforce and reinforce disadvantage.

The Future of Marijuana Policy.

Since 2016, more states have adopted alternative marijuana policies, and this could foretell a change in national marijuana policy or dialogue. However, given the effects on entrenched interests, the most likely scenario at a federal level is a limited medical policy, with continued criminal penalties for "recreational" use. This would benefit (for example) those with access to healthcare and those with the opportunity to open a business in the medical field, but still exclude those constructed as the least deserving. Given the negative stereotypes found in professional sports narratives, and the continuation of racial bias in states that already have alternative marijuana policies, it is likely that constructions will continue to be racially associated such that recreational use will be associated with criminality and African Americans, and that medical uses will be constructed in a way that disproportionally affects white people. Recreational policy is not likely to occur a federal level in the near future. With limited exceptions, President Trump has remained silent on *marijuana* policy, a recent national increase in opioid-related deaths has led to sweeping legislation that expands funding for the drug war. In a recent response to opioid addiction in the U.S., Trump suggested an increased media push designed "to shock people into not using it" (opioids) and the death penalty for drug dealers, saying that they "will kill thousands of people during their lifetime" but won't be punished for the carnage they cause (Merica, Gray & Drash, 2018). This type of discourse is clearly the subject of

this research, but it is unclear if or how this will influence marijuana policy. Much of the funding for the new opioid legislation will be used for law enforcement rather than treatment, and the typical way to justify the criminal punishment of drug users (particularly addicts), is to construct them as dangerous. Racial stereotypes are the quickest and easiest means of doing this and the result will likely be the continued disproportional punishment for African American users of opiates.

Contributions and future research. Advocates of alternative policies may use this research to justify avoidance of challenging racial stereotypes, and instead focus on the medical or economic benefits for "everyone." However, given that racialized constructions of marijuana may have more general or long-lasting repercussions, (i.e., function as a form institutional racism) this strategy is not ideal. Additionally, this research adds to the literature about marijuana discourse, racial discourse, and the racialized discourse of sports commentary.

Despite the enormous amount of energy devoted to marijuana policy by political entrepreneurs and advocates of each different marijuana policies, academic research surrounding the construction of marijuana policy is lacking. Though many have described how drug laws and race have been historically connected, and some have examined discourse related to marijuana policy alternatives (McGinty et al., 2016), very little research examines if current constructions related to marijuana policy contain negative racial stereotypes. This research is the first to examine how racialized discourse is related to marijuana specifically, in both number and type, how it is constructed in relation to African American athletes.

Future researchers could examine state-level news sources from states with different policies and different proportions of ethnic/racial minorities to ask if racialized discourse is regionally specific or related to the proportion of racial/ethnic diversity of the general population. They could examine how race and marijuana are co-constructed in other types of news and compare these constructions across genres. Researchers could also analyze the relationship between other types of drugs or other general categories of policies, including connections to fear-based discourse. Alternatively, they may apply similar questions to other forms of media, such as the internet, social media, movies, television, or music. Finally, discourse about illegal drugs and race from other countries could also be a fruitful avenue for future study.

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