Do Status Politics or Racial Threat Theories Explain State-Level Variation in Medical Marijuana Laws? A Panel Analysis.

THESIS

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By

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Abstract

As of 2008, fifteen states have passed medical marijuana laws. These state laws are contrary to federal law, which takes the position that marijuana is a harmful and addictive drug with no medicinal value. Scientific evidence generally contradicts this position, but the federal government, along with thirty-five of the states, maintains it. So, what explains state-level variation in medical marijuana laws? This thesis tests the claim that factors beyond the scope of public health concerns affect marijuana legislation. Status politics and racial threat approaches are tested as determinants of medical marijuana legislation. Generational and partisan politics hypotheses are also tested. State-level pooled time-series data is used to analyze the changes made to state marijuana laws between 2000 and 2008. The results indicate that several factors, including the percentage of Protestants in the population, race, and generational factors affect the likelihood of having medical marijuana laws in place.
Acknowledgements

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Major Field: Sociology
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Chapter 1: Introduction

Questions regarding the development of state and federal marijuana laws have been addressed sporadically in the sociological literature. Although prior research on the criminality of marijuana provides theoretical and historical foundations that begin to address the issue, this literature fails to examine systematically recent changes to state laws (DiChiara & Galliher 1994; Himmelstein 1983; Musto 1973; Goode 1969). As deviance and criminality are socially constructed (Becker 1963), recent changes to state-level marijuana laws imply a diminished level of deviance associated with marijuana use. While generations of sociologists have studied the social construction of deviance, the contemporary process of redefining marijuana’s legal status has yet to be quantitatively examined. This thesis synthesizes several bodies of literature and conducts a statistical analysis to address the question: To what degree do racial threat, status politics, partisan politics, and generational theories explain recent state-level revisions to the criminal status of marijuana use?

For decades the U.S. government has maintained that marijuana is a harmful and addictive drug of no medicinal value. This is evidenced by marijuana’s classification as a Schedule 1 controlled substance and the criminal penalties accompanying this classification.¹ During the 1970s, eleven states nevertheless decriminalized marijuana, removing the harsh

¹ The United States Congress passed the Controlled Substances Act as part of the Comprehensive Drug Abuse and Control Act of 1970. This legislation classifies drugs according to their potential for abuse and medicinal value.
criminal penalties for possession.\textsuperscript{2} After a lull in changes to marijuana laws in the 1980s and early 1990s, states again began to reevaluate their marijuana policies. In 1996, California became the first state to pass legislation allowing for the medicinal use of marijuana. By 2008, twenty-two states had either decriminalized marijuana or passed legislation allowing for its medicinal use, and some have done both. Such state-level actions reflect ambivalence about the federal position that marijuana use is deviant and criminal. But, why have some states softened their marijuana laws, while others continue to uphold the federal position, which is largely unsupported by scientific evidence (Gostin 2005; Himmelstein 1983; Goode 1969)?

From the passage of the Marijuana Tax Act of 1937 to the wave of states decriminalizing marijuana in the 1970s, researchers have generated theoretical explanations for the factors underlying such legislative changes.\textsuperscript{3} In addition to marijuana-specific research, theory regarding legislation on other moral issues provides conceptual grounding for this analysis. Despite sharp distinctions between the origins and the targets of the legal prohibitions of alcohol and marijuana (Hagan 1980), there is evidence that the social ramifications are analogous (Weisheit, Smith & Johnson 1991). These largely unintended effects include making criminals of otherwise law-abiding citizens, expanding organized crime, and contributing to official corruption (Weisheit, Smith & Johnson 1991). Despite these similarities, the prohibition of alcohol ended relatively quickly, while marijuana prohibition has not. The reason for this, according to Bonnie and Whitebread (1974), is the differential in political power between the targets of alcohol prohibition, urban European immigrants, and the targets of marijuana prohibition, subjugated

\textsuperscript{2} Even though criminal penalties have been removed, civil penalties, such as fines, may still apply. Furthermore, while possession has been decriminalized, cultivation and sale generally have not.

\textsuperscript{3} This legislation is also referred to as the \textit{Marihuana Tax Act of 1937} and was the first federal law to regulate the distribution of marijuana.
minority groups. Furthermore, alcohol was much more widely used than marijuana, so widespread support for repealing alcohol prohibition was easier to obtain (Hagan 1980).

An extension of these arguments yields an explanation of why marijuana prohibition began to relax in the 1970s: shifting marijuana usage patterns from minority groups with relatively little political power to middle class youth (Galliher et al. 1974). While the contemporary round of legislative revisions apparently has yet to be quantitatively examined, the nature of the changes to state-level marijuana laws and prior research suggest that marijuana’s historical association with minority groups translates into reduced tolerance for marijuana. Furthermore, the drug’s characterization as a “drop-out drug” that robs its users of their ambition directly contradicts traditional American values (Reinarman 2006; Himmelstein 1983). This study uses a pooled time-series analysis to test these hypotheses and fill the theoretical gap in the literature regarding the current criminal status of marijuana.
Chapter 2: Theoretical and Historical Foundations

Research on the origins of laws regulating crime and delinquency often takes the form of case studies, as these processes are difficult to quantify (Hagan 1980). Still, common themes run through this body of literature. Though diverse in subject matter, classic work regarding issues such as sexual psychopath laws (Sutherland 1950), the 18th Amendment (Gusfield 1963), and vagrancy laws (Chambliss 1964), highlights the relationship between economic and political institutions, demographic characteristics, and the processes of criminalization and decriminalization (Jenness 2004).  

Gusfield (1967, 1963) provides an analysis of the dynamics of the political debate surrounding such moral issues. These disputes result from struggles between status groups who seek to affirm their power and superior moral position via political action. More specifically, Gusfield (1963) asserts that rural, native-born Protestants felt that their traditional middle-class values were being threatened by the waves of Catholic immigrants flooding American cities in the late nineteenth and early twentieth centuries. With the ratification of the 18th Amendment in 1919, the “drys” proved that they were superior to the “wets,” both morally and politically. The temperance movement was not the only product of this period of heightened moral sentiment, because this type of “moral hygiene” became embodied in several Progressive Era laws.

During the Progressive Era (from the 1890s to the 1920s), many attempts were made to promote public health and to cleanse American society of corruption and vice. Such efforts

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4 The 18th Amendment was ratified in 1919 and prohibited the sale and manufacture of alcohol.
5 The term “drys” was applied to people in favor of alcohol prohibition. “Wets” refers to people who opposed alcohol prohibition.
include the Pure Food and Drug Act, the Harrison Act, and the passage of the 18th Amendment (Pacula et al. 2002). Hagan (1980: 612) characterizes legal changes during the Progressive era as an “effort to protect middle-class values against the alleged threat posed by users of habit-forming chemicals.” Marijuana was not immune. By the mid-1930s all states had passed laws regulating marijuana. In 1937, the Marijuana Tax Act was passed. This legislation effectively prohibited the cultivation, sale, and possession of marijuana at the federal level. As scientific evidence regarding the dangers of marijuana was largely absent from Congressional hearings, several hypotheses have been posited regarding the motives behind the passage of the Marijuana Tax Act of 1937.

The “moral entrepreneur” theory holds that Harry Anslinger, Commissioner of the Federal Bureau of Narcotics (FBN), engaged in a moral crusade to eradicate marijuana. Anslinger claimed that marijuana led to a plethora of social ills, including violence, sexual depravity, and insanity (Becker 1963). Additional theory regarding Anslinger and the FBN posits the argument that Anslinger created the marijuana issue in order to increase funding for his fledgling agency (Dickson 1968). Himmelstein (1983), however, argues that state adoption, and ultimately federal adoption, of marijuana regulations was the result of Anslinger’s attempts to limit the enforcement responsibilities of the FBN by lobbying for state legislation and enforcement. These theories regarding Anslinger and the FBN isolate a narrow historical

6 The Harrison Narcotics Tax Act was passed in 1917 and regulated the production and distribution of opiates.

7 The Pure Food and Drug Act of 1906 required federal inspection of meat, prohibited the sale of adulterated food products, and required proper labeling on patent medicines. This act also provided for the creation of the FDA.

8 Dr. William C. Woodward, Legislative Council of the American Medical Association, testified at the Congressional hearings for the Marijuana Tax Act that using marijuana did not lead to criminal activity and that it was not as addictive as Harry Anslinger, Commissioner of the Federal Bureau of Narcotics, claimed (Himmelstein 1983).
contingency as the catalyst for the passage of state and federal marijuana laws, but other research indicates a broader social basis for these laws.

Another important facet of theory regarding the criminalization of marijuana is its association with Mexican immigrants in the southwestern states and black jazz musicians in the eastern states, as few whites used the drug before the 1960s. Whites also associated these minorities with violence, criminality, and poor moral fiber, stigmas that were ultimately transferred to marijuana (Himmelstein 1983; Musto 1973). Status politics theory holds that when the law affirms one group’s moral code over another’s, prestige is symbolically conferred (Gusfield 1967, 1963). As such, the Marijuana Tax Act served symbolically to establish moral hegemony over these groups (Galliher & Walker 1977; Goode 1969).

Despite its prohibition, marijuana gained in popularity through the next several decades, culminating in widespread use among American youth in the 1960s. Whereas marijuana use had once been limited to Mexican immigrants and blacks, white middle-class youth began using the drug. Mainstream use caused what Lempert (1974) refers to as “moral dissonance.” Moral dissonance occurs when people of relatively high social status are observed participating in illegal behaviors associated with low moral status. It reflects divided public opinion and political conflict. Moral dissonance also results in perceived illegitimacy of the law in question, as well as the norms the law embodies. This change in usage patterns necessitated reevaluation of the dangers of marijuana and the relevant public policies (DiChiara & Galliher 1994; Himmelstein 1983; Galliher et al. 1974).

Despite some movement toward liberalization, this era also witnessed the Vietnam War and the Civil Rights movement. Such events created a polarized political environment rife with conservative resentment toward the groups disrupting the status quo, such as “hippies” and blacks. Richard Nixon capitalized on this tension during his presidential campaign in 1968 by
declaring a “war on drugs,” which targeted both of these problem populations (Baum 1996). In order to fulfill his campaign promise, the President declared a crisis in law and order, which facilitated the passage of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (CDAPCA). This legislation greatly expanded the government’s role in controlling individual drug use; however, it also moderated some of the harshest penalties for marijuana possession enacted in prior legislation.

In addition to the CDAPCA, Nixon commissioned another weapon to fight the war on drugs in the form of a scientific study designed to prove the dangers of marijuana. The 1972 National Commission on Marijuana Use, however, found evidence contrary to the conservative position that marijuana is harmful and addictive. The commission went so far as to recommend decriminalizing marijuana. Nixon ignored the report. Despite federal inaction, several states did heed the commission’s advice. Oregon was the first state to decriminalize marijuana in 1973, and by 1979, ten more states followed suit. During his 1976 presidential campaign, Jimmy Carter expressed his support for decriminalizing marijuana but was never able to do so. Reagan continued to zealously fight the war on drugs, and following his election in 1980, no state would make any significant changes toward decriminalization for sixteen years (DiChiara & Galliher 1994). The Reagan and George H. W. Bush administrations took advantage of this conservative era in American politics to wage a more general war on crime, which had myriad negative effects on the poor, especially minorities (Western 2006). This political environment proved to be quite hostile toward drug use in general and it impeded further liberalization of marijuana laws during the 1980s and early 1990s.

Theory Construction

Prior research on the origin and development of marijuana laws through the 1970s suggests several factors that potentially explain variation in the presence of state medical
marijuana laws. Possible determinants of state laws can also be found in the broader literature on race, politics, and ideology.

**Racial Threat**

While Gusfield (1963) finds that alcohol prohibition was an attack on urban Catholic immigrants, the literature suggests that marijuana prohibition targets blacks and Hispanics (Himmelstein 1983; Galliher & Walker 1977; Bonnie & Whitebread 1974; Musto 1973; Goode 1969). Marijuana, however, is no longer generally associated with Mexican migrant workers or black jazz musicians as it was in the 1930s and 1940s. The contemporary image of drugs, as well as the image of drug users, has been largely shaped by the war on drugs.

A large body of research regarding the war on drugs concludes that this policy disproportionately affects blacks, due largely to strict crack cocaine laws (Tonry 1994). Crack is a cheaper, but extremely potent, form of cocaine that was generally associated with impoverished urban minorities. As such, many black males became entangled in the criminal justice system as a result of their involvement with crack cocaine. This contributed to the stereotyping of criminals in the media and in public opinion as black (Welch 2007). The image of blacks as street criminals and, more specifically, as drug users has been well documented.

Many studies have found that blacks are characterized as violent or aggressive (Sigelman & Tuch 1996; Sniderman & Piazza 1993; Smith 1990). Hawkins (1987) finds that white-collar crime is viewed primarily as “white crime,” but violent street crime is associated with minorities. More recent research confirms the latter perception. Chiricos and his associates find that the American public overestimates blacks’ involvement in violent crime when perceptions are compared to official crime statistics (Chiricos, Welch, & Gertz 2004). Sigelman & Tuch (1996) find evidence for the prevalence of the stereotype of blacks as more likely to abuse drugs and alcohol. Thus, Welch (2007) concludes that:
Because of the overrepresentation of African Americans who are processed through the criminal justice system directly resulting from the war on drugs, they have been depicted as the primary source of this country’s drug problem. The consequence is that many may have come to associate blacks with drug use and drug use with blacks [emphasis added].

As is often the case, these widespread stereotypes about blacks and drugs are largely unfounded. Research on drug use finds similar proportions of users among whites and blacks. The 1995 National Household Survey of Drug Abuse (NHSDA) reports only slightly higher usage rates among blacks (7.9 percent) than whites (6.0 percent). When the sample is limited to youths, the usage rates are about equal for blacks and whites. The report goes so far as to conclude that, “most current illicit drug users [are] white.” The more recent National Survey on Drug Use and Health (NSDUH, formerly the NHSDA) finds similar usage rates for illicit drugs and a smaller black-white differential (1.1 percent) in combined data from 2004 and 2005 (Substance Abuse and Mental Health Services Administration 2006). The Monitoring the Future Survey, which samples about 17,000 high school seniors annually, actually finds lower usage rates among black seniors than whites for illicit drugs in general, as well as marijuana specifically (Johnston et al. 2002). Even though marijuana usage rates are similar among blacks and whites, marijuana arrests of blacks are disproportionately high. Furthermore, racial disparities in drug arrests are even worse than racial disparities in arrests for other offenses (Tonry 1994). A large body of literature also indicates a pattern of political action tied to such negative attitudes toward blacks (Jacobs & Tope 2007; Beckett 1997; Giles & Hertz 1994; Giles & Buckner 1993).

According to racial threat theorists, members of dominant racial groups claim indisputable rights to important privileges (Bobo & Hutchings 1996; Blumer 1958). Minority challenges to these arrangements sharpen dominant group views of minorities as trespassers, as well as the intensity of their claims to supposedly automatic rights (Bobo & Hutchings 1996). Resulting political clashes serve to strengthen majority views that conflicts over such privileges pose illegitimate threats to their birthrights (Blumer 1958). Therefore, dominant groups view
growing minority populations as a threat to their cultural and political hegemony. This is evidenced by findings that racial prejudice is greater in cities with higher percentages of blacks (Taylor 1998; Quillian 1996). Furthermore, as populations of blacks increase, whites’ fear of crime also increases, net of any actual change in the crime rate (Quillian and Pager 2001; Liska, Lawrence & Sanchirico 1982).

Members of majority groups often respond to this perceived threat by making political demands for more stringent criminal codes that target, at least indirectly, underclass minorities (Beckett 1997). Accordingly, overtly racist candidates received additional votes where the percentage of blacks was highest, which is attributable to increased support from racially threatened whites (Giles & Buckner 1993). Conservative candidates often champion harsh anti-crime measures. Such candidates received more support in areas with larger black populations, although few blacks vote for them (Jacobs & Tope 2007; Giles & Hertz 1994).

As crime is often associated with blacks, “tough on crime” can be construed as a euphemism intended to play on the anti-black sentiments of white voters. The “Willie Horton” ad campaign supporting George H. W. Bush’s presidential run against Michael Dukakis serves as the classic example of this political strategy.9 This relationship between increasing black populations and harsher criminal laws has also been documented in the context of death penalty laws (Jacobs & Carmichael 2002). This relationship has been found to be nonlinear and changes

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9 “Willie” Horton was convicted for murder in Massachusetts and sentenced to life in prison without the possibility of parole. Horton was released on a weekend furlough, did not return, and ultimately committed assault, rape, and armed robbery. According to Carter (1996, pp. 76-77): "A Republican group called 'Americans for Bush'... blanketed Cable News Network with an ad declaring that 'Dukakis not only opposed the death penalty, he allowed first-degree murderers to have weekend passes from prison.' ... [as the] clearly black [offender]-Willie Horton stared dully into the camera. Forty-eight hours after the initial 'Americans for Bush' commercial, the California Committee for the Presidency released a second, even more devastating radio ad featuring a [victim]. 'Mike Dukakis and Willie Horton changed our lives forever... Horton broke into our home. For twelve hours, I was beaten, slashed and terrorized,' he told listeners. 'My wife Angie was brutally raped.'"
direction as black populations reach a high enough level to achieve electoral power. In areas with larger black populations, black voters have more power to prevent such punitive measures from being enacted.

In applying minority threat theory to the case of marijuana laws, *I expect that states with higher proportions of blacks will be less likely to have a medical marijuana law*. In order to test for a nonlinear relationship between the black population and the likelihood of having a medical marijuana law, I include the quadratic transformation of the black population. This quadratic term should capture the mitigating effects of black electoral power.

**Status Politics**

Gusfield (1963) isolates the root cause of alcohol prohibition as an attempt by traditional, middle-class Protestants to establish moral hegemony over the Catholic urban poor. Becker (1963) asserts that prohibition laws in general are rooted in traditional religious views banning experiencing non-religious ecstasy, the loss of self-control, and serving a master other than God. All of these are characteristics of drug and alcohol use, which gives rise to the traditional religious support for prohibitionist laws. This idea that traditional conservative values undergird much of the legislation on moral issues serves as the foundation for an alternative hypothesis.

Weber (1930) observed the link between Protestantism and capitalism, both of which stress the importance of productivity and self-control. Protestant roots created an ascetic environment and instilled American society with a temperance culture (Reinarman 2006; Levine 1993). Marijuana’s portrayal as a “drop-out drug” that causes laziness, apathy, and intoxication is an affront to Protestant values of sobriety and industry. Gusfield (1963) finds evidence that this Protestant tradition was directed at more liberal Catholics and resulted in the passage of the 18th Amendment. This political victory symbolized the continuing ascendancy of traditional values.
Recent research indicates that despite the secularization that generally accompanies modernization, Americans continue to hold more traditional values, based on Protestantism, than their counterparts in comparable nations (Inglehart & Baker 2000). Given this evidence for the persisting influence of Protestant traditionalism, I test the relationship between the percentage of Protestants in the population and the likelihood of state law allowing for the medicinal use of marijuana. *I expect that states with higher proportions of Protestants will be less likely to have a medical marijuana law.*

In line with theories of urbanization, Gusfield finds that traditional sentiments are more strongly held in rural areas. So, *I expect that states with higher proportions of residents living in rural counties should be less likely to have a medical marijuana law.* These traditional rural areas are marked by a relatively large proportion of the population employed in agriculture. Agricultural dominance, then, should capture traditional opposition to behaviors deemed deviant, which often is stronger in rural areas. Hence, *medical marijuana laws should be less likely in states with higher employment in agriculture.*

Gusfield (1963) cites nativist sentiment as another source of hostility in the American Temperance movement. Native-born populations began to feel threatened by the immigrant population, which was growing both in number and political power. Research suggests that homogeneous populations engender empathy toward one’s neighbors, while the presence of outsiders inspires fear and hostility (Hale 1996). It has been suggested that this hostility toward immigrants was the source of the first marijuana laws passed in the 1930s (Galliher & Walker 1977; Bonnie & Whitebread 1974; Musto 1973). This relationship may still be present in modern

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10 Another measure of the degree of rural traditionalism in the states is percentage of urban residents. However, this indicator is measured as the percentage of the population living in communities with just 2,500 or more residents. This low threshold for urban areas is unlikely to capture the degree to which rural traditionalism is absent. Furthermore, this variable is only available in decennial census years, so annual values must be interpolated, undermining the validity of this measure.
marijuana policy-making. Therefore, states with higher populations of foreign-born residents should be less likely to have a medical marijuana law. I also test the quadratic transformation of the percentage of foreign-born residents to capture nonlinearity.

The nature of immigration to the U.S. has changed, however, since Gusfield’s analysis. In 2008, 22.2 percent of persons naturalized as U.S. citizens were born in Mexico. This is more than three times the number of people naturalized from India, the next leading country of origin (Lee 2011). Hispanics have been associated with marijuana, both in the past and now. Beyond marijuana’s introduction to the U.S. by Mexican migrant workers, a large amount of the marijuana consumed in the U.S. was grown in Mexico and smuggled across the border by violent cartels (U.S. Department of Justice 2010). Given this general hostility toward immigrants and Hispanics’ specific association with marijuana, I expect that states with higher proportions of Hispanic residents should be less likely to have a medical marijuana law. I also include the quadratic transformation of percentage of Hispanic residents to test for a nonlinear relationship.

**Partisan Politics**

Hostility toward acts held to be deviant is also characteristic of many conservative voters. While most politicians do not want to be viewed as “pro-drug,” Republicans have largely championed harsh policies towards drugs in general, and marijuana specifically. Gusfield’s (1963) analysis found Republican support for the Temperance platform. In addition to abstaining from alcohol, elements of the Temperance movement also discouraged the use of other intoxicants, including cigarettes and narcotics. Republicans consistently applied this conservative position to controlled substances throughout the twentieth century, as illustrated by their war on drugs. Synthesizing racial threat and status politics approaches leads to the hypothesis that states with higher proportions of Republicans in the legislature should be less likely to have medical marijuana laws.
marijuana laws. Additionally, states with Republican governors should also be less likely to have medical marijuana laws.

Generational Factors

Himmelstein (1983) offers several demographic characteristics that influence attitudes regarding marijuana, including age. Himmelstein suggests that intergenerational conflict between younger and older cohorts during the 1960s and 1970s was an underlying reason for Nixon’s declaration of the war on drugs. Marijuana was associated with the liberalizing counterculture movement of the 1960s, which was marked by youthful rebellion. In this situation, objection arose not so much from the drug itself, but from the radical, hedonistic values and lifestyle associated with this drug’s users. This negative view of marijuana was perpetuated by government-sponsored advertising touting the social ills of marijuana. Despite considerable evidence that the content of these anti-marijuana campaigns is largely false, it is reasonable to believe that this negative view of marijuana is still held by older, more traditional members of society. Given that illicit drug use continues to be concentrated among young people (Substance Abuse and Mental Health Services Administration 2006), and that older people vote at higher rates than younger people (File & Crissey 2010), an age-related explanation for variation in state medical marijuana laws is plausible. I hypothesize that states with larger populations of people over the age of sixty-five will be less likely to have a medical marijuana laws.

In addition to age, Himmelstein also posits education as a potential explanatory variable. He suggests that people who have attended college are more likely to have had contact with marijuana. Direct contact with marijuana allows people to make their own judgments regarding how dangerous and addictive the drug is. Himmelstein also argues that people who attend college and have been exposed to marijuana tend to have less negative views about its use. Additionally, college-educated people are more likely to be aware of the extensive body of evidence suggesting
that the federal government’s position that marijuana is harmful, addictive, and has no medicinal value is too harsh. Thus, *states with higher proportions of college-educated citizens should be more likely to have medical marijuana laws.*
Chapter 3: Data and Methods

I use state-level data to examine variation in state medical marijuana laws. These data are longitudinal and include observations from 2000 to 2008. Annual observations for fifty states over a nine-year period yield a sample of 450 state-years. This sample is reduced to 400 state-years, because I lag the explanatory variables by one year.

**Dependent Variable**

The dependent variable is a dummy variable coded one if the state has passed measures to allow for the medicinal use of marijuana and zero if it has not. States are coded one during the year that the measure is passed and every year thereafter. This variable was constructed using information from the National Organization for the Reform of Marijuana Laws. Table 1 shows which states have legalized medical marijuana, as well as which states have decriminalized, and in what year the change occurred. Figure 1 provides an illustration of Table 1.
<table>
<thead>
<tr>
<th>State</th>
<th>Year Marijuana was Decriminalized</th>
<th>Year Medical Marijuana Law Passed</th>
</tr>
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<tbody>
<tr>
<td>Alaska</td>
<td>1975</td>
<td>1998</td>
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<td>California</td>
<td>1976</td>
<td>1999</td>
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<tr>
<td>Colorado</td>
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<td>Hawaii</td>
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<td>2000</td>
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<tr>
<td>Maine</td>
<td>1976</td>
<td>1999</td>
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<tr>
<td>Maryland</td>
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<td>2003**</td>
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<tr>
<td>Massachusetts</td>
<td>2008</td>
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<td>Michigan</td>
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<td>2008</td>
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<tr>
<td>Minnesota</td>
<td>1976</td>
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<td>Mississippi</td>
<td>1977</td>
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<td>Montana</td>
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<td>2004</td>
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<tr>
<td>Nebraska</td>
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<td>Nevada</td>
<td>2002</td>
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<td>New Jersey</td>
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<td>New Mexico</td>
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<td>2007</td>
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<td>Washington</td>
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<td>1998</td>
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**Maryland passed medical marijuana legislation in 2003, but it does not offer the same level of protection to patients as other states. The law still defines medical marijuana use as criminal, but provides for medical necessity as an affirmative defense. Maryland is coded one from 2003-2008.

Table 1. States that have decriminalized marijuana or have a medical marijuana law
Figure 1. Map of state-level variation in marijuana laws
Explanatory Variables

The census does not collect information about religious affiliation. While some national surveys collect this information, the samples are not representative at the state level. To solve this methodological dilemma, I use aggregate data from the Association of Religious Data Archives (ARDA), housed at the Pennsylvania State University. More specifically, I use the Religious Congregations and Membership Study, 2000, which includes observations for the total number of adherents of 149 religious bodies. This measure is decennial, not annual, so I use observations from 2000. I measure the proportion of Protestants in the state by adding the total number of evangelical Protestants to the total number of mainline Protestants and dividing by the state’s total population.11

I use the percentage of the labor force employed in agriculture as an indicator for ruralness. This measure is from the U.S. Department of Commerce, Bureau of Economic Analysis, Regional Economic Measurement Division. While this variable is not a perfect measure of rural versus urban, it is the best available. I also test the percentage of the population living in non-metro counties. This variable is constructed by using the USDA Economic Research Service’s metro/non-metro county codes and population estimates from the Census. In order to measure the immigrant population, I use the percentage of foreign-born residents. These data are from the American Community Survey.

I construct the race variable with the percentage of the population that is black. This measure is from the Census. This measure was changed from racial identification by the survey-taker to a self-identification measure in 2000. For this reason, I limit my analyses by beginning in 2000. I also use the percentage of the population that identifies as Hispanic, data that are also from the Census.

11 Since Mormons are a conservative religion, they are included in the percentage Protestant (Steensland et al. 2000; Johnson & Mullins 1992).
Republican strength is measured in two ways, the percentage of Republicans in the state legislature and whether or not the state’s governor is a Republican. These measures are from Carl Klarner’s partisan control dataset (Klarner 2003).

I operationalize Himmelstein’s generational conflict hypothesis by including the percentage of the population 65 and older in each state. To test Himmelstein’s education hypothesis, I include the percentage of each state’s population over twenty-five that has a four-year college degree. These data are from the Census.

**Additional Controls**

As minority threat theory predicts an increase in anti-minority sentiment net of any actual increases in the crime rate, I control for the violent crime rate. Violence and crime are associated with both blacks and drugs, so this is a necessary control. I also include a year variable, which controls for any unmeasured changes across all states, such as shifts in macroeconomic effects. I am unable to control for regional effects, as that would involve perfect prediction of the outcome. States that have medical marijuana laws are concentrated in the West and the Northeast. When the same value of the explanatory variable corresponds to the same value of the dependent variable, logit models are unidentified. So, including regional dummy variables in the model would invalidate the estimates.

Table 2 shows the means, standard deviations, and correlations between my dependent and independent variables. The mean of the dependent variable indicates that in 23 percent of the state-years in my sample there was a medical marijuana law in place. Tests for variance inflation indicate that multicollinearity is not a problem, when the quadratic terms are appropriately omitted.
<table>
<thead>
<tr>
<th>Variable Description</th>
<th>Means</th>
<th>s.d.</th>
<th>Min.</th>
<th>Max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Medical marijuana law</td>
<td>.23</td>
<td>.42</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>(2) % Employed in agriculture</td>
<td>2.60</td>
<td>2.08</td>
<td>.20</td>
<td>10.78</td>
</tr>
<tr>
<td>(3) % Living in rural counties</td>
<td>28.09</td>
<td>19.98</td>
<td>.01</td>
<td>96.17</td>
</tr>
<tr>
<td>(4) % Protestant</td>
<td>26.69</td>
<td>14.61</td>
<td>7.56</td>
<td>69.73</td>
</tr>
<tr>
<td>(5) % Foreign</td>
<td>7.84</td>
<td>5.91</td>
<td>.83</td>
<td>27.42</td>
</tr>
<tr>
<td>(6) % Foreign&lt;sup&gt;2&lt;/sup&gt;</td>
<td>96.34</td>
<td>139.88</td>
<td>.69</td>
<td>752.08</td>
</tr>
<tr>
<td>(7) % Black</td>
<td>10.29</td>
<td>9.55</td>
<td>.31</td>
<td>37.50</td>
</tr>
<tr>
<td>(8) % Black&lt;sup&gt;2&lt;/sup&gt;</td>
<td>196.89</td>
<td>309.36</td>
<td>.10</td>
<td>1406.25</td>
</tr>
<tr>
<td>(9) % Hispanic</td>
<td>8.79</td>
<td>9.39</td>
<td>.68</td>
<td>44.90</td>
</tr>
<tr>
<td>(10) % Hispanic&lt;sup&gt;2&lt;/sup&gt;</td>
<td>165.19</td>
<td>360.94</td>
<td>.46</td>
<td>2016.01</td>
</tr>
<tr>
<td>(11) % with a college degree</td>
<td>26.63</td>
<td>5.01</td>
<td>14.65</td>
<td>44.40</td>
</tr>
<tr>
<td>(12) % 65 and older</td>
<td>12.64</td>
<td>1.77</td>
<td>5.80</td>
<td>17.50</td>
</tr>
<tr>
<td>(13) % Republicans in the state legislature</td>
<td>49.06</td>
<td>15.17</td>
<td>12.00</td>
<td>85.56</td>
</tr>
<tr>
<td>(14) Republican governor</td>
<td>.53</td>
<td>.50</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>(15) Violent crime rate</td>
<td>407.87</td>
<td>180.15</td>
<td>77.80</td>
<td>828.10</td>
</tr>
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</table>

Table 2. Descriptive statistics for dependent and independent variables
<table>
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<tr>
<th></th>
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<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
<th>(6)</th>
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<th>(8)</th>
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<th>(10)</th>
<th>(11)</th>
<th>(12)</th>
<th>(13)</th>
<th>(14)</th>
<th>(15)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Medical marijuana law</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) % Employed in agriculture</td>
<td>-0.22</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) % Living in rural counties</td>
<td>-0.14</td>
<td>0.78</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) % Protestant</td>
<td>-0.43</td>
<td>0.55</td>
<td>0.40</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(5) % Foreign-born</td>
<td>0.35</td>
<td>-0.52</td>
<td>-0.68</td>
<td>-0.55</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(6) % Foreign-born²</td>
<td>0.33</td>
<td>-0.41</td>
<td>-0.56</td>
<td>-0.50</td>
<td>0.96</td>
<td>1.00</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(7) % Black</td>
<td>-0.30</td>
<td>-0.32</td>
<td>-0.27</td>
<td>0.20</td>
<td>0.002</td>
<td>0.003</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(8) % Black²</td>
<td>-0.23</td>
<td>-0.22</td>
<td>-0.09</td>
<td>0.25</td>
<td>-0.11</td>
<td>-0.09</td>
<td>0.95</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9) % Hispanic</td>
<td>0.28</td>
<td>-0.28</td>
<td>-0.43</td>
<td>-0.31</td>
<td>0.71</td>
<td>0.67</td>
<td>-0.13</td>
<td>-0.19</td>
<td>1.00</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) % Hispanic²</td>
<td>0.23</td>
<td>-0.17</td>
<td>-0.26</td>
<td>-0.24</td>
<td>0.53</td>
<td>0.53</td>
<td>-0.14</td>
<td>-0.17</td>
<td>0.95</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11) % with College degree</td>
<td>0.23</td>
<td>-0.36</td>
<td>-0.40</td>
<td>-0.48</td>
<td>0.48</td>
<td>0.36</td>
<td>-0.12</td>
<td>-0.15</td>
<td>0.19</td>
<td>0.08</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(12) % 65 and over</td>
<td>-0.24</td>
<td>0.27</td>
<td>0.21</td>
<td>-0.09</td>
<td>-0.14</td>
<td>-0.08</td>
<td>-0.09</td>
<td>-0.12</td>
<td>-0.24</td>
<td>-0.20</td>
<td>-0.17</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(13) % Republicans in state legislature</td>
<td>-0.16</td>
<td>0.37</td>
<td>0.30</td>
<td>0.29</td>
<td>-0.25</td>
<td>-0.25</td>
<td>-0.27</td>
<td>-0.24</td>
<td>-0.03</td>
<td>-0.05</td>
<td>-0.14</td>
<td>-0.17</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(14) Republican governor</td>
<td>-0.06</td>
<td>0.07</td>
<td>-0.02</td>
<td>0.09</td>
<td>0.11</td>
<td>0.11</td>
<td>-0.02</td>
<td>-0.01</td>
<td>0.10</td>
<td>0.06</td>
<td>0.02</td>
<td>-0.07</td>
<td>0.09</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>(15) Violent crime rate</td>
<td>-0.001</td>
<td>-0.40</td>
<td>-0.47</td>
<td>-0.04</td>
<td>0.30</td>
<td>0.27</td>
<td>0.54</td>
<td>0.41</td>
<td>0.38</td>
<td>0.36</td>
<td>-0.10</td>
<td>-0.19</td>
<td>-0.15</td>
<td>0.006</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Table 3. Correlation matrix for dependent and independent variables
Specification

The percentage employed in agriculture, the percentage of Protestants, the percentage of blacks, the percentage of Hispanics, the percentage of the population over sixty-five, the percentage of Republicans in the legislature, whether or not the state’s governor is a Republican, and the violent crime rate should have negative relationships with the likelihood of having a medical marijuana law. The percentage of the population over twenty-five with a college degree should have a positive relationship. A general specification of this model is:

\[
\text{Medical Marijuana Law} = \beta_0 + \beta_1 \%\text{AgEmp} + \beta_2 \%\text{Protestant} + \beta_3 \%\text{Black} + \beta_4 \%\text{Black}^2 + \\
\beta_5 \%\text{Hispanic} + \beta_6 \%\text{Hispanic}^2 + \beta_7 \%\text{CollegeDegree} + \beta_8 \%\text{65andOver} + \beta_9 \%\text{RepLegis} + \\
\beta_{10} \%\text{RepGov} + \beta_{11} \%\text{ViolCrime}
\]  

(1)

Estimation

I use one-year lags on all of the explanatory variables to allow time for changes to take effect. This lag eliminates the first fifty state-years of the panel, yielding a sample size of 400 state-years. Lagging the time-varying explanatory variables has little effect on the results, as the relationships persist when no or two-year lags are used.

There are two standard ways to estimate models for binary outcomes, logit and probit, which yield similar results (Long 1997). I use a logit model since I can obtain odds ratios. In order to capitalize on the longitudinal nature of these data, I fit the models using one of Stata’s panel commands, \textit{xtlogit}. This captures changes both within and between states.

I use the population-averaged estimator, which is equivalent to a random-effects model (Alderson & Nielsen 2002; Liang & Zeger 1986). Population-averaged estimation is not common in sociology, but a few studies have used it (Jacobs & Kleban 2003; Alderson & Nielsen 2002;
Jacobs & Carmichael 2002). The population-averaged model is the best approach for this analysis, as fixed-effects models cannot handle time-invariant variables (Protestant strength), and random-effects models do not allow me to correct for serial correlation with an autoregressive specification. To ensure that the results do not depend on this procedure, I also estimate the best model with a logit model that also corrects the standard errors and removes serial correlation by clustering. These models are not shown but yield theoretically identical results.

I remove autocorrelation with an AR1 procedure. I correct for heteroskedasticity with Huber-White standard errors. These robust standard errors also correct for misspecification if the AR1 specification is incorrect.
Chapter 4: Results

I begin my analyses by constructing models to test the applicability of Gusfield’s status politics theory to the case of marijuana (see Models 1 and 2). I then add race and ethnicity variables to test the racial threat approach in Model 3. Model 4 tests the squared transformation of the race variables and the effects of generational factors. Model 5 tests political determinants. I use one-tailed tests, as theory predicts the direction of the hypothesized relationships.

Table 4 reports the results of a logistic regression of medical marijuana laws on ruralness, percentage of Protestants, and percentage foreign-born. I present odds ratios for ease of interpretation. Wald tests indicate that all models are significant.
<table>
<thead>
<tr>
<th>Explanatory Variables</th>
<th>Model 1</th>
<th>Model 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Living in Rural Counties</td>
<td>23.254 (46.164)</td>
<td>----</td>
</tr>
<tr>
<td>% Employed in Agriculture</td>
<td>----</td>
<td>1.248 (.264)</td>
</tr>
<tr>
<td>% Protestant</td>
<td>1.57e-6*** (5.63e-6)</td>
<td>5.88e-7*** (2.59e-6)</td>
</tr>
<tr>
<td>% Foreign-born</td>
<td>1.086 (.067)</td>
<td>1.183 (.208)</td>
</tr>
<tr>
<td>% Foreign-born$^2$</td>
<td>----</td>
<td>.995 (.006)</td>
</tr>
<tr>
<td>Year</td>
<td>1.122* (.059)</td>
<td>1.136** (.060)</td>
</tr>
</tbody>
</table>

| Number of cases                | 400              | 400              |
| Wald Chi$^2$                   | 18.90***         | 17.23**          |

*p<.05 (one-tailed tests)   **p<.01   ***p<.001

Table 4. Odds ratios and standard errors from a pooled time-series analysis of state determinants of medical marijuana laws, 2000-2008
In Model 1, only the negative coefficient on percentage Protestant is significant. So, as the proportion of Protestants in the population increases, the likelihood of having a medical marijuana law decreases.

In Model 2, the percentage living in rural counties is replaced with the percentage employed in agriculture. This measure of ruralness is also non-significant. Model 2 also tests a quadratic transformation of percentage foreign-born. Neither the percentage of foreign-born residents, nor is the quadratic transformation, determine marijuana legislation. The Protestant strength variable remains significant and negative. While ruralness and the percentage of foreign-born do not matter, these findings support the applicability of status politics theory to the case of medical marijuana. The consistently negative relationship between medical marijuana laws and the percentage of Protestants supports the status politics approach, since the passage of these laws symbolically disaffirms the validity of Protestant values regarding marijuana. These results, however, could be spurious because racial threat has not yet been entered. The results of Models 3, 4, and 5, which test the effects of race, generational factors, and partisan politics are shown in Table 5.
<table>
<thead>
<tr>
<th>Explanatory Variables</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Employed in Agriculture</td>
<td>.878</td>
<td>1.016</td>
<td>1.073</td>
</tr>
<tr>
<td></td>
<td>(.213)</td>
<td>(.282)</td>
<td>(.286)</td>
</tr>
<tr>
<td>% Protestant</td>
<td>1.36e-5**</td>
<td>5.65e-9***</td>
<td>4.86e-9***</td>
</tr>
<tr>
<td></td>
<td>(5.93e-5)</td>
<td>(2.45e-8)</td>
<td>(2.07e-8)</td>
</tr>
<tr>
<td>% Black</td>
<td>.861</td>
<td>.546**</td>
<td>.522**</td>
</tr>
<tr>
<td></td>
<td>(.100)</td>
<td>(.133)</td>
<td>(.137)</td>
</tr>
<tr>
<td>% Black^2</td>
<td>----</td>
<td>1.016**</td>
<td>1.016*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.007)</td>
<td>(.008)</td>
</tr>
<tr>
<td>% Hispanic</td>
<td>1.019</td>
<td>1.173</td>
<td>1.201</td>
</tr>
<tr>
<td></td>
<td>(.032)</td>
<td>(.174)</td>
<td>(.186)</td>
</tr>
<tr>
<td>% Hispanic^2</td>
<td>----</td>
<td>.996</td>
<td>.996</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.003)</td>
<td>(.003)</td>
</tr>
<tr>
<td>% with a College Degree</td>
<td>----</td>
<td>.984</td>
<td>.966</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.056)</td>
<td>(.060)</td>
</tr>
<tr>
<td>% Age 65 and over</td>
<td>----</td>
<td>.588*</td>
<td>.537*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.146)</td>
<td>(.147)</td>
</tr>
<tr>
<td>% Republicans in the Legislature</td>
<td>----</td>
<td>----</td>
<td>.178</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(.320)</td>
</tr>
<tr>
<td>Republican Governor</td>
<td>----</td>
<td>----</td>
<td>1.244</td>
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<td></td>
<td></td>
<td></td>
<td>(.386)</td>
</tr>
<tr>
<td>Violent Crime Rate</td>
<td>1.001</td>
<td>1.003</td>
<td>1.004</td>
</tr>
<tr>
<td></td>
<td>(.002)</td>
<td>(.003)</td>
<td>(.004)</td>
</tr>
<tr>
<td>Year</td>
<td>1.149**</td>
<td>1.303**</td>
<td>1.341**</td>
</tr>
<tr>
<td></td>
<td>(.063)</td>
<td>(.122)</td>
<td>(.143)</td>
</tr>
<tr>
<td>Number of cases</td>
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<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Wald Chi^2</td>
<td>28.58***</td>
<td>60.77***</td>
<td>69.80***</td>
</tr>
</tbody>
</table>

*p<.05 (one-tailed tests)  **p<.01  ***p<.001

Table 5. Odds ratios and standard errors from a pooled time-series analysis of state determinants of medical marijuana laws, 2000-2008
Model 3 introduces the percentage of blacks and the percentage of Hispanics to test the effects of race and ethnicity, as well as the violent crime rate. The results now indicate that the relationship between Protestant strength and medical marijuana laws remains, while the effect of the percentage employed in agriculture is still non-significant. Percentage of foreign-born is replaced by the percentage of Hispanics in Model 3, but the effect remains non-significant. The coefficient on the percentage of blacks is also non-significant.

Minority threat theory, however, suggests a non-linear relationship, so squared transformations of the race variables are tested in Model 4. Model 4 also tests the generational factors suggested by Himmelstein (1983): the percentage of the population over twenty-five with a college degree and the percentage of the population age sixty-five and older. The effect of the percentage of Protestants remains. The relationship between marijuana laws and the percentage of blacks is shown to be non-linear Model 4. The percentage of the population with a college degree is non-significant, while the percentage of the population age sixty-five and over is.

Model 5 tests political variables, but I do not find evidence for the effects of partisan politics on medical marijuana legislation. The significant effects of the percentage of Protestants, the percentage of blacks and its quadratic transformation, as well as the percentage of the population age sixty-five and older remain. For every 1 percent increase in the percentage of Protestants, the odds of having a medical marijuana law decrease by over 99 percent. For every 1 percent increase in the percentage sixty-five and over, the odds of having a marijuana law decrease by 46.3 percent. The quadratic relationship between the percentage of blacks and the odds of having a medical marijuana law is illustrated in Figure 2.
Figure 2. Predicted odds of having a medical marijuana law by percent black
The results indicate that the point of inflection is 20.6 percent. Only eight states had black populations above this threshold in 2008, so most states will experience a negative effect of increasing black populations on the odds of passing medical marijuana laws.

The results of the final model provide support for both status politics and racial threat theories. There is also evidence for the effects of generational factors. So, this analysis supports a claim that state marijuana policies reflect social, moral, and political conflict more so than public health concerns.
Chapter 5: Discussion and Conclusions

Systematic analyses of state-level variation indicate that both status politics and racial threat theories are applicable to the case of medical marijuana. I also find evidence for the effects of generational factors. These results suggest that marijuana’s historical association with marginalized groups accounts for variation in state laws. States with higher proportions of Protestants and senior citizens are less likely to have a medical marijuana law. These populations are generally opposed to the traits traditionally associated with marijuana. So, larger populations of these groups serve to perpetuate marijuana prohibition. The black population also has a mainly negative relationship with the likelihood of having a medical marijuana law, but this nonlinear relationship operates in a different manner. Larger proportions of blacks suppress the likelihood of passing medical marijuana laws until the level becomes sufficient to achieve electoral power, about 21 percent.

Protestant values emphasize hard work and sobriety. Marijuana has been characterized as a “drop out drug” that causes laziness and apathy (Himmelstein 1983), an image that has been perpetuated in the media. These traits are an affront to the Protestant ethic and probably help explain the negative relationship between Protestant populations and medical marijuana laws. But, traditional Protestants alone do not account for all of the variation in state medical marijuana laws.

Blacks are often associated with drugs and crime, so growing populations of blacks lead to stricter criminal codes. Hip-hop culture has served to strengthen this link. Song lyrics, music videos, and performers often celebrate crime and violence, along with drug and alcohol abuse.
Fordham and Ogbu (1986) refer to this style of black music, dress, and speech as “oppositional culture,” which developed as blacks rebelled against expectations to “act white.” These highly visible displays of oppositional culture may be perceived as a threat to traditional American values, so harsher criminal codes indirectly targeting minorities are passed in response. My results provide support for the claim that racial threat impedes the passage of medical marijuana laws.

States with large populations over age sixty-five are also less likely to have medical marijuana laws. Older generations are generally more conservative than younger ones and this probably is manifested in the negative relationship between larger populations of senior citizens and medical marijuana laws. Furthermore, marijuana use is concentrated among young people. In the future, however, this relationship may cease to have a significant effect as the Baby Boomers age. The young middle class people who began using marijuana in large numbers in the 1960s are members of this generation, so they may have less negative views of marijuana than the prior generation. The oldest Baby Boomers were sixty-two in 2008, the final year of my analysis.

These negative relationships, however, are predicated on an image of marijuana and marijuana users that is rapidly changing. Whereas marijuana once appeared in popular culture as the catalyst to a series of misadventures by hapless “stoners,” it has since been incorporated into mainstream culture, making appearances in a wide variety of musical genres from rock and hip-hop to country and pop. Marijuana use is portrayed as a mundane activity, similar to drinking alcohol, in a number of recent movies and television shows. Perhaps more importantly, the image of the user has also changed in the media from delinquents to white, suburban individuals, often women. This contemporary shift in media portrayals of marijuana users seems to be more accurate than depictions such as the archetypal Cheech & Chong movies of the 1970s. In 2005, 13.8 percent of adults admitted using marijuana in the past year and 42.8 percent reported using
marijuana during their lifetime (Substance Abuse and Mental Health Services Administration 2006).

While the case of marijuana is distinctive in many ways, the dynamics of its legal status are analogous to other instances of moral legislation in the United States. American moral crusades have had a variety of targets, including different religious groups, races, ethnicities, and economic classes, but they also have the common effect of suppressing threatening minority groups. Prior researchers have also made this argument, but this analysis provides quantitative evidence for such a claim. Marijuana’s association with lower status groups has transformed a question of public health into a moral debate and a symbolic power struggle. However, just as changing usage patterns served as a catalyst to legal changes in the 1970s, increasing use and prevalence in mainstream culture may alter the dynamics of the current debate.

My findings contribute to several areas of the literature, including political sociology and the sociology of law, by providing contemporary support for several enduring sociological themes. Gusfield developed status politics theory to explain events that occurred in the late nineteenth and early twentieth centuries, and this study finds these sociopolitical dynamics persist over a century later. Dominant groups, when threatened, respond by demanding laws that reaffirm their political and cultural ascendancy. Likewise, I also find support for the continuing effects of race on policy-making. There seems to be a similar mechanism at work here. Instead of viewing these theories as alternate hypotheses, my results suggest that a blended status politics/racial threat approach better explains the variation in state-level marijuana legislation.

This study implies that American moral crusades often operate under the guise of public health measures but have a symbolic function in conferring status upon some groups and disaffirming the values of others. In this instance, Protestant values clash with traits ascribed to marijuana and its users, such as criminality, laziness, and apathy. Many of these characteristics
ascribed to marijuana users are also celebrated by black oppositional culture. Combined, these factors have made marijuana a symbol of a lifestyle considered to be deviant by a large portion of Americans. Therefore, the debate over this issue is not a debate over the benefits and dangers of the drug itself. Rather, this is a symbolic struggle to establish political, moral, and cultural dominance.

This study finds that marijuana legislation fits into a pattern of legislation on moral issues, which indirectly targets the underclasses. My findings, in addition to prior work in the area of legislation of crime and delinquency, support the conflict approach to the social construction of deviance and law. The law is not based on consensus, nor is it a pluralist compromise between interest groups. It is an instrument of the powerful to maintain the status quo.
References


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