

Marijuana's "Dark Side": Drugs, Race, and the Criminalization of Trayvon Martin

ALEXANDER TEPPERMAN
University of Florida

"They've killed my son and now they're trying to kill his reputation."
- Sybrina Fulton, mother of Trayvon Martin, March 25, 2012.¹

It may seem at first blush that, when she called out those vocal media members who questioned her son's character, Sybrina Fulton was merely engaging in the sort of hyperbolic catharsis one might expect from a grieving parent. Her contention, however, was hardly an exaggeration. In the weeks following Martin's shooting death at the hands of George Zimmerman in Sanford, Florida, a multitude of traditional and online media outlets levied a counter-offensive against the public hostility facing Zimmerman,² renewed discussions of racial profiling in American life, and, most importantly, the gun culture and racial profiling that many commentators claimed facilitated Martin's shooting.

Some of Martin's defenders would later claim that the aspersions cast upon the seventeen year-old's character were simply a transparent and self-conscious form of racism, though this claim is a half-truth at best. Such explanations ignore the possibility that the criticisms emanating from Martin's critics were also cynical tools of necessity, employed toward wholly utilitarian ends. The most vigorous defenders of Florida's now-infamous Stand Your Ground laws, one could reasonably argue, were simply countering critiques of the policy the most effective way possible, beginning by discrediting Martin's reputation and, in turn, his status as a victim. This allowed Stand Your Ground's defenders to deflect public discussion away from the embattled policy, keeping it safe from state and federal interference.

Regardless of what Martin's critics' true motivations were –and granting that their motives may not be rational or clearly articulated in the first place – one still confronts a pair of plainly obvious points about the nature of Martin's media vilification. First and foremost, the omnipresence of the "Trayvon Martin was a drug dealer" rumor has its roots in five decades of popular political rhetoric, being most dynamically shaped by the ongoing federal wars on drugs and crime, as well by the accompanying rise of the Prison Industrial Complex. Secondly, debates about Trayvon Martin's morality should be understood as part of a common present-day political language that binds together a variety of social, cultural, and racial biases. One finds in popular discourse on drugs that members of the American public tend to harbor strikingly divergent perceptions of marijuana use and abuse in the black and white communities respectively. This fact is

highlighted by the rapid metamorphosis of the Martin-Zimmerman affair from a story merely *involving* drugs into being a story that, in some important ways, was *about* drugs.³

To understand how and why the popular press turned the Martin case into a story about marijuana use, drug dealing, and black male deviance, one must look back to a historical lineage of racialized public discourse on law and order, drugs, and race. When brought together, careful readings of Barry Goldwater's campaigning, the 1968 Safe Streets Act, the Republican Party's successful "Southern Strategy," President Reagan's "War on Drugs," and the rise of warehouse imprisonment policies show not only why, in 2012, George Zimmerman's defenders had, through employing the racialized language of national drug debates, some success in branding Trayvon Martin a "gangsta," but also why historians might not find the success of this particular form of demonization surprising in the least. It is, as Michelle Alexander explains in her influential monograph *The New Jim Crow*, simply another example of the employment of the "criminal justice system to label people of color 'criminals,'" a practice used to validate "all the practices we supposedly left behind" with the formal outlawing of racial segregation.⁴ The willful mischaracterization of Trayvon Martin as a drug dealer is a direct legacy of that continued racist anachronism, Jim Crow.

Moral Panic Strikes

Within a fortnight of his death, a pair of revelations regarding Trayvon Martin's exposure to, and involvement with, drugs gave way to Zimmerman's defenders' open questioning of Martin's morality and innocence. The first revelation was that, on the night of his death, Martin was serving a school suspension for possession of a bag that contained trace amounts of marijuana.⁵ The second revelation, which turned out to be even greater fodder for Zimmerman's defenders, was that an autopsy revealed trace levels of tetrahydro-cannabinol (THC), the primary medicinal agent found in marijuana, in Martin's blood. The latter finding led reams of journalists and pundits to cast suspicion upon Martin's character, supposing that Zimmerman's lethal actions were, perhaps, just defense against an abusive "druggie." It must be noted, however, that these were intellectually dishonest and fatuous claims, as the 1.5 nanograms of THC and 7.3 nanograms of THC-COOH present in Martin's system may have been weeks old and were of such low levels that they would not even have affected Martin's character in the first place.⁶ There is every reason, in fact, to believe Martin had not been "toking" the night of his death.

That there is little or no reason to believe the THC in Martin's system would have effected his behavior – or that marijuana would tend to make anyone *violent* for that matter – is beside the point. The argument that Trayvon Martin was a drug user was merely the *entrée* to a more general and baldly cynical attempt at character assassination, part of a larger argument about Martin's deviant identity. Following the drug-related "revelations," attacks expanded into other fronts, frequently concerning Martin's looks, the presumed character of his friends, and a number of other unrelated behavioral transgressions.⁷ A pointed example of this sort of discourse comes from *Wagist.com*, which published the widely-circulated anti-Martin conspiracy piece "Was Trayvon

Martin a Drug Dealer?” Article author Dan Linehan speculates that yes, in fact, Martin was likely a dealer, as evidenced by the fact the seventeen year-old seemed like a troublemaker. At seventeen, Linehan explains, “he was already sporting gold teeth, and several large tattoos.” Linehan stops there, however, neglecting to explain how tattoos and gold “grills” indicate anything about Martin’s culpability in his own death. This ambiguity in reasoning does not prevent Linehan from insisting, however, that “Zimmerman was very good at this job” and “this is a textbook self-defense case.”⁸

While the presumption of Martin’s guilt being related to his appearance has clear and troubling racist elements, Linehan’s piece does not provide satisfactory evidence that the many pundits who echoed the views found on *Wagist* knowingly practiced racial profiling. Presumably, many of Zimmerman’s defenders were merely describing a conception of Trayvon Martin that, while undoubtedly chauvinistic and racist in practice, legitimately jibed with their understanding of what “sort of person” constituted America’s “criminal class.”⁹ For many Americans, Martin must have “seemed” like a criminal, with his race playing one (albeit critical) role, along with his age and appearance, in creating such a feeling.¹⁰

The nadir of the drug-based Trayvon Martin vilification came at the end of March when a white supremacist, going by the handle ‘Klanklannon,’ hacked into Martin’s personal e-mail, Facebook, MySpace, and Twitter accounts and re-packaged Martin’s private information and messages in such a way as to present him as a drug dealer with many criminal acquaintances. Posting on a 4chan message board,¹¹ Klanklannon posted a series of slides featuring titles like “Trayvon Martin Used Marijuana Habitually” and “Trayvon Martin was a Drug Dealer.” The neo-Nazi website Stormfront was quick to pick up these pieces and re-publish them as “news.”¹² Lastly, Klanklannon changed Martin’s account passwords to a series of racial epithets. While Klanklannon’s actions were egregiously racist, however, it must be noted that the hacker’s neo-Nazi affiliations are not necessary to understanding, in a macro sense, the racial underpinnings of the Martin-as-deviant-and-criminal rumors. By the time George Zimmerman shot and killed Trayvon Martin, the racist language of drugs, crime, and deviance had been embedded into the fabric of mainstream American politics for quite some time, and it was popularly-elected American politicians, not radical hate-mongers, who had made it so.

A New Alliance: Drugs, Politics, and the Law, 1946 to the Present

Historical commentary on America’s mid and late-twentieth century attitudes toward drug crime is broad in scope and rich in insight, as decades of research have uncovered reams of telling, and often troubling, patterns in law and corrections.¹³ The extensive documentation of the post-New Deal political order, including the nation’s adoption of hyper-punitive correctional policies, has shown not only that the fierce anti-drug legislation and enforcement of the past three decades is unprecedented in American history, but that it was undertaken by power elites who understood full well its racist and classist implications.

As Michael Tonry explains in the introduction to his recent monograph on the Prison Industrial Complex *Punishing Race: A Continuing American Dilemma*, “long before open appeals to racism disappeared from American politics, conservative Republicans fashioned the Southern Strategy,” a deliberate attempt to “focus on issues – initially states’ rights and later crime, welfare fraud, busing, and affirmative action” that the public generally understood as “coded appeals to whites’ antiblack animus, anxiety, and resentment.”¹⁴ Tonry acknowledges that the coded racist language of “Law and Order” policy did not originate in Republican Party spin rooms, as segregationist Democrats had considered joining like-minded Republican conservatives in a concerted effort to criminalize the disobedience borne of the Civil Rights movement as early as the 1940s.¹⁵ It was, however, the dramatic rightward political shift undertaken by the Republican Party under the leaderships of Barry Goldwater and Richard Nixon that ultimately allowed politicians and state and federal judiciaries to institutionalize a new language of racialized legal discourse.

As the Civil Rights movement made significant legal and social gains throughout the mid-1950s, white supremacists felt (understandably, when seen from their perspective) an increasing frustration and anxiety about the country’s future. Southern segregationists fought the rising tide of black civil rights by not only characterizing equal rights legislation as “rewarding lawbreakers,” but by pointing to high crime rates in northern industrialized cities as evidence that segregation was a necessary crime prevention measure.¹⁶ The discourse of civil rights as a criminal threat to white freedom found such sympathy with conservative whites throughout the nation that, by the time Barry Goldwater ran against Lyndon Johnson for President of the United States, the Republican Party was openly discussing the evils of racial equality on the national stage. Attending the 1964 Republican National Convention, lifelong conservative and civil rights icon Jackie Robinson, the man who famously “broke the Major League Baseball color barrier,” remarked “that convention was one of the most unforgettable and frightening experiences of my life. The hatred I saw...embodied a revulsion for all [Lyndon Johnson] stood for, including his enlightened attitude towards black people. A new breed of Republicans had taken over the GOP. As I watched this steamroller operation in San Francisco, I had a better understanding of how it must have felt to be a Jew in Hitler’s Germany.”¹⁷

Though Goldwater lost the general election, his racially regressive message seemed ever more attractive to the White American electorate throughout the second half of the decade. By the late 1960s, federal crime rates were skyrocketing, with particularly high rates of robbery and stranger murder, the sort of offenses the public finds most terrifying. The combination of exceptionally high violent crime rates and the perceived social and political instability of the era led an embattled President Johnson to push through the Omnibus Crime Control and Safe Streets Act of 1968, a measure creating sweeping new federal-level provisions regarding arrest and punishment.¹⁸ Ironically, it was this measure that, though passed by perhaps the most civil rights-minded President in American history, enabled and entrenched the political language of the racially discriminatory War on Drugs.

The Safe Streets Act made law-breaking a unifying national concern, providing a national, bipartisan vocabulary for crime prevention that, while not consciously discriminatory, left ample room for regressive racial philosophies in its execution. Among many other policies, it gave birth to prosecutorial policies and police practices that, through their selective targeting and draconian scope, devastated urban inner-city neighborhoods.¹⁹ It also encouraged politicians to, in an effort to create a post-New Deal language of political unity, engage in a full-on assault on the supposedly non-partisan, non-racialized issue of drugs. The antecedents of the federal War on Drugs can be traced back to the Nixon Administration, though the policy began in its current form under the leadership of President Ronald Reagan who, in 1982, declared a determined national assault on drug traffickers, traders, and users. By 1985, Reagan's administration would announce the emergence of crack – a low-grade form of cocaine commonly found in black inner-city neighborhoods – as yet another threat to America's moral fabric and justification for a further expansion for the Drug War.²⁰

The Reagan Administration paired the war, which saw police and judges doggedly incarcerate drug users and sellers, with an extraordinarily effective mid-decade media offensive that, for the majority of Americans, validated the federal government's new crusade.²¹ Certainly one can understand why many Americans felt, as violent crime shrank steadily and dramatically throughout the 1980s and 1990s, that the War on Drugs was working. The problem with such reasoning, of course, is that Reagan's policies – which were too recently-passed to have a significant effect on national crime rates in the first place – did not even target violent offenders, but rather sent legions of young, disproportionately black men to prison for drug trafficking and possession. Drug warriors' enthusiasm led police to focus their attentions on "high risk" populations, mainly those located in high-density urban neighborhoods where they had the best chance to catch crack, cocaine, and heroin users. This created and perpetuated a cycle of racial profiling that ultimately bloated American prisons with record numbers of African Americans. As Ruth Gilmore points out, "drug commitments to federal and state prison systems surged 975 percent between 1982 and 1999."²² By the early 1990s, 50% of state and federal prisoners were black, an all-time high.

Not only did the 1990s see the Clinton administration continue the racially regressive War on Drugs, but the White House expanded the project, making public schools a major battleground for new, often merciless, public safety initiatives. Jonathan Simon draws out this development in depth in *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (2009). Simon documents the period's growing conservative movement against public school systems, noting the eagerness of right-wing anti-union groups to frame public schools as "rife with crime" and generally unfit to educate. This message, repeated ad nauseum in conservative political circles, led both Presidents George H.W. Bush and Bill Clinton to pass "safe schools" initiatives that focused far more on keeping institutions of education drug-free than on providing students and teachers with sufficient *anomie*-fighting academic and extracurricular resources.²³

Befitting the general ethos of the War on Drugs, mid- and late-decade discussions of drugs in school became increasingly hyperbolic and punishments grew ever more extreme, leading to policies like the one that saw Trayvon Martin suspended from school for holding an amount of marijuana that was all but invisible to the naked eye. Martin was one of the hundreds of thousands of African-American youths targeted and marginalized by the War on Drugs, being handed an unsuitably harsh penalty for an ultimately insignificant transgression. The severity of drug-related “zero tolerance” policies, combined with well-established inequities in the levying of school suspensions,²⁴ have only exacerbated class and race divides, transforming school safety “from a set of expectations for administrators to a zero-sum game between aggressors who are criminals or criminals in the making, and their victims – a shifting group consisting of everyone not stigmatized already as criminal.”²⁵ The politics surrounding the holding of a baggie with trace amounts of marijuana both led to Martin’s suspension from school and gave George Zimmerman’s supporters a means of framing Martin not as a victim of senseless violence, but as a member of America’s criminal element.

Policy Proposals and the Future of “Black Dealer” Archetype

One of the unfortunate realities of racial profiling in popular political culture is that many ideas that derive from stereotyping gain an ethereal-yet-believable quality. Perceptions of the nature of black (and white) culture, deviance, and criminality tend to gain general acceptance over time as being axiomatic, no longer needing to be “proven.” If American culture on the whole – from the popular press to network television to internet memes – stresses the idea, even implicitly, that blacks are more likely to commit drug crimes, one can understand why the general population would have trouble shaking that feeling, regardless of how problematic or factually inaccurate such a simplistic view may be. Heavy social conditioning is monumentally hard to undo, as recent historical scholarship has explored just how deeply (and chemically) anxieties about black criminality run, showing that most Americans, including most African-Americans, are more likely feel suspicion and distress upon encountering blacks than whites.²⁶ For that reason, the wisest course of action may be to raise awareness of these pervasive racial double standards in society in the hopes that both the media and the public will actively and thoughtfully rebel against regressive learned behaviors. Certainly institutions like the Southern Poverty Law Center and Media Matters, as well as both major organized political parties, could be effective lobbyists for greater sensitivity in popular representations of racial inequality and deviance.

The most important act legislators may take on a federal or state level is the immediate de-escalation, and then unequivocal end, to the War on Drugs. The vilification of Trayvon Martin is facilitated by two stances: (1) the continued racial profiling of black marijuana users and dealers and (2) the justification and entrenchment of such attitudes in policy and enforcement. Like a snake swallowing its own tail, popular and political culture justify each other, with images of black drug crime giving continued justification to drug warriors who target the most likely areas in which to find drug crime, all at the expense of hundreds of thousands of imprisoned, and subsequently disenfranchised, American citizens’ freedom. By declaring an end to the War on Drugs and, in essence,

freeing a legion of black men from the “felon” stigma that makes them second-class citizens in all but name, the popular media would lose much of the impetus for promoting the “black drug dealer” stereotype.²⁷

Furthermore, such measures could reintroduce a generation of ex-cons back into society. As Alexander notes, “once you’re labeled a felon, the old forms of discrimination – employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service – are suddenly legal.”²⁸ Perhaps ending the drug war might result in a measure of economic equality, as a generation of felons could be made eligible for welfare, social insurance, and student loans, and might even find themselves less hampered by the exceptional limitations on earning power placed upon black ex-convicts.²⁹ If nothing else, the restoration of suffrage rights for this group would give former inmates the chance to live out the penal system’s rehabilitative ideal.

Granted, “changing popular culture” and “ending the War on Drugs” are broad solutions that provide few directives for immediate action. This is because the problem of racial profiling and stereotyping, is so broad and runs so deep that it seems overly ambitious to begin the search for solutions with anything more than general progressive-minded goals for the future. Academics, politicians, and the public are best served by deciding, on an individual level, how best they can contribute their talents to these macro goals.

Discussions of the Martin-Zimmerman incident are emblematic of 21st century American race politics. Within the superstructure of Barack Obama’s supposedly post-racial America, animosities not only remain but thrive, stoked by the continued power of the coded language of crime and punishment. There is, therefore, no better way to understand the culture that gave rise to the vilification of Martin as a drug dealer than as a product of deeply entrenched, and often subliminal, racism. As Alexander so presciently notes, racist discourse has led the United States to imprison “a larger percentage of its black population than South Africa did at the height of apartheid,” an unsurprising fact given that “no other country in the world imprisons so many of its racial or ethnic minorities.”³⁰ This suggests that the debate left to have on the issue of race and corrections is not whether this issue is plagued by racist impulses, but whether the time has come for the American people to end the War on Drugs and choke the life out of the industrialized West’s last functioning gulag.

ABOUT THE AUTHOR

Alexander Tepperman is a Ph.D. student in the Department of History at the University of Florida. Correspondence concerning this article should be addressed to Alexander Tepperman, Department of History, University of Florida, PO Box 117320, Gainesville, FL 32611-7320. E-mail: atepper@ufl.edu.

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NOTES

¹ M. Muskal, "Trayvon Martin Case: Marijuana Reports Irrelevant, Family Says." *Los Angeles Times*, March 26, 2012.

² One could point to any number of articles that subtly suggest Martin was responsible for his own death, but two of the more notorious examples of this tendency include the March 26, 2012 *Miami Herald* article "Multiple Suspensions Paint a Complicated Portrait of Trayvon Martin" and the March 24 *Daily Mail* piece "Trayvon Suspended THREE Times for 'drugs, truancy, graffiti and carrying burglary tool' and did he Attack Bus Driver Too? New Picture Emerges of Victim as

Parents Claim It's all a Smear.”

³ The extent to which “drugs” served as a master theme for the Martin case can be seen in the sheer mass of reporting on the case through that lens. A simple Google News search for the leading stories on “marijuana” between the beginning of 2008 and the end of 2012 show that the Martin case was the second-most widely reported “marijuana” story of that five year span, outpacing the Michael Phelps bong use “scandal” and following only the revelation that, prior to his death, Osama Bin Laden had grown marijuana on his private Afghani compound.

⁴ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2010, p. 1

⁵ This suspension was not due to any reasonable suspicion that Martin was using or trafficking drugs on school property, but rather was merely in possession of a detectable quantity of marijuana, thus exposing him to the school’s “zero tolerance” policy.

⁶ M. Szalavitz, “Traces of Marijuana Found in Trayvon Martin’s Body: Does it Matter?” *Time.com*, May 18, 2012.

⁷ Such as the *Daily Mail*’s aforementioned discussion of “burglary tools.”

⁸ D. Linehan. “Was Trayvon Martin a Drug Dealer?” *Wagist.com*, March 25, 2012.

⁹ The most famous example of this came on the morning of March 23, when Geraldo Rivera, appearing on the *Fox and Friends* morning show on Fox News, proclaimed that Trayvon Martin was as responsible as George Zimmerman for his death, having worn a hooded sweatshirt, a garment that Rivera claimed constituted “thug wear” and thus invited vigilante violence.

¹⁰ There was, of course, no shortage of outwardly racist rhetoric online. On a Yahoo! Answers discussion board entitled “Trayvon Martin, drug dealer or just user?”, for instance, saw ‘robzuc97’ opine “‘Skittles’ must be Ebonics for drugs... I suppose then the “Arizona Ice Tea” is some sort of malt liquor?”

¹¹ 4chan is an imageboard website that allows users to post anonymously. While it is most popular as a site for planning pranks and memes, it has also recently been a popular online meeting space for political activists of the extreme right and left.

¹² Tellingly, Stormfront editors presented these slides along with a picture of a menacing-looking black youth who was *not*, in fact, Trayvon Martin. Michelle Malkin’s arch-conservative website Twitchy.com then picked up the Stormfront photos, only to sheepishly retract the story, downplaying the seemingly-racist instincts of the site’s coverage of the case.

¹³ There is not enough space to outline even a significant fraction of the important work in this field, though the author would be remiss in not mentioning David Courtwright’s *Forces of Habit: Drugs and the Making of the Modern World* (2001), Joseph Gusfield’s *Symbolic Crusade: Status Politics and the American Temperance Movement* (1986), Joseph Spillane’s *Cocaine: From Medical Marvel to Modern Menace in the United States, 1884-1920* (1999), and Eric Schneider’s *Smack: Heroin and the American City* (2008).

¹⁴ Michael Tonry. *Punishing Race: A Continuing American Dilemma*. New York: Oxford University Press, 2011, p. xi.

¹⁵ Tonry, *Punishing Race*, p. 106.

¹⁶ Alexander, *The New Jim Crow*, p. 40-1.

¹⁷ Jackie Robinson, *I Never Had It Made: An Autobiography of Jackie Robinson*. New York: HarperCollins Publishers, 1995, p. 169.

¹⁸ Jonathan Simon. *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press, 2009, p. 26.

¹⁹ Tonry, *Punishing Race*, p. ix

²⁰ Alexander, *The New Jim Crow*, p. 5

²¹ The implementation and subsequent ubiquity of Nancy Reagan's *Dare to Resist Drugs and Violence* (D.A.R.E.) campaign showed the power of the Reagan administration to control the terms of the War on Drugs debate.

²² Ruth Wilson Gilmore. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007, p. 18.

²³ Simon, *Governing Through Crime*, pp. 207, 210.

²⁴ According to the U.S. Department of Education's study "Revealing New Truths About Our Nation's Schools" (<http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>), black public school students are 3.5 times more likely to face suspension than their white counterparts.

²⁵ Simon, *Governing Through Crime*, p. 222

²⁶ The greater fear of blacks than whites among blacks is, in part, a product of the intraracial nature of most violent crime. As recent research on cognitive functioning suggests, however, race bias may be so ingrained in American culture that it can even subsume rational thought and stimulate immediate, unthinking emotional anxiety through stimulation of the amygdale. For an overview of this research, see Jeffrey Adler's "Cognitive Bias: Interracial Homicide in New Orleans, 1921-1945" *Journal of Interdisciplinary History* v. 43 no 1 (Summer 2012).

²⁷ The claim that the systemic racism of the War on Drugs can be addressed through institutional reform is a compelling point. I sincerely doubt, however, that the state would have any more success in with ending the racist elements of the War on Drugs than it has had when dealing with similar issues within capital punishment (which is to say, very little). Moreover, both the conception and enforcement of drug laws are bound to have highly classist implications, as that has been the case with most status offence-related public policies throughout American history. Aside from being morally and legally unjust, the class dimensions of drug law enforcement would undoubtedly affect Black Americans disproportionately, creating an unavoidable form of *de facto* racism.

²⁸ Alexander, *The New Jim Crow*, p. 2

²⁹ In her tremendously powerful work *Marked: Race, Crime, and Finding Working in the Era of Mass Incarceration* (Chicago: University of Chicago Press, 2007), Devah Pager quantitatively measures the trouble black convicted felons face in finding work. Her studies – all of which are statistically significant – show that 38.2% of polled employers were not likely to hire a convicted drug offender who had been sentenced to prison (p. 124) and that black males not convicted of a felony have approximately the same prospects (14%) as white men convicted of a felony (17%) of receiving a job call-back (p. 92).

³⁰ Alexander, *The New Jim Crow*, p. 6.