

Into the Weeds: Considering Support for and the Intricacies of Cannabis Legalization in New Jersey

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ABSTRACT

Despite widespread political polarization regarding many social issues, often including drug policy, some form of marijuana legalization has become a reality in most American states. This is consistent with broad public support, as is often reflected in public opinion polling. However, support for these general legalization efforts may mask complex perceptions that may vary by political, demographic, or ideological orientation. Furthermore, public support may only remain strong if changes in marijuana policies are seen as a net positive, in large part grounded in expectations for the potential impact on public safety.

We collected and analyzed novel data from a population-representative sample of residents (N=1,006) in New Jersey, which recently legalized the use of recreational cannabis for adults and whose process was more oriented toward social equity at its outset than many states. We report descriptive data on the intersections of politics, race, personal use of cannabis, perceived public safety impacts, and support for legalization, then connect these aspects to views on how cannabis-derived tax revenue should be spent.

Findings suggest that, while distinct racial and political groups are aligned in some ways, key differences in support and perceived impacts on crime are seen across party affiliation, geographic location, and among people with prior experience using cannabis. Most New Jerseyans do not anticipate public safety harms, though there was significant divergence based on self-identified political ideology. We contextualize these patterns within the nature of previous state-level reform initiatives, drawing

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conclusions about the variable ways in which drug policy reforms can be implemented and sustained.

I. INTRODUCTION: LOOKING FOR THE TREES
IN THE FOREST OF MARIJUANA LEGALIZATION

American public opinion on drug use and drug laws has shifted towards increased acceptance of cannabis use for recreational as well as medical purposes. Recent polls indicate that nearly 70% of adults in the United States believe that marijuana use should be legal.¹ Recent policy changes and reforms in more and more states reflect these evolving beliefs. As of February 2022, cannabis use is legal for medical purposes in thirty-seven states, three territories, and the District of Columbia. Cannabis for recreational purposes is legal and regulated for use in twenty-four states, two territories, and the District of Columbia as of November 2023.²

Despite these high levels of aggregate support for legalization, there does not seem to be a clear or consistent roadmap for enacting legalization through either of the two possible pathways it can be achieved: entirely through state legislative processes, or lawmaking in response to referenda or ballot measures. Further, it is not obvious if frameworks used to enact state medical cannabis programs can be leveraged to guide the creation of recreational marijuana programs because of the distinct concerns and considerations involved in shaping the parameters of the use of the same substance for different purposes.³

As demonstrated by the experience in New Jersey, which followed a tortuous path to legal sales of cannabis for recreational purposes over several years, the increased momentum towards legalizing marijuana for recreational purposes has forced many state-level policymakers to confront complex implementation questions. States that do not currently permit medical or recreational cannabis may

¹ Support for Legal Marijuana Holds at Record High of 68%, GALLUP (Nov. 4, 2021), <https://news.gallup.com/poll/356939/support-legal-marijuana-holds-record-high.aspx> [<https://perma.cc/ZGN2-LYKE>] [hereinafter Gallup]; LISA N. SACCO, CONG. RSCH. SERV., R44782, THE EVOLUTION OF MARIJUANA AS A CONTROLLED SUBSTANCE AND THE FEDERAL-STATE POLICY GAP 2, 9 (2022), <https://crsreports.congress.gov/product/pdf/R/R44782> [<https://perma.cc/3GAT-97VY>].

² State Medical Cannabis Laws, NAT'L CONF. ST. LEGISLATURES (June 22, 2023), <https://www.ncsl.org/health/state-medical-cannabis-laws> [<https://perma.cc/D93Y-2GXZ>] [hereinafter NCSL].

³ The terms “marijuana” and “cannabis” are used interchangeably though this manuscript as there is no consensus in research, legislation or policy on which nomenclature should be used. Both, however, refer to the same underlying substance and are commonly used and understood by the public and relevant stakeholders.

soon face these challenges, as some view legalizing marijuana to be an inevitable reality across the nation.⁴

The potential policy considerations that may influence this complicated legalization process include, but are not limited to: the creation of markets and distribution of sales licenses; formation of regulatory schemes and authorities to oversee manufacturing, distribution, and/or sales; determinations of the parameters of possession amounts, types permitted, and/or age requirements for personal usage; revision of existing statutes and policy directives to remove provisions for enforcement of now-legal possession behaviors; and, when applicable and desired, considerations of reparations for those previously convicted of now-legal behaviors through measures like criminal record expungement. This non-exhaustive list indicates the complex set of factors lawmakers can consider when determining how to legalize recreational marijuana, especially in jurisdictions where legalization is passed through a general election ballot measure. This pathway, in particular, leaves lawmakers with a large amount of discretion and limited guidance as to how the general public intended marijuana to be legalized. This is critical when policymakers must respond to the needs and beliefs of their local constituencies while still enacting policy that is attendant to the diverse needs, desires, and goals of constituents who may agree in support of legalization but not in the details of how it is constructed across these competing considerations.

This paper starts to fill part of this gap in knowledge by analyzing representative, newly collected public opinion data on recreational cannabis legalization opinions and rationales in New Jersey, illuminating the challenging landscape faced by state-level lawmakers tasked with translating a ballot measure into action. We explore the role of public perception in New Jersey, which presents a distinctive case study about filtering policy preferences through both the legislature and direct-representation referenda. We find, in part, that surface-level support for the legalization of recreational cannabis masks significant differences in reasons for this support that are not easy to reconcile. We argue that the competing motivations and beliefs uncovered in our survey data are necessary considerations for lawmakers and policymakers during the processes of constructing and maintaining the legal and regulatory landscape for legal recreational cannabis implementation. Outside of New Jersey, nuanced views of residents' public opinion may provide guideposts for other jurisdictions that are also facing myriad post-legalization policy choices.

Indeed, comprehending the public perceptions that underly aggregate support for legalization provides critically important information for understanding the potential for successful legalization and implementation. More broadly, public motivation and concerns about society following legalization—concerning public safety, social equity, health, and other concerns—will ultimately influence the longevity of these substantial reforms.

⁴ Alex Kreit, *Marijuana Legalization*, 1 REFORMING CRIM. JUSTICE: INTRODUCTION AND CRIMINALIZATION 115, 136–37 (Erik Luna ed., 2017).

This paper proceeds as follows. First, the introductory sections provide an overview of the state of cannabis legalization throughout the country, including public opinion, legal status, and the impacts of legalization on crime and other outcomes germane to drug law reform debates. Next, the discussion focuses on policies and procedures within New Jersey, providing a foundation for these analyses. This section describes state characteristics and its process of recreational marijuana legalization. We then present our research questions, explain our data and their collection, and present bivariate and multivariate statistical analyses on support for legalization in New Jersey. The paper concludes with a discussion of the substantive and symbolic implications of the analysis for understanding the fraught political and social tensions at play in New Jersey's process of legalization. We contend that this landscape provides critical context for guiding action in three ways—the continued refinement of cannabis sales and reinvestment initiatives in New Jersey, pragmatic approaches to legalization initiatives in other states, and achievement of top-level criminal justice reform absent supporting consensus in the underpinning weeds.

II. RECREATIONAL CANNABIS LEGALIZATION: PUBLIC OPINION AND EMPIRICAL IMPACTS

A. *Marijuana Use and Public Opinion*

In the United States, marijuana remains illegal for use and possession throughout the country under Federal law. The Controlled Substances Act of 1970 delineated marijuana as a Schedule I Drug under Federal law, a designation for substances that have no recognized medical use and high susceptibility to abuse.⁵ This legislation was one component of the War on Drugs, a concerted effort started in the early 1970s to criminalize drug usage through increased enforcement of and penalties for the possession and distribution of illegal substances. Today, marijuana remains prohibited under Federal law as a Schedule I substance, despite recent promises of executive pardons to individuals with prior federal convictions for marijuana offenses and as a majority of states allow marijuana usage at least for permitted medical purposes.⁶ Though there have not been any concrete policy changes at the Federal level, the Biden administration has recently encouraged a reconsideration of the scheduling of marijuana,⁷ although this would not resolve the tensions between federal and state policy in this area.

⁵ Sacco, *supra* note 1, at 2, 4.

⁶ Lisa N. Sacco, *The Schedule I Status of Marijuana*, CONG. RSCH. SERV., IN11204, 1 (2022), <https://crsreports.congress.gov/product/pdf/IN/IN11204> [<https://perma.cc/47SN-A2CT>].

⁷ Statement from President Biden on Marijuana Reform (Oct. 6, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/06/statement-from-president-biden-on-marijuana-reform/> [<https://perma.cc/Y338-W2UA>].

Despite its continued Federal prohibition, marijuana is the most commonly used illicit substance in the United States.⁸ Slightly over half of Americans (52%) in a YouGov poll reported having ever used marijuana.⁹ Government survey data indicate that 18.7% of Americans 12 or older have used marijuana in 2021. Usage is mostly similar across racial and ethnic groups, with only slight variation: 19.5% of White persons, 21.3% of Black persons, and 15.8% of Hispanic persons report using marijuana in the past year. Notably, rates are much higher among American Indian or Alaskan Native persons (35%) and much lower among Asian persons (8.6%).¹⁰

Public opinion on marijuana has demonstrably shifted throughout the last fifty years. A Gallup poll of American adults in 1969 found that just 12% supported legalizing marijuana usage. Since then, the number of adults supporting legalization has increased steadily, with a majority supporting legalization since 2013. In the most recent iteration of this poll, 68% of adults believe that marijuana use should be legal.¹¹ Finding slightly different levels of support, a poll from the Pew Research Center found that 59% of adults in the United States support marijuana legalization for recreational and medicinal usage, while an additional 30% support legalization for medical purposes only.¹²

Within these population-level averages, the level of support differs across subgroups—notably, across political affiliations. The Pew Research Center poll revealed substantial variation in support across political affiliation: 83% of Democrats voiced support for legalization, followed by 71% of Independents and 50% of Republicans.¹³ Although a majority of each political affiliation is in support of legalization, there are substantial differences in the exact level of support—a discrepancy suggestive of differences in underlying motivations for, and concerns about, legalization.

⁸ Sacco, *supra* note 1 at 1.

⁹ Taylor Orth, *Half of Americans Have Tried Marijuana and Most Say Their Experiences Were Positive*, YOUGOV (Apr. 7, 2022, 8:11 AM), <https://today.yougov.com/topics/society/articles-reports/2022/04/07/half-of-americans-have-tried-marijuana> [<https://perma.cc/DA8K-DJX6>].

¹⁰ CTR. FOR BEHAV. HEALTH STAT. AND QUALITY, *SUBSTANCE ABUSE AND MENTAL HEALTH SERV.'S ASS'N., HHS PUBL'N NO. PEP22-07-01-005, KEY SUBSTANCE USE AND MENTAL HEALTH INDICATORS IN THE UNITED STATES: RESULTS FROM THE 2021 NATIONAL SURVEY ON DRUG USE AND HEALTH 17* (2022), <https://www.samhsa.gov/data/report/2021-nsduh-annual-national-report> [<https://perma.cc/S3DQ-YRD8>].

¹¹ Gallup, *supra* note 1.

¹² Ted Van Green, *Americans Overwhelmingly Say Marijuana Use Should be Legal for Medical or Recreational Use*, PEW RESH. CTR. (Nov. 22, 2022), <https://www.pewresearch.org/short-reads/2022/11/22/americans-overwhelmingly-say-marijuana-should-be-legal-for-medical-or-recreational-use/> [<https://perma.cc/9WVD-HFZR>].

¹³ *Id.*

As public support has evolved, so have America's draconian drug law policies, albeit to a limited extent. Cannabis was first allowed for use for medicinal purposes in 1996 and was first approved for use for recreational purposes in 2012. As of February 2022, cannabis products are authorized for usage for medicinal purposes in thirty-seven states, three territories, and the District of Columbia. As of November 2023, laws have been passed in twenty-four states, two territories, and the District of Columbia that allow the regulated use of recreational cannabis for adult residents.¹⁴

These changes in drug policy and law can be enacted through numerous avenues of government action, each having a different scope and permanence. Executive branch members and criminal justice agency leaders can issue directives in their applicable jurisdictions to decriminalize certain marijuana offenses by removing the criminal penalties from still-illegal actions and replacing them with alternative responses, if any. Examples of decriminalization in practice include the introduction of civil fines or the declination of charging persons arrested for specified offenses. Another avenue of change is legalization through the removal of offenses from state criminal codes, achievable through legislative processes taken up either independently or following successful ballot measures. The latter process, ballot measures, has been the route to legalization in the majority of states.¹⁵ As outlined in detail below, legalization in New Jersey was eventually achieved through a voter referendum after attempts to pass bills initiated by the state legislature were unsuccessful. Broadly, ballot measures appear to present a path of less resistance toward the legalization of recreational cannabis but risk the infiltration of the influence of special interest groups in the process.¹⁶

B. The War on Drugs, Criminal Justice Reform, and Collateral Consequences

Regardless of the mechanism of change, data suggest that marijuana is a commonly used substance that has received progressively increasing support for its legalization.¹⁷ The scope of possible explanations for this gradual but steady rise in public support for the substance is myriad. Most superficially, the prevalence of usage of cannabis among the American public may drive support for making the substance more widely available. More broadly, increasing societal pressure for criminal justice system reforms, especially those that recognize and attempt to repair the social harms associated with the War on Drugs, may be at play. The War on Drugs, briefly, was an effort purported to combat substance use through strict and

¹⁴ NCSL, *supra* note 2.

¹⁵ *Id.*

¹⁶ Kreit, *supra* note 4, at 137.

¹⁷ LISA N. SACCO, CONG. RSCH. SERV., R44782, THE EVOLUTION OF MARIJUANA AS A CONTROLLED SUBSTANCE AND THE FEDERAL-STATE POLICY GAP 1, 9 (2022), <https://crsreports.congress.gov/product/pdf/R/R44782> [<https://perma.cc/R848-C6GH>].

harsh enforcement of drug laws within communities. This endeavor has been implicated in generating large disparities in the enforcement of marijuana (and other) laws at the local, state, and Federal levels. According to an ACLU report, “[o]n average, a Black person is 3.64 times more likely to be arrested for marijuana possession than a white person.”¹⁸ In New Jersey specifically, Black people are 3.5 times more likely to be arrested for possession than White people—a disparity that grew between 2013 and 2020.¹⁹ Importantly, this disparity in arrests is not explained by disparities in usage, given these comparable proportions across groups explained above.

This concentrated enforcement of an illegal but common behavior brings Black people into contact with the justice system—and its ensuing collateral consequences—far more frequently than White people. Contemporary criminal justice law and policy assign numerous substantial consequences associated with arrest and conviction records that can be substantial barriers to individuals’ social and civic participation. In particular, criminal records can generate stigmatizing “marks” that can be used to justify individuals’ exclusion from employment, education, housing, welfare and social services, and voting.²⁰ The opportunities for criminal records to disqualify individuals from opportunities and benefits are, by some estimates, numerous and routine. For example, in one year, approximately 31 million adults will be asked about their personal criminal record history on a job application.²¹ Even a low-level criminal record can disadvantage job applicants by decreasing the likelihood of callbacks for additional consideration for employment—a possibility for persons with low-level simple marijuana possession offense records.²² Because records are disproportionately concentrated in Black and

¹⁸ AM. CIV. LIBERTIES UNION, *A TALE OF TWO COUNTRIES: RACIALLY TARGETED ARRESTS IN THE ERA OF MARIJUANA* 5 (Rebecca McCray 2020), https://www.aclu.org/sites/default/files/field_document/marijuanareport_03232021.pdf [<https://perma.cc/3TCD-DC5U>].

¹⁹ *Id.* at 77.

²⁰ See Devah Pager, *The Mark of a Criminal Record*, 108 *AM. J. SOCIO.* 937, 960 (2003); see also Christopher Uggen & Jeff Manza, *Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States*, 67 *AM. SOCIO. REV.* 777, 796 (2002).

²¹ Megan Denver, Justin T. Pickett & Shawn D. Bushway, *Criminal Records and Employment: A Survey of Experiences and Attitudes in the United States*, 35 *JUST. Q.* 584, 597 (2018), <https://doi.org/10.1080/07418825.2017.1340502> [<https://perma.cc/9SCF-CUZX>].

²² See Christopher Uggen, Mike Vuolo, Sarah Lageson, Ebony Ruhland, & Hilary K. Whitham, *The Edge of Stigma: An Experimental Audit of the Effects of Low-Level Criminal Records on Employment*, 52 *CRIMINOLOGY* 627, 649 (2014), <https://doi.org/10.1111/1745-9125.12051> [<https://perma.cc/33U2-P2XQ>].

Hispanic communities, these collateral consequences can have community-level ramifications for opportunity and cumulative disadvantage.²³

The historical relationship between majority-minority and economically disadvantaged communities and the police has created a complex landscape for implementing drug policy reform. Pervasive elements of legal cynicism, increasingly present in marginalized communities,²⁴ may cause key stakeholders and community members to be skeptical of the likelihood of implementing a legalization plan and the potential benefit to them. In the case of New Jersey and other states that have enacted redistributive revenue streams, there may be further suspicion that governments will indeed make meaningful investments in their neighborhoods. The unique, and targeted harms of the War on Drugs, likely increased the degree of distrust, uniquely impacting legalization efforts.²⁵

On the other hand, minority communities also bear much of the burden of criminal victimization in urbanized areas. This has led, in some cases, these communities to call for the criminalization of drugs, more police presence, and more severe penalties, including terms of incarceration to make their communities feel safer. This was particularly visible during the 1980s and 1990s, when persistent crime waves, far above today's levels of violence, plagued many cities.²⁶ This has both challenged efforts to pass marijuana reform legislation in this state but also clouded our understanding of how such reforms are likely to be received in the community, especially those groups most impacted—and who are intended to benefit from the policy change.

Accordingly, legalization has often (but not always) been pursued as a part of broader criminal justice reform initiatives to remedy the concentrated and unequal enforcement of drug laws that have had profoundly devastating impacts on Black and minority communities. In a new trend, some states have packaged multi-dimensional criminal justice reform within marijuana legalization laws, leveraging the opportunity to enact change and reduce historical harm. Such measures can include components purported to promote social equity, like provisions for dedicated tax revenue streams to communities historically affected by drug law enforcement; expanded, simplified, and/or automated processes for expunging prior criminal records for marijuana-related offenses (and sometimes, a broader set of offenses);

²³ See, e.g., Sara Wakefield & Christopher Uggen, *Incarceration and Stratification*, 36 ANN. REV. SOCIO. 387, 394 (2010), <https://doi.org/10.1146/annurev.soc.012809.102551> [<https://perma.cc/J8KW-VUNY>].

²⁴ See David S. Kirk & Mauri Matsuda, *Legal Cynicism, Collective Efficacy, and the Ecology of Arrest*, 49.2 CRIMINOLOGY 443 (2011); Robert J. Sampson & Dawn Jeglum Bartusch, *Legal Cynicism and (Subcultural?) Tolerance of Deviance: The Neighborhood Context of Racial Differences*, 32 L. & SOC'Y REV. 777 (1998).

²⁵ John Hagan, Bill McCarthy & Daniel Herda, *Race, Legal Cynicism, and the Machine Politics of Drug Law Enforcement in Chicago*, 15.1 DU BOIS REV.: SOC. SCIENCE RSCH. ON RACE 129 (2018).

²⁶ See generally JAMES FORMAN JR., *LOCKING UP OUR OWN: CRIME AND PUNISHMENT IN BLACK AMERICA* (Farrar, Straus & Giroux 2017).

and, developing mechanisms to advantage dispensary-license applicants with prior marijuana records looking to participate in the legal industry.²⁷

C. Legalization and Crime

When considering the motivations for legalization, questions about the expected impact of the policy change on numerous social outcomes are often posed in tandem with questions about the overall feasibility of enacting legalization. A growing body of research, summarized here, examines the impact of changing marijuana laws on various outcomes of concern in these discussions surrounding medical and/or recreational legalization, including crime and other social indicators.

In a study of eleven states that had legalized marijuana for medical purposes as of 2006, findings demonstrated that medical legalization had no discernable impact on the overall crime rate, with some evidence that it was associated with decreases in murders and assaults.²⁸ Similarly, another study found no association between a state's marijuana status (medically legal, recreationally legal, or decriminalized) and its crime rate in 2014.²⁹

The evidence of recreational marijuana legalization on crime is more mixed.³⁰ Most studies focus on impacts in states towards the country's west coast, which were some of the first in the nation to reform drug laws to allow cannabis use for medical use and then recreational use. The consensus of the literature suggests state-specific impacts. For example, recreational cannabis dispensaries in Denver, Colorado have been associated with reducing crime in communities.³¹ One analysis detected an immediate impact of recreational cannabis legalization in Washington State that was associated with decreases in property crimes and usage of other substances and/or

²⁷ DAVID SCHLUSSEL, COLLATERAL CONSEQUENCES RESOURCE CENTER, OHIO ST. LEGAL STUDIES RESEARCH PAPER NO. 613, MARIJUANA LEGALIZATION AND EXPUNGEMENT IN EARLY 2021, 2 (Drug Enforcement and Policy Center 2021), <http://dx.doi.org/10.2139/ssrn.3840263> [<https://perma.cc/9CPV-2C99>].

²⁸ Robert G. Morris et al., The Effect of Medical Marijuana Laws on Crime: Evidence From State Panel Data, 1990–2006, PLOS ONE, Mar. 26, 2014, at 6, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0092816> [<https://perma.cc/X92Q-Q6Z6>].

²⁹ Shana L. Maier, Suzanne Mannes, & Emily L. Koppenhofer, The Implications of Marijuana Decriminalization and Legalization on Crime in the United States, 44 CONTEMP. DRUG PROBS. 125, 136 (2017), <https://doi.org/10.1177/0091450917708790> [<https://perma.cc/6FL8-K2T6>].

³⁰ PETER LEASURE ET AL., COLLATERAL CONSEQUENCES RESOURCE CENTER, OHIO ST. LEGAL STUDIES RESEARCH PAPER NO. 758, THE IMPACT OF EMPIRICAL RESEARCH ON PUBLIC OPINION REGARDING MARIJUANA-RELATED POLICIES 2 (Drug Enforcement and Policy Center 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4354207 [<https://perma.cc/YKP4-FE37>].

³¹ Jeffrey Brinkman & David Mok-Lamme, Not In My Backyard? Not So Fast. The Effect of Marijuana Legalization on Neighborhood Crime, 78 REG'L SCI. & URB. ECON., Aug. 24, 2019, at 2, 13, No. 103460, <https://doi.org/10.1016/j.regsciurbeco.2019.103460> [<https://perma.cc/9W8T-ASC2>].

alcohol in the year immediately following legalization.³² Another analysis in Washington found no impact of legalization on severe crimes and an increased clearance rate across several types of crimes.³³ Finally, the emergence of dispensaries did not impact a county's violent crime rate and may have decreased its property crime rate in California.³⁴ However, one study found that the legalization of recreational marijuana was associated with increases in the crime rate in Oregon.³⁵

One concern is that these reductions in crime are not net reductions if they simply displace the same amount of crime to other locations. However, research has not found compelling empirical evidence of this phenomenon. Reductions in crime following legalization in Denver were not accompanied by spillover effects, including increased crime in adjacent neighborhoods.³⁶ In fact, some research suggests a diffusion of crime reduction benefits to bordering states where marijuana remains illegal following legalization in both Washington State and Colorado.³⁷

Thinking more broadly, the various and numerous concerns animating proponents' and opponents' positions regarding recreational cannabis legalization do not appear to have come to fruition. Analyses by Dills and colleagues found that legalization had a negligible and/or lack of impact on states' rates of crime, alcohol use, other substance use, suicides, traffic incidents, or economic indicators.³⁸ This study suggests that prognostications of the impact of legalized recreational cannabis may be unfounded in reality following legalization or, at a minimum, need to be investigated more thoroughly.

³² David Dragone et al., *Crime and the Legalization of Recreational Marijuana*, 159 *J. ECON. BEHAV. & ORG.* 488, 489, 498 (2019), <https://doi.org/10.1016/j.jebo.2018.02.005> [<https://perma.cc/G4B2-VE5W>].

³³ MARY K. STOHR ET AL., *NAT'L INST. JUST.*, NCJ NO. 255060, *EFFECTS OF MARIJUANA LEGALIZATION ON LAW ENFORCEMENT AND CRIME: FINAL REPORT 7* (2020), <https://nij.ojp.gov/library/publications/effects-marijuana-legalization-law-enforcement-and-crime-final-report> [<https://perma.cc/TP6V-4HM7>].

³⁴ PRISCILLA HUNT, ROSALIE LICCARDO PACULA, & GABRIEL WEINBERGER, *INST. LAB. ECON.*, IZA DP NO. 11567, *HIGH ON CRIME? EXPLORING THE EFFECTS OF MARIJUANA DISPENSARY LAWS ON CRIME IN CALIFORNIA COUNTIES* 26 (2018), <http://dx.doi.org/10.2139/ssrn.3193321> [<https://perma.cc/S5WB-TCF2>].

³⁵ Guangzhen Wu, Ming Wen, & Fernando A. Wilson, *Impact of Recreational Marijuana Legalization on Crime: Evidence from Oregon*, 72 *J. CRIM. JUST.*, Oct. 9, 2020, at 6, <https://doi.org/10.1016/j.jcrimjus.2020.101742> [<https://perma.cc/5BXX-8T4H>].

³⁶ Brinkman & Mok-Lamme, *supra* note 31, at 1.

³⁷ Guangzhen Wu, Francis D. Boateng, & Xiaodong Lang, *The Spillover Effect of Recreational Marijuana Legalization on Crime: Evidence From Neighboring States of Colorado and Washington State*, 50 *J. DRUG ISSUES* 392, 406 (2020).

³⁸ ANGELA DILLS ET AL., *CATO INST.*, NO. 908, *THE EFFECT OF STATE MARIJUANA LEGALIZATIONS: 2021 UPDATE* 2–3 (2021), <https://www.cato.org/sites/cato.org/files/2021-01/PA908.pdf> [<https://perma.cc/XVR6-2BGY>].

III. WEED IN THE GARDEN (STATE)

The evidence surrounding the impacts of legalization on crime and other outcomes suggests highly contextualized impacts that are jurisdiction-specific. This section describes the state of New Jersey and an accounting of its process of recreational cannabis legalization to provide critical context to the pursuant analysis focused on this jurisdiction.

A. *State Characteristics*

According to estimates from the U.S. Census, New Jersey had a population of just shy of 9,268,000 residents in 2022, ranking 11th overall. Concerning demographic composition, New Jersey's population is about 71% White, 15% Black or African American, 10% Asian, and 2.5% are two or more races. About 22% of the population identifies ethnically as Hispanic or Latino. New Jersey is the most densely populated state in the country. It also ranks highly in resident education: an estimated 90.5% of persons 25 and older in New Jersey have at least graduated high school.³⁹ New Jersey's state government and its criminal justice system are centralized at the state level.

Historical trends in polling data suggest that New Jersey residents have increased their support for recreational cannabis legalization, largely mirroring the national trends summarized above. In 2011, 35.42% of respondents agreed that marijuana should be legalized.⁴⁰ This proportion increased three years later to just short of half (48.42%) of respondents agreeing that the sale/use of marijuana should be fully legalized.⁴¹

B. *Process of Recreational Cannabis Legalization in New Jersey*

Amid this growth in public support, New Jersey passed a ballot measure on November 3, 2020, to legalize cannabis for recreational purposes, ending a nearly three-year process that first attempted to reach this goal with a failed legislative reform initiative. Efforts to legalize via state legislation were challenging and

³⁹ QuickFacts: New Jersey; United States, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/NJ,US/PST045222> [<https://perma.cc/232B-DR3T>].

⁴⁰ Rutgers-Eagleton Poll: Majority of New Jersey Voters Support Marijuana Decriminalization, RUTGERS (Nov. 30, 2011), <https://www.rutgers.edu/news/rutgers-eagleton-poll-majority-new-jersey-voters-support-marijuana-decriminalization> [<https://perma.cc/7NWY-YTBW>] (announcing that thirty-five percent of respondents to the Rutgers-Eagleton Poll favored “legalizing the sale and use of marijuana”).

⁴¹ Support for Marijuana Decriminalization Among New Jerseyans is Stronger than Ever, RUTGERS (Apr. 15, 2014), <https://www.rutgers.edu/news/support-marijuana-decriminalization-among-new-jerseyans-stronger-ever-four-decades-polling> [<https://perma.cc/3UWU-J5LT>] (announcing that forty-nine percent of poll respondents “agree with complete legalization”).

ultimately unsuccessful because there failed to be a coalition that could reach a consensus on various elements of legalization. Additional challenges arose in the intermediate period between the general election and the time when the bills were signed into law, indicating the complicated political landscape that surrounds the process of legalization. This section provides an account of New Jersey's evolution of marijuana law and policy, noting points of tension and impasse in the process that had to be contended with and reconciled to implement the voter referendum and shape the final legal and social landscape of recreational cannabis in the Garden State.

Legal marijuana use was first permitted in New Jersey on January 18, 2010, when Governor Jon S. Corzine, a Democrat, signed a bill into law that legalized marijuana for medicinal purposes. This landmark piece of legislation, however, was narrowly written to limit usage to a small set of conditions and was further limited by the actions of Governor Chris Christie, a Republican, who succeeded Corzine later that same month.

Medical cannabis paved the road for considerations of the legalization of recreational cannabis. The first formal effort to do so was in May of 2017, when State Senator Steve Scutari, a Democrat, introduced a bill in the state legislature to legalize the possession and use of marijuana products for adults 21 and older. This effort was unsuccessful, in large part because of strong and persistent opposition from then-Governor Chris Christie. At this time, arguments for legalization cited the volume of arrests for marijuana possession—over 20,000 persons each year—who disproportionately are from minority backgrounds and/or socioeconomically disadvantaged communities. This initial bill included several provisions for establishing the legal market of sale and distribution in addition to reform measures that (implicitly) acknowledge the legacies of punishment and disenfranchisement generated by the enforcement of marijuana laws before legalization, such as record expungements for persons with prior convictions. Interviews with Senator Scutari at the time quoted his acknowledgment that passing legalization was unlikely during Governor Christie's time in office but noted the importance of his efforts as the first steps towards legalization, particularly with a pending change in governorship and widespread support of legalization from the Democratic candidates for the office.⁴²

Phil Murphy, a Democrat, won the governor's election in 2017, taking office for his first term in January 2018. A core promise of his campaign was to legalize recreational marijuana—specifically, within the first 100 days of his time in office. This turnover in the executive branch revitalized efforts to enact legalization through the state legislature. There was initial optimism that legalization could occur within the first three-to-six months of Governor Murphy's tenure, but this accomplishment was not realized on this swift timeline. Efforts were complicated by the introduction of fifteen competing bills in the State Assembly, each of which included different

⁴² S.P. Sullivan, *Here's N.J. Lawmaker's Plan to Legalize Recreational Marijuana After Christie Leaves*, NJ.COM (May 15, 2017, 7:57 PM), https://www.nj.com/politics/2017/05/heres_one_nj_lawmakers_plan_to_legalize_recreation.html [<https://perma.cc/L99T-GZBQ>].

approaches to and provisions for legalization. Across the political spectrum, lawmakers voiced several points of disagreement regarding the details of legalization, including whether home growing should be allowed or if alternative reforms should be enacted instead, such as expanding the list of approved health conditions for medical use or statewide decriminalization.⁴³

In June of 2018, Senator Scutari introduced a new bill to legalize certain amounts of cannabis possession for recreational use, set a statewide sales tax on cannabis transactions with municipal authority to include an additional tax and expand expungement systems for persons with prior criminal records, including for marijuana possession offenses. These bills were passed by legislative committees in November of 2018, advancing them to consideration by the entire legislature.⁴⁴ Notably, one of these three bills included measures for automatic criminal record expungement for prior arrests and convictions for marijuana offenses. The simultaneous pursuit of record expungement with legalization was, at the time, an unprecedented measure compared to other jurisdictions' approaches to legalization.⁴⁵

After advancing out of committees, reports of discussions amongst lawmakers indicated that it would be challenging to build a coalition of adequate support for passing the bills in the full legislature. A major concern was the impact of legalization and expungement on racial and ethnic minority communities. Governor Murphy repeatedly stated that achieving equity and repairing the harms of prior drug law enforcement was a central goal in his push to legalize recreational cannabis.⁴⁶ Communities contemporaneously voiced support for specific reform measures to be included with legalization that would deliver reparative benefits, such as criminal justice reforms and advantaged status in applications for cannabis retail licenses.⁴⁷ However, some senators expressed concern that making cannabis legally accessible would harm Black communities financially, either through employment challenges

⁴³ Jan Heffler, *Legalized Pot in New Jersey—Not So Fast*, PHILA. INQUIRER (Mar. 9, 2018, 10:15 AM), https://www.inquirer.com/philly/news/new_jersey/marijuana-legalize-pot-new-jersey-legislature-20180309.html?query=%20Legalized%20Pot%20in%20New%20Jersey%20-%20Not%20So%20Fast [<https://perma.cc/S3Q6-S2EU>].

⁴⁴ Mike Davis & Nicholas Pugliese, *NJ Marijuana Legalization Clears First Hurdle After Legal Weed Vote*, ASBURY PARK PRESS (Nov. 26, 2018), <https://www.app.com/story/news/local/new-jersey/marijuana/2018/11/26/new-jersey-marijuana-legalization-vote-legal-weed-phil-murphy/2091716002/> [<https://perma.cc/L7TD-LXLV>].

⁴⁵ Nick Corasaniti, *How a Push to Legalize Pot in N.J. Became a Debate on Race and Fairness*, N.Y. TIMES (Nov. 28, 2018), <https://www.nytimes.com/2018/11/28/nyregion/legalization-marijuana-new-jersey.html> [<https://perma.cc/29FP-2YCA>].

⁴⁶ *Id.*

⁴⁷ Willie Dwayne Francois III, *NJ Marijuana Legalization: Justice, Not Revenue, Should Be the Goal*, PASTOR SAYS, ASBURY PARK PRESS (May 15, 2018, 1:37 PM), <https://www.app.com/story/opinion/columnists/2018/05/15/legalizing-marijuana-justice-not-revenue/610079002/> [<https://perma.cc/GXY9-3BH4>].

or financial costs of the product in an expensive regulated legal market. Other voices in the discussion argued that concerns about racial equity (see, e.g., expungements) were secondary to systems of revenue generation. Additional concerns surrounded whether legalization could truly alleviate racial disparities in marijuana arrests, a perspective amplified following a report from Colorado finding that Black people remain at a higher risk of arrest for marijuana possession relative to White people.⁴⁸ Conversely, some only agreed to support legalization because of the inclusion of automatic criminal record expungement.⁴⁹

Outside of equity issues, there was further reported dissonance in late 2018 and early 2019 between the legislative and the executive branches regarding the appropriate structures for retail taxes and regulatory agencies. Notably, these disagreements surfaced among politicians from the same political party, signaling that party alignment (here, Democrat) across branches of government is not a guarantee for the swift and simple passage of legislation that receives majority support for the result but a strong disagreement about the details of its implementation.⁵⁰

On March 25, 2019, an article in the *New York Times* declared that the effort to pass recreational cannabis legislation in New Jersey had “collapsed” because legislators were unable to come to a consensus on laws that would adequately address the numerous raised concerns, including the potential for cannabis to deteriorate the health of Black and Hispanic communities, inadequate safeguards to prevent cannabis use among adolescents, and concerns for road safety if people increasingly drive under the influence.⁵¹ Elaborating on initially offered explanations, a subsequent report cited the power of Black lawmakers’ votes: “Despite being hailed by advocates around the country as perhaps the most progressive legalization plan in the nation, some of the loudest opposition came from

⁴⁸ JACK K. REED, COLO. DIV. CRIM. JUST., IMPACTS OF MARIJUANA LEGALIZATION IN COLORADO: A REPORT PURSUANT TO SENATE BILL 123–24 (2018), https://cdpsdocs.state.co.us/ors/docs/reports/2018-SB13-283_Rpt.pdf [<https://perma.cc/8RBY-HPQN>].

⁴⁹ Nick Corasaniti, How a Push to Legalize Pot in N.J. Became a Debate on Race and Fairness, *N.Y. TIMES* (Nov. 28, 2018), <https://www.nytimes.com/2018/11/28/nyregion/legalization-marijuana-new-jersey.html> [<https://perma.cc/49X5-NATF>]; cf. Nyron N. Crawford, We’d Go Well Together: A Critical Race Analysis of Marijuana Legalization and Expungement in the United States, 23 *PUB. INTEGRITY* 459, 476 (2021), <https://doi.org/10.1080/10999922.2021.1955512> [<https://perma.cc/6WUV-SLLJ>].

⁵⁰ Brent Johnson, Legal Weed is Dead for Now, Top NJ Democrat Says. Voters to Decide Instead in November 2020, *NJ Advance Media*, (May 17, 2019), <https://www.nj.com/marijuana/2019/05/top-dems-back-away-from-bill-to-legalize-weed-in-nj-now-theyll-move-to-expand-medical-marijuana-clear-past-convictions.html> [<https://perma.cc/YKK2-EZDJ>].

⁵¹ Nick Corasaniti, Effort to Legalize Marijuana in New Jersey Collapses, *N.Y. TIMES* (Mar. 25, 2019), <https://www.nytimes.com/2019/03/25/nyregion/new-jersey-marijuana.html> [<https://perma.cc/XA4U-JD6W>].

powerful African-American lawmakers.”⁵² Their opposition centered on concerns about deeper infiltration of substances into communities, inadequate safeguards to prevent youths’ consumption, and an absence of accompanying police reforms to ensure that racial equity gains are realized post-legalization.⁵³

An additional point of conflict was the expungement component of the bill which, at the time, allowed for records of criminal convictions for the possession of up to five pounds of marijuana. Opponents voicing disdain—often from the political and ideological right—believed this threshold should be lowered closer to amounts typical of personal use, as the proposed limit may have included people previously involved in the distribution and sale of drugs who were outside the intended beneficiaries of this reform.⁵⁴

Efforts then shifted towards ballot measure avenues to achieve legalization. In May of 2019, State Senate President Steve Sweeney (D) announced a plan for a voter referendum on marijuana legalization in the November 2020 election, a ballot that included a presidential election—an effort intended to ensure high voter turnout for the legalization measure.⁵⁵ In December 2019, the requisite “super-majority” of New Jersey state legislators voted in favor of the ballot measure question regarding marijuana legalization, effectively opening the path to the voter referendum during the November 2020 general election.⁵⁶

On November 3, 2020, New Jersey voters approved New Jersey Public Opinion Question 1, which would amend the state constitution to legalize recreational marijuana use by persons 21 and older. The measure passed with 67% support.⁵⁷ It was scheduled to take effect on January 1, 2021.⁵⁸ In the interim, the Attorney

⁵² Nick Corasaniti & Jesse McKinley, *Why the Plan to Legalize Marijuana in New Jersey Suddenly Unraveled*, N.Y. TIMES (Mar. 27, 2019), <https://www.nytimes.com/2019/03/27/nyregion/marijuana-legalization-new-jersey.html> [https://perma.cc/MM3C-AS4K].

⁵³ Id.

⁵⁴ Id.

⁵⁵ Ryan Hutchins, Katherine Landergan, & Sam Sutton, *Legal Pot Bill Dead: New Jersey Lawmakers to Move Ahead With 2020 Referendum*, POLITICO (May 15, 2019, 11:57 AM), <https://www.politico.com/states/new-jersey/story/2019/05/15/marijuana-bill-dead-new-jersey-lawmakers-to-move-forward-with-referendum-1017330> [https://perma.cc/XMZ4-Q94S].

⁵⁶ See Mike Catalini, *NJ Lawmakers Pass Marijuana Referendum for 2020 Ballot*, ASSOCIATED PRESS (Dec. 16, 2019, 7:39 PM), <https://apnews.com/article/marijuana-legalization-recreational-marijuana-referendums-nj-state-wire-new-jersey-372117448cd3dfbb415b1a67204a71b3> [https://perma.cc/3YMU-Q8XX].

⁵⁷ Amanda Hoover, *Election 2020: N.J. Voters Approve Legal Weed Ballot Question*, NJ.COM (Nov. 3, 2020, 9:57 PM), <https://www.nj.com/marijuana/2020/11/election-2020-nj-voters-approve-legal-weed-ballot-question.html> [https://perma.cc/R84C-RGA2].

⁵⁸ ASSOCIATED PRESS, *N.J. Lawmakers Strike Deal to Set Up Legal Marijuana Marketplace. What’s Next?*, PHILA. INQUIRER (Dec. 5, 2020, 5:15PM), <https://www.inquirer.com/news/marijuana->

General of New Jersey “directed all prosecutors to put a hold on cases charging possession of small amounts of the substance” on November 25, 2020.⁵⁹

The process of implementing legalization now returned to state legislators who were previously gridlocked on the exact details of the new laws. Reports suggest that these efforts were quickly revitalized, but not without additional points of tension that drew out the process. In one, a committee approved a bill decriminalizing marijuana possession offenses on November 12, 2020, which surprisingly included a provision to also decriminalize psilocybin.⁶⁰ This bill was ultimately unsuccessful in gaining adequate votes to pass in the full legislature because of the late-stage and surprising addition of psilocybin, a psychedelic substance with different pharmacological and behavioral responses than cannabis.⁶¹ Another sticking point among legislators was disagreement on whether and how to limit the number of state-issued licenses for business entities to enter the cannabis business and on the distribution of tax revenue to places historically affected by marijuana law enforcement.⁶²

On December 17, 2020, the New Jersey legislature reached adequate consensus on revised legislation, approving three bills that: (1) created a new industry for the sale of cannabis and instructed the process of regulation drafting to begin; (2) decriminalized possession of up to six ounces of cannabis, reformed law enforcement of marijuana offenses, and created provisions for criminal record expungement; and (3) reduced penalties for psilocybin.⁶³ The ability to garner enough votes for passage at this point suggests effective compromise and law construction. However, reports note that concerns remained, with some Senators feeling that the laws did not go far enough to ensure that legalized cannabis would

[new-jersey-legal-decriminalization-legal-mushrooms-20201205.html](https://www.inquirer.com/business/weed/new-jersey-marijuana-possession-arrests-attorney-general-20201127.html#loaded)

[<https://perma.cc/UJA6-KWDV>].

⁵⁹ Sam Wood, N.J. Attorney General Tells Prosecutors To Stop Pressing Charges for Small Amounts of Marijuana, PHILA. INQUIRER (Nov. 27, 2020, 2:49 PM), <https://www.inquirer.com/business/weed/new-jersey-marijuana-possession-arrests-attorney-general-20201127.html#loaded> [<https://perma.cc/7X3H-RSB5>].

⁶⁰ Sam Wood, Bill to Decriminalize Marijuana in N.J. Passes in Committee — And Is Amended to Include Hallucinogenic Mushrooms, PHILA. INQUIRER (Nov. 12, 2020, 4:23 PM), <https://www.inquirer.com/business/weed/decriminalize-marijuana-magic-mushrooms-new-jersey-20201112.html> [<https://perma.cc/X4KS-JXN2>].

⁶¹ Tracey Tully, Marijuana Legalization in New Jersey Hits a Snag: 'Magic' Mushrooms, N.Y. TIMES (Nov. 19, 2020) <https://www.nytimes.com/2020/11/19/nyregion/marijuana-new-jersey.html?searchResultPosition=1> [<https://perma.cc/4GXU-YYDP>].

⁶² Catalini, *supra* note 56.

⁶³ Sam Wood, N.J. Lawmakers OK Bills to Create Legal Marijuana Industry and Approve Bill to Stop Weed Arrests, PHILA. INQUIRER (Dec. 17, 2020, 3:03 PM), <https://www.inquirer.com/business/weed/new-jersey-marijuana-cannabis-legalization-decriminalization-psilocybin-magic-mushrooms-scutari-20201217.html> [<https://perma.cc/CXF9-C78A>].

alleviate historical inequality and safeguard communities of color.⁶⁴ While a significant step forward, the bills were not immediately signed by the Governor because he sought fixes to internally inconsistent penalties for young persons' possession of cannabis across the bills.⁶⁵ This set in motion a process of drafting, negotiating, and passing what had been termed “rejoinder bills” to clarify the rules around underage consumption of cannabis, including a schedule of fines and penalties.

On February 21, 2021, Democratic Governor Phil Murphy signed three bills into law to enact a state constitutional amendment that legalized recreational marijuana in New Jersey after receiving requisite levels of public support as a ballot measure in the 2020 General Election. Bill A21 (“The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”) legalized cannabis use and possession for adults ages 21 and older and established a regulated market for its sale and distribution. Bill A1897 achieved several criminal legal system reforms to decriminalize marijuana and hashish, referring to substances obtained outside of the state’s regulated cannabis market. The final component, Bill S3454, distinguished cannabis and marijuana use and possession penalties for persons under the age threshold for legality (twenty-one years of age). Notably, the final bills stipulated that 70% of the tax revenue generated must be reinvested in communities historically impacted by the Drug War.

Members of the state regulatory commission thus set to establish the legal market for cannabis, including setting rules and procedures for applying for retail and/or distribution licenses to participate in the cannabis industry in New Jersey. This startup phase took nearly fourteen months, leading to the first sales of recreational cannabis in the state on April 21, 2022.

This accounting of the process of legalization demonstrates the multiple interests that intersect in this space—namely, those of economic, political, racial equity, and social justice—that do not always align and present substantial hurdles to compromising in the ways necessary to advance drug law reform. What is missing, however, is the nuanced view of the public’s post-enactment beliefs about the motivations for and anticipated outcomes of legalization that were cited by lawmakers as justifications for their points of dissent or support throughout this extensive process to legalize recreational cannabis in New Jersey. We now present data that identify these motivations and anticipations to understand the context of implementation and inform the continued conversation about the structure of legal cannabis markets and their impact on society.

⁶⁴ Id.

⁶⁵ Sam Sutton, *Murphy Sets Friday Deadline for Deal on Cannabis Legalization, Decriminalization*, POLITICO (Jan. 27, 2021, 11:49 AM), <https://www.politico.com/states/new-jersey/story/2021/01/27/murphy-sets-friday-deadline-for-deal-on-cannabis-legalization-decriminalization-1360460> [<https://perma.cc/LM2T-2PW7>].

IV. CURRENT STUDY: RESEARCH QUESTIONS, DATA, AND METHODS

A. *Research Questions*

In light of the arduous route to legalization in New Jersey, we sought to look beneath the surface of the reported broad public support for recreational cannabis use. Understanding the nature, depth, and distribution of public opinion can help guide future actions in New Jersey and other jurisdictions. Foundationally, we ask: how do residents feel about legalization across political, racial, and other lines? In breaking down aggregate levels of support, this part of the analysis starts to reveal variation within the population in expressed support and the extent to which they align with the points of political and social tension in the legalization process.

The analysis subsequently seeks to identify what larger beliefs motivate support or opposition to the legalization of recreational cannabis among the survey sample. We know that voters have instrumental concerns when it comes to crime and punishment and that people also base their decisions on their own experiences.⁶⁶ Our relevant analysis centers on two operationalizations of expressive and instrumental beliefs that are underexplored in traditional public opinion polls about marijuana: (1) whether respondents' support for legalization hinges on their expectations about its impact on crime and (2) whether respondents' support for legalization varies by their self-reported use of cannabis.

Finally, this effort considers how, if at all, do these levels of support and beliefs shape respondents' views on the usage of recreational cannabis revenue to support historically impacted communities. This final component of the analysis explores the degree of alignment between New Jersey residents and their political leaders who articulated legalization with a distinctive goal of achieving racial justice by mitigating prior harms of drug law enforcement, specifically through criminal record expungement and, for present purposes, reinvestment of revenue to the most affected communities.

B. *Data*

A Rutgers-Eagleton Poll was conducted by telephone using live interviewers from August 30 to September 8, 2022, with a selected random sample of 1,006 New Jersey adults, 18 or older. Respondents within a household were selected by asking randomly for the youngest adult male or female currently available. If the named gender was not available, the youngest adult of the other gender was interviewed. This telephone poll included 291 adults reached on a landline phone and 715 adults reached on a cell phone, all acquired through random digit dialing; 327 of the cell phone completed surveys were acquired through one-to-one SMS text messaging by

⁶⁶ See Christopher L. Atkinson, Public Policy and Instrumentalism, in GLOBAL ENCYCLOPEDIA OF PUBLIC ADMINISTRATION 1–5 (Ali Farazmand ed., 2019), https://doi.org/10.1007/978-3-319-31816-5_190-2 [<https://perma.cc/LNK9-CY6D>].

live interviewers that led respondents to an online version of the survey.

The data were weighted to be representative of the residential adult population of New Jersey. The weighting balances sample demographics to target population parameters. The sample is balanced to match parameters for sex, age, education, race/ethnicity, region, and phone use. The sex, age, education, race/ethnicity, and region parameters were derived from the 2019 American Community Survey PUMS data.⁶⁷ The phone use parameter was derived from estimates provided by the National Health Interview Survey Early Release Program.⁶⁸ Weighting was done in two stages. The first stage of weighting corrects for different probabilities of selection across the telephone samples associated with the number of adults in each household and each respondent's telephone usage patterns. This adjustment also accounts for the overlapping landline and cell sample frames and the relative sizes of each frame and each sample.⁶⁹

The final stage of weighting balances sample demographics, overall and by form, to match target population benchmarks. This weighting was accomplished using SPSSINC RAKE, an SPSS extension module that simultaneously balances the distributions of all variables using the GENLOG procedure. Weights were trimmed to prevent individual interviews from having too much influence on survey estimates. The use of these weights in statistical analysis ensures that the demographic characteristics of the sample closely approximate the demographic characteristics of the target population.

Post-data collection statistical adjustments require analysis procedures that reflect departures from simple random sampling. We calculate the effects of these design features so that an appropriate adjustment can be incorporated into tests of statistical significance when using these data. All surveys are subject to sampling error, which is the expected probable difference between interviewing everyone in a population versus a scientific sampling drawn from that population. Sampling error should be adjusted to recognize the effect of weighting the data to better match the population. In this poll, the simple sampling error for 1,006 New Jersey adults is +/- 3.1 percentage points at a 95 percent confidence interval. The design effect⁷⁰ is 1.52,

⁶⁷ 2019 PUMS DATA, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/acs/microdata/access/2019.html> [<https://perma.cc/3WR2-APML>].

⁶⁸ NATIONAL HEALTH INTERVIEW SURVEY: QUESTIONNAIRES, DATASETS, AND RELATED DOCUMENTATION, CTR.'S FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/nchs/nhis/data-questionnaires-documentation.htm> [<https://perma.cc/TX3P-M6Q9>].

⁶⁹ Trent D. Buskirk & Jonathan Best, Venn Diagrams, Probability 101 and Sampling Weights Computed for Dual Frame Telephone RDD Designs, 15 *J. STAT. & MATHEMATICS* 3696, 3698 (2012), <https://www.semanticscholar.org/paper/Venn-Diagrams%2C-Probability-101-and-Sampling-Weights-Buskirk-Best/4e45751fd4ffbe84de7ace14e3788d4f2610a54a> [<https://perma.cc/S3YK-FSYE>].

⁷⁰ Post-data collection statistical adjustments require analysis procedures that reflect departures from simple random sampling. We calculate the effects of these design features so that an appropriate adjustment can be incorporated into tests of statistical significance when using these data. The so-called

making the adjusted margin of error +/- 3.8 percentage points. Thus, if 50 percent of New Jersey adults in this sample favor a particular position, we would be 95 percent sure that the true figure is between 46.2 and 53.8 percent (50 +/- 3.8) if all New Jersey adults had been interviewed, rather than just a sample.

C. Variables and Analysis

To set foundational knowledge, we present descriptive statistics (chi-squared tests) examining the interplay between support for legalization, political affiliation, and race, in addition to assessing whether perceived crime impacts, and personal cannabis use may be relevant parts of the story. Respondents were categorized as Republican, Democrat, or Independent. Racial groups were Black, White, Hispanic, and Other. Perceived crime impacts asked if legalization will either “increase,” “decrease,” or have “no impact” on crime.⁷¹

We then assess the impacts of these statuses and perceptions together in a multivariable logistic regression model predicting self-reported voting “yes” in the referendum across voters’ motivations. We conclude with a brief discussion on how these findings can be connected with data indicating where respondents prefer cannabis tax revenue be spent to assess respondents’ alignment with goals of reinvestment in historically affected communities.

V. RESULTS

A. Who Supports Legalization by Party, Race, and Region?

Overall, 70.5% of sample respondents voted in favor and 29.5% voted against legalization (compared to 67% vs. 33% in the referendum). This finding masks significant variation among sample subpopulations, including political affiliation. Table 1 displays differences across parties and shows Democrats being the most likely to have voted in favor (84%), Republicans the least likely to support (50%), and Independents in between (71%).

Table 1. Voting and Political Party

	Democrat	Independent	Republican
Vote No	16%	29%	50%
Vote Yes	84%	71%	50%

p<.001

"design effect" or deff represents the loss in statistical efficiency that results from a disproportionate sample design and systematic non-response.

⁷¹ The survey question was worded as follows: “Please tell me if you think each of the following will increase, decrease, or will not be affected either way by the legalization of recreational marijuana in New Jersey.”

When looking at voting behavior across racial categories, we see few differences except those people identifying as “other” being less supportive of legalization (60% in favor). Inspecting this further, this is driven by Asians being less supportive of legalization, aligning with that group’s lower self-reported use of the substance and recent evidence of a rightward shift among this group.⁷² Perhaps surprisingly, given New Jersey’s clear attempt to redress some of the historical racial harms associated with the War on Drugs, we see no significant differences in support between Blacks and Whites.

Table 2. Voting and Race

	White	Black	Hispanic	Other
Vote No	27%	24%	27%	40%
Vote Yes	73%	76%	73%	60%

p = .06

New Jersey’s location—nestled in between Philadelphia, rural areas of Pennsylvania, New York City, the Atlantic Ocean, and with much farmland scattered throughout—contributes to a unique geopolitical landscape. As such, we explored whether support levels vary across five regions that local polling agencies use to group counties with similar features: urban, suburban, exurban, Philadelphia/South Jersey, and Shore area.⁷³ As anticipated, we found slightly stronger support levels within the urban counties (74%) that may have experienced a greater share of the detrimental impacts of the criminalization of cannabis. Moreover, we see weaker support within the shore region (65% within Atlantic, Ocean, and Monmouth counties), which are reliably some of the most conservative areas in the state. However, we also see the strongest support (at 80%) within the Philadelphia/South Jersey region, which also tends to lean more conservative than more central and northern parts of the state.

Table 3. Voting and Region

	Urban	Suburban	Exurban	Phil/S. Jersey	Shore
Vote No	26%	30%	26%	20%	35%
Vote Yes	74%	70%	74%	80%	66%

p = .05

⁷² See CTR. FOR BEHAV. HEALTH STAT. AND QUALITY, *supra* note 10; see also David Leonhardt, Asian Americans, Shifting Right, N.Y. TIMES (Mar. 6, 2023), <https://www.nytimes.com/2023/03/06/briefing/asian-americans-conservative-republican.html> [<https://perma.cc/N9ZE-6H5T>].

⁷³ Urban: Essex, Hudson. Suburban: Bergen, Mercer, Middlesex, Passaic, Union. Exurban: Hunterdon, Morris, Somerset, Sussex, Warren. Phil/South Jersey: Burlington, Camden, Cape May, Cumberland, Gloucester, Salem. Shore: Atlantic, Monmouth, Ocean.

B. Crime Concerns and Personal Experience with Cannabis

Informed by instrumental perspectives on public opinion and crime control, we now assess perceived impacts on overall crime across potential motivations for support for legalization. To assess whether these perceptions are general or localized we ask about crime impacts both across the state and within respondents' specific neighborhoods. We randomly split the sample into four groups to ask about specific crime categories.⁷⁴ Respondents were then asked whether cannabis legalization would increase, decrease, or have no impact on crime. As reflected in the top half of Table 4, when asked about crime levels across the state, Republicans are significantly more likely to report that crime will increase (50%), compared to Democrats (18%) and Independents (24%). Slightly more than half of Democrats and Independents do not think legalization has an impact on crime, while 46% of Republicans feel the same way. Thus, most New Jersey respondents do not think legalization has had or will have an appreciable effect on crime generally, but Republicans diverge, with split opinions between anticipating no effect on or an increase in crime. Interestingly, the bottom portion of Table 4 suggests that, across all parties, concern about increases in crime is less apparent in one's neighborhood. Majorities across political lines do not think legalization increased local crime, and now only 39% of Republicans think local crime will or has increased.

Table 4. Crime Concerns and Political Affiliation

	Democrat	Republican	Independent
Statewide Crime			
Crime Decrease	25%	4%	24%
No Impact	57%	46%	52%
Crime Increase	18%	50%	24%
Neighborhood Crime			
Crime Decrease	19%	2%	13%
No Impact	67%	59%	70%
Crime Increase	14%	39%	17%

p < .001 for both

Table 5 conveys that perceptions of crime impacts are similar across races, with about half of all respondents believing that crime is unchanged and smaller, similar-sized groups believing that crime has decreased or increased. A greater proportion of Blacks and Hispanics indicated that legalization has or will reduce crime (33% and 29%, respectively). One key difference is that more than half (53%) of those identifying as "other" (who are mostly Asian) believe that crime will increase, perhaps illuminating a reason for their lower levels of support for the legislation. By

⁷⁴ We split the sample in this way in order to ask about overall crime, violent crime, traffic offenses, and disorder. Each respondent was asked about the impact of legalization in one of these categories.

and large, we again see across races that the perceived adverse impacts within respondents' neighborhoods are lower. Across all groups, a greater share of New Jerseyans think that legalization has no impact on public safety in their communities.

Table 5. Crime Concerns and Race

	White	Black	Hispanic	Other
Statewide Crime				
Crime Decrease	17%	33%	29%	16%
No Impact	59%	50%	45%	32%
Crime Increase	24%	17%	26%	53%
Neighborhood Crime				
Crime Decrease	13%	9%	19%	11%
No Impact	68%	74%	60%	56%
Crime Increase	19%	17%	21%	33%

$p < .05$ statewide; $p > .05$ neighborhood

When asked about personal cannabis use other than CBD, 56% of respondents indicated they had used cannabis at some point in their lives. A strong connection emerged between cannabis use and supporting the referendum, where 87% of people who have ever used voted yes. Among people who have not used cannabis, support was split in half (49% no, 51% yes). But who uses cannabis and therefore has these insights that may affect their vote? Because Republicans are generally less supportive of cannabis legalization than others, we expected to see lower use among that group. Interestingly, the data show almost identical results between Republicans and Democrats (47% and 54% vs 45% and 55%, respectively; table not shown). However, in Table 6 below, we do see significant differences across races, with Whites being the most likely to report having used (61%). Again, Asians were the least likely to report use (35%). Apart from Asians, the data show that Blacks were less likely to use cannabis (55%) than Whites, contradicting common racial tropes linking Blackness and drug use.

Table 6. Cannabis Use and Race

	White	Black	Hispanic	Other
Never Used	39%	55%	43%	65%
Ever Used	61%	45%	57%	35%

$p < .001$

Lastly, we probe for associations between cannabis use history and the belief that legalization has or will influence crime levels across the state and within the respondents' neighborhoods. The top half of Table 7 shows that cannabis use does affect crime perceptions. People who have used do not think legalization will have much of an impact on crime, and may even decrease it; however, over 48% of those who have not used anticipate an increase in crime. Similar to previous responses,

this effect is attenuated among both groups when asked about crime impacts in one's neighborhood. Still, 41% of people who have not used cannabis predict crime will increase.

Table 7. Crime Concerns and Cannabis Use

Statewide Crime	Ever Used	Never Used
Decrease	27%	11%
No Impact	61%	40%
Increase	12%	48%
Neighborhood Crime		
Decrease	19%	5%
No Impact	75%	54%
Increase	6%	41%

p<.001 for both statewide and neighborhood

C. Considering Support Covariates Simultaneously

Incorporating all these dimensions of support for cannabis legalization, we now see how they behave in a logistic regression model predicting voting “yes” in the referendum.⁷⁵ The model shown in Table 8 includes the independent variable capturing crime impacts across the state and controls for education, age, sex, race, income, political party, and personal cannabis use.⁷⁶ The results from this model can be interpreted as the quantified average change of a survey respondent's odds of reporting that they voted in favor of recreational marijuana legalization in the 2020 voter referendum given their response to the specified independent variable.

Recall, that overall crime perception is measured as a categorical variable: we entered “no impact” and “increase” into the model, with those who believe legalization will decrease crime as the reference category. We see no differences in support among people who believe crime will decrease compared to those who anticipate no crime impact. However, findings show that those who think crime will increase have a 96% reduction ($p < .001$) in the odds that they voted in favor of legalization, possibly highlighting instrumental public safety concerns. Similar to the bivariate analyses, Republicans were 81% less likely than Democrats to vote in favor of legalization ($p < .05$). Few other covariates rose to conventional

⁷⁵ Note that the sample sizes are smaller in the multivariable models because we split the sample so that we could ask about changes in multiple types of crimes. We did not notice large differences between each crime type variable (traffic, violent, overall, disorder), and so we present overall crime here.

⁷⁶ Other covariates measured as follows: Age in years; Education as “HS or less”, “some college”, “college grad”, “grad work”; sex as “female” and “male”; race/ethnicity as “Black”, “White”, “Hispanic”, and “Other”; income as <50K, 50–100K, 100–150K, 150K+.

significance, although personal cannabis use showed a large coefficient that neared standard significance cutoffs.

Results from a second model (not shown) swap out the statewide crime variable for one that assessed crime perceptions within one's neighborhood and findings implicate the same suspects. People who believe cannabis legalization causes crime increases in their neighborhoods were 89% less likely to vote in favor ($p < .05$), while Republicans were as expected 81% less likely to vote in favor relative to Democrats. Notably, these results demonstrate that Republicans' decreased support for legalization may only partly be due to instrumental concerns over public safety issues. After accounting for perceived crime impacts, Republicans were still less likely to support legalization. In this model, the impact of having used cannabis fell on the other side of significance, indicating that those who had used were 179% more likely to vote in favor ($p = .048$).

Table 8. Factors Associated with Support for Legalization

	Odds Ratio	Standard Error
Crime		
No Impact	.91	0.80
Crime Increase	.04***	0.04
Education	1.24	0.37
Age	.98	0.02
Female	.42	0.24
Race/Ethnicity		
Black	1.22	1.29
Hispanic	.49	0.36
Other	1.85	1.97
Income	.86	0.24
Republican	.19*	0.13
Independent	.46	0.31
Cannabis Use	2.22	1.25

*** $p < .001$, * $p < .01$

Ref. categories are Crime Decrease, Male, White, Democrat, No Cannabis Use

Pseudo $R^2 = 0.458$

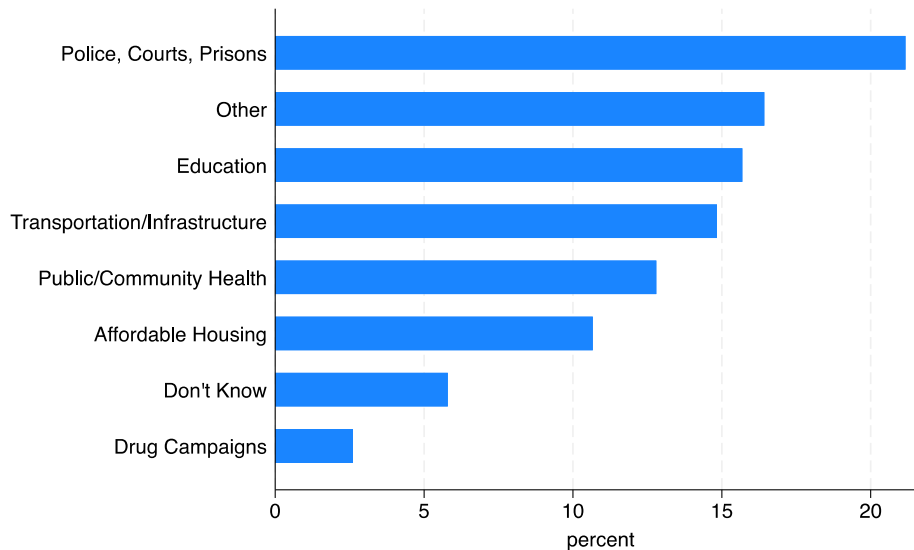
N=180

D. Racial Justice and Revenue

We found differences in support for cannabis legalization across political lines, prior personal use, and for people who may be concerned that crime will increase. Given this context and the unique structure of New Jersey's legalization bills that included expungement reforms and allocated material support towards achieving social and racial equity, we may similarly expect to see divergences along these lines

vis-a-vis priorities on where to spend the tax revenue within the impacted areas. Guided by prior literature, our poll asked respondents which category they most preferred for the investment of tax revenue: 1) funding for police, courts, and prisons, 2) education, 3) transportation and infrastructure, 4) public and community health initiatives, including drug treatment centers, 5) affordable housing, 6) campaigns on the dangers of substance abuse, such as D.A.R.E., 7) other, and 8) don't know.

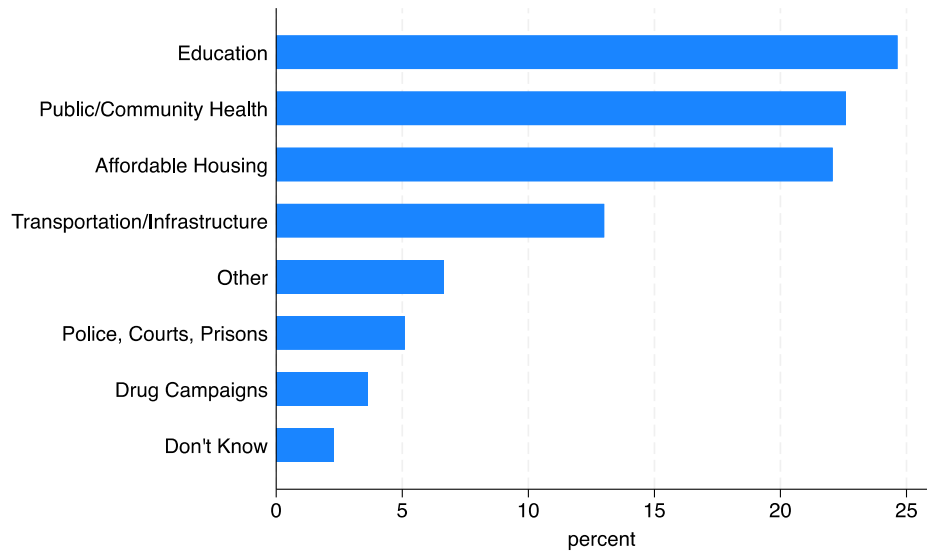
Figure 1. Republicans and Cannabis Tax Revenue Expenditures



Indeed, as conveyed descriptively in Table 4 and estimated in Table 8, Republicans' concerns about the impact of legalization on crime were a salient influence on their self-reported vote. The data show that these sentiments spill over in responses to questions about cannabis sales tax revenue: nearly one in four want to continue previous enforcement-heavy strategies by increasing funding for police, courts, and jails (Figure 1), outpacing support for other areas of investment. Democrats (in Figure 2), who did not anticipate appreciable crime increases following legalization (in Table 4), do not want law enforcement funding. Instead, they prefer investment in education, housing, infrastructure, and public health initiatives.⁷⁷

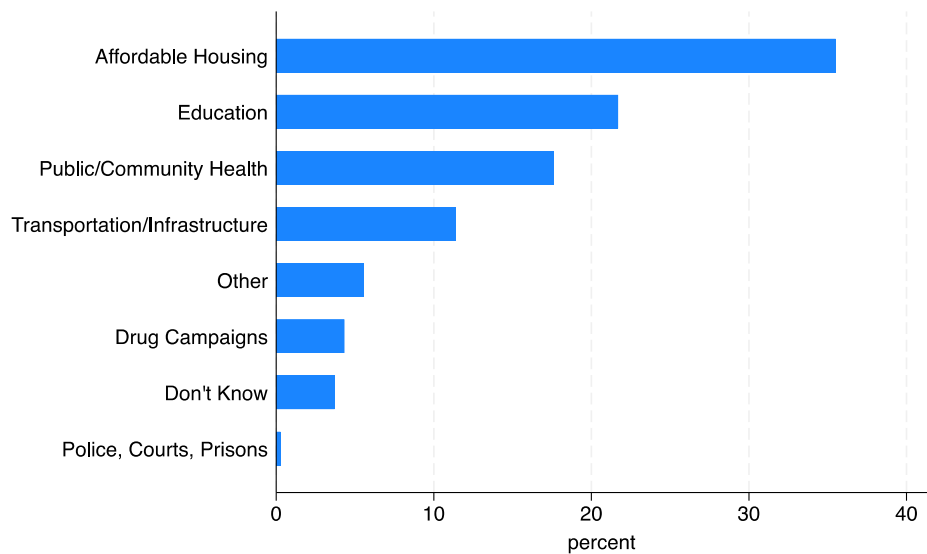
⁷⁷ "Other" is its own response category. Among these individuals, most stated that their top priority was tax relief.

Figure 2. Democrats and Cannabis Tax Revenue Expenditures



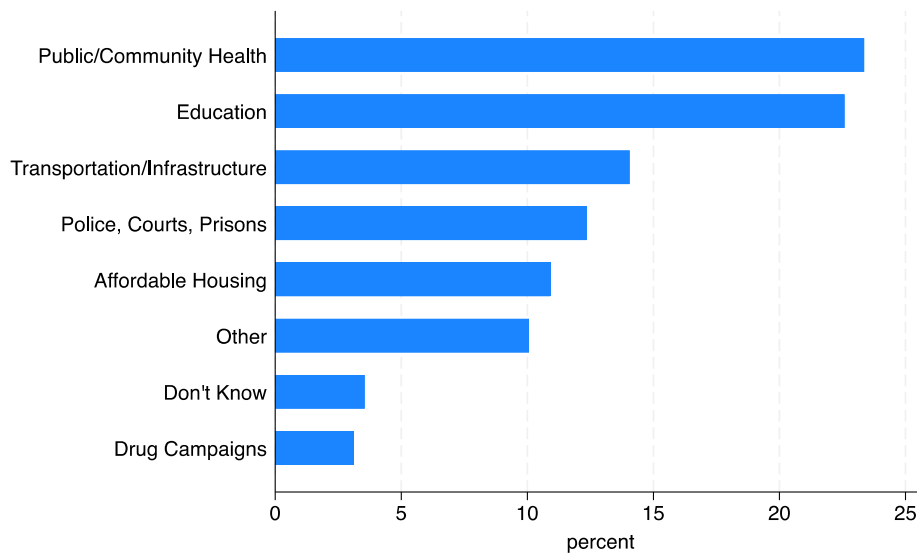
Figures 3 and 4 below indicate revenue priorities between White and Black respondents. Expressed support for legalization was similar across White and Black respondents (Table 2), but a comparison of figures indicates that their preferences for revenue allocation diverge.

Figure 3. Black Respondents and Cannabis Tax Revenue Expenditures



White respondents most often sought for funding to go towards education and public health initiatives, a relatively large proportion of Black respondents—roughly one-third—expressed a desire for investment in affordable housing. This may be because a large percentage of Black respondents may live in the impoverished impact zones that have been targeted by the War on Drugs. These same communities may likely be feeling the impacts of eviction in addition to the reverberating impacts of current and historical housing discrimination. Almost no Black respondents want funding to be diverted to police, courts, and jails, a lower but not uncommon priority for White respondents.

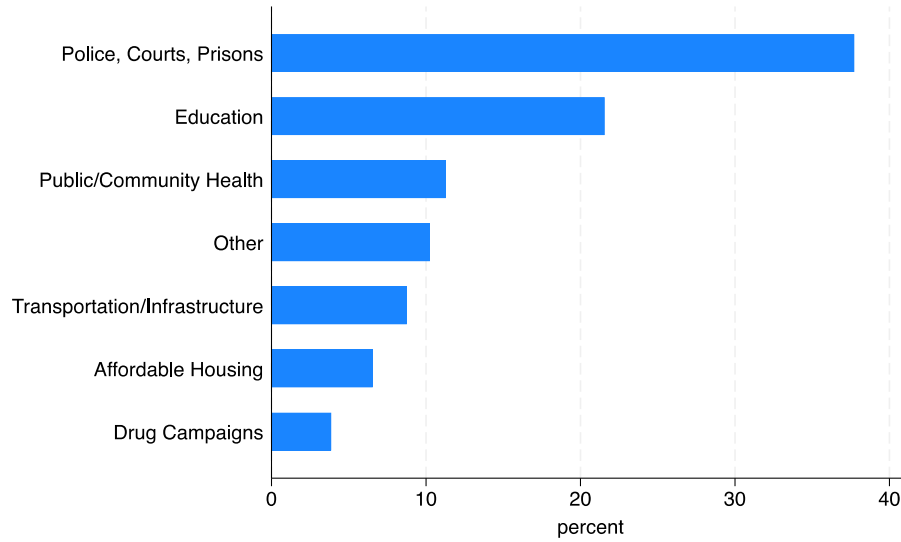
Figure 4. White Respondents and Cannabis Tax Revenue Expenditures



Lastly, because Republican status and crime concerns are consistently linked with voting against legalization, Figures 5 and 6 respectively examine revenue priorities among Democrats who believe crime will increase and Republicans who believe the same.

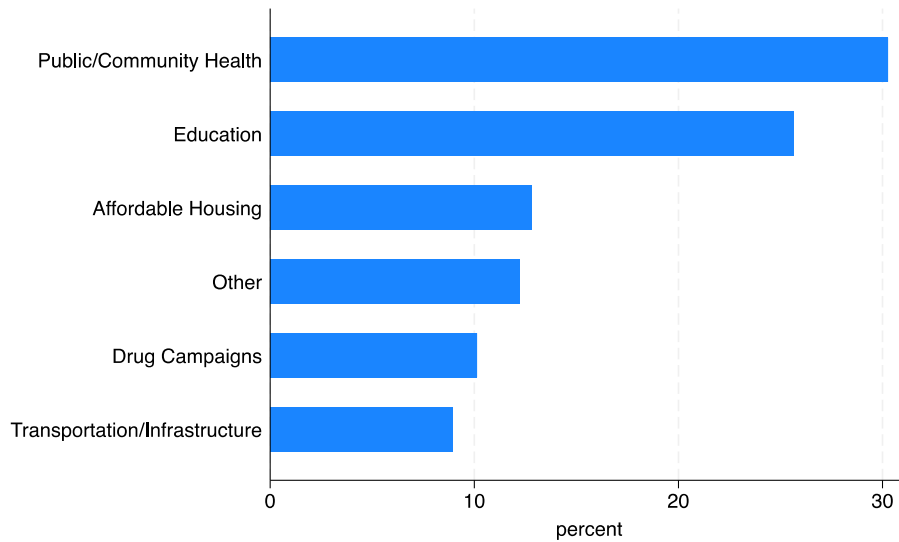
With the caveat that the frequencies are low, we see a pattern whereby Republicans were in favor of increased spending on police while no Democrats were in support of extra funding for law enforcement and jails, despite thinking that legalization would have adverse impacts.

Figure 5. Funding Priorities Among Republicans Who Think Crime Will Increase



How much funding will materialize and where precisely it will be spent remains to be seen, but we see stark differences in opinion on how to best invest in New Jersey's most disadvantaged communities.

Figure 6. Funding Priorities Among Democrats Who Think Crime Will Increase



VI. DISCUSSION

Recreational marijuana use among adults in New Jersey has followed a circuitous route to legalization. Charitably, the legislative process proceeded in fits and starts. As one commentator has observed:

The legislative process. . . forces elected officials to take responsibility for their vote, which may be daunting given that there are so many unknowns associated with the impact of marijuana. . . . In theory, once an initiative passes, lawmakers are forced to then implement the will of the voters; it's a way to force an issue on the agenda that lawmakers are either ignoring or are unable to come to a consensus on for legislation.⁷⁸

The various findings of this study reinforce the importance of exploring the relationship between opinion and public policy.⁷⁹ In deciding how to navigate these waters, legislators would be well-served to understand their constituents' interests beyond top-level preferences for approaching legalization in an attainable way that addresses the numerous sentiments of various sects of the voting population.⁸⁰ When legislation is structured with a focus on social equity, as in New Jersey, these preferences can be directly informative. More broadly, the data presented here offer a useful roadmap for other jurisdictions having both stark political fault lines and opportunities for reform. The results identify patterns describing differences and preferences across demographic and political groups that governmental agencies could use to address resident concerns, in a targeted manner, during legislative processes, or perhaps even before they begin.

A key observation is that thinking about views on marijuana legalization monolithically is a mistake. Anticipated impacts on crime suggest that public safety was at the forefront of voters' priorities at the time of the referendum in the fall of 2020—a moment characterized by numerous social upheavals initiated by the onset and persistence of the COVID-19 pandemic (March 2020) and in response the murder of George Floyd (May 2020), the latter of which prompted increased awareness of racial inequalities in the criminal justice system and calls for policing and other reforms. Further, New Jersey voters weighed in on legalization on the

⁷⁸ Heather Trela, *Why Is It So Hard to Pass Marijuana Policy Legislatively?*, ROCKEFELLER INST. GOV'T (May 23, 2019), <https://rockinst.org/blog/why-is-it-so-hard-to-pass-marijuana-policy-legislatively/> [https://perma.cc/NU45-LDQV].

⁷⁹ Justin T. Pickett, *Public Opinion and Criminal Justice Policy: Theory and Research*, 2 ANN. REV. CRIMINOLOGY 405, 414 (2019).

⁸⁰ See Douglas A. Berman, *In Shadow of Full Legalization Initiative, Ohio Legislature Again Discussing Broad Expansion of Medical Marijuana Program*, MARIJUANA L., POL'Y & REFORM (Jan. 13, 2023), https://lawprofessors.typepad.com/marijuana_law/2023/01/in-shadow-of-full-legalization-initiative-ohio-legislature-again-discussing-broad-expansion-of-medic.html [https://perma.cc/FA5T-UWR9].

same ballot in which they voted for the President of the United States following an extensive and arduous election cycle. In other words, we see clear evidence that public safety is at the forefront of voters' minds, even at a time of heightened awareness that the practice of policing can contribute to social harm and social inequalities. This finding reflects the entrenchment of fear of crime as a persistently strong motivator of individuals' preferences and beliefs in ways that will shape the boundaries of possible and feasible criminal justice reforms. Perceived impacts on crime remain a strong influence on voting patterns for a relatively low-level crime viewed by a majority as worthy of legalization, indicating the weight to which individuals give concerns for safety in weighing political actions like voting for reforms and reform-minded candidates. Additional research and public education on the impact of legalization on crime can help individuals formulate perspectives rooted in an empirical reality, to the extent that they are open to developing evidenced-based opinions that may differ from the more common opinions expressed in public and political spaces.

Political preference emerged as a notable divide in this analysis, with a notable chasm between responses from Democrats and Republicans. It is worth noting that, though supported by politicians from both parties, state-level Democratic leaders were among the most visible champions of the reform. Examining political identification allows researchers to usefully separate constituents into groups that are more (or less) concerned about crime impacts. It is interesting to note that regardless of politics, people thought that their neighbors were less likely to commit crimes as opposed to people elsewhere in the state. In contrast to political affiliation, race (except for people identifying as Asian) did not animate respondents' voting concerning legalization or their expectations concerning future levels of overall crime.

Political affiliation and race strongly influenced respondents' preferences for how the cannabis-derived tax revenue should be spent. Again, the divergence between Republicans and Democrats was meaningful. An interesting distinction between Black and White respondents also appeared concerning the use of tax revenues. Although both groups put public health spending in their top three, Whites ranked affordable housing below funding for police, while virtually no Blacks preferred using tax revenue for police and other enforcement measures.

We interpret these findings to align with patterns of high correlation between socioeconomic status and race that have become solidified through structural policies—including the War on Drugs and the overuse of incarceration—that have entrenched Black communities within socioeconomically disadvantaged statuses and places. In a way, responses may reflect a desire from Black communities for increased access to resources and opportunities without parallel investment in the police. These responses diverge from expressed concerns by some Black state legislators representing disadvantaged communities throughout the legalization process. To the extent that desired investment in the police among certain Black politicians suggests a belief that crime will increase post-legalization, there is a

divergence between representatives and their constituents that further demarcates the complicated set of priorities at play in these reform considerations.⁸¹

Personal experience with marijuana surfaced as one of the most remarkable and, we believe, groundbreaking findings. The significance of that history may prove to be influential as legalization allows individuals to try marijuana lawfully. However, one recent survey found that only ten percent of people who had never used marijuana would consider trying it if their jurisdiction legalized cannabis.⁸² Nevertheless, policymakers might want to evaluate the impact of potentially expanded use when determining the next steps concerning the regulation of marijuana. To the extent that personal use garners support for legalization in places outside of New Jersey, increased access to cannabis may increase the size of the populous in favor of legalization, setting up an inevitability of these considerations across states and potentially at the Federal level.⁸³

The limitations of this study include the fact our data addresses just one state and that, because this study is novel, there is a need for replication, both within New Jersey and in other jurisdictions that are experimenting with cannabis reforms. Profitable areas for further examination might include an investigation into the mechanisms behind some of the findings, including the non-significant difference in support for legalization across races, and the divergent views on where revenue is best spent. Moreover, while our crime measure was intended to assess views on support and perceived crime at a global level, researchers should unpack variations in resident views for specific types of offenses, including traffic offenses and violent crime, as well as examine respondents' views on the public health impacts of marijuana legalization.⁸⁴ Other recent research has explored the influence of individuals being told about various impacts of marijuana use on crime.⁸⁵ It may also be productive to apply that approach to some of the questions asked in this study about respondents' naturally occurring views on the relationship between marijuana legalization and crime.

⁸¹ See Karen Rouse, *Racial Justice Drives Fight for, and Against, Legal Pot in New Jersey*, N.Y. TIMES (Mar. 11, 2018), <https://www.nytimes.com/2018/03/11/nyregion/nj-legal-marijuana-racial-justice.html> [<https://perma.cc/E9MV-UESQ>].

⁸² Taylor Orth, *Half of Americans Have Tried Marijuana and Most Say Their Experiences Were Positive*, YOU.GOV (Apr. 7, 2022, 8:11 AM), <https://today.yougov.com/topics/society/articles-reports/2022/04/07/half-of-americans-have-tried-marijuana> [<https://perma.cc/4PKG-S759>].

⁸³ See Alex Kreit, *Marijuana Legalization*, 1 REFORMING CRIM. JUSTICE: INTRODUCTION AND CRIMINALIZATION 137 (Erik Luna ed., 2017), https://law.asu.edu/sites/default/files/pdf/academy_for_justice/Reforming-Criminal-Justice_Vol_1.pdf [<https://perma.cc/H3VZ-GB7S>].

⁸⁴ See *id.* at 128–29.

⁸⁵ See PETER LEASURE ET AL., *THE IMPACT OF EMPIRICAL RESEARCH ON PUBLIC OPINION REGARDING MARIJUANA-RELATED POLICIES*, OHIO ST. LEGAL STUDIES RESEARCH PAPER NO. 758, DRUG ENFORCEMENT AND POLICY CENTER, COLLATERAL CONSEQUENCES RESOURCE CENTER 4 (2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4354207 [<https://perma.cc/D4RZ-AVKB>].

VII. CONCLUSION

The relationship between public opinion and marijuana laws is complex and often fraught. Understanding more about constituents' policy preferences and predictions can help guide officials in both their policymaking and educative capacities. While broad coalitions, both within policy-making bodies and the general public, can be formed to support legalization efforts, this level of coordination masks important variation. In particular, concerns about crime, its impact on communities, and how tax revenue should be spent vary significantly. Public perceptions of the efficacy and justifiability of legalization efforts, especially in the longer term, are grounded in these core beliefs. Advocates and critics in New Jersey and beyond need to consider the scope of public beliefs, opinions, and concerns. This study provides a small yet representative window into recent dynamics occurring in New Jersey. Moving forward, policymakers need a greater understanding at the national as well as state level as this high-profile social and drug policy becomes even more visible—and potentially polarizing—in the coming years.

