

Reggae Icon's Son Was Caught With Marijuana. It Nearly Cost Him His Life.

By Lulu Cohen

Jawara McIntosh was living a good life in June 2013. A budding recording artist, father, devout Rastafarian and son of a legend, he was traveling from New Jersey to his home outside of Boston.

With dreadlocks swinging and music mellowing, McIntosh heard sirens. He was pulled over, his car searched. Police officers found a large amount of cannabis in the car and arrested him. He was taken to the Bergen County, New Jersey, Jail in Hackensack.

McIntosh's arrest reads much like any other scene in which an individual was taken into custody for possession of a substance that in today's world is becoming legal. The key difference is McIntosh's family, who hopes his story will shine a light on cannabis-related injustices.

McIntosh is the youngest son of reggae legend Peter Tosh. In 1976, Tosh's debut solo album, "Legalize It," was released in 1976, near the advent of the U.S. war on drugs. A founding member of the original Wailers, along with Bob Marley and

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— Joseph Tully
Family Attorney

Bunny Wailer, Tosh and Marley co-wrote one of the most celebrated pot anthems, "Get Up Stand Up," which has been adapted numerous times to various freedom struggles across the globe.



Peter Tosh with Robbie Shakespeare on the Bush Doctor tour, 1978

"After years in court and after posting \$200,000 bail with help from of one of our father's fans, Jawara accepted a plea bargain," his sister, Niambe McIntosh said. "He was required to return to New Jersey to serve out the last six months of his sentence."

In 2017, McIntosh returned to the Bergen County Jail to finish his sentence. With only about one

month left to serve, Jawara was brutally attacked by another inmate. The attack left him paralyzed and in a coma.

“Part of their logic in accepting the plea was that Jawarra would be able to serve his time in county jail rather than in state prison,” said Joseph Tully, one of McIntosh’s family attorneys, who characterized prison as typically populated by more violent offenders.

McIntosh had sustained severe traumatic brain injuries and was hospitalized at Hackensack Medical Center in New Jersey. His tight-knit family was with him in hospital and immediately rallied behind him to continue their pursuit of equal rights and justice.

“Some states have begun legalizing cannabis; but far too many people continue to be stripped of their freedom for cannabis related charges resulting in mass incarceration, brutality, and murder, depriving individuals of their constitutional rights,” said family attorney Jasmine Rand.

Exactly one month after New Jersey Gov. Phil Murphy took office in January, all charges were vacated in McIntosh’s case. Murphy has made cannabis legalization one the state’s top priorities.

“Maybe Gov. Murphy taking office helped change the zeitgeist in the New Jersey court system and that created a different environment or attitude towards cannabis cases,” said family attorney Joseph Tully, pointing out that it wasn’t Gov.



Phil Murphy Governor of New Jersey

Murphy who was responsible for the resolution. “Perhaps it was that our case could only be delayed so long by an unwilling prosecution in the face of the obvious justness of our request and repeated demands by phone, email, and in court.”

New Jersey would be the largest state on the East Coast to legalize cannabis. One proposal being considered would legalize possession of small amounts of marijuana, limit fines to \$100 and give the state’s Department of Law and Public Safety the power to regulate licenses for growers and sellers. Currently, New Jersey law issues a \$1,000 fine and/or six months of imprisonment for possession of 50 grams or less of cannabis.

McIntosh was moved to a hospital near Boston. He remains in a coma while the family continues advocating for change in the policies that affect equal justice.

“Jawara has since been moved to a hospital near us in Boston where the care is better,” said Niambe McIntosh. “... Doctors told us to give up, but we refused. Jawara is a strong man of faith. He’s more stable now but remains unable to talk. Recently, he held my hand and his eyes followed me across the room, but that’s rare. We will never give up on him.”

In April, Brian Latture, manager of the Peter Tosh Estate and Brands, traveled to Washington, D.C., where Niambe McIntosh was scheduled to speak at the National Cannabis Policy Summit.

“Jawara’s charges were vacated and dismissed, justice was finally served,” Latture said. “Niambe went to DC to make sure the voiceless have a voice.” ■