

Central Idea: The truth about marijuana and how it should impact the laws

1. Arguments against marijuana
  - A. Desire to kill
  - B. Addiction
  - C. Delusions of grandeur
  - D. Blindness
  - E. Degeneration and insanity
2. Facts about marijuana
  - A. Historical facts
    - 1) Places used
    - 2) Historical names
    - 3) Medical attributes
  - B. Scientific facts
    - 1) Hemp Drug Commission report
    - 2) Panama Canal Zone
    - 3) LaGuardia Report
    - 4) Massachusetts experiment
    - 5) Washington experiments
3. Marijuana today
  - A. Religious opinions
  - B. Legislative opinions
4. Marijuana's legal future
  - A. Executive change
  - B. Legislative change possibilities
  - C. Judiciary change possibilities

"Marijuana Menaces Youth" -- this article, appearing in Scientific American, said marijuana "--- often makes the smoker vicious, with a desire to fight and kill." (1) Two months later an article in Popular Science magazine warned that "Continuous use of the drug (marijuana) will lead to a delirious rage in which the addict...is inclined to commit the most horrible and vicious crimes". (2) The same year another article in American Mercury said "In Chicago a school supply store was discovered selling reefers to boys and girls, some of whom were blinded by the weed." (3) The only article that offered to be more sympathetic, from the title, "Facts and Fancies about Marijuana" pointed out that marijuana "... Gives the user delusions of grandeur...Anytime he gets the notion, he can walk across the ocean is a fair approximation of the drug's effect." (4)

As a result of these and other subsequent articles (5) legislation was passed, on both state and federal levels, limiting or prohibiting its use. Today there is much controversy on the possibility of the legalization of marijuana. This would be disastrous if any of the above statements are true. I have tried to find out, first, whether these statements are true; second, if they are not true, why was legislation

passed prohibiting its use; and finally, how effective or valid are these laws today? Should they, and will they, be enforced, ignored, or removed from the statutes altogether?

Before trying to decide whether marijuana should be legal, we first should try to discover what marijuana is and what it does. Marijuana is one of the oldest known drugs. It has been traced back to ancient Egypt and Assyria in the third century BC, has been mentioned in some of the earliest Chinese medical books, and has been used in India in religious ceremonies as far back as 800 BC. (6) In pre-Christian China it was, at one time known as "Liberator of Sin". Later in their history the Chinese changed its name to "Delight Giver". The Hindus termed it "The Heavenly Guide" and "The Soother of Grief". (7). Through history it has been recommended for such assorted ailments as migraine headaches, chronic cough, rheumatism, rheumatic neuralgia, asthma, tetanus, and convulsions. It has been used as an anesthetic in dysmenorrhea, as an anodyne in the itching of eczema, and in the relief of pain from corns. It has been used in pregnancy, for tedious labor where the patient is restless. It is believed to stimulate uterine movement, and it has been found that a baby born of a mother intoxicated with marijuana will not be abnormal in any way. During the period 1840-1900 there were over 100 articles published in Europe and the United States which recommended marijuana for one disorder or another. (8). Marijuana has also been found useful in certain mental illnesses since it increases the appetite and induces calmness and relaxation. It has been reported as a drug of potentially "great usefulness in the treatment of drug addicts" (9) and has been reportedly used successfully in the treatment of chronic alcoholism. (10). It was not until the 1930's that marijuana was put down as a social menace by the United States Bureau of Narcotics.

Mr. Anslinger, head of the Federal Bureau of Narcotics, spearheaded a propaganda campaign that led to various state legislation, and the Federal Marijuana Tax Act of 1937, on the grounds that marijuana produced an immense amount of violent crime such as rape, mayhem, and murder. (11). At that time, when asked if marijuana addicts graduated to heroin, opium, or cocaine users Mr. Anslinger replied "No sir; I have not heard of a case of that kind. I think it is an entirely different class. The marijuana addict does not go in that direction." In 1955 when Mr. Anslinger was questioned on the illicit drug traffic he said, "I would not say that it (marijuana) is a controlling factor in the commission of crimes." He reversed his statement of two decades before by further stating that "... The great problem and our great concern about the use of marijuana, (is) that it does, if used over a long period of time, lead to heroin addiction." This self-contradiction indicates, if nothing else, the lack of consistency of the opinion of Mr. Anslinger. If he cannot be consistent he surely cannot be accurate.

Today one of the strongest arguments against the legalization of marijuana is that we lack precise knowledge about it, although that did not seem to prevent legislators from prohibiting its use. This is not true. There has been much research done, many investigations conducted, and many facts uncovered. They all point in the same direction: marijuana is a mild intoxicant with no dangerous side-effects or after-effects.

The first such investigation worthy of consideration is the "Hemp Drug Commission Report" published by the British Army in India in 1894. The findings of this report were that the moderate use of marijuana is attended by no harmful physical results, no injurious effect on the mind, and no moral injury whatsoever. In conclusion it stated:

To forbid, or even restrict, the use of so holy and gracious an herb as the hemp  
Would cause widespread suffering and annoyance and, to large bands of  
worshipping ascetics, deep-seated anger. It would rob the people of a solace

in discomfort, of a cure in sickness, of a guardian whose protection saves them from the attacks of evil influences... so grand a result, so tiny a sin." (13)

A later controversy arose due to the use of marijuana by American servicemen in the Panama Canal Zone. As a reply to the resulting inquiries the editor of the Military Surgeon wrote, "The smoking of the leaves, flowers, and seeds of Cannabis Sativa is no more harmful than smoking tobacco." He further pointed out that "Legislation in relation to marijuana was ill advised...It branded as a menace and a crime a matter of trivial importance.

In 1938 Mayor LaGuardia ordered an inquiry into the use of marijuana in New York. The study ran for six years. It was conducted under the auspice of the New York Academy of Medicine by thirty-one eminent physicians, psychiatrists, clinical psychologists, pharmacologists, chemists, and sociologists. The committee received full cooperation of the City of New York Police Department, including six police officers who received special training and assisted full time obtaining sociological data. The committee received assistance from the medical staff of New York Prison Hospital on Ryker's Island and the Goldwater Memorial Hospital. This report remains the most impressive collection of factual findings on marijuana in the whole body of scientific literature. (15). (These findings are reviewed below) This report was immediately attacked by all those with opposing views. The American Medical Association editorial commented, "Public officials will do well to disregard this unscientific, uncritical study and continue to regard marijuana as a menace wherever it is purveyed." Mr. Anslinger wrote, "The Bureau detected the superficiality and hollowness of its findings and denounced it." (16) These denouncements were made with no consideration of the actual validity of the report, but merely objected to the fact that the findings were contradictory to their views.

Mayor LaGuardia, in a conscientious effort to uncover the truth about marijuana, initiated research into the use of marijuana in New York City. The results of these findings is doubly significant since it reinforced the findings of the "Indian Hemp Commission Report" of 1894 (17) and the report of the Army Board of Inquiry in the Panama Canal Zone. The main points of this report may be summarized thus:

1. Smoking marijuana does not lead directly to mental or physical deterioration.
2. The habitual smoker knows when to stop, as excessive doses reverse its pleasant effect.
3. Marijuana does not lead to addiction (in the medical sense), and while it is naturally habit-forming, its withdrawal does not lead to the horrible withdrawal of the opiates.
4. No deaths have ever been recorded that can be ascribed to marijuana.
5. Marijuana is not a direct causal factor in sexual or criminal misconduct.
6. Juvenile delinquency is not caused by marijuana smoking, although they are sometimes associated.
7. The publicity concerning the catastrophic effects of marijuana smoking in New York City is unfounded.
8. It is more a nuisance than a menace. (18)

Very little significant research has been done since the completion of the LaGuardia Report until recently. Due to the recent increase in marijuana use and controversy several studies have been conducted within the past year. One of these was conducted in Massachusetts to determine the "Clinical and Psychological effects of Marijuana on Man." (19) This experiment was conducted in the

laboratory and stressed such factors as control, set, setting, and the use of a naive group (completely unfamiliar with marijuana). As an added precaution the study was conducted by the double-blind method, that is neither the subjects or the researchers knew, during the experiment, whether the subject had smoked real marijuana or a placebo. The results of This experiment were significant. The New York Times, in an article commenting on these findings, said:

In our experience, and that of all users we have talked to, true acute psychotic reactions to marijuana are rare to the point of being psychiatric curiosities... Users appear to be able to compensate 100% for the nonspecific adverse effects of ordinary doses of marijuana on ordinary psychological performance. (20)

A more recent and more significant study conducted at the University of Washington compared the effects of marijuana and alcohol on simulated driving performance. (21). This study tested approximately 32 persons who were familiar with both alcohol and marijuana and, as a control, also tested 4 subjects who never tried marijuana before. They were tested at various time intervals after intoxication with marijuana and, on separate visits, with alcohol to determine the number of errors made on simulated driving tests. The results indicated that while alcohol significantly hinders driving performance for a considerable time after intoxication, marijuana shows little variation from the control testing and, in most cases, even with non-users, it improved rather than hindered performance.

It should also be pointed out, in its defense, that marijuana has not been condemned by the clergy, as alcohol was before prohibition. Protestant and Roman Catholic clergymen feel that "Marijuana may be against the law, but it is not necessarily a sin." (22) The morality of "pot" depends on whether or not it is psychologically helpful to an individual. "If it is a crutch or a way of escaping then it is damaging. If it is a stimulant to creativity or a means of relaxing there is no ethical problem." It is felt by clergymen, as well as legislators, that the worst thing that could happen to a person who smokes pot is prison, not addiction. (23) "It is considered unfortunate that severe penalties fall not only on gangsters, but on young people experimenting with a cultural rebellion." One minister from The United Church of Christ was asked what he says to a person asking him about marijuana. He replied, "I inform him of the most pervasive medical opinions, and of the legal hassle. Then I tell him to be cool about it." (24)

It has been widely acknowledged by legislators that the marijuana laws are too stiff. One California judge points out "If some youngster is convicted of having a (marijuana) cigarette, he is a felon and there is nothing a judge can do about it." (25) The 1962 Whitehouse Conference made the following comment: "It is the opinion of the panel that the hazard of marijuana per se has been exaggerated and that long criminal sentences imposed upon occasional users or possessors is in poor social perspective." (26) After 1951 the budget of the Federal Bureau of Narcotics was substantially enlarged, however, the number of marijuana arrests at the federal level has steadily declined, practically to the vanishing point, as indicated by the figures below:

Year	Number of Federal Marijuana Violations
1952	1,288
1954	508
1956	403
1958	179
1960	169

The above facts suggest that, since the use of marijuana has certainly increased, the marijuana laws are largely being ignored, at the federal level at least. It should also be noted that the Federal Bureau of Narcotics does not bother to count marijuana users in its national survey of addiction and does not regard marijuana as an addictive drug. The Federal Bureau of Narcotics has not yet seen fit, however, to reverse its legal position. One possible reason for this is that it is easier to regulate the revenue on alcohol, and sit back and count the take. Substances such as marijuana do not easily lend themselves to "efficient government racketeering" (28) since it can easily be grown by individuals.

The future of marijuana appears clear-cut. Marijuana is now being reevaluated on all levels of society. It has entered the middle class and the upper class. As its scope increases it becomes more inevitable that it will become legal, as alcohol did. It has already been pointed out that, on a federal executive level, and on the judiciary level, the laws revolving around marijuana are already being reevaluated. This is not enough. The laws still exist, and the fight will not be over until it is no longer possible for a person to be arrested for possession or use of marijuana at all. The laws must be removed from the statutes altogether, and this can only be done by one of two methods. These are legislation, and judiciary action through the Supreme Court.

One of the difficulties of getting proper legislation passed to legalize marijuana is that there are several very powerful groups with a vested interest in maintaining the status quo. These include the liquor industry and the tobacco industry. Another problem would be reeducation of the people concerning the truth about marijuana. People are more prone to listen and react to "a killer drug" like tobacco than a "harmless intoxicant" more closely related to parsley, sage, rosemary, and thyme. Such legislation would probably not be able to happen for at least another generation, or half a generation since this process has already begun. This will give society a chance to 'grow up' with marijuana and thereby gradually accept it.

Instead of waiting for legislative change, the only place for a quick reversal to occur is in the courts, primarily the Supreme Court. The courts have the right to reverse or reevaluate any law that is unconstitutional, unfair, or ridiculous. The judiciary branch of government must be made aware of the truths that have been discovered and then allowed to act accordingly by admitting that the existing laws are all blown out of proportion.

- FOOTNOTES -

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11. Dr. Alfred R. Lindesmith, "The Marijuana Problem, Myth or Reality" The Marijuana Papers, ed. David Solomon, (New York, 1968) p55
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13. British Army in India, "Hemp Drug Commission Report, 1894" The Book of Grass, ed. George Andrews & Simon Vinkenoog, (New York 1968) p140-145
14. Dr. Norman Taylor, "The Pleasant Assassin: The Story of Marijuana" The Marijuana Papers, ed. David Solomon (New York, 1968) p41
15. "The Marijuana Problem in the City of New York" The Marijuana Papers ed. David Solomon (New York, 1968) p278
16. "Medical Opinions, Summary and Appraisal" The Book of Grass ed. George Andres & Simon Vinkenoog (New York 1968) p175
17. British Army in India, p140-145
18. Dr. Norman Taylor p41
19. "Clinical and Psychological effects of Marijuana in Man" Science CLXII (December 13, 1968) p1234-1249
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22. "Churches, the Morality of Marijuana". Time LXLII (August 18, 1968) p58
23. David Sanford, "The Risk of Marijuana" New Republic CLVI (April 22, 1967). P11-12

24. "Churches, the Morality of Marijuana" Time LXLII (August 18, 1968) p58
25. "The Marijuana Problem Symposium" Newsweek LXX (July 24, 1957) p46-50
26. "Medical Opinions" The Book of Grass, ed. George Andrews & Simon Vinkenoog, (New York, 1968) p175
27. "The Marijuana Problem, Myth or Reality" The Marijuana Papers ed. David Solomon, (New York, 1968) p60-61
28. Paul Bowles, "Kif-Prologue and Compendium of Terms". The Book of Grass ed. George Andrews & Simon Vinkenoog, (New York, 1968) p109