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Narcotics, National Security, and Social Control Policy  
in the United States

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Presented to the Faculty of the Graduate School of  
Stephen F. Austin State University  
In Partial Fulfillment of the Requirements

For the Degree of  
Master of Arts

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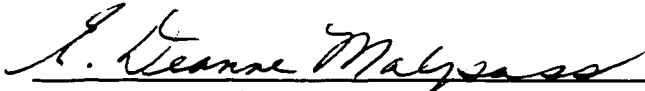
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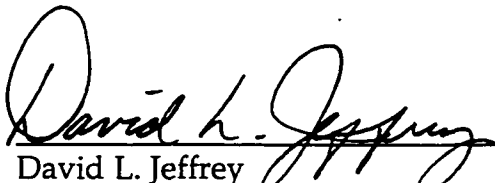
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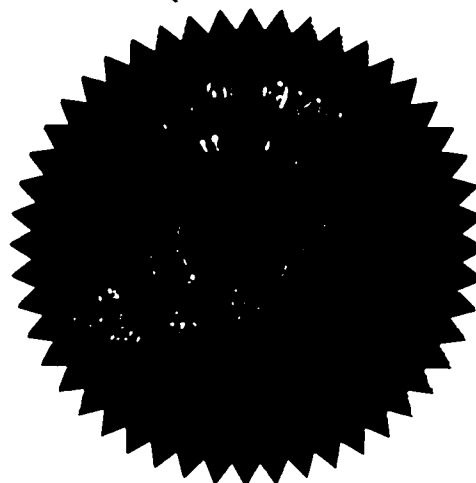
  
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## ABSTRACT

In 1983 President Ronald Reagan echoed past leaders and proclaimed: "This administration hereby declares an all-out war on...the drug racketeers who are poisoning our young people." As a result of this traditional anxiety, many researchers have examined drug prohibition; however, none offered an integrated view of the narcotics ban throughout the century in the context of the historical development of the United States. "Narcotics, National Security, and Social Control in the United States" offers an analysis of drug prohibition based on observations of America's development from the Progressive Era through the end of the Cold War and shows the processes which caused narcotics use, confrontation, and official retribution. This new work articulates the nineteenth and twentieth century social and political conditions that defined the interaction of individuals, groups, and government entities, as well as the characteristics, development, and implementation of anti-drug policy in the United States.



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Most importantly, I would like to thank my family. Gloria and Richard Roth, my mother and father, and Richard B. Roth my brother believed in me during difficult times and gave me confidence that allowed my success in graduate school. I love them very much.

## INTRODUCTION

In a 1983 address concerning the proliferation of drug use in American society Ronald Reagan proclaimed: "This administration hereby declares an all-out war on organized crime and the drug racketeers who are poisoning our young people."<sup>1</sup>

The President proposed an anti-drug strategy encompassing "as many elements of society as possible." He initiated a plan that attempted to unite "all" his supporters, in a total effort against the drug problem. Reagan encouraged the anti-narcotic efforts of local sheriffs and police chiefs as well as that of the federal drug law authorities from agencies such as the Drug Enforcement Administration. Simultaneously, his administration enlisted the support of concerned individuals and civic organizations to eliminate the problems the President associated with narcotic use.<sup>2</sup>

Reagan described the ominous nature of the subculture who used prohibited narcotic substances. The commander in chief's words, uttered to "restore and renew federalism", unleashed both legislative and bureaucratic initiatives which targeted drug users, organized crime and fostered intra-agency cooperation. The president believed that the drug threat necessitated amassing the full force of the criminal justice system, supported by the army, navy, air force, and coast guard, in a crusade against those whom he named

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<sup>1</sup>Ronald Reagan, Public Papers of the President of the United States, 1983, Office of the Federal Register, Washington, D.C.: United States Government Printing Office (U.S.G.P.O.), 1984, p. 107

<sup>2</sup>Ronald Reagan, Public Papers of the President of the United States, 1982, pp. 813-814. This address was in the remarks on signing an executive order naming the director of the Drug Abuse Policy Office.

the "criminal subculture."<sup>3</sup> Supported by the president, Congress eliminated the restrictions of the Posse Comitatus Act, which previously prohibited the military from acting in civilian law enforcement. In addition, the government escalated programs aimed at interdiction, eradication, and efforts to influence public opinion through civic associations along with propaganda programs.<sup>4</sup>

Reagan declared that an underworld, including career criminals, corrupt politicians and public officials had purposely and "arrogantly" declared themselves outside the law and a part of the drug culture.<sup>5</sup> The president lamented the loss of "moral principle" and called for a return to "spiritual solutions" for the nation's drug and crime problems.<sup>6</sup>

Reagan's agenda, backed by a majority of public opinion, partially succeeded.<sup>7</sup> At the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana, 28 September 1981, the President had warned of a "jungle" containing many threats, and that "only our deep moral values and our strong social institutions can hold back that jungle and restrain the darker impulses of human nature."<sup>8</sup> Most agreed with the president, and believed the narcotic underground menaced their way of life.<sup>9</sup>

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<sup>3</sup>Ronald Reagan, Public Papers of the President of the United States, 1982, pp. 813-814. and Ronald Reagan, Public Papers of the President of the United States, 1981, p. 843.

<sup>4</sup>Ronald Reagan, Public Papers of the President of the United States, 1981, pp. 841-843.

<sup>5</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, Washington, D.C.: U.S.G.P.O., 1992, p. 58.

<sup>6</sup>Ronald Reagan, Public Papers of the President of the United States, 1981, p. 844.

<sup>7</sup>Sourcebook of Criminal Justice Statistics 1984, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C.: U.S.G.P.O., 1984, p. 256 and pp. 260-267: see also, Bureau of Justice Statistics, Drugs, Crime, and the Justice System, Washington: U.S.G.P.O., 1992, pp. 91-97. These sources offer a variety of surveys and public opinion polls indicating that a majority of Americans supported the anti-drug agenda of the government.

<sup>8</sup>Ronald Reagan, Public Papers of the President of the United States, 1981, p. 845.

<sup>9</sup>Sourcebook of Criminal Justice Statistics 1984, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C.: U.S.G.P.O., 1985, p. 256 and pp. 260-267: see also, Bureau of

Driven to fear by a perceived threat from the users of narcotics, the government along with society in general embraced the President's crusade against the drug consuming culture.

The year Reagan relinquished the presidency, Americans spent \$140 billion on the illicit drug economy.<sup>10</sup> Government agencies responded and in 1988 alone spent \$28 billion on anti-narcotics campaigns. In the 1980's this cost rose 750% over previous levels.<sup>11</sup> The state and local war on drugs resulted in 1,155,200 drug arrests in 1988.<sup>12</sup> The courts convicted approximately 80% of those arrested, and imprisoned 207,340 people (about 40% blacks) who were swept from society for an average duration of five years. The government subjected another 810,000 to supervised control through probated sentences. The anti-drug bureaucracy vigorously pursued the users and suppliers of hemp, coca, and poppy plant derivatives, as well as synthetic drugs. Nevertheless overall societal turmoil increased. The money and power inherent in the control of a valuable black market economy corrupted officials at all levels of local and national government.<sup>13</sup> Narcotics related crime continued and incarceration soared after politicians promised an end to the American drug problem and associated criminal activity

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Justice Statistics, Drugs, Crime, and the Justice System, pp. 91-97. By 1989, 63% of the people surveyed thought that drug abuse was the most important problem facing the nation.

<sup>10</sup>Steven G. Koven,, "Fighting the Drug Wars: Rhetoric and Reality", Public Administration Review, Vol. 49, No. 6, Nov.–Dec. 1989, p. 580.

<sup>11</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, pp. 126-130. These expenditures are estimated and nearly impossible to verify due to the complexity of appropriation legislation.

<sup>12</sup>Sourcebook of Criminal Justice Statistics 1989, Timothy J. Flanagan, and Kathleen Maguire, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C.: U.S.G.P.O., 1990, p. 418, and Uniform Crime Reports of the United States, Federal Bureau of Investigations, U.S. Department of Justice, Washington D.C.: U.S.G.P.O., 1988, pp. 167-168.

<sup>13</sup> Bureau of Justice Statistics, Drugs, Crime, and the Justice System, pp. 56, 170-171, 188, and 194-195.

throughout the century. Yet, as the government pursued a vigorous campaign, people continued using illicit narcotics in large numbers, and the nation found itself bloodied and battered with the problem continuing unresolved.

For decades, historians, sociologists, politicians, and countless others examined the power struggle between governmental forces, the narcotic user culture, and the associated black market. Although social scientists and politicians provided important insights into the anti-drug effort, none offered an integrated view of the narcotics ban throughout the century in the context of the historical development of the modern United States. An analysis of the drug war based on the observation of national development from the Progressive Era through the end of the Cold War shows the processes which caused drug use, confrontation, and official retribution. Social conditions in the late nineteenth and throughout the twentieth century defined the interaction of a variety of individuals, groups, and government entities, as well as the characteristics, development, and implementation of anti-drug policy in the United States.

As the nation developed, discord appeared among those who held and wanted power, wealth, and economic control which affected those who desired control over their own immediate circumstances. Racism, xenophobia, as well as rapid change at times accompanied by decay and corruption, marked the interaction of competing interests. The combination resulted in the arbitrary enforcement of authority on marginalized people which was followed by the emergence of countercultures appealing to those adverse to mainstream society. Through indifference to law or even

insurrectionary attitudes, members of these groups sought escape from traditional societal structure with a desire to maintain their status regardless of the costs. Once identified as undesirable by the institutionalized power structure as in the case of narcotic users and suppliers, oppressive legislative and bureaucratic action resulted. Increasing government hostility resulted in greater resistance within radical groups including those associated with drugs. Events such as the Great Depression, World War II and the Cold War led to greater intransigence and growing intolerance. An examination of national attitudes at the close of the last century provides an essential foundation for understanding Ronald Reagan's call to arms in 1983.

## CHAPTER 1

### RACE, CULTURE, AND EARLY NARCOTICS PROHIBITION

In the late nineteenth century, the United States underwent a mass societal movement that killed old cultures and concerns. A value system oriented toward urban and industrial progress emerged as the dominant force molding the change. As the frontier closed, urbanization, industrialization, and imperialism emerged. These transitions cast individual, corporate, and governmental entities into competition for vast but poorly defined economic and political power. The established wealthy and political elite, such as the reigning political bosses, and corporate trust operators, fought to keep what they already possessed as well as to acquire greater control. Meanwhile, the growing middle class, aspiring politicians, and new industrial entrepreneurs struggled to obtain their share of power. The dream of prosperity and riches held bright promise for those who cast themselves into the prevailing current of industrialization. Many achieved unheard of wealth, others moderate success; but others failed, or were excluded for reasons of race, religion, lack of mental acuity, or cultural dissonance.

Sudden technological advances benefited many, while others suffered the negative consequences associated with a rapidly changing society. Individuals striving for wealth, and the corporations they served, forged a new America based on modern technology. The former agricultural nation with an unsettled frontier transformed itself. The shift resulted in a new population of disadvantaged people who personally or culturally lacked a

value system that could accommodate the changes wrought by industrialization.

In the midst of this fundamental transition, America harbored many diverse cultures, some of which imported and used intoxicating substances. Members of different cultural groups used opiates, coca, hemp, and naturally occurring hallucinogens according to their traditional patterns of consumption. They utilized mind altering chemicals in response to physical, and emotional pain, or for what they defined as spiritual and intellectual enlightenment. Misery accompanied industrialization which was moving the nation toward technocracy, and narcotics eased untold mental and physical agonies. Some found solace through intoxicating substances, while others, in contrast, plunged into the ugliness of addiction. In the era of Progressivism, which advocated improvement through moral reform, the arrival of cultural behavior patterns from the immigrant's old worlds which differed from the middle class value system threatened American leaders moving their nation toward an urban and industrial society.

The economics of industrialization required a controlled work force combined with a cultural consensus. Business and government leaders developed symbiotic relationships in order to maximize productivity and profit, while minimizing any deviance among the workers. Although positive change occurred, the partnership between government and business basically secured the goals of the vested interests who desired industrial progress. National leaders feared drug users and their emerging sub-cultures which threatened the advancement of society, and potentially corrupted the



respectable individual as well as the entire working class which was the source of most economic power.

In the late nineteenth century, the perception of a narcotics problem introduced by immigrant populations quickly resulted in the passage of the first local drug laws. One historian described the earliest narcotics laws and the spread of drug use:

The first wave of prohibitory drug legislation pertained to opium smoking, which first appeared on the west coast...and gradually spread to the outcast populations of major cities....These early opium prohibitions, the first drug legislation to criminalize the consumer for his indulgence, clearly had more to do with the drug user than the drug itself....<sup>1</sup>

Designed to assimilate the fallen user who often wanted no part of a civilization perceived as painful, the new anti-drug laws promoted objectives clouded by ethnocentrism. Well intentioned progressive programs resulted in institutionalized abuse as drug laws targeted minorities and other "undesirables." Racism and cultural fear blinded the reformers to the discrimination and pain felt by different cultures. This condition created an environment conducive to the birth of various subcultural movements.

Local progressives passed narcotic laws based on self-described moral and cultural superiority. Such legislation may have helped a few, however the intended reform caused a reaction among drug users as early as the 1870s. Drug subcultures formed among the alienated in almost every city as addicts, users, and suppliers faced coercion and retribution.<sup>2</sup> The once licit drug

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<sup>1</sup>Richard J. Bonnie, Charles H. Whitebread, The Marihuana Conviction; a History of Marihuana Prohibition in the United States, Charlottesville: University Press of Virginia, 1976, p. 14.

<sup>2</sup>H. Wayne Morgan, Yesterday's Addicts: American Society and Drug Abuse 1865-1920, Norman: University of Oklahoma Press, 1974, pp. 8-10.

culture went underground rather than abandon the narcotic habit. Users now feared the law, detection by families, tainted reputations, and the end of careers. Instigated by the government, disinformation campaigns in news tabloids created a climate of disagreeable public opinion allowing the spread of new sanctions which spawned drug underground movements that varied according to the prevailing conditions.<sup>3</sup>

Theodore Roosevelt, President of the United States from 1901-1909, exemplified the reforming zeal among progressives and the belief that government in cooperation with business would create a more compassionate society. Roosevelt remarked:

Now, in dealing with the whole problem of the change in our great industrial civilization, in dealing with the tendencies which have been accentuated by steam and electricity, and the tremendous up building of industrial centers which steam and electricity have been the main factors in bringing about--I think we must set before ourselves the desire not to accept less than the possible, and at the same time not to bring ourselves to a complete stand still by attempting the impossible....You can not put a stop to or reverse the industrial tendencies of the age, but you can control and regulate them and see they do no harm....

I believe we can do a good deal, but our accomplishing what I expect to be accomplished is conditioned upon our setting to work in a spirit as far removed as possible from hysteria--a spirit of sober, steadfast, kindly--I want to emphasize that--kindly determination not to submit to wrong ourselves, and not to wrong others, not to interfere with the great business development of the country, and at the same time so to shape our legislation and administration as to minimize, if we can not eradicate, the unpleasant and vicious features connected with the industrial development. I have said there can be no patent remedy. There is not any one thing which can be done to remove all of the existing evils.<sup>4</sup>

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<sup>3</sup>H. Wayne Morgan, *Yesterday's Addicts*, pp. 8-15.

<sup>4</sup>Theodore Roosevelt, *The Roosevelt Policy: Speeches, Letters, and State Papers Relating to Corporate Wealth and Closely Allied Topics*, Vol. 1, New York: The Current Literature Publishing Co., 1919, Kraus Reprint Co., 1971, pp. 59-61. The entire speech is entitled "Problems

While Roosevelt's oratory identified the crises faced in the twentieth century and forged the path for a reform movement, it failed to quench the fires ignited by America's changing economic and social realities due to a perspective clouded by prejudice. Characteristic flaws of racism and xenophobia diminished the vision of the nation's leaders who attempted to mitigate the damage of imperialism, industrialization, and urbanization.

Many felt the evils described by Roosevelt. Poverty was not an abstract to the unemployed father who saw despair in the drawn faces of his hungry children. A reform movement mattered little to the black man, Indian, Italian, Irishman, Chinese or other disdained foreigner being tied to the lynching tree.<sup>5</sup> For many outside the majority culture, the mass movement offered no promise of wealth, but only enduring pain and humiliation because of inherent bigotry within the dominant society.

Championed by the middle class, progressivism embraced the economic virtue of hard work tempered by moralistic social virtues and ethnocentric humanitarianism. The progressive believed good Americans aspired to the one "best" way of life, and soon many championed narcotics laws as "patent remedies" for unrelated social ills that threatened the values of an emerging technocratic society. However, these values caused the pain and alienation which made drug use seem desirable to many.<sup>6</sup>

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Growing Out of Modern Industrial Revolution" delivered in Wheeling, West Virginia, 6 September 1903, pp. 58-67.

<sup>5</sup>From the years 1890-1962 an estimated 3,442 blacks and another 1,294 non-blacks were illegally executed. Margaret Werner Cahalan, Historical Corrections Statistics in the United States, 1850-1984, U.S. Department of Justice, Bureau of Justice Statistics, Rockville, Maryland: Westat Inc., 1986, p. 11.

<sup>6</sup>Bonnie, Whitebread, The Marihuana Conviction, pp. 11-13.

Dr. George D. Wood, a nineteenth century professor of the theory and practice of medicine at the University of Pennsylvania and president of the American Philosophical Society, described the attraction of opium:

A sensation of fullness is felt in the head, soon followed by a universal feeling of delicious ease and comfort, with an elevation and expansion of the whole moral and intellectual nature, which is, I think, the most characteristic of its effects. There is not the same uncontrollable excitement as from alcohol, but an exaltation of our better mental qualities, a warmer glow of benevolence, a disposition to do greater things, but nobly and beneficently, a higher devotional spirit, and withall a stronger self-reliance, and consciousness of power. Nor is this consciousness altogether mistaken. For the intellectual and imaginative faculties are raised to the highest point compatible with individual capacity. The poet has never had brighter fancies, or deeper feelings, or greater felicity of expression, nor has the philosopher a more penetrating or profounder insight than when under the influence of opium in this stage of the action. It seems to make the individual, for a time a greater man. Sometimes there may be delusion; but it is not so much in relation to the due succession or dependence of thought, as in the elevation of the imagination and the soul above the level of reality. The hallucinations, the wildness, the delirious imaginations of alcoholic intoxication are, in general, quite wanting. Along with the emotional and intellectual elevation, there is also increased muscular energy; and the capacity to act, and bear fatigue, is greatly augmented.

After a length of time...this exaltation sinks into a corporal and mental calmness, which is scarcely less delirious than the previous excitement, and in a short time ends in sleep.<sup>7</sup>

Such literary appeals, and the writings of other western intellectuals publicized the opium mysteries.<sup>8</sup> In addition, soldiers returned from their campaign in the Philippines with opiate habits. Opium smoking proliferated

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<sup>7</sup>George B. Wood, A Treatise on Therapeutics and Pharmacology or Materia Medica, 2 Vols., 3rd edition, Philadelphia: Lippincott, 1868, pp. 712-713, 725-728, as quoted in David F. Musto, The American Disease Origins of Narcotic Control, New Haven: Yale University Press, 1973, p. 72.

<sup>8</sup>Bonnie, Whitebread, The Marijuana Conviction, p. 9, and Musto, The American Disease, p. 69. Samuel Coleridge and Thomas DeQuincey were among the literary figures who advocated opium.

as curiosity peaked among those desiring to feel what Brown and other advocates described.

Cocaine also attracted a number of advocates, which led to commercial distribution by corporate interests. Surgeon General William Hammond drank a wine glass full of a cocaine mixture with each meal for its healthful benefits, while Sigmund Freud, the most renowned proponent of cocaine, published his work "Uber Coca" in the St. Louis Medical Surgeon Journal.<sup>9</sup>

Marijuana, called "hemp" until the "reefer madness" of the 1930s, hallucinogenic mushrooms, peyote, and other mind altering chemicals also found favor at the turn of the century. Diverse groups consumed a wide range of intoxicating substances. In the cities, drifters, social misfits, artists, actors, and other bohemians consumed drugs, while in the countryside lonely Indians, outcasts and isolated farmers along with their wives sought injectibles and patent medicines. Groups across the cultural spectrum consumed everything from patent elixirs to intravenous heroin.<sup>10</sup> They all had at least two things in common: membership in growing narcotic subcultures associated with criminality, and persecution by the mainstream culture in which they were unwelcome.

As drug use developed, the media sensationalized problems associated with narcotics. The famous publisher and timber baron, William R. Hearst garnered wide-spread control over sources of information during this time. Yellow journalism, a characteristic of his publications, molded majority opinion by propagandizing the narcotic "evil." Fear and prejudice evoked by

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<sup>9</sup>Sigmund Freud, "Uber Coca," The St. Louis Medical Surgeon Journal, Vol. 47, 1884, pp. 502-505, S.A. Edminster, The Cocaine Papers, Vienna: Dunquin Press, 1963, as reported in Musto, The American Disease, p. 256.

<sup>10</sup>Morgan, Yesterday's Addicts, pp. 10-14.

Hearst's "facts" drove the addicted population into increasing secrecy. One opium user lamented that "one in my condition gets little sympathy," and continued:

I have borne the most unfair comments and insinuations from people utterly incapable of comprehending for one second the smallest part of my suffering, or even knowing that such could exist. Though they claim to deliver opinions and comments as though better informed on the subject of opium eating than anybody else in the world. I have been stung by their talk as hornets, and have been driven to solitude by fools.<sup>11</sup>

Hearst, as well as others who shaped opinion, believed that drug users posed obstacles to both civil authority, and the industrial society. Foremost among the modern national cultural values believed to be threatened by the addict population were freedom, the work ethic, good citizenship, sexual decency, rugged individualism and the drive for success.<sup>12</sup> As historian H. Wayne Morgan observed:

The addict was depicted as a non-producer, a parasite, a drag on hard-working innocent people....Addiction was a substitute for productive labor or thinking and withdrew needed talent from social uses....The idea that addiction was counter-productive and threatened the work ethic had a powerful impact on public opinion....Opium was identified with Satan, who held men in bondage; addiction threatened free will in this world and salvation in the next.<sup>13</sup>

As the century ended, the populace believed for the first time that prosperity and security were possible through hard work and intelligent social engineering. In conjunction with the growing middle class, the government attacked anything threatening efficiency and production.<sup>14</sup> Mainstream

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<sup>11</sup>Morgan, *Yesterday's Addicts*, pp. 25-26.

<sup>12</sup>Morgan, *Yesterday's Addicts*, p. 20.

<sup>13</sup>Morgan, *Yesterday's Addicts*, pp. 20-21.

<sup>14</sup>Morgan, *Yesterday's Addicts*, pp. 20-24.

society no longer considered the drug user harmless. Progressives believed that the narcotic culture endangered the core values of the new American society. This perception led to reform effort marked by increasing narcotic control.

Along with local and state anti-drug reactions, the federal government responded to the threat with a series of legislative acts beginning with the Pure Food and Drug Act of 1906. The first federal drug law required the manufacturers of patent medicines to label the narcotic content in their product. Closely related to decades of discrimination against Chinese immigrants, the Opium Exclusion Act of 1909 outlawed the importation of smoking opium to the United States. In the year 1914, when tolerance and common sense broke down on a world-wide scale amidst war, the United States legislatively established precedent with the Harrison Narcotics Act.<sup>15</sup>

The Harrison Act "becomes understandable as a socially defined reality, produced by conflicts between people who claim to be authorities and people who may resist being their subjects."<sup>16</sup> By codifying the collective moral voice of progressivism as a "patent remedy" to fight against the associated drug subcultures, the government directed legislation at individuals who challenged the industrial social order. The Harrison Act became part of the dominant cultural creed spawned to protect the American way of life, and in affect extended a pattern of laws, just as the Jim Crow laws did. People with wealth and power passed laws insuring self-preservation in the face of a perceived threat. Drug users, whether bohemians, blacks, the wayward of the

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<sup>15</sup>Musto, The American Disease, pp. 3-4. Bureau of Justice Statistics, Drugs, Crime and the Justice System, pp. 82-83.

<sup>16</sup>Austin T. Turk, Political Criminality: The Defiance and Defense of Authority, London: Sage Publications, 1982, p. 36.

upper classes, or other undesirables, failed to conform to evolving societal mores.<sup>17</sup> The mere existence of a dissenting subculture suggested a willingness to defy the institutionalized source of power.

Backed by a group of adamant reformers engrossed in the progressive movement, the Harrison Act required the registration of everyone involved in the narcotic trade. The law virtually eliminated the use of narcotics in patent medicines, required detailed record keeping, initiated licensing fees, and instituted severe penalties for violators.<sup>18</sup> Opposition to the nation's first comprehensive anti-drug measure was found primarily among groups who profited from the drug trade but included physicians and pharmacists who resented governmental restriction.

A leading historian in the field of drug history stated: "The practical significance of the Harrison Act, however, was still debated among the groups affected. There was no general agreement on what would be the desirable or actual enforcement of the laws."<sup>19</sup> The law found sharper focus in the years immediately following World War I, as the wartime frenzy of anti-German hostility gave way to anti-communist paranoia in the wake of the Bolshevik Revolution as the Wilson administration sought to bolster the American image as the appropriate steward of the postwar world. A government publication noted the reaction against domestic radicalism: "Through the 1920s, attitudes of nationalism, nativism, fear of anarchy and of communism

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<sup>17</sup>Bonnie, Whitebread, The Marihuana Conviction, p. 52, Musto, The American Disease, pp. 3-6, 7-8, 22.

<sup>18</sup>Musto, The American Disease, p. 54.

<sup>19</sup>Musto, The American Disease, p. 61.



were tied to regulation of alcohol and drugs as substances undermining national security.”<sup>20</sup>

The international conflict mutated post-war reform efforts into anti-radicalism with an increasingly ugly face. A series of Supreme Court decisions, Doremus v. The United States, Webb et al. v. The United States, both argued 3 March 1919, along with U.S. v. Behrman in 1922 allowed more punitive enforcement policies. In the age of alcohol prohibition, the court decided that medical treatment for addicts through addiction maintenance could be forbidden by the Harrison Act.<sup>21</sup> The Supreme Court allowed modifications of previously held beliefs of constitutional legality and no longer restrained the government from interfering in the private lives of citizens. At the executive lead, Presidents Harding, Coolidge, and Hoover endorsed this attitude and in general supported government action that they believed would improve conventional society.<sup>22</sup>

In conjunction with the evolving interpretation of the federal role in government and its law enforcement capacity, Treasury Secretary Andrew Mellon, a member of a prominent banking family, created a narcotics division within the Department’s unpopular Prohibition Unit in 1920. Mandated by the executive department, and relatively unrestrained by the courts, Levi Nutt, the Deputy Commissioner of Prohibition headed an anti-narcotic campaign which was supported by the State Department, Customs

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<sup>20</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, pp. 82-83.

<sup>21</sup>Cases Agrued and Decided in the Supreme Court of the United States, Vol. 248-250, Book 63, Rochester, New York: The Lawyer’s Cooperative Publishing Co., 1919, pp. 493, 497. See also Cases Agrued and Decided in the Supreme Court of the United States, Vol. 257-259, Book 66, New York: The Lawyer’s Cooperative Publishing Co., 1923, pp. 619-623.

<sup>22</sup>William O. Walker, Drug Control in the Americas, Albuquerque: University of New Mexico Press, 1981, pp. 24-29.

Bureau, and Internal Revenue Bureau. Bureaucracies designed to protect the American way of life attacked an estimated 200,000-275,000 drug addicted citizens whose inelastic demand for narcotics created a justification for growth of local and national law enforcement as well as a perpetual scapegoat for vice and social decay.<sup>23</sup>

Intolerance in the 1920's manifested a growing number of arrests under the act. From 1914-1919, a total of 4,300 people were arrested under the terms of the Harrison Act. However, federal authorities arrested 4,300 people in 1921 alone. Arrest figures increased steadily until 1928, when one-third of all federal prisoners were incarcerated for drug offenses. A disproportionate, though unrecorded number of these prisoners were black, strongly suggesting that law enforcement intended to sweep from the streets societal subgroups they believed to be racially undesirable.<sup>24</sup>

The narcotic underground emerged in places such as the Bealle Street area of Memphis, Storeyville in New Orleans, Greenwich Village in New York City, the Tong controlled areas of San Francisco, Deep Elum in Dallas, as well as parts of many other cities in the nation. While many individuals involved in narcotic distribution and consumption called these areas home, other drug users, who lived in higher social strata, remained concealed by their class.<sup>25</sup>

Nevertheless, three characteristics of the Harrison Act doomed it to failure. Within the postwar climate of hostility, the legislation, which had

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<sup>23</sup>Walker, Drug Control in the Americas, pp. 12-13.

<sup>24</sup>Cahalan, Historical Corrections Statistics in the United States, 1850-1984, indicated that from 1923-1960 blacks accounted for between 31% and 37% of the total prison population. For some specific crime categories blacks numbered up to 50% of the prison population.

<sup>25</sup>Musto, The American Disease, p. 5.

been defined in vague terms, allowed racial and cultural biases to corrupt both enforcement officials and federal institutions. In addition, newly established legal norms made the government a criminal victim of the drug subculture because they undermined national security. The act broadly asserted the necessity of defending American citizens as well as the institutionalized power structure from a demonized, nearly imaginary threat.<sup>26</sup> Finally, in the *Doremus and Webb* decisions of 1919 and *U.S. v. Behrman* in 1922, the Supreme Court modified constitutional restraints which permitted the operation of new legal prerogatives within the executive branch and enforcement bureaucracy.<sup>27</sup> This centralized the control over a lucrative black market economy within agencies debilitated by xenophobia and racism which in turn created fertile ground for future problems as Levi Nutt symbolized.

In 1930 the Deputy Commissioner of Prohibition in charge of narcotics had been ousted due to corruption. Nutt's dismissal paved the way for Secretary Mellon to create a separate agency called the Federal Bureau of Narcotics (FBN). As its commissioner, the secretary appointed Harry Anslinger, who was a career bureaucrat from the State Department and the husband of his niece. Separated from the unpopular alcohol prohibition

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<sup>26</sup> Alfred R. Lindesmith, "Dope Fiend Mythology," [The complete citation was not provided. 1937?] as reproduced in Hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee of the Judiciary, 94th Congress, Second Session, Investigation of Juvenile Delinquency in the United States; Narcotic Sentencing and Seizure Act of 1976, Washington D.C.: U.S.G.P.O., 28 July, 5 August 1976, pp. 355-361. A leading researcher into the social conditions surrounding drug use before WWII, Lindesmith wrote that the persecution of the "dope fiend" as the cause of crime and degeneracy was "on no higher plain than the persecution of witches of other ages."

<sup>27</sup> Cases Agreed and Decided in the Supreme Court of the United States, Vol. 248-250, pp. 493, 497. See also Cases Agreed and Decided in the Supreme Court of the United States, Vol. 257-259, Book 66, pp. 619-623.

agency, the new bureau allowed Anslinger to command a standing anti-drug army against a perceived economic and moral threat from the narcotic sub-culture. The struggle between the two forces raged through the great depression, the Second World War and on through the long Cold War years.

## CHAPTER 2

### THE DEPRESSION, DRUGS, AND DEMONIZATION OF HEMP

On the eve of the Great Crash of 1929, a contemporary historian, Dwight Dumond, bluntly stated that a condition of “modern economic feudalism” existed in the United States.<sup>1</sup> Throughout the twenties, the policy makers in the government, private groups, and corporations formed informal partnerships with an agenda rooted in progressivism. Together, they designed a legislative program to promote self interests, shape domestic growth, and expand influence over economic conditions.<sup>2</sup>

The wealthiest individuals maintained hegemony over important U.S affairs. Exemplifying this, Secretary of the Treasury, Andrew Mellon was involved in banking, oil and steel as well as being the reputed leader of the aluminum trust. Mellon, along with fabulously wealthy families such as the DuPonts, supported by President Herbert Hoover and governmental agencies, controlled the dominant economic and political functions of government. Rationalizing their agendas as being the best way for everyone, policy makers maintained their position of dominance through social, political and economic engineering, which often ignored the public needs.<sup>3</sup> In this context, cooperation between industries and agricultural businesses controlled by a few wealthy individuals expanded, while competition

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<sup>1</sup> Dwight Lowell Dumond, Roosevelt to Roosevelt The United States in the Twentieth Century, New York: Henry Holt and Company, 1937, p. 330.

<sup>2</sup> Emily S. Rosenberg, Spreading the American Dream American Economic and Cultural Expansion, 1890-1945, American Century Series, New York: Hill and Wang, 1982, pp. 230-232. See also Dumond, Roosevelt to Roosevelt, p. 333.

<sup>3</sup> Dumond, Roosevelt to Roosevelt, p. 377, and Gerald Colby, DuPont Dynasty, New Jersey: Lyle Stuart Inc., 1984, pp. 242, 277-291.

between an emerging technocracy and rural America with its small-farm culture increased. The urban United States over-powered an older agricultural society which faded in political importance as it was replaced by technology, centralization, and agri-business.<sup>4</sup> As the economic and political activity of the 1920's culminated in the stock market collapse and misfortunes related to Black Tuesday, the upper classes worried from the comfortable lounges of exclusive clubs such as the Union League of Philadelphia, and formulated strategies to maintain their wealth and power.<sup>5</sup>

In the 1920's and 1930's, Congress passed laws and initiated programs having several common characteristics. A primary theme of interwar legislation was an attempt to control communists, radicals and deviant foreign influences, which threatened industrial democracy. Militant union members, anarchists, and communists--groups who desired their own power base outside the dominant order of corporate capitalism--confronted a bureaucracy created for the purpose of protecting traditional interests. The legislative process may have produced a government capable of limiting societal threats, however faulty premises continued to cloud the judgments of U.S. leaders.

Guided by an "evangelical mission," legislators developed programs around the dominant social outlook within "doctrines of racial superiority," and with little regard for other cultures. White industrialists favored the acceptance of "American Ways," which ultimately bred bias in a large number of U.S. citizens. The resulting intolerance focused hostility on Mexicans and

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<sup>4</sup>Dumond, Roosevelt to Roosevelt, p. 337.

<sup>5</sup>Colby, DuPont Dynasty, pp. 274 , 290.

Blacks as well as communism, unionism, and anarchism.<sup>6</sup> Fear intensified with the economic and political turmoil produced by a world-wide depression and the rise of aggressive regimes abroad. A perceived threat to the security of the rich and well-born convinced those in authority to fill the controlling bureaucracies with like-minded individuals, who would protect the traditional value system. This led Treasury Secretary Andrew Mellon to appoint his nephew in law, a career bureaucrat, Harry Anslinger, as the commissioner of a new agency, the Federal Bureau of Narcotics (FBN). Bigotry and racism qualities readily observable in America after World War I, characterized the FBN and drug law enforcement in general. The Bureau attacked people outside the middle class merely because they deviated from traditional standards or threatened industrial hegemony.<sup>7</sup>

Anslinger took charge of the newly created FBN sixteen years following the passage of the Harrison Act. The new commissioner influenced popular contemporary attitudes on drugs with a belief system in line with the nation's powerful entities. Once considered invaluable medicines to which a few unfortunates became addicted, a new American cultural consensus was encouraged which allowed federal agencies to alter policies regarding the control of cocaine and the opiates. This resulted in a new focus upon the immorality and deviant nature of the drug user during a national trend of official retribution against wrong doers.<sup>8</sup> One historian noted: "What had been formerly viewed as an unfortunate sickness with organic causes was

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<sup>6</sup>Rosenberg, Spreading the American Dream, p. 234.

<sup>7</sup>William O. Walker, Douglas Clark Kinder, "Stable Force in a Storm," The Journal of American History, Vol. 72, No. 4, p. 909-910. Bonnie, Whitebread, The Marihuana Conviction, pp. 13, 14, 21, 43, 45-46, 52. See also Musto, The American Disease, p.6.

<sup>8</sup>Cahalan, Historical Corrections Statistics in the United States, p. 38. The number of prisoners rose 63% nationally from 1923-1930.

now viewed as yet another immoral behavior of the criminal class. Now, deprived of any legitimate source of narcotic drugs, the user's entire lifestyle was criminalized."<sup>9</sup> Anslinger modified the policies of the enforcement bureaucracy, ended the ambiguity of early drug prohibition efforts, and invented a highly restrictive enforcement policy aimed at the underclass whom he believed to be weak in character and lacking moral sense.<sup>10</sup> Under Anslinger, the FBN's initial campaign began, 1 July 1930, and sought passage of the Uniform [State] Narcotics Drug Act. The act eventually standardized the federal methods for drug enforcement within the states and categorized cannabis for the first time with the outlawed narcotics: cocaine and heroin.

Though he had no medical training, Anslinger zealously campaigned at the state level for the adoption of the Uniform Drug Act. He generated propaganda in the media and adopted Hoover's idea of associationalism in which public goals were to be carried out through private resources. The FBN recruited moralistic crusading organizations that supported the Commissioner's bureaucratic agenda. "Anslinger's army" included groups such as the Women's Christian Temperance Union, local law enforcement agencies and widespread support in the press.

Comprising twenty-nine newspapers and thirteen magazines, the Hearst publication empire strongly supported the Narcotics Bureau. The news conglomerate maintained an official policy as of January 1930 requiring the printing of all anti-narcotic stories, as Hearst stated in a letter to publishers and editors:

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<sup>9</sup>Bonnie, Whitebread, The Marihuana Conviction, p. 21.

<sup>10</sup>William O. Walker, Drug Control in the Americas, Albuquerque: University of New Mexico Press, 1981, p. 20. See also Bonnie, The Marihuana Conviction, p. 21.



You know that I am personally interested in having our papers do all they can to remedy the evil of the use of narcotics. I have asked to have the news on this matter...adequately covered. I hope any local news on these matters will be adequately covered. Please remember that this is a definite policy of the papers, which is not to be neglected....

When articles or signed communications or editorials are sent you based on the new or the general narcotic situation, I should like them printed.<sup>11</sup>

Anslinger's bureau, Hearst and others spread word of the narcotic evil by every possible means until the states listened and reacted in alarm, leading to the passage of a new drug law by forty states as early as 1935.<sup>12</sup> The debate and subsequent passage of the Uniform Narcotics Drug Act offers an example of the development of a national anti-narcotic consensus connected with the period's racism and xenophobia. The law included the cannabis plant along with forbidden narcotic drugs primarily because the plant was a euphoriant associated with Mexican migrant workers and the lower classes. Without scientific evidence or cultural consideration, the propagandists renamed cannabis (or hemp) "marihuana" and connected it with the "evil," associated with cocaine and the opiates.

Because of constitutional and budgetary restraints, the FBN's annual report for 1932, Traffic in Opium and Other Dangerous Drugs, considered marijuana a nuisance to be initially controlled at the state and local level.<sup>13</sup> The Uniform Act allowed the states to accept a clause outlawing the sale, distribution, and use of the plant. As they judged it a menace to society, patriotic anti-drug groups joined Anslinger in an all out war against the

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<sup>11</sup>Selections from the Writings and Speeches of William Randolph Hearst, San Francisco: published privately, [San Francisco Examiner?], 1948, p. 483.

<sup>12</sup>John C. McWilliams, The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962, Newark: University of Delaware Press, 1990, p. 57.

<sup>13</sup>McWilliams, The Protectors, p. 14.

“killer weed.” At the Appropriations Hearings in 1934 Anslinger presented his anti-marijuana goal:

I am putting a marihuana provision, included in the proposed Uniform State Narcotic Drug Law before every legislature next month to enact. If the states will go along with that, then the Federal Government ought to step in and coordinate the work, but until the states become conscious of their problems I think it is a mistake for the Federal government to take on the whole job.<sup>14</sup>

Public fears grew as a result of this anti-drug zeal, and generated political pressure from law officers, governors, as well as from Franklin Roosevelt’s new Treasury Secretary, Henry Morgenthau. The Treasury Department received this heartfelt but uninformed plea from the editor of one of the Hearst papers, the Alamosa, Colorado, Daily Courier:

Is there any assistance your Bureau can give us in handling this drug? Can you enlarge your Department to deal with Marihuana? Can you do anything to help us?

I wish I could show you what a small marijuana cigarette can do to one of our degenerate Spanish-speaking residents. That’s why our problem is so great: the greatest percentage of our population is composed of Spanish--speaking persons, most of whom are low mentally, because of social and racial conditions.

While marijuana has figured in the greatest number of crimes in the past few years, officials fear it, not for what it has done, but for what it is capable of doing. They want to check it before an outbreak does occur.

Through representatives of civic leaders and law enforcement officers of the San Luis Valley, I have been asked to write you for help.<sup>15</sup>

Racism and xenophobia created this anti-drug paranoia. The government emphasized marijuana over cocaine and the opiates because the

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<sup>14</sup>Treasury Department’s Appropriations Bill For 1936, before a subcommittee of the House Committee on Appropriations, 74th Congress, 1st session, 1934, p. 211, as quoted in McWilliams, The Protectors , p. 56.

<sup>15</sup>Floyd K. Baskette to the FBN, 4 September, 1936, AP, Box 6, as quoted in Musto, The American Disease, p. 223.

FBN's supporters believed it to be inherently evil due to its origin south of the border. In response, Anslinger elevated fears about the drug problem and focused his supporter's efforts on the foreign plant.<sup>16</sup>

Although an early proponent of state marijuana initiatives, Anslinger initially opposed any federal legislation fearing Supreme Court interference. However, in 1937 the federal court upheld the National Firearms Act along with the Migratory Bird Act. Such laws were formerly considered an intrusion into the police powers of the state, but the court ruled that in certain instances the federal government could pass prohibitive taxing schemes. These taxes allowed the federal government to wield police powers once constitutionally reserved to the states. Freed of potential court challenges, the FBN initiated federal legislation on the mildly hallucinogenic depressant, which became the Marijuana Tax Act of 1937.<sup>17</sup>

Beginning as early as 1936, the commissioner sought solutions for any obstacles to the passage of marijuana legislation. In a memo to the Treasury Department Anslinger related a concern:

We shall have to dispose of certain phases of the legitimate traffic: for instance the drug trade still has a small medical need for marijuana, but has agreed to eliminate it entirely. We must also satisfy the canary bird seed trade, and the Sherwin Williams Paint Company....We are now working with the Department of Commerce in finding substitutes for the legitimate trade [such as synthetic paint additives from DuPont], and after that is accomplished, the path will be cleared...for federal law.<sup>18</sup>

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<sup>16</sup>McWilliams, The Protectors, p. 79.

<sup>17</sup>Musto, The American Disease, pp. 222, 224. See also McWilliams, The Protectors, p. 69

<sup>18</sup>Confidential memorandum from H. J. Anslinger to the Assistant Secretary of the Treasury Stephen B. Gibbons, 1 Feb. 1936, AP, box 12, as quoted in Musto, The American Disease, p. 224.

“Reefer madness,” inspired by Anslinger, Hearst, and other interested parties, was only part of the story for the marijuana plant in the 20th century. Racist yellow journalists created fear of a plant as they reintroduced a standard agricultural crop as “marihuana.” The new name allowed it to be associated it with Mexicans and deviants. However, the agricultural community called *cannabis sativa* L., “hemp,” and considered it a valued commodity. One nineteenth century farmer described a portion of the hemp cultivation process and his benign view of the plant:

So it lies a week or more drying, dying, till the sap is out of the stalks, till leaves and blossoms and earliest ripened or unripened fruits wither and drop off, giving back to the soil the nourishment they have drawn from it; the whole top being thus otherwise wasted--that part of the hemp which every year the dreamy millions of the Orient still consume in quantities beyond human computation, and for the love of which the very history of the plant is lost in the antiquity of India and Persia, its home-land of narcotics desires and dreams.<sup>19</sup>

The young farmer, who worked his way through college by growing cannabis, knew some consumed it to induce euphoria. Despite its availability however, he never succumbed to what would grow into the “killer weed.”

In October 1916, hemp had achieved USDA approval when a department chemist and a botanist released Department Bulletin No. 404. Detailed experiments found the cannabis plant could essentially replace timber pulp as the nation's source of all qualities of paper. The bulletin indicated that

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<sup>19</sup>James Lane Allen, *The Reign of Law, A Tale of the Kentucky Hemp Fields*, New York, London: The MacMillan Company, 1900, p. 16. Allen's book relates the story of the poor hemp farmer who labors without the benefit of 20th century machinery. In the introduction of the book, the myth that intoxicating properties of hemp were unknown before the post war influx of Mexicans is dispelled, as Allen described the notion of hemp intoxication in romantic terms.

shrinking pulp wood supplies would inflate the prices of paper. In fact, paper was already a billion dollar industry. Timber barons such as Hearst, the DuPont's and other companies associated with paper making benefited from the wood pulp process.<sup>20</sup>

After World War I, American farmers grew annually some 28,000 to 45,000 acres of hemp. This crop yielded a wide range of products from quality paper, and oil for precision machinery, to nutritious food products, and dynamite.<sup>21</sup> In 1921, approximately sixty to ninety hemp mills operated nationally, with eleven to eighteen mills operating in Wisconsin alone.<sup>22</sup> Undoubtedly, these mills supported an equal number of farming communities, because the valuable crop was most profitably produced through "community cooperation."<sup>23</sup>

By 1932, the number of mills declined to perhaps as few as thirty. The literature lacks information about the hemp farming communities of the 1930's, in spite of towns with names like Hemphill and Hempstead. It can be assumed the agricultural depression, increased competition from industrially produced goods, and an increasingly unfavorable attitude toward the hemp plant caused this decline.<sup>24</sup> New agricultural technology developed in the 1920's and 1930's would have allowed cannabis to grow into a billion dollar

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<sup>20</sup> Lyster H. Dewey, Jason L. Merrill, Bulletin No. 404; Hemp Hurds as Paper Making Material. The Production and Handling of Hemp Hurds. The Manufacture of Paper from Hemp Hurds, Washington D.C.: United States Department of Agriculture, 14 October 1916.

<sup>21</sup> Bonnie, Whitebread, The Marihuana Conviction, p. 89, and George H. Dacy, "Revolutionizing an Industry, How Modern Machinery is Minimizing Hand Labor in Hemp Production," Scientific American, Vol. 124, 4 June 1921, p. 446. Dacy estimated the production of hemp in 1920 to be 42,000-45,000 acres, while Bonnie estimated the 1932 production to be 28,000 acres.

<sup>22</sup> Dacy, "Revolutionizing an Industry," Scientific American, 4 June 1921, p. 446.

<sup>23</sup> Dacy, "Revolutionizing an Industry," Scientific American, 4 June 1921, p. 446.

<sup>24</sup> The figures for the number of mills nationally was extrapolated from data presented in the Dacy article. Dacy stated that from 500-750 acres were required to operate one hemp mill.

crop. However the campaign to label the cannabis plant as a danger to society intensified, while domestic hemp farming became a viable alternative for farmers, and an economical source of raw material for industrial production, as well as competition for DuPont's patented synthetic materials which the corporation developed to replace less profitable, natural alternatives.

Popular Mechanics reported concurrently with the FBN's prohibition efforts:

Hemp is the standard fiber of the world. It has great tensile strength and durability. It is used to produce more than 5,000 textile products from rope to fine laces, and woody "hurds" remaining after the fiber has been removed contain more than seventy-seven per cent cellulose, and can be used to produce more than 25,000 products, ranging from dynamite to Cellophane.

The magazine reported that machinery allowed farmers to make large profits in states from Texas to Minnesota, with a manufacturing cost of only one-half cent per pound. Many industrial products faced stiff competition from a natural resource costing so little. Popular Mechanics continued:

From the farmers point of view, hemp is an easy crop to grow...on any land that will grow corn, wheat, or oats. It has a short growing season, so that it can be planted after other crops are in. It can be grown in any state of the union. The long roots penetrate and break the soil to leave it in perfect condition for next years crop [which would require less fertilizer]. The dense shock of leaves, eight to twelve feet above the ground, chokes out weeds [eliminating the need for chemical herbicides]. Two successive crops are enough to reclaim land that has been abandoned because of Canadian thistle or quack grass.

With the new machine, known as a decorticator [produced by International Harvester], hemp is cut....It is delivered to the machine [automatically]....The hurds are broken into fine pieces which drop into the hopper, from where they are delivered by blower to a baler or to truck or to freight car for loose shipment. The fiber comes from the other end ready for baling.

From this point on almost anything can happen. The raw fiber can be used to produce strong twine and rope, woven into burlap, used for carpet warp or linoleum backing, or it may be bleached and refined with resinous by-products of high commercial value. It can, in fact, be used to replace the foreign fibers which now flood our market.

Thousands of tons of hemp hurds are used every year by one large powder company for the manufacture of dynamite and TNT [This hemp was imported from Pacific rim nations. During this time DuPont actively pursued research and development to replace the imported hemp with a synthetic alternatives.<sup>25</sup> ]....The natural materials in hemp make it an economical source of pulp for any grade paper manufactured, and the high percentage of alpha cellulose promise an unlimited supply of raw materials for the thousands of cellulose products [plastics] our chemists have developed.

[As of 1937], all these products, now imported, can now be produced from home-grown hemp. Fish nets, bow strings, canvas, strong rope, overalls, damask tablecloths, fine linen garments, towels, bed linen and thousands of other everyday items can be grown on American farms. Our import of foreign fabrics and fibers average about \$200,000,000 per year; in raw fibers alone we imported over \$50,000,000 in the first six months of 1937. All this income can be made available to Americans.

The paper industry offers even greater possibilities. As an industry it amounts to over \$1,000,000,000 a year and of that 80% is imported [in 1937]. But hemp will produce every grade of paper and government figures estimate that 10,000 acres devoted to hemp will produce as much paper as 40,000 acres of average pulp land.

Popular Mechanics concluded its article with the problems facing hemp agriculture. "One obstacle to the onward march of hemp is the reluctance of farmers to try new crops." Nevertheless, judging from the acreage already in production, and even with this reluctance, a substantial number of communities adopted hemp as a crop of choice and developed the necessary

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<sup>25</sup>United States Department of Agriculture, Agricultural Statistics, 1930-1941, Washington D.C.: U.S.G.P.O. The U.S.D.A. chronicles significant importation of hemp until the outbreak of WW II. At its peak of 45,000 acres planted, domestic hemp production potentially posed a threat to DuPont only if political conditions would have allowed increased cultivation.

infrastructure for its production. Unfortunately, the flower of the hemp plant contained a chemical which became the major reason for the death of the American hemp industry as Popular Mechanics indicated:

Federal regulations now being drawn up require the registration of hemp growers, and tentative proposals for preventing narcotic production are rather stringent....However, the connection of hemp as a crop, and marijuana seems to be exaggerated....If federal regulations can be drawn to protect the public without preventing the legitimate culture of hemp, this crop can add immeasurably to American agriculture and industry.<sup>26</sup>

In spite of the knowledge of hemp's value as an agricultural commodity, existing economic and societal conditions allowed the elimination of one of America's most promising commodities. Popular Mechanics, Mechanical Engineering, Scientific American, and the American hemp farmer failed to discern the real threat to the valuable plant. The importance of hemp as a source of over "25,000 products ranging from dynamite to Cellophane" placed it into direct economic competition with the DuPont Corporation, the Hearst empire, and other similarly interested industrial ventures. Good American business practices of the time attacked competing interests.<sup>27</sup>

Just one of the economic giants hurt by the depression, Hearst faced the loss of huge profits and associated power to hemp farming communities within the huge paper market. Comprising twenty-nine newspapers and 13 magazines, Hearst publications consumed vast quantities of paper originating from millions of acres of Hearst's personal timber holdings in the U.S. and

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<sup>26</sup>"New Billion Dollar Crop," Popular Mechanics, Feb. 1938, p. 238-144a.

<sup>27</sup>"New Billion Dollar Crop," Popular Mechanics, Feb. 1938, p. 238.



Mexico.<sup>28</sup> Hemp could have replaced most of it, and redistributed wealth to other agricultural communities.

As efficient hemp production technology developed, editorials, demonizing the plant also appeared. A Hearst paper stated: "In recent years, the insidious and insanity producing marijuana has become among the worst of the narcotic banes, invading even the school houses of the country."<sup>29</sup> Headlines claimed blood lust, murder and other mayhem "more fearful than Frankenstein" resulted from the use of the hemp flower. Hearst's rhetoric succeeded, as if calculated, in achieving an anti-hemp consensus among the nation's legislators. Other major industries maintained an interest in the competition from the cannabis plant especially as economic upheaval intensified.

DuPont historian, Gerald Colby stated: "The Depression had been kind to the DuPonts. In fact in terms of the competition it destroyed and the avenues for cheap investment it provided, the Great Depression had been very kind indeed,"<sup>30</sup> One area allowing DuPont's phenomenal success while others suffered greatly was research and development.

Every day, DuPont's experimental research center near Wilmington buzzed like a beehive as thousands of scientists and assistants busily searched for new products at cheaper costs. From here came "Dulux" enamels, Orlon, Dacron, and neoprene, the artificial rubber which revolutionized the tire and hose industries.

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<sup>28</sup>William Randolph Hearst Jr., and Jack Casserly, The Hearsts; Father and Son, Niwot Colorado: Roberts Rinehart Publishers, 1991, pp. 56-57, 70-72.

<sup>29</sup>This editorial appeared in the Hearst Newspaper chain 11 September 1935, as reported in Bonnie, Whitebread, The Marihuana Conviction, p. 100.

<sup>30</sup>Colby, DuPont Dynasty, p. 310.

By itself, Dacron, a synthetic fiber provided five million dollars of yearly income after 1927.<sup>31</sup>

“From here came moisture proof cellophane, which revolutionized the baked goods market, and Lucite, the symbol of the new age of plastics. And from here came DuPont’s biggest money maker, nylon.” Cellophane sales yielded five million dollars in annual sales, and nylon, the result of twenty-seven million dollars in development costs, would be the company’s greatest revenue source of all time.<sup>32</sup> The DuPont corporation’s appetite for power led to diversification into many new fields of investment. They purchased General Motors and U.S. Rubber, as well as cotton, land, and petroleum ventures.<sup>33</sup>

After acquiring 300,000 acres of southern pine pulpwood and a deep water port named St. Joe, both strategically located in Florida, the DuPont’s established St. Joe Paper Company in 1936. In partnership with Mead the well known paper manufacturer, the corporation used an entire town to operate its facility. A 300 ton per day capacity was supplied by native timber.<sup>34</sup>

A factor inherent in these diverse ventures was the ability of the total production cycle to be centrally controlled through patented processes. This allowed the greatest percentage of profit to remain within a single corporate entity. All of DuPont’s synthetic materials and paper would have faced significant competition from decentralized farming and milling communities manufacturing hemp products. Industries adopted artificial patentable

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<sup>31</sup>Colby, *DuPont Dynasty*, pp. 230-231, 379.

<sup>32</sup>Colby, *DuPont Dynasty*, p. 379.

<sup>33</sup>Colby, *DuPont Dynasty*, pp. 310-311.

<sup>34</sup>Colby, *DuPont Dynasty*, p. 528.

materials for their production cycle and hoped to prevent the competition from utilizing natural products.

DuPont's business practices propelled the corporation to the top of the industrial mountain, where it became entrenched, and fought ruthlessly against competition. As the hemp commodity created industrial concerns, in addition to marijuana's association with negative cultural stereotypes, the government eliminated the competition by enacting the Marihuana Tax Act of 1937.

Represented by Anslinger in the spring of 1937, the Treasury Department took its bill to Capitol Hill. For the previous two years, bureaucrats held secret meetings in which the Treasury Department formulated a prohibitive tax scheme to outlaw the cannabis plant.<sup>35</sup> "The pressure for federal anti-marijuana legislation was political, from local police forces in affected states to the governors; from the governors to Secretary of the Treasury Henry Morgenthau Jr.; from Morgenthau to the Treasury's General Counsel...."<sup>36</sup> Herman Oliphant, General Council for the Treasury Department developed the law over the two years following the enactment of his first prohibitive tax plan, the National Firearms Act. The Supreme Court upheld the Firearms Act in March 1937, and "... within a month of the [court's] decision the Treasury Department appeared before Congress requesting enactment of a marihuana transfer tax."<sup>37</sup>

Prior to Treasury's request for marijuana legislation, the department collected inflammatory evidence supporting their position, and ignored

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<sup>35</sup>Bonnie, Whitebread, The Marihuana Conviction, p. 172.

<sup>36</sup>Musto, The American Disease, p. 223.

<sup>37</sup>Musto, The American Disease, p. 222.

“anything that qualified or minimized the evils of marihuana.”<sup>38</sup> Before any congressional hearings, the Treasury department and the FBN developed a solid front emphasizing four points:

Marihuana was a disastrous drug; its use was increasing alarmingly and had generated public hysteria; state legislation had proved incapable of meeting the threat posed by the weed making federal action necessary; and, the government might best act through separate legislation rather than through an amendment to the Harrison Act [previously passed to control opiates and cocaine].<sup>39</sup>

Once the hearing before the House Ways and Means Committee chaired by Robert Lee Doughton of North Carolina commenced, Anslinger offered the only testimony to marijuana’s affects. The commissioner presented bloody photographs of murders committed by reportedly deranged marijuana users, and told tales of young people driven to robbery, insanity, and to murder family members. Asked in the Senate hearings on the same bill about the number of marijuana cigarettes which caused a “vicious mental attitude toward your neighbor,” Anslinger responded: “I believe one cigarette might develop a homicidal mania...all the experts agree that the continued use leads to insanity. There are many cases of insanity.”<sup>40</sup> The only expert called by the government supported Anslinger with data obtained from limited marijuana experiments on dogs which reacted to marijuana differently than humans. The government presented no other scientific

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<sup>38</sup>Musto, The American Disease, p. 225.

<sup>39</sup>Bonnie, Whitebread, The Marijuana Conviction, p. 154. The Harrison Act is discussed further in chapter four.

<sup>40</sup>Hearing before a Subcommittee of the Committee on Finance, United States Senate, Seventy-fifth Congress, Taxation of Marihuana, H. R. 6906, Washington D.C.: U.S.G.P.O., 12 July 1937, p. 14.

evidence in the House or Senate, despite its availability. One historian offered this assessment of the marijuana hearings:

The congressmen and senators participating in the hearings accepted the bureau's argument. In fact, Senator Brown, Chairman of the [finance] subcommittee which considered the legislation in the Senate, and Chairman [Robert Lee] Doughton of the Ways and Means Committee had been thoroughly briefed by the bureau in advance of the hearings. Again and again, Anslinger, Doughton, Brown, and McCormack seemed merely to be reinforcing each other's convictions. There was no probing of the government witnesses. In fact, the government made its case in the House in one session, and the next three sessions were devoted to countering technical objections of the oilseed, birdseed, and hemp industries.<sup>41</sup>

Royal C. Johnson, testifying for ChempSCO Inc. and Hemp Chemical corporation of Minnesota, stated in the senate hearings: "I think the small producer [of hemp] is going to be eliminated....And why shouldn't he be? He is doing no good to himself or anybody else."<sup>42</sup> Only the impact on large corporate interests concerned Johnson, who, along with the majority of others creating public policy, displayed a total lack of empathy toward the common small farmer.

The hearings, in which it appeared conclusions were drawn before they started, called one witness who disturbed the otherwise nonchalant session. Dr. William C. Woodward, who generally supported the goals of the FBN, including much of the Harrison Act, represented the American Medical Association. He methodically challenged the validity of the government's anti-marijuana position, and countered all the points upon which the Treasury Department's argument rested. Woodward stated:

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<sup>41</sup>Bonnie, Whitebread, The Marijuana Conviction, p. 164.

<sup>42</sup>Taxation of Marijuana, H.R. 6906, p. 30.

That there is a certain amount of narcotic addiction of an objectionable character no one will deny. The newspapers have called attention to it so prominently that there must be some grounds for their statements. It has surprised me, however, that the facts on which these statements have been based have not been brought before this committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marihuana addiction. We are told that the use of marihuana causes crime.

But yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marihuana habit. An informal inquiry shows that the Bureau of Prisons has no evidence on that point.

You have been told that school children are great users of marihuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and the extent of the habit among children.

Inquiry of the Children's Bureau shows that they have had no occasion to investigate it and know nothing particularly of it.<sup>43</sup>

Inquiry of the Office of Education--and they certainly should know something of the prevalence of the habit among the school children of the country, if there is a prevalent habit--indicates that they have had no occasion to investigate and know nothing of it.

Moreover, there is in the Treasury Department itself, the Public Health Service, with its Division of Mental Hygiene. The Division of Mental Hygiene was, in the first place, the Division of Narcotics. It was converted into the Division of Mental Hygiene, I think, about 1930. That particular Bureau has control at the present time of the narcotics farms that were created about 1929 or 1930 and came into operation a few years later. No one was summoned to give evidence on that point.

Informal inquiry by me indicates that they have no record of any marihuana or cannabis addicts who have ever been committed to those farms.

The Bureau of Public Health Service has also a division of pharmacology. If you desire evidence as to the pharmacology of Cannabis, that obviously is the place where you can get direct and primary evidence, rather than the indirect hearsay evidence.<sup>44</sup>

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<sup>43</sup>Robert H. Bremner (editor), Childrens Bureau Studies, New York: Arno Press, 1974. The unnumbered introduction stated that the Childrens Bureau was created by an act of Congress in 1912 as part of the Department of Labor.

<sup>44</sup>House Hearings on H.R. 6385, p. 93, as recorded in Bonnie, The Marihuana Conviction, pp. 165-166.

Woodward's pointed attack highlighted the shortcomings of the evidence presented by the FBN, and infuriated the committee. The AMA's representative indicated that the facts pointed to only a small growth in marijuana use, as he blamed the policies of the FBN and their propaganda for any increase in cannabis consumption. Additionally, he told the congressmen that the only appropriate legislation regarding marijuana should be passed in the states. In fact, all states had passed the Uniform Narcotic Act, which outlawed the use of marijuana. Dr. Woodward was vigorously questioned by the committee, which ignored his factual testimony, and dismissed him without a thank you.<sup>45</sup>

Woodward's important testimony impeached the credibility of the Narcotics Bureau's case, and indicated that evidence in 1937 failed to prove the disastrous side-effects of marijuana, or that its use was spreading alarmingly. He also showed that federal action was unnecessary because existing state laws already outlawed marijuana use.<sup>46</sup> Blindly accepting Anslinger's words despite his weak factual evidence, the Senate and House committees unanimously passed the marijuana tax legislation for a vote by the full Congress.

Chairman Doughton introduced the bill to the full House on 10 June 1937 and asked for unanimous consent. Representative Bertrand Snell, from New York, supposed the bill was important since it originated in the Ways and Means Committee, but along with the majority of members, he knew

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<sup>45</sup>McWilliams, The Protectors, pp. 71-74. Musto, The American Disease, pp. 227-228.

<sup>46</sup>Committee on Finance, United States Senate, Taxation of Marihuana, H. R. 6906, pp. 33-34.

nothing of marijuana, or the bill.<sup>47</sup> Sam Rayburn, from Texas, displayed his ignorance saying: "It has something to do with something that is called marihuana. I believe it is a narcotic of some kind."<sup>48</sup> Because of the late hour and Mr. Snell's concern, no vote occurred on this date, but debate continued 14 June 1937.

Frank Buck, a Representative from California who had interests in the timber and petroleum industry, opened the floor debate by requesting unanimous consent for the bill renumbered H.R. 6906.<sup>49</sup> The bill was read again, and Snell asked for the legislation to be explained.

Buck opened his statement with rhetoric similar to the FBN. He detailed the "horrifying" nature of the problem, but never mentioned any factual evidence from the reliable sources enunciated by Woodward. He also explained that a tax of one dollar per ounce for registered dealers, and \$100 per ounce for non-registered dealers would be levied. Asked if there had been any dissenting testimony in the hearings, Buck either lied or forgot about Woodward's concerns saying, there had been no opposition from any source. Representative Daniel Reed of New York, who held office more than forty years, continued at length in support of the bill, but offered nothing other than Anslinger's position.

Reed related the tale of degenerate dope dealers corrupting America's school age youth with the "deadly drug." He presented another dubious

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<sup>47</sup>United States Congress, Congressional Record Proceedings and Debates of the First Session of the Seventy-fifth Congress of the United States of America, Vol. 81, Part 5 , Washington D.C.: U.S.G.P.O., 1937, p. 5575.

<sup>48</sup>Congressional Record, Vol. 81, Part 5, p. 5575

<sup>49</sup>Congressional Record, Vol. 81, Part 5, p. 5689. See also United States Congress, Biographical Directory of the United States Congress 1774-1989, Washington D.C.: U.S.G.P.O., 1989, reported that Buck was part of the timber and petroleum industry.



statistic saying almost "one-half of the murders were committed by marihuana addicts," and emphasized his point with stories about teenage decapitators and ax murders.<sup>50</sup> However, the FBI's Uniform Crime Report (UCR), the best statistical source on the criminal justice system of that time period, offered no information on any crime related to marijuana.

The act being debated allowed for the emergence of an organizational structure which would associate the marijuana using population of the United States with anti-social behavior. Reed concluded that "every citizen interested in protecting society from crime...[and in] throwing the safeguards of Federal law around the youth of the land, to save them from this horrible and illicit traffic should be glad to cooperate with the government to achieve these ends."<sup>51</sup>

The major concern of the floor debate centered around safeguarding the legitimate hemp industry. Again, Buck misstated the facts saying that "this bill defines marihuana so that every legitimate use of hemp is protected." He failed to explain how the tax would effect industries consuming tons of a commodity taxed at a dollar an ounce. In fact, there had been witnesses in the Senate hearings that questioned the validity of the legislation.

Matt Rens, representing Rens Hemp Company of Brandon, Wisconsin, previously asked in the Senate hearings: "The real purpose of this bill is not to raise money is it?" Senator Brown responded, "Well, we are sticking to the proposition that it is." Rens complained, "It will cost [my industry] a million." With this, Brown dismissed Rens without further comment.

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<sup>50</sup>Congressional Record, Vol. 81, Part 5, p. 5689.

<sup>51</sup>Congressional Record, Vol. 81, Part 5, p. 5689.

During the floor debate, Fred Vinson from Kentucky blatantly misstated Ren's comments from the Senate hearings. Vinson told Congress that concerns of the hemp industry's representative were addressed by "the language in the bill [which] took care of the industrial end of it."<sup>52</sup>

Again, when asked if the bill interfered with legitimate manufacturing, Buck disguised the facts and told the representatives that the bill would not interfere with manufacturing. This was technically true statement because the law taxed the sale of the raw commodity, not the manufacturing process. However, the bill effectively eliminated domestic hemp as an economically viable commodity. With testimony limited to just a few hemp industry advocates, and overwhelmingly irrational fears of "reefer madness", the act passed easily. Franklin Roosevelt signed the legislation into law during the summer of 1937.

Before the government arrested a single violator, the Marihuana Tax Act achieved significance. The rhetoric in this era of violent confrontation between differing ideas, cemented a new tenet into the creed of American patriotism; most now believed users of marijuana, cocaine, and opiates were evil threats deserving severe punishment. Laws, established under this belief, initiated a new phase in the drug wars. Those who refused to accept the institutionalized norm faced arrest and incarceration at the federal, state, and local level. A political theorist stated:

The lone individual has one way of meeting persistent anomic tension [which were conflicts between belief systems, and the directives of the belief systems]. He can try to reassure himself that

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<sup>52</sup>Congressional Record, Vol. 81, Part 5, p. 5689. See also the hearings on Taxation of Marihuana, H. R. 6906, pp. 21-34 which contains the dissenting testimony from the hemp industry and medical community.

the broken course of the directives he follows is correct, and to be sure of that he must seek some signs of approval or affection either from the powerful figures who plot the way, or from members of his community, who run the same stumbling gamut of beliefs.<sup>53</sup>

Drug habituates sought comfort within their own community, with a subsequent formation of extended drug subcultures defined as deviant and undesirable by legislative action. The members of this other culture consumed drugs, no matter the cost, as they faced increasing retribution. After the tax act, drug culture openly defined itself as a protest movement and used marijuana and narcotics as a symbol of withdrawal from the dominant society. Various alienated groups exemplified this trend. Mexican-American gangs emerged for the first time and utilized the marijuana economy.<sup>54</sup> A segment of the black population, who faced perpetual mistreatment, escaped into the jazz and blues culture, which to a certain extent also embraced the narcotics black market.<sup>55</sup> Harsh enforcement practices faced by these groups were followed by an increasing commitment to drug use. Flourishing demand corresponded with growing drug sales and an increase in criminal activity associated with black market economics.<sup>56</sup>

The Wickersham Commission probed deeply into problems of law enforcement and had published its results in fourteen volumes in 1931. The commission found the criminal justice system plagued by widespread corruption, physical and psychological torturing of people in custody,

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<sup>53</sup>Sebastian De Grazia, The Political Community; A Study of Anomie, Chicago: University of Chicago Press, 1948, 1966, p. 72.

<sup>54</sup>Martin M. Allen, Lawrence Breen, "Gang Behavior; Psychological and Law Enforcement Implications," F.B.I. Law Enforcement Bulletin, Vol. 52, Feb. 1983, p. 20.

<sup>55</sup>Burton W. Peretti, The Creation of Jazz: Music, Race and Culture in Urban America, Chicago: University of Illinois Press, 1992, p. 140. See also Morgan, Yesterday's Addicts, pp. 219-220.

<sup>56</sup>Walker, Drug Control in the Americas, p. 20.

negligible training, poor management due to political interference, as well as general inefficiency throughout the system. The report illuminated the manner in which the government enforced newly defined drug laws and the treatment faced by offenders in the 1930s.<sup>57</sup> Under the pressure of harsh punishment, drug users reacted with intensifying resistance, as some threatened people will. Narcotics use continued as a sign of protest to the unevenly applied laws of the government. Additionally, the protesters developed a source of revenue in a black market economy, and enjoyed the resultant power and respect in an underground society.

During the 1930's, several characteristics evident in the modern drug war emerged. For the first time, the federal government influenced the activities of local law enforcement agencies in every state by promoting the passage of the Uniform Narcotics Act. The Act defined the hemp plant as a narcotic equivalent to the opiates and cocaine and paved the way for the Marihuana Tax Act which further standardized local law enforcement under federal guidelines. Additionally, racism and the fear of foreign cultures replaced scientific and sociological research as the dominant influence on lawmakers. As they embraced the irrational anti-drug hysteria, the government affected conditions which contributed to the economic profit of powerful industrial leaders. Offering an obstacle to intelligent deliberation, the xenophobia evident in the debate surrounding marijuana and narcotics evolved into an anti-drug doctrine which soon fell under the umbrella of national security as World War II exacerbated the turmoil of the Great Depression.

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<sup>57</sup>National Commission on Law Observance and Enforcement, Report on the Police, New Jersey: Patterson Smith Publishing Corp., 1931, pp. 3, 5, 140, as reported in William J. Bopp, and Donald O. Schultz, A Short History of American Law Enforcement, Springfield Illinois: Charles C. Thomas Publisher, 1972, 1977, pp. 107-108.

### CHAPTER 3

#### DRUG USE AND NATIONAL SECURITY

Throughout the late 1930's, economic and political power dominated the concerns of the nation's policy makers. The government and senior figures within bureaucratic and corporate America faced a rapidly changing national and world situation. These governing authorities developed a domestic national security agenda fostering broad social and political objectives as they prepared for the coming international conflict. The nation's leaders focused the criminal justice system on policies that supported these state goals. Harry Anslinger embraced these concerns, and inserted his bureau into the global struggle during the Second World War with a continuing influence as the Cold War followed.

Societal conflict worsened on the home front as total war exacerbated existing cultural and racial tensions. Patriotic fervor associated with war imbued Anslinger's FBN with an air of great importance. The legislative action that the commissioner influenced insured his bureaucratic dominance in the area of narcotics control. Soon the FBN's role facilitated the nation's security agenda, and shaped public opinion. However, cultural bias plagued the enforcement of narcotic laws as policies focused on controlling "undesirable classes" and the "evil" associated with drugs.<sup>1</sup>

The FBN's army of 188 agents swung into action. As early as 1935, Anslinger anticipated narcotic requirements for war. The chief told Secretary

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<sup>1</sup>William O. Walker, "Stable Force in a Storm," The Journal of American History, Vol. 72, No. 4, pp. 909-920.

of Treasury Morgenthau that the United States needed a strategic supply of raw opiates. Facing war, the commissioner wanted tons of unprocessed opium procured for 1936. Morgenthau agreed and approved an order for 180,000 pounds. By 1940, the FBN stockpiled 300 tons of opium, which they stored in the Treasury vaults in Washington that held the nation's gold supply before it was transferred to Fort Knox.<sup>2</sup> Following the attack on Pearl Harbor, Anslinger testified that the government maintained a four-year supply of raw opium for U.S. civilians and armed forces personnel, as well as the medical needs of the Netherlands, the Soviet Union, and some South American countries.<sup>3</sup> Through negotiations with Iran, Turkey, and India, the Allied war effort benefited as the narcotic bureau's diplomacy secured raw opiates, the indispensable source of pain-killers for the time.<sup>4</sup> Anslinger's opiate procurements proved successful in aiding the proper medical treatment of wounded soldiers.

The United States surpassed the Germans on the medical front in 1942 when Anslinger's bureau secured 75% of Peru's coca and processed cocaine. Further covert dealings included the purchase of 950 kilograms of cocaine for the Soviet Union and Britain under the Lend-Lease program.<sup>5</sup> Along with the opiates from the Middle East, the cocaine insured adequate treatment of injured American soldiers. Anslinger served the needs of the Allied war effort immeasurably by taking action which eased the agony of the countless wounded.

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<sup>2</sup>McWilliams, The Protectors, p. 96.

<sup>3</sup>McWilliams, The Protectors, pp. 95-97.

<sup>4</sup>Walker, "Stable Force in a Storm," The Journal of American History, Vol. 72, No. 4, p. 920.

<sup>5</sup>Walker, Drug Control in the Americas, p. 157. Pain killers such as novocain could be derived from cocaine.

Marijuana, the other substance usually targeted by the FBN, grew in respectability, as hemp farming became a strategic asset when the Japanese eliminated American hemp importation as they swept across the Pacific. To satisfy national industrial production agendas, Anslinger changed the government's policy on cannabis and allowed the plant's cultivation. Although the FBN continued control efforts on "unpatriotic" recreational use especially in the entertainment industry, Anslinger ended his anti-marijuana propaganda in support of the war effort, and took the plant out of the spotlight until the 1950s.<sup>6</sup>

Reefer madness subsided and hemp production increased from 2,070 acres in 1940 to 146,000 acres in 1943.<sup>7</sup> The government promoted hemp farming and even produced a film entitled "Hemp for Victory," which showed farmers how to grow, harvest, and process what only three years earlier had been "the dread weed."<sup>8</sup> Quality, rot-resistant hemp fabric and rope replaced the Asian equivalents like silk for the production of parachutes and other emergency gear.<sup>9</sup> The people whose lives were saved included George Bush, the future president of the United States, who parachuted to safety after the Japanese shot down his plane. Hemp production returned to prewar levels following the conflict, as industrial over-production ended the

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<sup>6</sup>Bonnie, Whitebread, The Marijuana Conviction, p. 175. The public's relatively small concern over marihuana was eclipsed by other events filling the news until after the war.

<sup>7</sup>United States Department of Agriculture, Agricultural Statistics 1950, Washington, D. C.: U.S.G.P.O., 1950, p. 91. However incomplete, these figures were the best available.

<sup>8</sup>This film is listed in the Library of Congress. It is also of great interest to advocates of an anti-hemp conspiracy.

<sup>9</sup>"New Billion Dollar Crop," Popular Mechanics, Feb. 1938, p. 238.

strategic need for an agricultural competitor. Again, the American farmer lost a valuable crop.<sup>10</sup>

The FBN commissioner achieved considerable control over narcotics through his war-time exploits, which yielded several results: (1) the FBN cornered the world opium market before, during, and after the war with world surpluses maintained in Washington vaults; (2) general disruption of supply lines caused by the war in conjunction with the opium tonnage hoarded by the United States diminished world supply which caused prices to soar 300% affecting both the black market and legitimate use; and (3) Anslinger's anti-narcotic patriotism melded with the Cold War national security ideology making his bureau seem indispensable to American interests.<sup>11</sup> William O. Walker, a noted historian in the field of drug control described the FBN's influence in the national security apparatus:

At least three of the FBN's top agents were on loan to the OSS in the 1940's and continued to perform classified chores for the CIA, yet they remain relatively unknown and obscure. Unfortunately, the details of those projects may remain buried in the files of their respective agencies; they are not immediately available, but the existing evidence is worth investigating.

Indisputable evidence links Anslinger and several of his senior agents to the intelligence community in the formative years of the Office of Strategic Services (OSS) during World War II and into the 1950's after the OSS was re-born as the Central Intelligence Agency in 1947.<sup>12</sup>

At the end of the Second World War, the public considered drug use of limited danger to society. Most had been occupied with the war which

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<sup>10</sup>U.S.D.A., Agricultural Statistics 1950, p. 91. The acreage in 1946 fell to 4,600, a decline of about 3,100% from 1943, but the statistics do not tell of the displacement which may have accompanied this rapid, government induced, change.

<sup>11</sup> William O. Walker, "Stable Force in a Storm," The Journal of American History, Vol. 72, No. 4, pp. 926-927. See also McWilliams, The Protectors, pp. 95-97.

<sup>12</sup>McWilliams, The Protectors, p. 15.



disrupted everything including narcotics use and smuggling networks.<sup>13</sup> However, bureaucrats and politicians soon linked illegal drug use with internal subversion. Individuals using marijuana and narcotics soon faced local, state, and federal law enforcement agencies filled with hardened veterans of World War Two. These men had been educated on the beaches of Iwo Jima and Normandy and returned to local criminal justice jurisdictions with battlefield attitudes of right and wrong.<sup>14</sup>

As World War tensions continued into the Cold War, American tolerance toward behavior deemed unpatriotic or immoral decreased. Most Americans accepted this view and "...endorsed the expansion of governmental authority...as it sought to create an economic structure that ensured continued growth and a social framework that guaranteed equity and equality for all."<sup>15</sup> The government influenced the perception of truth, so the marijuana user, typically in his twenties, along with the narcotic user who was usually a generation older, faced persecution out of proportion with the actual problem.<sup>16</sup>

As marijuana and narcotics along with other behaviors of the "undesirable classes" merged with the Red Menace, the Korean War gave Americans a new obsession.<sup>17</sup> Any social deviant became a communist

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<sup>13</sup>Patricia A. Morgan, "The Making of a Public Problem: Mexican Labor in California and the Marijuana Law of 1937," Drugs in Hispanic Communities, pp. 244-248. Morgan's article used information primary sources and concluded there was only a small drug problem.

<sup>14</sup>William J. Bopp and Donald O. Schultz, A Short History of American Law Enforcement, Springfield Illinois, Charles C. Thomas Publisher, 1972, 1977, pp. 121-123.

<sup>15</sup>Allan M. Winkler (comp.), The Recent Past: Readings on America Since World War II, New York: Harper and Row Publishers Inc., 1989, p. 1. Winkler states that this consensus begins to break down in the 1960s and 1970s. However, in some ways it began breaking down as early as the 1950's as seen in the activities of the drug subculture.

<sup>16</sup>Hearing on H.R. 6906, p. 15, and Bonnie, The Marijuana Conviction, p. 175.

<sup>17</sup>McWilliams, The Protectors, p. 99. See also footnotes 53-55, p. 203. McWilliams cites Anslinger's, The Murderers, New York: Farrar and Straus, 1961, pp. 181-182. In this source

under the “pervasive aura of anti-communism,” a consensus encouraged by officials. One fought either for the American way or against it, but dissent was unacceptable. Earlier wartime beliefs regarding the unpatriotic narcotic user or reefer addict, who failed to fight for the American way, transferred to the Cold War. Americans now thought drug pushers to be fifth column collaborators. Senator Joseph McCarthy’s activities indicated a general pattern of activity within the government that focused contradictory policies on people living on the fringes of society. According to close associates, while the Senator engaged in his false campaign against the threat of domestic communism, McCarthy used morphine to treat his alcoholism. Anslinger’s personal pharmacist supplied the narcotic.<sup>18</sup> Class and power concealed McCarthy, who continued his narcotic use until he died while undesirable others did the same and faced arrest and incarceration.

The President soon acted in defense of the nation. The issue of narcotics alarmed Harry S. Truman, who came to the presidency ill prepared after the death of F.D.R. The drug war first entered the realm of presidential politics as Truman discussed the issue of narcotic crime in a 1951 news conference:

Every war has left a trail of crime in its wake, and the last war did that, too. I have been deeply concerned about it, and we have been taking positive steps to combat it.

At my direction, the Attorney General has also during the last 18 months--this is a special order of my own--convened special Grand Juries in Miami, Los Angeles, Kansas City, Newark,

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Anslinger told of an unidentified Congressman supplied with morphine by Anslinger’s pharmacist. McWilliams identified several retired FBN agents who named McCarthy as the morphine using Congressman. McCarthy developed the opiate habit from treatment for alcoholism. This is a further example of the arbitrary enforcement of drug laws on society’s undesirable elements.

<sup>18</sup>William Chafe, *The Unfinished Journey: America Since World War II*, New York, Oxford: University Press, 1991, pp. 80-82. Chafe offers a good description of the politics of anti-communism.

Philadelphia, and Scranton to seek out offenders against the federal tax, narcotics, white slave, and other laws. In the regular course of its work, the Justice Department filed over 36,000 criminal cases in the last fiscal year. Many notorious gangsters have been and are being prosecuted under these Federal statutes....

The eradication of crime is a job for everyone. The Federal Government can not evade its responsibilities any more than the states and the municipal governments can. And, above all, the individual citizens cannot evade their responsibility for their patronage without which gaming--gambling, vice, and narcotics peddling--could not exist.<sup>19</sup>

Shortly after the president's anti-drug and crime speech, on 3 April 1951, Congressman Hale Boggs of Louisiana introduced H.R. 3490 to "...amend the penalty provisions applicable to persons convicted of violating certain narcotic laws, and for other purposes;" to the Committee on Ways and Means.<sup>20</sup> Chairman of the committee which generated the bill, Boggs stated its goal:

I should like to say in summary that the principal purpose of the bill is to remove the power of suspension of sentence and probation in the cases of second and subsequent offenders against the narcotics and marijuana laws, and to provide minimum sentences for persons convicted of violation of those laws.<sup>21</sup>

The Boggs Act, as proposed and later passed, eliminated judicial discretion in all narcotic cases and imposed by congressional mandate strict federal sentences upon the judicial branch.

Boggs entered into the Congressional Record a wide variety of sensational newspaper reports. One headline read: "Girl, 16, Led to Theft, Prostitution by Drugs, New York Probe Told." Another, written by Robert C.

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<sup>19</sup>Harry S. Truman, Public Papers of the President of the United States, Harry S. Truman, 1951, Office of the Federal Register, Washington D.C.: U.S.G.P.O., 1965, pp. 201-203.

<sup>20</sup>United States Congressional Record, Proceedings and Debates on the 82nd Congress, First Session, Vol. 97, Part 3, 3 April 1951, p. 3246.

<sup>21</sup>Congressional Record, House Debate, Vol. 97, Part 6, p. 8196.

Doty stated: "New Tactics Urged in Narcotic Battle--Present Weapons Wholly Inadequate to Curb Evil, Legion Parley is Told." Boggs read Doty's article before Congress:

National and local law-enforcement officials conceded yesterday that facilities for checking the current addiction wave "of hurricane force" and rehabilitating its victims were totally inadequate.

New approaches to the problem, from the international to the local level, are needed to prevent enslavement of new addicts....

The Legion heard authoritative testimony from Federal and local police and prosecutors depicting narcotics agents as so starved for funds they were forced to borrow to make buys for the purpose of establishing violations...[and] of undermanned enforcement units working 12 to 16 hours a day in a vain attempt to stem the tide of the illicit traffic.

The United States has branded Communist China before the United Nation's as the untouchable chief source of illicit narcotics in world trade, said Harry J. Anslinger, Federal Commissioner of Narcotics....<sup>22</sup>

Again, as in the debate surrounding the Marihuana Tax Act, hysteria in the press replaced sociological and scientific research. The only debate on the Boggs Act centered on anecdotal accounts from the press and bureaucrats. Congress ignored science, sociology, and the economic fact that opium was a commodity for all the Asian nations not just those turning to communism.

In addition, laws already in affect in the states, similar to the federal laws in stringency, filled prisons to capacity as indicated by the comment from the Illinois Superintendent of the House of Correction who warned: "Don't send me any more [drug] prisoners. If you do I'll have to stack them on the floor."<sup>23</sup> The median prison stay for the average American drug offender

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<sup>22</sup>Congressional Record, House Debate, Vol. 97, Part 6, p. 8199.

<sup>23</sup>Congressional Record, House Debate, Vol. 97, Part 6, p. 8207.

remained about two years from 1923-1950.<sup>24</sup> Policy makers wanted to incarcerate more, and for a longer period, as indicated in congressional testimony for the Boggs Act.

Richard Simpson, long-term representative from Pennsylvania, told the assembly that he would rather see his children dead than using narcotics. He continued:

Only by taking a strong stand for the right can we hope to make this great country strong enough to resist its foes from outside and as important, from within our borders. Give the dope peddler what he deserves, 100 years behind bars. Clean up the narcotic and drug curse in America before its too late.<sup>25</sup>

Gordon Canfield, a member from New Jersey, offered his belief that drugs threatened national security:

It [narcotics] is a serious threat to civilization, a source of worry, yes, to our Defense Establishment and we cannot afford to be delicate or timid here today. Let us give to Dr. Harry J. Anslinger, Federal Commissioner of Narcotics, the world's No. 1 authority on drug addiction, the most important tool [the Boggs Act] he insists now essential in this fight.<sup>26</sup>

Some debate occurred over the legislation's elimination of judicial discretion, but none that threatened the bill's passage. The act brought marijuana and narcotics law into line with general hard-line legal remedies associated with the cold war. Bogg's legislation in final form became Public Law 255, Chapter 666, and changed the existing narcotics code. Although most offenders were adjudicated in the state and local courts, anyone connected to illegal drugs in any way could fall under federal jurisdiction.

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<sup>24</sup>Cahalan, Historical Corrections Statistics in the United States, 1850-1984, p. 43. The statistics indicating the exact number of prisoners at the federal level has yet to be compiled.

<sup>25</sup>Congressional Record, House Debate, Vol. 97, Part 6, p. 8209.

<sup>26</sup>Congressional Record, House Debate, Vol. 97, Part 6, p. 8209. Anslinger held a degree in jurisprudence, but was not a doctor.

For a first offense, the Boggs Act forced judges to impose a sentence of no less than two years but up to five years, with a maximum fine of \$2,000. The mandatory sentences ranged up to 20 years for repeat offenders. Importantly, the law included the plant, *cannabis sativa*, in the same category as “hard drugs.” Truman signed the legislation, a law which continued the redefinition of criminality, 2 November 1951.<sup>27</sup> Strongly punitive statutes characterized a general trend of legislation passed in the cold war.

During this period the control of illegal drugs became enmeshed in national security interests and the activities of federal agencies. Moreover, American business interests were placed under the umbrella of national security. Supervised by former DuPont Corporation associate, Allen Dulles, the 1948 invasion of Guatemala by CIA operatives exemplified the tight alliance between industry and government.<sup>28</sup> The CIA helped overthrow the Jacobo Arbenz regime because of it threatened United Fruit Company interests. However unfavorable to American corporate and economic interests, activities of Arbenz and Guatemalan rebels represented more a problem for U.S. business than a regional political menace.<sup>29</sup>

The climate of anti-communism drew the FBN into the CIA’s foreign intrigues, while Anslinger’s agency maintained a domestic fight against drug use as part of the perceived threat from domestic communist influence. Reflecting on his career, while expressing his attitude toward the FBN’s

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<sup>27</sup>United States Statutes at Large, Vol. 65, Washington D.C.: U.S.G.P.O., 1951, p. 767.

<sup>28</sup>Colby, DuPont Dynasty, p. 400. Colby reports that Dulles had been “...a DuPont confidante as far back as the 1920’s and [was] president of United Fruit, in which the DuPont’s held a substantial block of stock.” Colby cites Temporary National Economic Commission (TNEC), Monograph 29, p. 119, as his source. The United Fruit Company had been a traditional source of economic power in Central America.

<sup>29</sup>Frederick B. Pike, The United States and Latin America: Myths and Stereotypes of Civilization and Nature, Austin: University of Texas Press, 1992, p. 303.

operations during this period, George White, one of Anslinger's most important agents extensively involved with the CIA stated:

I was a very minor missionary, actually a heretic, but I toiled wholeheartedly in the vineyards because it was fun, fun, fun. Where else could a red-blooded American boy lie, kill, cheat steal, rape and pillage with the sanction and blessing of the All-highest?<sup>30</sup>

White participated jointly with the CIA in the testing of the hallucinogen, lysergic acid diethylamide (LSD) which the government introduced into the United States for mind control experimentation.

Later, in the 1970's, when Congress was examining an array of U.S. Cold War activities in the aftermath of Vietnam and Watergate, Senator Edward Kennedy stated that beginning in the 1950's, bureaucratic excesses spurred by the belief in the threat of communism "...motivated, patriotic Americans, who, by their work, eroded the freedom of individuals and of institutions in the name of National Security."<sup>31</sup> Kennedy opened hearings on CIA and FBN human drug testing and said:

As a result, individual Americans from all social levels, high and low, were made the unwitting victims of drug tests; scores of universities were used to further CIA research objectives without their knowledge, thus threatening in a fundamental way their traditional independence and integrity; other agencies, such as the Bureau of Narcotics, the National Institutes of Health, and the Internal Revenue Service, were used to further the programs and missions of the Central Intelligence Agency.

These projects were not the creation of low-level agency bureaucrats working against the wishes or without the knowledge of the Agency's leadership. The collection of activities now known

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<sup>30</sup>McWilliams, *The Protectors*, p. 168.

<sup>31</sup>Opening statement of Senator Edward Kennedy in Hearings before the Subcommittee on Health and Scientific Research of the Committee on Human Resources, United States Senate, Ninety-fifth Congress, First Session, S. 1893, *Human Drug Testing by the CIA*, 1977, Washington, D.C.: U.S.G.P.O., 1977, p. 1.

as MK-Ultra were approved by the Director of the Agency, Mr. Dulles.

The Bureau of Narcotics was heavily involved in all the drug projects involving unwitting subjects....The bulk of the research led nowhere.<sup>32</sup>

While street corner dealers sold drugs to people who wanted illicit preparations, some of Anslinger's agents assaulted unsuspecting citizens with powerful hallucinogens. David Rhodes, a former CIA employee explained the goals of government drug experimentation in this testimony before the subcommittee:

The purpose of this sort of testing was simply that a person who takes an LSD trip and can attribute it to the LSD was one kind of behavioral reaction. And there was some reasonableness to believe that a person who had some of these internal reactions and did not know what to attribute them to would behave in a different way. We felt we needed to do this in connection with the brainwashing work, and some of the other things, as to whether there was an unwitting thing, and the only way we could discover to do this was to do it in this fashion.<sup>33</sup>

Subjects of these clandestine experiments suffered some emotional problems, but generally sustained no permanent damage, except the memories manifested from a powerful hallucinogenic drug. One of the CIA's own chemists, Dr. Frank Olson, suffered far worse than others. In 1953, government agents spiked Olson's drink with one hundred micrograms of LSD, enough to produce a strong reaction in most people. After several days of paranoia and despondency, Olson jumped from a tenth floor window. The exact circumstances of the death may never be known because CIA Director Richard Helms destroyed the relevant documents in the early 1970's. In 1975, after years of official denial, Olson's family learned the truth of his death. The

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<sup>32</sup>Kennedy, Human Drug Testing, pp. 1-2.

<sup>33</sup>Kennedy, Human Drug Testing, p. 102.



CIA denied culpability, but gave the family a \$750,000 settlement.<sup>34</sup> Sidney Gottleib, a former CIA agent and physician who participated in the CIA-FBN covert drug experimentation, further described the project:

MK-Ultra was begun in about 1952. Their purpose was to investigate whether and how it was possible to modify an individual's behavior by covert means. The context in which this investigation was started was that of the height of the cold war with the Korean War just winding down; with the CIA organizing its resources to liberate Eastern Europe by paramilitary means; and with the threat of Soviet aggression very real and tangible, as exemplified by the recent Berlin airlift.

In the judgment of the CIA, there was tangible evidence that both the Soviets and the Red Chinese might be using techniques of altering human behavior which were not understood by the United States and which would have implications of national survival in the context of the national security concerns of the time.<sup>35</sup>

Gottleib reported that these fears resulted in the acquisition of a very large supply of LSD and the subsequent testing for the purpose of behavior modification, brain washing, and political assassinations euphemistically referred to as "executive actions." Gottleib's testimony illicitly the memory of an admonition from the 15th century historian Machiavelli:

And you are to understand that a Prince...cannot observe all those rules of conduct in respect whereof men are accounted good, being often forced, in order to preserve his Princedom, to act in opposition to good faith, charity, humanity, and religion. He must therefore keep his mind ready to shift as the winds and tides of Fortune turn, and, as I have already said, he ought not to quit good courses if he can help it, but should know how to follow evil courses if he must.<sup>36</sup>

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<sup>34</sup>Kennedy, *Human Drug Testing*, p. 102.

<sup>35</sup>Kennedy, *Human Drug Testing*, p. 169-170

<sup>36</sup>Machiavelli, Niccolo, (Ninian Hill Thomson, translator), *The Renaissance Man: Niccolo Machiavelli: The Prince*, The Worlds Great Classic Series, New York: Grolier Inc., 1513, 1910, 1969, p. 85.

The cold warriors rationalized the violation of their own citizens basic rights because they prepared for action to save the world from communism. The destruction of the important MK-Ultra documents by CIA Director Helms eliminated the best source of information on CIA and FBN "executive action" planning. However, the CIA and FBN were directly responsible for the introduction of LSD into American drug culture. The guinea pigs in the universities and other experimental stations liked "tripping" and diverted the hallucinogen into illicit markets and production in clandestine laboratories.<sup>37</sup>

As the government's secret drug testing continued, many important business leaders in America saw their nation as an island of freedom. They believed the Chinese and Soviet governments influenced both narcotics smuggling and the labor movement with an intention of subverting industrial democracy. In order to stop the communists Anslinger and the FBN's agents shared a wealth of information with other national security agencies. "His militantly anti-communist ideology provided convenient reason for his entanglement in foreign adventures..."<sup>38</sup>

During the Truman and Eisenhower administrations, the government represented industrial interests with the appointments of former DuPont associates including Attorney General Tom Clark, Secretary of State Dean Acheson, the Secretaries of Defense Louis Johnson and Charles Wilson, as

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<sup>37</sup>Ken Kesey, the originator of the San Francisco psychedelic movement, was one such guinea pig who went home with the "acid" in his pocket. Harvard researcher Dr. Timothy Leary also engaged in LSD diversion. See Tom Wolfe, The Electric Kool-aid Acid Tests, Toronto, New York, Bantam Books, 1968, 1981.

<sup>38</sup>McWilliams, The Protectors, p. 154.

well as CIA Director Allen Dulles.<sup>39</sup> In this era of loyalty boards, persecution of the socially deviant, and at times activity of federal agencies which was unlawful and approached the extreme, legislation reflected two major governing concerns: fighting radical labor and supporting international economic expansion.<sup>40</sup>

As the CIA and the FBN engaged in their LSD tests, and only five years following the Boggs Act, legislators provided harsher punishment for countless thousands. Signed by President Eisenhower on 18 July 1956, the Narcotic Act of 1956, Public Law 728 provided for fines 1,000% larger than before and sentences up to 400% longer.<sup>41</sup> The law also imposed the death penalty for the sale of narcotics to minors. This could include the sale of one marijuana "joint."<sup>42</sup> The potential for violence escalated as the law authorized agents of the FBN to carry firearms. Additionally, Congress addressed changing technology, which if liberally interpreted by enforcement agencies could permit wiretapping.

The affect of the initial cold war drug laws increased the average prison stay from two years in 1950 to ten years in 1960.<sup>43</sup> Those convicted and

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<sup>39</sup>Colby, DuPont Dynasty, p. 400. Attorney General Clark was a lobbyist for DuPont owned Ethyl Gas Corporation which had been investigated for unethical business practices by the Texas State Investigating Committee in the 1930's. Dean Acheson had been a former DuPont lawyer. Louis Johnson had been implicated in the 1930's, along with several DuPont family members and the DuPont owned Remington Arms Company in alleged pro-fascist activities (Colby, pp. 324-330). Charles Wilson had been president of General Motors in which DuPonts held considerable stock. Colby reports: "[Wilson] won the hearts of Wilmington with the purchase of [General Motor's] tires from Du Pont controlled U.S. Rubber...."

<sup>40</sup>Colby, DuPont Dynasty, p. 400.

<sup>41</sup>Congressional Record, Vol. 102, Part 10, p. 13527, and United States Statutes at Large, Vol. 70, Public Law No. 728, Chp. 629, 1956, pp. 567-575.

<sup>42</sup>United States Statutes at Large, Vol. 70, Public Law No. 728, Chp. 629, pp. 567-575. Statistics on the death penalty failed to indicate whether any drug offenders were executed but there is a category for "other." The characteristics of this "other" category are unknown at this time.

<sup>43</sup>Cahalan, Historical Corrections Statistics in the United States, 1850-1984, p. 43.

imprisoned rose by thousands within the turbulent decade. Armed agents hunted those citizens who sold and desired illegal drugs, alienating an increasing number of questionably dangerous people. War, and associated post-war events, cemented the idea of the drug user and subversion into one convenient package. "Narcotic fiends" became the cause of crime, decay, and communist infiltration. Dreams of an industrial utopia free of drugs and communist threats encouraged harsh treatment of marginal people perceived as dissidents. Placed under greater pressure by drug control efforts associated with the national security concerns of anti-communism, men and women in the drug culture reacted in ways that characterized much of the counter-culture movement of the 1960's.

One historian, John McWilliams, wrote: "Anslinger appeared to allow international politics to distort and greatly exaggerate his assessment of narcotics trafficking ...."<sup>44</sup> The association of the red menace with the domestic issue of drug use and control affected the media, Congress and the American people in a way that destroyed logical debate. McWilliams continued:

That Anslinger's latest external threat to the United States shadowed the course of American foreign policy was more than a coincidence. One is nearly able to follow the international crisis situations during Anslinger's career simply by charting the assignments of narcotic agents. In the 1930's shortly after Anslinger was appointed narcotics commissioner, Japan was said to be the major source of illegal narcotics. Immediately after World War II, when it was obvious that the Yalta agreement was not holding up to expectations, Anslinger charged that the communists were the biggest producers of heroin and made accusations that the Soviet's were co-conspirators. [The opiates were actually a commodity exploited throughout Asia] McCarthyism not only made it logical

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<sup>44</sup>McWilliams, The Protectors, p. 152.

but politically expedient as well. In the early 1950's, the FBN reported exaggerated numbers of addicts among American troops in Korea. According to Anslinger, North Korean Communists supplied the GI's. When the French lost control of Vietnam in 1954, Anslinger testified in Senate hearings that the new producers of heroin and opium were Laos, Cambodia, Thailand, and Vietnam.<sup>45</sup>

Anslinger's involvement in foreign affairs allowed the insertion of his agents into world events. Ethically or unethically, they collected politically expedient intelligence, as well as knowledge on drug smuggling. The gathering of national security information insured his bureaucratic longevity as he catered to the foreign-policy agendas of five presidents. The drug war continued its fluid evolution within the political, economic, and cultural goals of national security, even as a growing number of conscientious people objected to excessive government actions.

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<sup>45</sup>McWilliams, The Protectors, p. 154.

## CHAPTER 4

### VOICES OF DISSENT FROM THE DEPRESSION TO THE COLD WAR

Nor let it be supposed that any State can choose for itself a perfectly safe line of policy. On the contrary, it must reckon on every course which it may take as being doubtful; for it happens in all human affairs that we never seek to escape one mischief without falling into another.<sup>1</sup>

With these words, Machiavelli warned national leaders of the perils faced in governing a country. Before the war “turned everything lopsided,” a lone voice in the federal government raised concern over the policies, and results of U.S. narcotic prohibition.<sup>2</sup> In 1938, John M. Coffee, a Congressman from the state of Washington, blamed Anslinger’s bureau for the national drug problem. Coffee introduced a bill intended to investigate the narcotic bureaucracy, and the indication that narcotics cost society two and three-quarters billion dollars annually. Coffee told his colleagues that it would be impossible to end the smuggling of cocaine and the opiates, which weighed fractions of a grain per dose.

Anslinger, who Coffee called the most expensive man in America, had interpreted the Harrison Act as an instrument giving the Federal Bureau of Narcotics complete control over the use and distribution of drugs. Coffee said the commissioner’s efforts resulted “...in reducing enormously the legitimate importation of the drugs in question, while developing a smuggling industry not before in existence.”<sup>3</sup>

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<sup>1</sup>Niccolo Machiavelli, (Ninian Hill Thomson, translator), The Renaissance Man: Niccolo Machiavelli; The Prince, The Worlds Great Classic Series, New York: Grolier Inc.,1513, 1910 1969, p. 109.

<sup>2</sup>Personal Interview with Vera Roten, Nacogdoches, Texas, Oct., 1995.

<sup>3</sup>Appendix 3, p. 169.

Coffee discussed the affect of the Harrison Act on the development of the narcotic black market: "Through operation of the law, as interpreted, there was developed also, as counterpart to the smuggling racket, the racket of dope peddling; in a word, the whole gigantic structure of the illicit-drug racket, with direct annual turnover of upward of a billion dollars." Coffee continued:

Incidental effects were the persecution of perhaps a million victims of the diseased condition known as drug addiction, the great majority of whom had been law-abiding, self-respecting, self-supporting citizens, but who now became human derelicts and were thrust by thousands into jails and prisons simply because they could not legally secure the medicine upon which depended their integrity of mind and body. There were no narcotics prisoners in Federal prisons prior to the passage of the Harrison Act. Ten years later, more than one-third of all convicts in Federal prisons were narcotic cases.

The total number of such Federal narcotic prisoners during the period since the Harrison Act began to operate as potent maker of criminals is of the order of 75,000 with aggregate prison sentences of upward of 100,000 years. No other statute ever operated to make criminals on any comparable scale.<sup>4</sup>

Coffee argued that the Harrison Act controlled the revenue aspect of the narcotics trade, and in no way empowered federal law enforcement agencies with authority over the addict. Until this period, police powers had been reserved to the states. Coffee provided case law to support his contention. "The Supreme Court has ruled--Linder case, 1925; Nigro case, 1928, and so forth--that the law is a pure revenue measure, and that Federal law has no

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<sup>4</sup>Appendix 3, p. 169. Statistics on the federal narcotic incarceration rates are illusive at best. Researchers at the Bureau of Justice Statistics Drugs and Crime Data Center and Clearinghouse note that no compiled record of federal arrests and incarceration exists. The Uniform Crime Reports offer the only statistics for state and local drug arrests and incarcerations until the 1970s. Coffee's statistics must have come from informal memoranda from various government departments. Coffee's statistics appear to be a fairly accurate assesment of the drug situation in absence of better ones.

control over the practice of a profession--reiterated, with a specific citation of Linder case, in the A.A.A. decision of 1936."<sup>5</sup>

Coffee warned of the effects to be expected within the criminal justice system if the government used punitive legislation in order to end addiction:

It has been suggested that a 5-year segregation is the least than [sic] can be expected to restore the average addict. The idea of incarcerating even a hundred thousand, let alone a million, unfortunates for a term of 5 years is rather startling--especially considering that they are sick people, for the most part of average respectability and moral status, not markedly handicapped by their infirmity.<sup>6</sup>

After assuming control of drug punishment policies, Coffee claimed that Anslinger encouraged conditions allowing a perpetual cycle of addiction, peddling, and smuggling. The Congressman asked:

But what is the alternative? Fortunately, the answer is simple. If the Harrison Act were allowed to operate as was designed, all victims of the drug addiction disease--"narcotoxia" it is technically termed--would come under medical supervision; and, on prescription, would be supplied with whatever medicine they need at a slight cost at the drug stores. Morphine, which the peddler sells at a dollar a grain would be supplied, of pure quality, for 2 or 3 cents a grain. The peddler, unable to meet such a price, would go out of business--the illicit narcotic drug industry, the billion dollar racket, would automatically cease to exist.

That much may be stated with absolute certainty. Almost as certain is it that the army of narcotics derelicts would be reduced to the vanishing point. Courts would cease to be crowded with delinquents who owe their downfall to the dope peddler's exorbitant demands. Jails would be emptied; Federal Prisons would lose a quarter or a third of their population. The billion

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<sup>5</sup>Appendix 3, p. 170. See also Staff of the American Digest System (editor), Digest of the Decisions of the United States, 1926-1931, Volume 4, St. Paul: West Publishing, 1931, p. 215. This edition reports that the Supreme Court decided the only action constitutional in narcotic enforcement was the control of revenue.

<sup>6</sup>Appendix 3, p. 171.



dollar--or the two and three-quarter billion dollar--tax on the public would be eliminated.<sup>7</sup>

Although Dr. William Woodward from the American Medical Association questioned the logic and motivation behind the government's anti-narcotic objectives in 1937, Coffee offered a reason why bureaucrats and politicians backed policies which in effect, preserved the illicit drug culture and economy. Coffee remarked:

Here we come to the crux of the matter. The opposition comes from a small coterie of persons in authority, who are in a position to benefit from the status quo. These persons will be brought into the open by such a congressional investigation as this bill proposes. There will then be opportunity to subject to official scrutiny the records of these opponents of law reform.<sup>8</sup>

The human tragedies surrounding the narcotic issue and governmental abuses spurred Coffee's introduction of House bill 642, which called for an investigation of the drug war by the Surgeon General's office. The Representative from Washington pointed out justifications for a probe into the illicit drug traffic:

For example, (1) direct revenues have decreased instead of increasing, and an indirect burden of cost has been multiplied a hundred fold; (2) smuggling of narcotic drugs has increased from negligible pounds of smoking opium to scores of tons of morphine and heroin; (3) a negligible group of peddlers of cocaine in prohibition districts has become an army of peddlers of morphine and heroin; (4) a scattered company of drug addicts, a majority of whom were respectable, self-supporting citizens, neither financially or morally hampered by their infirmity, has become a multitude of derelicts, victims of the dope peddler and the narcotic agent, and

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<sup>7</sup>Appendix 3, p. 172.

<sup>8</sup>Appendix 3, pp. 172-173. A modern investigation of the people to whom Coffee referred would probably show that large medical corporations and their political allies benefitted from narcotic prohibition by patenting new drugs and other products to replace opiate and cocaine derivatives. The beneficiaries of the black market economy spread from the top of the societal structure to the bottom.

denied all medical attention; (5) whereas formerly a considerable number of addicts were cured by sedulous medical treatment, such treatment could no longer be attempted, and every case of addiction became practically hopeless from inception (including large numbers of soldiers returned from the Great War); (6) the dope peddler, whose very existence was due to the law as interpreted, was and is naturally diligent to increase his market so that the addicted population has probably doubled, if not tripled, since the Harrison Law was enacted; (7) under stress of necessity, being denied legitimate access to the medicine they require, narcotic addicts as a class become lawbreakers (since every purchase constitutes a felony), and soon the jails and prisons were crowded with narcotic prisoners (in Federal prisons alone narcotic cases advanced from none in 1915 to 2,569 in 1925) ; physicians were so hampered in their use of the most indispensable of medicines that most of them refuse to treat drug addicts even for maladies other than addiction disease, yet, even so, upward of 25,000 physicians have been reported for criminal violation of the Harrison Act, and about 5,000 have been convicted in Federal courts, and either heavily fined or imprisoned, the irony of the situation being enhanced by the fact that, with rare exceptions, these convicted physicians had assiduously attempted to conform to the law and to every regulation of the narcotics authorities. Such have been the unpredicted consequences of operation of the Harrison Act, as interpreted.<sup>9</sup>

Coffee also illuminated human frailties which plagued the operation of the narcotic bureaucracy. Greed and corruption invaded the lives of narcotic officials. Coffee offered examples of corruption ranging from the narcotic "peddling" of Nevada's chief federal drug officer, Chris Hanson, to the false prosecutions of doctors which discouraged legitimate narcotic trade. Anslinger supported the harassment of doctors, and the actions of officers like Hanson, which effectively made the commissioner a supporter of the illegal drug trade.<sup>10</sup>

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<sup>9</sup>Appendix 3, p. 175-176.

<sup>10</sup>Appendix 3, pp. 176-177. Hanson was sentenced in June 1937.

Coffee continued his attack as he concluded the speech on his bill. "One salient purpose of the proposed investigation will be to ascertain why certain narcotics authorities perennially champion the 'regulation' which supports the drug peddler and keeps the narcotic racket in being." The Congressman continued:

Why should persons in authority wish to keep the dope peddler in business, and the illicit drug racket in possession of its billion-dollar income?

It will be obvious, I think, that this is the really significant question at issue. I submit that an official answer to that question would be not merely of interest, but of truly vital importance to every American citizen. If we, the representatives of the people, are to continue to let our narcotics authorities continue to conduct themselves in a manner tantamount to upholding and in effect supporting the billion-dollar drug racket, we should at least be able to explain to our constituents why we do so.<sup>11</sup>

Coffee had some support from President Franklin Roosevelt, but Anslinger held the advantage after his decade long anti-drug crusade. The questions raised went unanswered since no one even seconded House Resolution 642.<sup>12</sup> The concern for national security associated dissent with unpatriotic behavior, and few politicians had the power to test the Federal Bureau of Narcotic's position for the next three decades.

Political leaders at the local level were deeply concerned over growing social problems, and the mayor of New York City, Fiorello LaGuardia, questioned the conventional law and order wisdom guiding the anti-drug program. In the newspapers, LaGuardia saw accounts of crazed narcotic pushers corrupting the youth of the city with marijuana. The perception existed that an epidemic of marijuana addiction had swept through the ranks

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<sup>11</sup>Appendix 3, p. 180.

<sup>12</sup>McWilliams, The Protectors, p. 95.

of the young. Responding to the threat, the mayor initiated an investigation of the actual danger posed by marijuana. On 13 September 1938, LaGuardia asked the New York Academy of Medicine to make a sociological and scientific investigation of the marihuana problem in the city. The Marihuana Tax Act which passed a year earlier gave Commissioner Anslinger absolute control over the *cannabis* trade, but the results of the Mayor's report challenged the reasoning behind the Federal Bureau of Narcotic's anti-hemp law as effectively as Coffee disputed the Bureau's contentions underlying the enforcement of the Harrison Act.<sup>13</sup>

The New York City Police Department assisted the marijuana commission with six officers; New York's prison hospital on Rikers Island contributed the help of the entire medical staff; and the Goldwater Memorial Hospital provided two wards, office space, as well as an experimental laboratory for the thirty-one sociological, pharmacological, psychological and medical experts on the Mayor's Committee.<sup>14</sup> LaGuardia opened the report:

When rumors were recently circulated concerning the smoking of marihuana by large segments of our population and even by school children, I sought advice from The New York Academy of Medicine, as is my custom when confronted with problems of medical import. On the Academy's recommendation I appointed a special committee to make a thorough sociological and scientific investigation, and secured funds from three Foundations with which to finance these studies.

My own interest in marihuana goes back many years, to the time when I was a member of the House of Representatives and, in that capacity, heard of the use of marihuana by soldiers stationed in Panama. I was impressed at that time with the report of an Army Board of Inquiry which emphasized the relative harmlessness of

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<sup>13</sup>Fiorello LaGuardia, The Marihuana Problem in New York City [also known as the Mayor's Report], New York City: New York Academy of Medicine, 1944, as reprinted in David Solomon, The Marihuana Papers, Indianapolis: Bobs-Merril Inc., 1966, pp. 277-278.

<sup>14</sup>LaGuardia, Mayor's Report as reprinted in Solomon, The Marihuana Papers, pp. 278-279.

the drug and the fact that it played a very little role, if any, in problems of delinquency and crime in the Canal Zone.

The report of the present investigations covers every phase of the problem and is of practical value not only to our own city but to communities throughout the country. It is a basic contribution to medicine and pharmacology. I am glad that the sociological, psychological, and medical ills commonly attributed to marihuana have been found to be exaggerated insofar as the City of New York is concerned. I hasten to point out, however, that the findings are to be interpreted only as a reassuring report of progress and not as encouragement to indulgence, for I shall continue to enforce the laws prohibiting the use of marihuana until and if complete findings may justify an amendment to existing laws. The scientific part of the research will be continued in the hope that the drug may prove to possess therapeutic value for the control of drug addiction.<sup>15</sup>

Even as the mayor's study commenced, Anslinger, at the head of a local, state and federal narcotic control efforts, supervised production of *cannabis* for the war effort, and attacked unpatriotic users of marijuana who smoked it illegally.

Dudley D. Shoenfeld, MD. led the sociological study for the mayor's commission. He reviewed the contemporary literature and found lapses in the understanding of the history and use of marijuana. Introducing the report, he illuminated the plant's importance, and continued:

Since the history of hemp cultivation in America dates back to the seventeenth century, it is exceedingly interesting, but difficult to explain, that the smoking of marihuana did not become a problem in our country until approximately twenty years ago, and that it has become an acute problem associated with a great deal of publicity only in the past ten years.

The origin of the word "marihuana" is in doubt. Some authorities are of the opinion that it is derived from the Portuguese word "mariguano," meaning intoxicant. Others are of the opinion that it has its derivation in the Mexican words for "Mary and Jane." The introduction into the United States of the practice of smoking

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<sup>15</sup>LaGuardia, Mayor's Report as reprinted in Solomon, The Marihuana Papers, pp. 278-279.

marihuana has been the subject of a great deal of speculation. The most tenable hypothesis at the present time is that it was introduced by Mexicans entering our country.

It is accepted that in Mexico marihuana smoking is an old, established practice. Therefore, it would appear logical to assume that Mexican laborers crossing our border into the Southwest carried this practice with them. Having used marihuana in their native land, they found it natural to continue smoking it in the new country, and planted it for personal consumption. Once available, it was soon made use of by our citizens. At the present time, the smoking of marihuana is widespread in this nation.<sup>16</sup>

Shoenfeld explored facts in this introduction which showed the foreign nature of the plant. The habit originated from a population perceived as inferior, and a belief existed that these people had spread a disease to other susceptible groups. A large body of material described the anti-marijuana dogma on which Shoenfeld reported:

The mass of information so obtained when untangled can be summed up with the general statement that a majority of investigators are of the opinion that marihuana smoking is deleterious, although a minority maintain that it is innocuous. The majority believe that marihuana smoking is widespread among school children; that the dispensers of the drug are organized to such an extent that they encourage the use of marihuana in order to create an ever-increasing market; that juvenile delinquency is directly related to the effects of the drug—that it is a causative factor in a large percentage of our major crimes and sexual offenses; and that physical and mental deterioration are the direct result of the prolonged habit of smoking marihuana.

As a result of these official and semi-official conclusions in regard to the disastrous effects produced by this habit, the newspapers and magazines of our country have given it wide publicity.<sup>17</sup>

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<sup>16</sup>LaGuardia, Mayor's Report as reprinted in Solomon, The Marihuana Papers, p. 286.

<sup>17</sup>LaGuardia, Mayor's Report as reprinted in Solomon, The Marihuana Papers, pp. 286-287.

The conclusions of the sociological study failed to support a single contention of Anslinger at any level of the hemp prohibition movement.

The mayor's report concluded:

From the foregoing study the following conclusions are drawn:

1. Marihuana is used extensively in the Borough of Manhattan but the problem is not as acute as it is reported to be in other sections of the United States.<sup>18</sup>
2. The introduction of marihuana into this area is recent as compared to other localities.
3. The cost of marihuana is low and therefore within the purchasing power of most persons.
4. The distribution and use of marihuana is centered in Harlem.
5. The majority of marihuana smokers are Negroes and Latin-Americans.
6. The consensus among marihuana smokers is that the use of the drug creates a definite feeling of adequacy.
7. The practice of smoking marihuana does not lead to addiction in the medical sense of the word.
8. The sale and distribution of marihuana is not under the control of any single organized group.
9. The use of marihuana does not lead to morphine or heroin or cocaine addiction and no effort is made to create a market for these narcotics by stimulating the practice of marihuana smoking.
10. Marihuana is not the determining factor in the commission of major crimes.
11. Marihuana smoking is not widespread among school children.
12. Juvenile delinquency is not associated with the practice of smoking marihuana.
13. The publicity concerning the catastrophic effects of marihuana smoking in New York City is unfounded.<sup>19</sup>

The report was issued in 1944 and indicted that the government based its effort to suppress the marijuana user culture on "unfounded" data. Despite his flawed information, Anslinger successfully put a bureaucratic spin on the

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<sup>18</sup>The highest degree of marijuana use was in New York City and New Orleans during the 1930's and 1940's.

<sup>19</sup>LaGuardia, Mayor's Report as reprinted in Solomon, The Marihuana Papers, p. 307.

study which satisfied most people of political importance. The mayor's report mirrored a sense of betrayal growing among many in society who used marijuana. LSD advocate and Harvard Professor, Timothy Leary echoed the beliefs of drug users a few years later:

Whiskey-drinking middle age imprisons pot-smoking youth....The whiskey-drinking, white middle-class imprisons those with different cultural and religious preferences....I would estimate that over 70 percent of non-academic creative artists have used psychedelic substances in their work [as of the early 1960s]. Painters. Poets. Musicians. Dancers. Actors. Directors. The whiskey drinking middle brow imprisons the growing edge. Think about this.<sup>20</sup>

Dissatisfaction predictably arose among people suffering from a wide variety of emotional and physical problems resulting from a half-century of world war and economic turmoil. Racism, and cultural fear clouded the vision of the nation's leaders allowing persecution of citizens outside the mainstream. Blacks, Hispanics, and "undesirable whites," such as poets, artists, and those on the fringes of the law felt the dissatisfaction first, and discovered drug use as an expression of opposition to the middle class American lifestyle, which believed in values so unevenly applied.<sup>21</sup>

Both law enforcement and the drug culture agreed that narcotics and marijuana altered perceptions which yielded conflicting responses that grew in intensity as the conflicts of the 1960s emerged. However, an undisputed fact existed. In order to maintain cultural consensus and national security in the decade of the 1950s, the government adjudicated thousands who faced

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<sup>20</sup>Timothy Leary, "The Politics, Ethics, and Meaning of Marijuana," as collected in Solomon, The Marihuana Papers, p. 126.

<sup>21</sup>Erich Goode, "Sociological Aspects of Marijuana Use," Contemporary Drug Problems, 1975, Vol. 4, p. 407, and Peretti, The Creation of Jazz, p. 140.



years of incarceration and humiliation for the act of altering their own consciousness.

In reality drugs and marijuana created relatively small problems, but the government, in context with the concerns of communist aggression, propagandized the issue in order to control dissident groups. The bureaucracies created public concern over the narcotic issue from prejudiced information, distorted by both fear and powerful financial interests. Mexicans and others involved in the narcotic black market were inappropriately scapegoated as evil because of the false belief that they threatened to be seducers and corrupters of the youth, and potentially carried the lethal infection of addiction.<sup>22</sup>

As much as personal belief, style, or language, drug use set these individuals and groups apart from the middle class value system viewed as corrupt by those it excluded. A work on political crime suggested:

In every known society there has been a distinction between the "normal" range of individual variability and the "abnormality" of observed or imputed characteristics outside that range. There has been continuing tension between the reality of behavioral and relational incapacity and the interpretive process by which people have applied their standards of abnormality....And persons who, as bohemians, beatniks, hippies, freaks, or simply the disreputable, fail to conform to conventional esthetic and ethical norms suggest by their existence the possibility of defying conventional political norms as well.<sup>23</sup>

A clear trend continued in the period of the 1950's. Concern over national security, and the Cold War justified any means to preserve corporate power and middle class American life. This trend highlighted the reasoning

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<sup>22</sup>Patricia A Morgan, "The Making of a Public Problem: Mexican Labor in California and the Marijuana Law of 1937," Glick, Moore (editors), Drugs in Hispanic Communities, pp. 244-248.

<sup>23</sup>Turk, Political Criminality, p. 50.

behind the passage of the Marihuana Tax Act, the Boggs Act, the Narcotic Control Act of 1956, as well as the LSD mind control experiments on unsuspecting people by the Central Intelligence Agency and the Federal Bureau of Narcotics. The destruction of people viewed as insignificant, and upsetting to the status quo mattered little to the people threatened by the activities of the drug world. However, the segment of outlaw drug users reacted to the government's attack, and retreated into the culture and economy of narcotics and marijuana. There, they achieved varying degrees of temporary satisfaction. The drug war continued escalating as issues of cultural and societal control, as well as the national security initiatives of Kennedy, Johnson and Nixon simultaneously created more stringent narcotic control along with greater dissatisfaction, and a growing number of drug users.

## CHAPTER 5

### DRUG CONTROL DURING THE SIXTIES

The decade of the 1960's began with hope, idealism, and a sense that the nation needed reform. President John F. Kennedy represented youthful optimism and proceeded on a course driven by good intentions. Along with race and poverty, crime topped the agenda of this first president born in the twentieth century.<sup>1</sup> Narcotics emerged as the top domestic law concern, and the drug culture represented an internal threat to leaders affected by the international implications of the Cold War.

In a speech to the White House Conference investigating narcotic and drug abuse, Kennedy spoke of both promise and pain engendered by the drug problem. The President stated: "I don't think that there is any field about which there is so much divided opinion, so much possible to do, and, in some places, so limited in action as this field of narcotics and drug control...."

He continued:

For more than a half century this nation has faced persistent and difficult problems arising out of the abuse of narcotics and non-narcotic drugs. It is especially tragic and upsetting that this great loss to our society in the form of human suffering and misery and lost productivity flows directly from agents which possess the capacity to relieve pain and suffering. Properly and expertly used, they contribute significantly to the improvement and betterment of our lives.

This national problem merits national concern. I'm confident that the White House Conference, the first ever held in this field, will help focus attention on the various aspects of the problem and,

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<sup>1</sup>William H. Chafe, *The Unfinished Journey: America Since World War II*, New York, Oxford: Oxford University Press, 1991, pp. 177-220. Chafe explained the motivation of Kennedy's domestic and foreign policy in chapter 7.

most importantly, will permit a pooling of our information and experiences to the end that an orderly, vigorous, and direct attack can be undertaken at all levels, local, State, Federal, and international.<sup>2</sup>

The White House conference included distinguished people from medicine, law, and law enforcement, as well as education, and sociology. Attorney General Robert Kennedy, Secretary of the Treasury C. Douglas Dillon, Governor of California, Edmund Brown, Secretary of Health, Education, and Welfare, Anthony J. Celebrezze, the mayor of New York City, Robert Wagner and others convened in the summer of 1962.

President Kennedy opened the conference and stated the goals of the nation's anti-narcotic program as the "...elimination of illicit traffic in drugs..."; and, "...rehabilitation and restoration to society of the drug addict...It is our hope and expectation that the convening of this conference will provide a forum where this tragic and dangerous social problem of drug addiction can be systematically explored and a unified approach developed"<sup>3</sup>

Objectives of the president reflected the hope displayed by the average American in the government's ability to solve the nation's most pressing problems. Yet, idealistic determination failed to carry the nation to any viable solution to the narcotic crisis. For decades the authorities ignored the growing subculture and the economics of the narcotic underground. This error proved a major shortcoming. By the early sixties the use of narcotics grew to be part of a distinctive counter-culture to which the participants had a high degree of loyalty.<sup>4</sup>

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<sup>2</sup>John F. Kennedy, Public Papers of the Presidents of the United States, John F. Kennedy, Washington: U.S.G.P.O., 1963, p. 716.

<sup>3</sup>Congressional Record, 87th Congress, 2nd Session, 1962, pp. 21102-21103.

<sup>4</sup>Chafe, The Unfinished Journey, pp. 326-327.

The drug culture entered into a more active period when Kennedy opened his White House Narcotic Conference in 1962. Due to the demographics of childbirth following World War II, and the affluence the war generated for the middle class, the population of college age adults grew dramatically. A significant percentage of the youth of the early sixties held negative views of the United States arising from a variety of societal stresses. These included: education problems, alienation from authority figures, dissatisfaction with characteristics of the social structure, unemployment or an aversion to traditional employment, as well as instability at the family level. Some associated their pain with traditional America. Whether real or imagined, the perception of these troubles yielded a significant number of young people who held a wavering commitment to conventional society.<sup>5</sup>

The counter-culture comprised numerous layers representing various levels of commitment. The narcotic underground flourished at its core. From the user culture, standard bearers emerged who quickly spread their lifestyle. Author Ken Kesey crossed America with his followers and challenged a comparatively staid America with a narcotic lifestyle. Former professor of psychology at Harvard, Dr. Timothy Leary, advocated turning on to LSD, tuning in, and dropping out of traditional society. The Grateful Dead's lead singer, Jerry Garcia, advertised a lifestyle enmeshed with the pleasures of drug use through the lyrics of his experimental rock band. A number of youth from the early sixties joined earlier groups of alienated minorities. These young people resisted middle class culture and revolted

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<sup>5</sup>Lana D. Harrison, "The Drug Crime Nexus in the U.S.A.," Contemporary Drug Problems, Summer 1992, pp. 204-205.

against a set of values they considered negative. A twenty-one year old systematic drug user expressed a general attitude of the counter-culture:

We're so aware of the realities....We realize the things our parents have been telling us over and over again are lies. We feel that because we've been lied to...well, it's not a case of not being able to fit into society, we just don't want this society any more. We're going to form our own society. Most of the kids I know are tremendously intelligent. The average IQ I'd say of the people involved in the movement is...120 plus...in five years [1973] the majority of the population will be in the age group of 19-25, maybe 50-60 per cent. The thing is, it's a very mild revolution that's going on ah... five years ago when I was in high school, I felt I was alone in what I was doing, alone. The more and more I delved into the situation, the more and more I realized I wasn't alone. There was a mass of people moving in the same direction--people who were tired of the old system, people who are fed up with the old attitude and people who feel that what these people have contributed to the other generation is ridiculous. We're tired of wars. We're tired of social striving. We're tired of the class system.<sup>6</sup>

The researcher who collected this statement, observed the counter-culture's lack of commitment to traditional American values: "In the Colony all such convictions are subject to re-examination if not actual challenge through a number of activities, the most widely known of which is drug use."<sup>7</sup> A nineteen year old student indicated defiance as an initial motivation for small groups of users. "It was an outlet for anti-social feelings....At the time it was a way of rejecting them....And so I find that they are an outlet for me."<sup>8</sup> Another nineteen year old explained the use of marijuana on the campuses as a response of the larger number of people who

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<sup>6</sup>Carey, *The College Drug Scene*, p. 14.

<sup>7</sup>Carey, *The College Drug Scene*, p. 14. Cary referred to the subculture in Berkeley, Ca. as the "colony."

<sup>8</sup>Carey, *The College Drug Scene*, p. 15.

had the leisure to read, discuss, and question society's fundamental goals, and continued:

[Due to increased learning]...it's inevitable that at one point or another you are disillusioned. And you learn that what you have been told is wrong, and that justice doesn't prevail, and that the cake wasn't cut evenly when you were kiddies and stuff. And, I think it's on such a wide scale in this country, and that a man questioning, you know,...real ignorance becomes apparent. This leads to questioning taboos...regarding drugs. And also, the whole society has become (an) inverted mind thing. Everybody is talking about their heads, and drugs are, of course, associated with this.<sup>9</sup>

The function of narcotics and the supporting counter-culture satisfied many needs of a community which remained committed to it and enthusiastically sustained the new way of life.<sup>10</sup> Many found a sense of belonging, as explained by a twenty year old, occasional user, who migrated to Berkeley:

I feel comfortable here. Finally, after traveling all the way across the country with my sleeping bag and the whole bit I feel comfortable....A lot of people sort of looked like me, and maybe this is it--nobody looked at me (as being odd)....It's a very free community.<sup>11</sup>

Drug use acted as a community ritual which provided a barrier between the members of various "colonies" springing up around the nation, and the traditional majority whom they tried to escape.

Additionally, the narcotic users supplied its most committed members with a source of income. Studies in metropolitan areas showed that many of the disenfranchised subsisted in the black market society. A survey of Harlem adults in 1966 found that forty percent had some illegal income, while 25%

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<sup>9</sup>Carey, *The College Drug Scene*, p. 15.

<sup>10</sup>Yeager, "The Political Economy of Illicit Drugs," *Contemporary Drug Problems*, pp. 141-145.

<sup>11</sup>Carey, *The College Drug Scene*, p. 18.

derived all of their income from illegal sources.<sup>12</sup> Undoubtedly the largest source of illegal income, narcotic sales allowed the dealer to make money by providing an essential service to the community of drug users.<sup>13</sup> As the nation entered into a very trying period in its history, it developed a fringe society which sustained a black market economy, and a broad based culture deviating from the traditional norms.

Ken Kesey found himself at the center of such a conflict. After completing his novel One Flew Over the Cuckoo's Nest, Kesey became involved in the government's testing of LSD, and liked the experience. He pirated the substance from the authorities, and engaged in his own tests. The experimentation lead into a quest for free consciousness and an alternate form of living resulted.<sup>14</sup>

In these remarks, President Kennedy identified the nature of participants in the narcotic culture, and the social, political, and economic characteristics which perpetuated it:

The discouragingly high degree of relapse among addicts who leave our medical institutions free of any physical dependence on drugs is clear evidence that more must be done. It comes as no surprise to learn that a great majority of those who leave our institutions to return to the same physical environment, to the same friends and the same pressures that initially compelled them to addiction will soon succumb again and repeat the cycle. Positive efforts to break the cycle will obviously be more successful--and indeed much less costly--than a system which treats the symptoms and disregards the problems.<sup>15</sup>

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<sup>12</sup>Manpower Report of the President, Washington, D.C.: U.S.G.P.O., 1971, as quoted in Yeager, "The Political Economy of Illicit Drugs," Contemporary Drug Problems, p. 143.

<sup>13</sup>Yeager, "The Political Economy of Illicit Drugs," Contemporary Drug Problems, p. 143.

<sup>14</sup>Tom Wolfe, The Electric Kool-aid Acid Tests, Toronto, New York: Bantam Books, 1968, 1981.

<sup>15</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 21102.



Kennedy mentioned the disturbing aspect of addicts treated at government facilities in Ft. Worth, Texas, and Lexington, Kentucky, who left the facilities free from physical addiction and relapsed anyway. Kennedy's insights indicated the lifestyle, as much as the drug, beckoned to the narcotic user. Despite the recognition of trouble in the underlying purpose of drug law enforcement, the conference yielded to the traditional logic. Government officials concluded that the drug problem necessitated stricter controls on the manufacturing, and distribution of narcotics. Additionally, addicts should be removed from society until "well" by imposing tougher penalties and laws to regulate new drugs such as synthetics like LSD. The policy makers also saw that a need existed to further study the problem with an official White House committee which became the Prettyman Commission.<sup>16</sup>

The President's Advisory Commission on Narcotic and Drug Abuse convened during 1963. The committee published its recommendations in a final report released in November, 1963. This report urged significant changes in the war against narcotics. A long-time senator from Nebraska, Roman Hruska, reported on the results of the President's Commission, which recommended restructuring the federal enforcement bureaucracy, an act almost impossible before the forced retirement of Harry Anslinger.<sup>17</sup>

Hruska continued: "I am favorably impressed with the Commission's recommendation concerning modification of the present mandatory long-term sentences in narcotic convictions." He told the assembled Congressmen, that the findings of the Prettyman Commission had received support from

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<sup>16</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 23503.

<sup>17</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 1743.

the Joint Committee of the American Bar Association and the American Medical Association. Hruska summarized the report of the ABA and AMA:

The 1961 report recognized that drug peddling is a vicious and serious crime, but questioned whether severe jail and prison sentences are the most rational way of dealing with narcotic addicts. The President's Advisory Commission agreed with this reasoning concerning the mandatory penalties. It says: These provisions [Congressionally mandated sentences] have deprived the Federal courts of almost all discretion in sentencing and have had discernible bad effects. They have made rehabilitation of the convicted narcotics offender virtually impossible. There is little incentive for rehabilitation where there is no hope of parole.

He further added: "Experience has shown that by its very lack of latitude, the act actually worsens, rather than improves the problem of control of drug addiction."<sup>18</sup> Harsh prison sentences further pushed the narcotic prisoner into the counter-culture. Additionally, the Senator reported on the findings of the Ninth Circuit Judicial Conference, as well as the concerns emanating from the prison bureaucracy.

The Federal Courts have been deprived of all discretion in providing for the individualized treatment of the victims of the drug traffickers; and the Federal judges in sentencing violators of the Narcotics Control Act [of 1956] are given no opportunity to distinguish, when pronouncing sentence, between the greedy narcotic racketeer on the one hand and his hapless victim on the other, or between those addicted to opium and its derivatives, and those who use marihuana.

Mr. James V. Bennet, Director of the Bureau of Prisons, spoke of the much needed changes in present policies. Explaining why little progress had been made up to now, he pointed principally to the fact that "there is a good deal of misunderstanding and misinformation about the kind of person who uses drugs and about his dangers."<sup>19</sup>

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<sup>18</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 1743.

<sup>19</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 1743.

According to Hruska, the Commission's findings went a long way toward crystallizing professional judgment and correcting public opinion, and recognized a sense of urgency in changing legislation affecting a simmering domestic conflict. Nevertheless, the Senator saw the threat to positive change emanating from within the enforcement agencies as he stated:

The Bureau of Narcotics maintains that the present severe penalties act as a powerful deterrent. The Commission does not agree....It is difficult to believe that a narcotic addict, who is physically and psychologically dependent on a drug, will forgo satisfaction of this craving for fear of a long prison sentence, or that a marihuana user obsessed by the "high" sensation of marihuana will think of the penalty that awaits him if he is caught possessing it. The weakness of the deterrence position is proved every day by the fact that the illicit traffic in narcotics and marihuana continues.<sup>20</sup>

Debate recorded in the Congressional Record reflected attitudes of other legislators, and their unwillingness to accept new interpretations. Frank W. Boykin, from Alabama, attacked the Supreme Court, which challenged some state legislation. The court had rejected laws which made drug addiction illegal. For example some states outlawed the condition of a person rather than the individual action of possessing narcotics. California's law read in part: "No person shall...be addicted to narcotics...."<sup>21</sup>

On the Court's rejection of such laws Boykin exclaimed: "If the State...is not to be permitted the right of protecting her citizens from evil and pestilence arising from societies alien to her [the narcotic underground], then the intent and purpose of the framers and signers of the Constitution of this Republic have been repudiated."<sup>22</sup> Another Congressman, Joseph P.

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<sup>20</sup>Congressional Record, 87th Congress, 2nd Session, 1962, pp. 1743-1744.

<sup>21</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 14397.

<sup>22</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 14398.

Addabbo, from New York, reported on the anti-narcotic activities of St. Teresa of Avila Post No. 738, Catholic War Veterans and Ladies Auxiliary. The veterans set out to alert parents of "...the ever present danger to their children of narcotic addiction." Addabbo complimented the war veterans on "bringing to the attention of the community this serious problem of addiction....I am convinced that only through proper attention and education can this disease be wiped out."<sup>23</sup> The lawmakers rhetoric showed that compromise would be difficult to achieve with drug users who held different perceptions, and made logical, although unhealthy life choices based on their cultural and economic circumstances.

In general Congressional debate reflected the belief that drug users threatened society due to a diseased condition. In contrast, the narcotic counter-culture believed it had chosen a lifestyle which was no more a disease than being Jewish, but the nation's leaders remained intolerant to a modes of living deviating from the norm. Leading federal authorities maintained a determination to eliminate or assimilate most social deviants. In the same tradition which dominated the American Indians, Blacks and other alien cultures, the government attacked the drug culture with the goal of protecting the nation's way of life.

Vilifying drug addicted people and associating them with evil highlighted the findings of the White House Conference, Congressional debate, and the activity within the bureaucracies such as the FBN. In 1962, the narcotic problem in America was still manageable, however, politicians distorted actual conditions with national security issues. Out of the course

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<sup>23</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 9891.

charted in ignorance thirty years earlier by men like Harry Anslinger, a system of social engineering became institutionalized in order to promote the interests and stimulate the growth of industry and technology.

American technocracy directly affected the beliefs of the nations law makers. In modern times, one economist described the United States as:

A very modern, corporate group of well-educated executives and highly skilled labor who commanded high wages. Opposed to this well-off minority is a much larger traditional sector of unskilled service workers or low-paid factory assemblers. In this bizarre hodgepodge, it is not unusual to see street vendors barely surviving by selling cigarettes to pedestrian traffic. Such life and death drama occurs within the shadows of monolithic, modernistic skyscrapers which house the headquarters of the "new economy."<sup>24</sup>

The movement toward urban industrial centers depleted rural wealth and caused a surplus work force that slowly relocated to metropolitan areas. With the appearance of this cheap labor force, the main obstacle to further increases in economic growth was the elimination of subsistence economies, and the control of the work force.<sup>25</sup> Illicit drug use increased along with the black market economy, which posed opportunity to some and a perception of danger to others.

America's extra-legal activities grew as new opportunities presented themselves. The drug underground affected the economy in two ways: (1) Illicit narcotic trade offered a form of subsistence living, and (2) An option of a comfortable existence apart from the traditional work world challenged the prevailing norms, took away from the surplus labor pool, and ultimately

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<sup>24</sup>Denny Braun, The Rich get Richer: The Rise of Income Inequality in the United States and the World, Chicago: The Nelson Hall Publishers, 1991, p. 96.

<sup>25</sup>Braun, The Rich get Richer, pp. 95-96. See also Colby, Du Pont Dynasty, pp. 279-290.

threatened the cheap labor supply which allowed the growth of U.S. industry from which the nation's power emanated.

Law makers asserted the efficacy of drug prohibition as a tool designed to control the nation's "trouble makers." Florida Representative, William C. Cramer, inserted an article into the Congressional Record entitled, "Narcotics is Communist Weapon--Justifies Anti-crime Drive." The Congressman warned of a pervasive communist evil and continued:

As these weapons relate to narcotic traffic this editorial points out how the Red Chinese, through Cuban Connections, are using narcotic traffic as a political weapon in an effort to spread the addiction and lower the morale and moral fiber of this country.<sup>26</sup>

Guided by the Cold War consensus, the government believed in a conspiratorial link between Communist Chinese, Cuban, and American ethnic crime organizations. They professed this to be a diabolical plot, when in reality, the narcotic economy offered a source of income for anyone on the domestic and international level. This article which Cramer included in the Congressional Record, originally appeared in the Tampa Times, 16 March 1962:

Chinese Communists have played an important part in the Castro revolution since its success....They [the Chinese Communists] are peddling dope, pushing drugs into the United States with the intent of spreading addiction and lowering the morale and moral fiber of this country.

Unfortunately the Red Chinese have allies here--the organized mob. Call it what you will--the Mafia, organized crime or the rackets--no one doubts the existence of a powerful crime combine in the United States. Its principal hoodlum leaders are known; some of their more respectable partners are not. The crime monopoly is engaged in gambling, prostitution, narcotics, labor racketeering and

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<sup>26</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 4612.

certain legitimate businesses where strong-arm tactics can be applied to curb competition.

Meanwhile the rackets are still doing business--and they are not above doing business with the Communists....Narcotics officials report that opium from Red China is being channeled into the United States at several major points....The refinement of the narcotics racket as a political weapon suggests a need for effective counter-measures. One step may be in furnishing the Department of Justice with the tools to strike even more swiftly and deeply at the very core of organized crime in the United States.<sup>27</sup>

The editorial called for further federal activity to curb drug trafficking, because many thought state and local authorities had failed to control the problem. Actually, the number of narcotics adherents remained relatively small in 1962. The drastic increase occurred after the assassination of Kennedy, the escalation of the Vietnam War, Civil Rights confrontations, and the associated societal stresses.<sup>28</sup> The article claimed the elimination of narcotics, crime, and corruption required an "anti-crime A-Bomb." Once deployed, legislators promised the anti-drug effort would end the associated illegal activity.

Widely believed conspiracy allegations, which claimed the Communist Chinese produced opiates for Castro's Cuba, which in turn dealt with ethnic organized crime families in the United States, lacked substantiation. In actuality, although organized crime dealt widely in narcotics, the Chinese Nationalists, South Koreans, and Japanese, American allies in the forties, fifties and sixties, all conspired with the CIA and used narcotics as a major commodity to acquire revenue for covert operations associated with the Cold

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<sup>27</sup>Congressional Record, 87th Congress, 2nd Session, 1962, p. 4612.

<sup>28</sup>Due to the underground nature of the narcotic phenomena, any exact determination of the number of users after 1909 is impossible. See Carey, The College Drug Scene, p. 143.

War.<sup>29</sup> As in the warped circumstances of the government's ongoing human LSD testing, agents of the government justified their policies under the umbrella of national security interests. As he explored the connection between opium and national security interests of the 1940s and 1950s, historian John Marshall wrote:

These violent years provided extraordinary opportunities for clandestine entrepreneurs and intelligence agents who operated under the mantle of national security to control and exploit strategic resources like tungsten and opium. The subterranean traffics associated with substances established covert alliances between ostensible foes: governments and gangs, warring armies, victors and vanquished....Those alliances have had enduring consequences for the growth and spread of the worldwide drug traffic.<sup>30</sup>

Chinese forces opposed to Mao Zedong used opium as a weapon. The American government supported them. These operations moved to the Golden Triangle of South East Asia once the communists defeated nationalist forces. This Asian drug trade operated in conjunction with a criminal empire traceable from the American occupation forces in Japan through Vietnam.

As Marshall noted:

Such precedents guided subsequent covert U.S. cooperation with Afghan *mujahedeen*, Nicaraguan *contras*, anti-Castro Cubans, Panamanian strongmen, corrupt Mexican intelligence officials, and other forces implicated in drug trafficking.<sup>31</sup>

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<sup>29</sup>Jonathan Marshall, "Opium, Tungsten, and the Search for National Security, 1940-1952," contained in William Waker (editor), Drug Control Policy: Essays in Historical & Comparative Study, University Park, Pennsylvania: The Pennsylvania State University Press, 1992, p. 107.

<sup>30</sup>Marshall, "Opium, Tungsten, and the Search for National Security," Drug Control Policy, p. 107.

<sup>31</sup>Marshall, "Opium, Tungsten, and the Search for National Security," Drug Control Policy, p. 107. See also Jonathan Marshall, Drug Wars: Corruption, Counterinsurgency, and Covert Operations in the Third World, Forestville, California, 1991. According to Marshall's footnote, this volume provides an overview of these black operations.



The significance of these traffics and alliances should concern more than criminologists. The combination of enormous profits, the involvement of intelligence agencies, and the aura of national security has given these smuggling networks unusual influence in the political development of nations where they operate.<sup>32</sup>

The average citizen believed the rhetoric which claimed that global communist forces used drugs as a weapon against the United States while, the government ignored the reality of wide-spread drug production and distribution in order to display a common anti-communist front. Ironically, it was often American organizations and allies engaged in the long-term narcotic distribution system. They engaged in activities which placed drugs onto the domestic market to benefit covert operations. Some of the nation's leaders generated propaganda and misinformation, which blinded most Americans and convinced them to accept the prevailing line unquestioningly.

Within this climate of rabid anti-communism, the White House Committee on Narcotics published its results. The committee recognized flaws in the national anti-narcotic policy, but addressed only the obvious cultural and economic aspects of the narcotic underground under conditions influenced by fear and bias. Kennedy's personal flaws also retarded his ability to guide the nation to reform as one historian noted:

Intimidated by the absence of a popular mandate, deferential and insecure in the face of the Congressional power structure, and above all lacking an ideological viewpoint, Kennedy vacillated on the domestic front, hoarding his power for foreign policy ventures.

A more aggressive and venturesome president might have responded to the challenge by marshaling his allies, going over heads of Congress to the public fighting steadfastly for a coherent

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<sup>32</sup>Marshall, "Opium, Tungsten, and the Search for National Security," Drug Control Policy, p. 106.

program of change. But Kennedy lacked both the self-assurance and the sense of direction to pursue that path.<sup>33</sup>

Kennedy's assassination in November 1963, amplified the shortcomings of his administration, and placed Lyndon B. Johnson in an impossible role as his successor. Kennedy's murder devastated the nation, and caused conditions which broadly affected policy in the following years. Blinded by a giant ego, Lyndon Johnson proved inadequate to meet the foreign and domestic tensions facing the nation. "At the height of his success, [Johnson's] own commitment to aggressive anti-communism abroad--while seeking unity at home--would lead to the most severe division in American society since the Civil War."<sup>34</sup>

The new president faced a great difficulty in honoring the memory of the dead president. This pressure locked the new chief executive into dangerous policy decisions. Johnson addressed Kennedy's Narcotic Committee on 28 January 1964:

This Administration shall continue the concern which President Kennedy evidenced over the abuse of narcotics and other drugs, and I have directed the appropriate departments and agencies to review carefully the recommendations of the commission and submit their comments and views in order that our efforts in this field can be strengthened and improved.<sup>35</sup>

Cold War fear and grief killed any possibility for reform and the American drug war continued on the same relentless path. Seven months later the reforming aspects of Kennedy's drug program disappeared. An

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<sup>33</sup>William H. Chafe, The Unfinished Journey; America Since World War II, Second Edition, New York, Oxford: Oxford University Press, 1991, p. 192.

<sup>34</sup>Chafe, The Unfinished Journey, p. 246

<sup>35</sup>Lyndon B. Johnson, Public Papers of the President of the United States, 1963-1964, Vol. 1, Washington, D.C.: U.S.G.P.O., 1965, p. 246.

uncompromising perception replaced the Commission's findings. On 15 July 1964, Johnson issued this statement on drug use:

Narcotic and other drug abuse is inflicting upon parts of the country enormous damage in human suffering, crime, and economic loss....The federal government being responsible for the regulation of foreign and interstate commerce, bears a major responsibility in respect to the illegal traffic in drugs and the consequences of that traffic. That responsibility is shared by several departments of the Government....

I now direct those units to examine their present procedures, to bring those procedures into maximum activity, and, wherever necessary, put into affect additional programs of action aimed at major conditions caused by drug abuse. I desire the full power of the Federal Government to be brought to bear upon three objectives: (1) the destruction of the illegal traffic in drugs, (2) the prevention of drug abuse, (3) the cure and rehabilitation of victims of this traffic.<sup>36</sup>

Less than a year after Kennedy's death the concept of change in the drug war disappeared. The bureaucratic impetus toward apprehension and incarceration accelerated. Federal narcotic goals heavily influenced state and local law enforcement as the arrests statistics for local and state jurisdictions indicated. From 1956-1963 the number of drug arrests remained constant at about 25 per 100,000 Americans.<sup>37</sup> After Kennedy's murder, the drug war escalated rapidly along the same track of America's other war in Vietnam.

In an address to Congress, Johnson stated the goals of the U.S. war in Vietnam. This speech showed the same lack of cultural vision hampering not only the South East Asian policy, but an array of government activities including the drug war. The President stated:

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<sup>36</sup>Lyndon B. Johnson, Public Papers of the President of the United States, 1963-1964, Vol. 2, p. 860.

<sup>37</sup> See Appendix 1, pp. 158-159.

Congress has acted with dispatch and clear purpose to approve the request that I made on Tuesday for \$700 million to meet our mounting military requirements in Vietnam.

I am very proud to be signing this resolution only 3 days after it was sent to Congress.

Let the meaning of this action be clear.

--To the brave people of South Viet-Nam, who are fighting and dying for the right to choose their way of life, this resolution says: "America keeps her promises. And we will back up those promises with all the resources that we need."

--To our boys who are fighting--and dying--beside the people of South Viet-Nam, this resolution says to them: "We are going to give you the tools to finish the job."

--To the aggressors, to those who by assassination and terror seek conquest and plunder, and to those who encourage and guide their aggression from afar, this resolution says: "We will not be defeated. We will not grow tired."

This money will be spent for arms, for weapons of war, for helicopters, for ammunition, for planes, not because we want war, but because the aggressors have made them necessary....

Once this message is understood by all--all the aggressors--there should be much greater hope of peace. For then the men who now seek conquest by force will learn to seek settlement by unconditional discussions--the talks we have invited and that we want will start, and the road then to peace, that the people of the world want so much, will finally be open.

On behalf of all the American people, I say to this Congress, made up of patriots of both parties: You have acted wisely. You have acted patriotically. You have acted promptly. Again you have measured up--in the finest American tradition.<sup>38</sup>

This speech showed the grim determination of the American policy makers. However, they ignored the history of Chinese and French colonial domination suffered earlier by the Vietnamese. They disregarded the observations of U.S. military officers following World War II, who recognized the determination of the Vietnamese to gain independence. These military men had even supported Ho Chi Minh in the battle against the occupying

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<sup>38</sup>Lyndon B. Johnson, Public Papers of the President of the United States, 1965, pp. 505-506.

Japanese. Instead, the United States helped French colonialists in a military effort that attacked a movement for freedom with a large following in Vietnam. They overlooked the traditional antipathy of the Vietnamese and Chinese in favor of the unproven “domino theory” of Communist expansion. This, the government eventually used to justify a commitment of American lives for a questionable political idea, and the economic benefit of a few in the United States. Johnson’s policy demanded that a sovereign entity conform to his personal ideology and that of America’s policy makers.<sup>39</sup> Throughout history, sovereign states and entities have shown a willingness to resist forced external reform or assimilation. The Vietnamese nationalists resisted, and once challenged, the U.S. responded vigorously.

The domestic drug war paralleled the beliefs and actions driving the Vietnam policy in the early 1960s. With the intensification of wartime conditions, a growing federally supported drug army attacked the narcotic culture. In 1964, the government’s intensity was represented by state and local authorities who arrested 37,802 people for narcotic violations.<sup>40</sup> The following year Congress passed the Law Enforcement Assistance Act of 1965 (LEAA). Under the LEAA the government allocated ten million dollars for the training of local law enforcement officials and further extended federal

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<sup>39</sup>Colby, *DuPont Dynasty*, pp. 444-451. See also Chafe, *The Unfinished Journey*, pp. 244-245.

<sup>40</sup>*Uniform Crime Reports*, 1964, p. 106. Adjusted for a constant population the arrests were 28.5 arrests per 100,000 population in 1964. The number of total federal arrests is unknown up to the present. In a telephone conversation, 25 March 1996, with the Bureau of Justice Statistics, Drugs and Crime, Data Center & Clearinghouse (1-800-666-3332), a representative confirmed that federal arrest statistics have not been compiled.

controls over drugs.<sup>41</sup> The federal activity influenced action by local and state law enforcement personnel who arrested 46,069 people in 1965.<sup>42</sup>

In 1966 federal legislators held hearings on hallucinogenic drugs such as LSD, and mescaline, along with psilocybin mushrooms which commonly grew wild in cow pastures. A popular poet of the "Beat" period and professed drug user, Allen Ginsberg, criticized panic driven exaggerations in testimony before the Senate. He said: "Research already has verified the appearance of religious, transcendental, or serious blissful experience through psychedelics, and government officials would be wise to take this factor into account and treat LSD use with proper humanity and respect." A user from New York suggested that a committee member take a "trip" and report back. It is unknown whether any congressmen "tripped out."<sup>43</sup> On June 14, the Commissioner of Narcotics and disciple of Anslinger, Henry Giordano, testified that the possession of LSD should be made a federal criminal offense. The rhetoric at the national level translated into action by local and state enforcement officials who arrested 60,358 people on drug charges in 1966.<sup>44</sup>

In 1967, the Safe Streets Act expanded the original LEAA of 1965 which enlarged the funding of anti-narcotic training programs for local and state law enforcement. President Johnson urged the states to accept a uniform federal definition of narcotic drugs while the Vietnam War focused the intensifying

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<sup>41</sup>Congressional Quarterly Almanac, 89th Congress, 1st session, 1965, Volume, XXI, Washington D.C.: Congressional Quarterly Service, 1966, p. 74.

<sup>42</sup>Uniform Crime Reports, 1965, p. 109. There were 34.4 arrests per 100,000 population.

<sup>43</sup>Congressional Quarterly Almanac, Vol. XXII, 1966, pp. 317-318. Jack Kerouac, author of the novel On The Road, coined the term "Beat," which referred to the generation of youth alienated from middle class values.

<sup>44</sup>Uniform Crime Reports, 1966, p. 111. There were 43.7 arrests per 100,000 population in 1966. Henry Giordano had been an agent of the FBN for twenty-one years, Deputy Commissioner, and Anslinger's closest aid before his appointment as Commissioner. See McWilliams, The Protectors, p. 181.

disillusionment felt by many Americans. Millions objected to the government's handling of the war and protested the conflict in varying ways.<sup>45</sup> In the face of hundreds of thousands of troops in South East Asia and war dead in the tens of thousands, a great many reacted by embracing drugs as a withdrawal from society. A trend of increased marijuana use, from six percent who ever tried the substance in 1967, to 22 percent who had tried it by 1969 exemplified a decreasing commitment to society's standards.<sup>46</sup> In 1967, local and state authorities arrested 101,079 people on drug law violations.<sup>47</sup>

The Tet offensive escalated everything. On the Vietnamese Lunar New Year, at the end of January 1968, Vietcong and North Vietnamese Army troops attacked urban targets throughout their nation. After a bloody three weeks, 33,000 enemy troops were slaughtered, along with 1,600 American dead and 8,000 wounded. The anchorman of T.V. journalism, Walter Cronkite, asked: "What the hell is going on? I thought we were winning this war."<sup>48</sup> One historian claimed: "Tet had brought home the crushing reality that America was embarked on a hopeless cause, with disengagement the only honorable alternative."<sup>49</sup>

Failures abroad led to an increasing determination to control domestic dissidents. One survey of the period's youth indicated almost 25% of marijuana users felt the nation needed a violent revolution.<sup>50</sup> President Johnson responded in January 1968, proposing the Drug Control Act. It passed and LSD was outlawed, along with other hallucinogens. The act also

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<sup>45</sup>Chafe, *The Unfinished Journey*, p. 297.

<sup>46</sup>Goode, *Contemporary Drug Problems*, 1975, p. 399.

<sup>47</sup>*Uniform Crime Reports*, 1967, p. 117. There were 69.3 arrests per 100,000 population in 1967.

<sup>48</sup>Chafe, *The Unfinished Journey*, p. 346.

<sup>49</sup>Chafe, *The Unfinished Journey*, p. 347.

<sup>50</sup>Goode, *Contemporary Drug Problems*, 1975, p. 419.

increased the number of federal narcotics officials by 30%, and bolstered the judicial system to accommodate the growing numbers of prisoners.<sup>51</sup> Many in the government believed that harsh laws deterred dissidents from entering the drug sub-culture.<sup>52</sup> Accordingly, at the state and local level drug arrests rose 61% between 1967 and 1968, as 162,177 people were arrested for an activity that many of the users believed to be rational and justified.<sup>53</sup>

As the Vietnam conflict worsened, the arrest rates and societal cost of the drug war in America mounted. From the relatively quiet years of the late 1950's and early 1960's, in which about twenty-five Americans out of every 100,000 were arrested for narcotics law violations, the drug war statistics rose 400% to about 112 arrests for every 100,000 citizens.<sup>54</sup>

The anti-communist consensus, the Vietnam conflict, and threat of nuclear annihilation caused a sense of growing crisis. The dogma guiding American political thinking blinded the nation's leaders and kept them from coming to more analytical conclusions. Additionally, the assassination of John Kennedy locked the nation into a sense of fear and uncertainty.

Decades of anti-narcotic propaganda associated with the fight against communism pushed the narcotics culture further from toleration. Many government leaders believed they could solve societal problems down to the individual level. In this attempt, they followed a traditional path which disregarded and feared cultural diversity. Rather than logical debate and gradual reform, authorities chose maximum retribution. They defined

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<sup>51</sup>Lyndon B. Johnson, *Public Papers of the President of the United States*, Vol.1, 1968-1969, pp. 30-31. See also *Congressional Quarterly Almanac*, Vol. XXIV, pp. 366, 541-543.

<sup>52</sup>*Congressional Quarterly Almanac*, Vol. XXIV, pp. 541-543.

<sup>53</sup>*Uniform Crime Reports*, 1968, p. 111. There were 111.6 arrests per 100,000 population in 1968.

<sup>54</sup>*Uniform Crime Reports*, 1968, p. 111.



narcotic users as diseased corrupters of society and dissidents who threatened social stability. Under these conditions, addressing failed policies became impossible.

Bureaucratic resistance offered a large obstacle to positive reform. Anslinger's retirement in 1962 unleashed a struggle among officials seeking to dominate the narcotic control bureaucracy. The Commissioner's lieutenants all sought a share of power and prestige, leading to the creation of more agencies, as individuals carved out their personal niche in the government.

Anti-drug legislation of the 1960's magnified and extended an ongoing trend of federalization of local law enforcement by subsidizing them with grants and federal training programs. Acts such as the Uniform Narcotics Act of the 1930's evolved into the Law Enforcement Assistance Act of 1965. The mounting activity of the federal government influenced law enforcement at the state and local level clearly evident in the rapidly increasing arrest rates. They all failed to curb the nation's drug problem, because those controlling the anti-drug program benefitted from the expanding scope of the struggle.

## CHAPTER 6

### THE WAR ON DRUGS FROM NIXON TO REAGAN

Harsh realizations after the Tet offensive, followed by the assassinations of Robert F. Kennedy, and Martin Luther King Jr., and "...the cresting of...powerful social forces" marked 1968 as a crucial transitional year in post war America. As historian William Chafe observed:

In a bewildering array of successive crises, each magnified by the overwhelming power of the mass media, Americans witnessed and participated in confrontations that challenged the very viability of their collective identity. It was a time of horror, embitterment, despair, and agony. In the end, all of the conflicts that had emerged out of the postwar years surfaced and came before the American people for a decision. The ultimate consequence was defeat for those who sought a new society based on peace, equality, and social justice; victory for those who rallied in defense of the status quo.<sup>1</sup>

Amidst the turmoil, Richard Nixon, President of the United States from 1969-1974, recognized law and order as a primary concern: "Our goal is justice--justice for every American. If we are to have respect for law in America, we must have laws that deserve respect. Just as we cannot have progress without order, we cannot have order without progress."<sup>2</sup>

As chaos consumed the nation, the inaugural address of Richard Nixon called to all Americans:

In these difficult years, America has suffered from a fever of words; from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontent into hatreds; from bombastic rhetoric that postures instead of persuading.

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<sup>1</sup>Chafe, *The Unfinished Journey*, pp. 343-344.

<sup>2</sup>Richard Nixon, as quoted in the *Congressional Quarterly Almanac*, D.C.: Congressional Quarterly Service, 1968, p. 101.

We cannot learn from one another until we stop shouting at one another--until we speak quietly enough so that our words can be heard as well as our voices.

For its part the government will listen. We will strive to listen in new ways to the voices of quiet anguish, the voices that speak without words, the voices of the heart--to the injured voices, the anxious voices, the voices that have despaired of being heard.

Those who have been left out, we will try to bring in.

Those left behind, we will help to catch up.

For all of our people, we will set as our goal the decent order that makes progress possible and our lives secure....

After a period of confrontation, we are entering an era of negotiation.<sup>3</sup>

However, Nixon and the silent majority shared similar concerns, and quickly developed commitments to causes divergent from the beliefs of those in the drug culture. The President developed hard-line policies to achieve conformity to the ideology of the cold war consensus. The new programs contrasted with the egalitarian vision represented in the inaugural address. By the summer of 1969, Nixon reneged on his promise of listening to the voices of discontent and instead attacked those with different beliefs. As the nation's foreign policy fomented conflict in his first term, the commander-in-chief repudiated negotiation with the counter-culture and the associated narcotic underground. The President's special message to Congress on the control of dangerous drugs exemplified the government's attitude toward drug use.

A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the federal level to begin to cope with the growing menace to the general welfare of the United States....

The habit of the narcotics addict is not only a danger to himself, but a threat to the community where he lives. Narcotics

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<sup>3</sup>Richard Nixon, Public Papers of the Presidents of the United States, 1969, Washington: U.S.G.P.O., 1971, pp. 1-3.

have been cited as a primary cause of the enormous increase in street crimes over the last decade....An addict will reduce himself to any offense, any degradation in order to acquire the drug he craves.<sup>4</sup>

The President then proposed ten steps to combat what he called "narcotic marihuana, and other dangerous drugs." The plan called for:

(1) New federal legislation to replace "outdated" and "inadequate" laws. These laws would overturn parts of the Marihuana Tax Act of 1937, which the Supreme Court ruled unconstitutional in May 1969.

(2) The implementation of a program which would encourage new state model laws designed to create an "...interlocking trellis of laws which will enable government at all levels to more effectively control the problem."

(3) Foreign campaigns to be implemented for the eradication of narcotics at their source. This would destroy subsistence narcotics economies in third world nations such as the Indians of the Andean highlands who had chewed coca for thousands of years.

(4) The expansion of the Bureau of Customs in the Treasury Departments to interdict illegally imported drugs.

(5) New funding to support an attack on commerce in the national narcotic black market

(6) Renewed efforts to educate the populace on the effects of drug use, as determined by federal definition.

(7) Research into the extent of addiction and its short and long-term effects.

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<sup>4</sup> Richard Nixon, Public Papers of the Presidents of the United States, 1969, pp. 513-514. Much evidence contradicts this. See Lana Harrison, "The Drug Crime Nexus in the U. S. A.," Contemporary Drug Problems, Vol. 19, No. 2, Summer, 1992, p. 204.

(8) Increasing the opportunities for forced rehabilitation, and study of the new programs affects.

(9) Expansion of federally sponsored anti-narcotic law enforcement training by 300% in 1969 (over the 1968 level) and another 200% for 1970 (over the 1969 level).

(10) The implementation of a series of conferences sponsored by the United States Attorney General in order to develop a coordinated effort to bring the "first" progress in the drug war in decades.<sup>5</sup>

Surrounded by unprecedented levels of anti-war protest in 1969, Nixon felt pressure to control both foreign and domestic stresses. As a result, a siege mentality settled on the White House. Domestic strife amplified the turmoil of international war, leading to harsh rhetoric and punitive action rather than consensus building through kindly determination and rational negotiation. Anti-drug policies exemplified this trend.

In 1969 the Supreme Court questioned the basis and legality of national narcotic and marijuana laws, which legislators justified on the taxing authority of the federal government.<sup>6</sup> On 19 May 1969, the Supreme Court reversed the marijuana possession charge against former Harvard professor, Timothy Leary.<sup>7</sup> The Court's ruling spurred the Nixon administration to develop a new Constitutional pretense for the control of narcotics use. Anxious rhetoric translated into Congressional debate in 1969, followed by the implementation of new drug legislation in 1970.<sup>8</sup>

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<sup>5</sup>Richard Nixon, Public Papers of the Presidents of the United States, 1969, pp. 514-517.

<sup>6</sup>Richard Nixon, Public Papers of the Presidents of the United States, 1969, p. 834.

<sup>7</sup>Congressional Quarterly Almanac, 1969, p. 147.

<sup>8</sup>Richard Nixon, Public Papers of the Presidents of the United States, 1969, pp. 830-857, and Congressional Quarterly Almanac, 1970, pp. 533-535 .

Congress found new authority for the drug war under the commerce clause of the Constitution. Previously based on the taxing authority of the government, anti-drug laws changed to the modern method of control through the federal policing of interstate trade. The transition to the new laws began with a bipartisan leadership meeting on narcotics and dangerous drugs held 23 October 1969.<sup>9</sup> John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs (replaced by the Drug Enforcement Agency in 1973), described a main focus of future narcotic laws and enforcement practices:

The Mafia was not the only one [supporting a black market society with drugs]. The traffic in LSD, for example, was, in one instance, very highly organized. As a matter of fact, we have a case pending in court at this time where it involves a national syndicate, manufacturing, distributing, and finally street sales of LSD, which stretched from San Francisco to Washington, DC.

There are smaller organizations involved in the trafficking of marihuana, which are not connected to the Mafia. At the present time, our Bureau is identifying all of these structures. This is one thing, again, that has not been done in the past.

At the beginning of next year we intend to attack the drug problem on the basis of the structures of the criminal conspiracies that are operating throughout the United States and linking them with their international overseers.<sup>10</sup>

Before a group of legislators and bureaucrats, Director Ingersoll laid out the administration's opinion on the best method of eliminating the marijuana and narcotic black market along with the subculture which

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<sup>9</sup>Richard Nixon, Public Papers of the Presidents of the United States, 1969, pp. 830-857.

<sup>10</sup>Richard Nixon, Public Papers of the Presidents of the United States, 1969, p. 837. This policy would guide subsequent enforcement philosophy until the present. The government's pressure on the black market groups will be shown to evolve into an increasingly troublesome narcotic problem. See also Hunter S. Thompson's Hells Angels, Tom Wolfe's The Electric Koolaid Acid Tests, and Ansley, "The Political Economy of Crack Related Violence," Contemporary Drug Problems, p. 31, for a perspective on the narcotic use and distribution systems through the eyes of the user culture.

supported it. The administration's ten step program translated easily into legislative action. Within Congress, the narcotic culture posed a non-voting target to focus much of the blame for the nation's upheaval. Debate in the Senate and House of Representatives grew into the Drug Abuse Prevention and Control Act passed the next year.

The President signed the act 27 October 1970.<sup>11</sup> The complicated, sixty-one page law culminated a joint political effort by the Congress and the Nixon administration. The statute continued a limited support for rehabilitation within the Department of Health, Education and Welfare. However, it eliminated mandatory minimum sentences for possession offenses, and emphasized the punishment of offenders until they ceased using the substances. These efforts expanded the federal campaign, but failed to reduce the societal problem of drug use.

The federal law added 300 agents to Ingersoll's bureau and augmented the authority of the Attorney General in drug law enforcement. The bureau separated narcotics and marijuana into five categories called "schedules." They labeled schedule one as most dangerous with schedule five being the least.<sup>12</sup> Legislation defined schedule one drugs as substances with a high potential for abuse and no accepted medical use. The law prohibited doctors from prescribing schedule one drugs, while they could dispense other scheduled drugs. The government named heroin, LSD, mescaline, peyote, and the plant, marijuana, as schedule one drugs. Under the scheduling system, the government defined marijuana as more dangerous than

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<sup>11</sup>Public Law 91-513, United States Statutes at Large, Vol. 84, Washington, D.C.: U.S.G.P.O., pp. 1236-1297.

<sup>12</sup>The drug scheduling system remains in effect today and has been adopted by all states in some manner. See Appendix 9, pp. 191-192.

methamphetamine, amphetamines, barbiturates, and cocaine. This definition increased the disrespect of the user culture for the nation's drug enforcement structure, especially when they considered marijuana in context with more powerful prescription drugs such as Valium. The government allowed physicians to dispense prescription narcotics which contributed to more deaths than all illegal drugs combined.<sup>13</sup>

In the first three months of 1979 Valium alone accounted for 22.3% of emergency room cases related to narcotics, while heroin, marijuana and cocaine totaled 6.9%. Of the drug related deaths, medical examiners reported that Valium contributed to 13.7%, heroin 7.1%, cocaine 2.4%, and marijuana .3% . The Valium in these deaths was of pharmaceutical grade which offered its user near 100% purity while the heroin and cocaine were contaminated with toxic compounds due to black market origins, and reached the consumer at no more than 30% purity. From 1976-1979 Valium was cited 49,815 times by emergency room personnel while heroin (37,807), cocaine (3,888), and marijuana(9,986) combined for 25% fewer mentions than the common prescription narcotic. In this same period medical examiners reported that Valium contributed to 1,069 deaths, cocaine to 230, and marijuana to thirty-seven cases. The data for heroin represents one of the problems with narcotics prohibition. In the 1970's the black market source for heroin shifted from Asia to Mexico. The heroin from Mexico was only 30% or less pure compared to the 15% or less purity of the Asian variety. This change, brought

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<sup>13</sup>Reinarman, and Levine, "Crack in Context," Contemporary Drug Problems, Vol. 16, No. 4, Winter 1989, pp. 544-545. The National Institute on Drug Abuse, Statistical Series Quarterly Report Provisional Data January--March 1979, Rockville Maryland: National Institute on Drug Abuse, 1979, pp. 7-8, offers relevant statistics on emergency room visits caused by drugs and reports on deaths related to narcotics.



about by pressure on eastern opiate supply lines, caused heroin to be associated with 2,658 of the drug related deaths reported by medical examiners. Almost all heroin deaths were the result of adulterants in the drug and unknown dosage levels caused by fluctuating purity. Even marijuana reached the market with herbicides sprayed by government eradication forces.<sup>14</sup>

In addition to a continuing use of drug scheduling, the other lasting affect of the 1970 drug law was the implementation of “no knock” search procedures. If law enforcement officials believed that a violation of drug law or danger to persons existed, then they had the authority to break into a person’s house and seize the suspects and their property. This law exacerbated pressure already burdening the user culture and had unintended consequences. Numerous instances of over-eager law enforcement officials further marred the reputation of the criminal justice system in an atmosphere already heated by open disrespect for laws. The “no knock” procedure caused the death and injury of innocent people along with those only suspected of possessing substances such as marijuana, and highlighted the constitutional shortcomings of narcotic law enforcement.

Charles H. Percey, Senator from Illinois, called attention to the problems of new law enforcement procedures saying: “In the midst of our efforts to limit the availability and the use of illicit drugs, we must not permit an erosion of the fundamental individual liberties which have been the primary buttress of our society from its beginning.” He continued describing the movement against personal freedom:

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<sup>14</sup>Reinarman, and Levine, “Crack in Context,” pp. 544-545. The National Institute on Drug Abuse, Statistical Series Quarterly Report Provisional Data January-March 1979, pp. 7-8

Due to the overzealous conduct of certain drug law enforcement agents, there has recently been a growing disregard for those precious rights that are guaranteed by the Constitution of the United States. The fourth amendment specifically provides: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Mistaken drug raids have occurred throughout the country during the past few years. These raids were generally undertaken without search or arrest warrants of any kind and many were accompanied by totally unauthorized forcible entries.<sup>15</sup>

Along with every lawful arrest, poorly justified "no knock" searches occurred at all levels of law enforcement. A tip from an anonymous source or an overheard address from a tapped phone repeatedly brought officers crashing through the doors and windows of innocent people suffering from mistaken identity. The law enforcement community failed to heed the warning of the Supreme Court which predicted the future in the case Mapp v. Ohio. The Court warned in 1961: "Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard for the charter of its own existence."<sup>16</sup>

A body of folk lore grew within the counter-culture of government atrocities described by the Senator:

Still another example of the reprehensible tactics used by some narcotics agents involves Mr. Dirk Dickenson. On April 24, 1972, a total of 19 agents, including five Bureau of Narcotics and Dangerous Drug agents, two federal chemists, nine sheriff's deputies, and an Internal Revenue Service agent moved in on Dickenson's

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<sup>15</sup>Senator Charles H. Percy, "The Legacy of No-Knock: Drug Law Enforcement Abuse," Contemporary Drug Problems, Vol. 3, No. 1, Spring 1974, p. 4.

<sup>16</sup>Mapp v. Ohio, 367 U.S. 643 (1961) at 659, as quoted by Percy, "The Legacy of No-Knock: Drug Law Enforcement Abuse," Contemporary Drug Problems, Vol. 3, No. 1, 1974, p. 3.

mountain retreat near Eureka, California. The purpose of the raid was to seize a cabin in which there was thought to be a "giant lab" producing illegal drugs. After arriving on foot with dogs and by air in borrowed helicopters, agents assaulted the cabin with handguns and rifles. Reports indicate the agents were not in uniform and failed to identify themselves. Mr. Dickenson, unarmed, frightened, and confused, ran toward the woods and federal agents fatally shot him in the back. No "giant lab" was found.

Incidents, similar to those discussed, have unfortunately taken place with alarming frequency. Too often, narcotics agents have used storm trooper tactics in making unannounced and unlawful entries into the dwellings of decent, law-abiding citizens. A simple but familiar pattern has emerged. Overly eager agents, suspecting that drugs are hidden in a home, decide to dispense with the warrant provisions of the so called no knock search warrant, 21 U.S.C. 879, and the command of the fourth amendment. Alternatively, they seek a special no-knock search warrant and then alter the address as circumstances make necessary. In either case they blindly acquiesce to the slogan seen at airport Customs Bureau stations around the country--"Patience Please, a Drug -Free America Comes First."<sup>17</sup>

A "drug free America comes first" formed a general contention among President Nixon's "silent majority." It became an aspect of the Vietnam War era campaign for a dissident free America. From the Office of Drug Abuse and Law Enforcement (ODALE), Nixon's "personal police force," led by agent provocateur, G. Gordon Liddy, down to state and local agencies, the criminal justice system systematically enforced narcotics laws against "trouble-makers." Anti-drug laws became a tool for eliminating the threat of the discontented from society.<sup>18</sup>

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<sup>17</sup>Percy "The Legacy of No-Knock: Drug Law Enforcement Abuse," Contemporary Drug Problems, Vol. 3, No. 1, p. 8.

<sup>18</sup> Percy's article describes several atrocities of O.D.A.L.E. and other federal agencies as well as state and local agencies. The essay contained in William O. Walker's Drug Control Policy, John C. McWilliams, "Through the Past Darkly: The Politics and Policies of America's Drug War," pp. 22-23, describes O.D.A.L.E as Nixon's personal police force. Edward J. Escobar, "The Dialectics of Repression: The Los Angeles Police Department and the Chicano Movement, 1968-1971", The Journal of American History, Vol. 79, No. 4, March, 1993, pp. 1483-1514, and James F. Mosher, "Discriminatory Practices in Marijuana Arrests: Results from a National Survey of

Narcotic and marijuana arrest statistics show this trend. The people forcibly detained by state and local government rose from 162,177 in 1968, to 628,900 in 1973. These arrests were unrelated to any increase in the frequency of use or a larger number of users, but emerged from the siege mentality that sifted down through all levels of government.<sup>19</sup> A rapid growth of societal and economic distress marked this time period. The extraordinary rise in drug arrests, for possession alone in about 70 to 80% of the cases in the early 1970s, contrasted with the findings of the Commission on Marijuana created by a provision in the Drug Control Act of 1970.<sup>20</sup>

The commission's published report, Marijuana: A Signal of Misunderstanding, concluded that at least 24 million American used marijuana, and at least 8.3 million citizens used the *cannabis* plant regularly. Additionally, almost half of all college students tried marijuana, but the great majority used the drug less than once a week for social reasons, as only a reported 2% of users were heavy daily users. The committee also summarized the physiological affects of the plant.

There is no evidence that experimental or intermittent use of marihuana causes physical or psychological harm. The risk lies instead in the heavy, long-term use of the drug....

Marihuana does not lead to physical dependency. No tortuous withdrawal symptoms follow the sudden cessation of chronic, heavy use. Some evidence indicates that heavy, long-term users may develop a psychological dependence on the drug.

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Young Men," Contemporary Drug Problems, Vol. 9, No.1, Spring 1980, pp. 85-105 indicate a systematic use of narcotic laws to target dissidents of all types.

<sup>19</sup>James F. Mosher, "Discriminatory Practices in Marijuana Arrests: Results from a National Survey of Young Men," Contemporary Drug Problems, Vol. 9, No. 1, Spring 1980, pp. 85-105.

<sup>20</sup>See Appendix 5, p. 183.. A year-by-year survey of the Bureau of Justice Statistics, Sourcebook, indicated a near constant focus of arrests on possession in about 75% of the cases during Nixon's era and two-thirds of the cases from Nixon through the Reagan administration years.

The immediate effects of marihuana intoxication on the individual's organs or bodily-functions are transient and have little or no permanent effect. However, there is a definite loss of psychomotor control and a temporary impairment of time and space perceptions.

No brain damage has been documented relating to marihuana use, in contrast with the well-established brain damage of chronic alcoholism.

A careful search of the literature and testimony by health officials has not revealed a single human fatality in the United States proven to have resulted solely from use of marihuana.<sup>21</sup>

Many marijuana adherents already knew these findings. Much earlier, the LaGuardia Commission had published similar data, and the subcommittee's report agreed on the relative harmlessness of marijuana. Even with this knowledge, the commission recommended the continuation of heavy penalties for cultivation, trafficking, and possession with the intent to sell. Additionally, they recommended that marijuana remain contraband subject to seizure and the continued prohibition of public use. The committee gave lip service to reform by calling for the end of penalties for private casual use. However, the user would still have no legal source for the plant, and still faced retribution by police who would wield non-criminal marijuana penalties, such as costly tickets for possession. After 1972, marijuana arrests by state and local police remained at about 400,000.<sup>22</sup> The number of people arrested for marijuana use remained constant even after several states decriminalized the possession of personal quantities of marijuana. Those who escaped arrest, still faced economic retribution from

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<sup>21</sup>Department of Labor and Health, Education and Welfare, Hearings Before a Subcommittee of the Committee on Appropriations House of Representatives, 92nd Congress, 2nd Session, Part 6, p. 671.

<sup>22</sup>See Appendix 1, pp. 160-164. The year 1972 was the first year the FBI kept separate statistics for state and local marijuana arrests. Marijuana arrests were on the rise from 292,200 in 1972.

police who wrote costly “traffic style” tickets to users. Furthermore, law enforcement officials and drug counselors still referred to it as a “gateway drug” to more dangerous products.<sup>23</sup>

In the early 1970’s, government actions and the seeming futility of political expression destroyed the viability of the “New Left,” the movement of political youth advocating change, such as the Students for a Democratic Society (SDS).<sup>24</sup> The counter-culture believed that the system failed to address the grievances of the disaffected. Along with the more extreme behavior of radical groups such as the Weathermen, the disintegration of the New Left produced a growing number of people who withdrew in disgust from traditional society.

Among many exemplifying this attitude, one group emerged from the community of recent Caribbean immigrants who arrived in urban areas after World War II. In reaction to the strife of the sixties, a sizable segment of young black urban Caribbean males joined in marijuana lifestyle experimentation. “Gathering in abandoned buildings or other secluded settings to do so, they reported before long that marijuana brought ‘peace’ and ‘togetherness’ and made them brothers.”<sup>25</sup> By the early 1970s, a loose knit international network emerged to meet the demand for marijuana in this community as well as others around the country.

Confederations of white motorcyclists formed following World War II, and thrived as the drug war escalated. By the 1970s, they formed a nationwide manufacturing and distribution system for narcotics and marijuana. They

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<sup>23</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, p. 23.

<sup>24</sup>Chafe, The Unfinished Journey, pp. 408-409.

<sup>25</sup>Ansley Hamid, “The Political Economy of Crack-related Violence,” Contemporary Drug Problems, Vol. 17, No. 1, Spring 1990, pp. 44-45.

used the black market commodity to finance a counter-culture lifestyle. A dominant theme evident in the development of these gangs involved increasing violence when confronted by law enforcement and more stringent legal sanctions.<sup>26</sup>

Additionally, as one FBI agent noted: "Outlaw gang members challenge[d] dominate features of American Society...."<sup>27</sup> The sub-culture, provided by the gang offered status recognition, and security, which they were willing to protect with their lives and personal freedom. Hopelessness was the other alternative as indicated by this poem written by an outlaw biker:

This o'l world ain't treating me right  
it's the same old way from morning  
till night. I try being peaceful and end  
up in a fight, I'll smoke a number  
and get my head right.

I go look for a job and get no place, I  
smile at my friends and get slugged  
in the face, I keep telling people I'm  
not running a race, I think I'll sit down  
and get stoned just a taste.

My chick just split with another man,  
I lie in the sun and can't get a tan  
when I'm out in the streets  
there's always The Man,  
I'll go to a station and smoke in the  
can,

Well, that's my story from day to day,  
it never varies in any way, so if you  
need me—I'll be away, lying

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<sup>26</sup>Roger Davis, "Outlaw Motorcyclists: A Problem for Police (Part II)," FBI Law Enforcement Bulletin, Vol. 51, Number 11, October 1982, pp. 15-17.

<sup>27</sup>Roger Davis, "Outlaw Motorcyclists: A Problem for Police (Part II)," FBI Law Enforcement Bulletin, Vol. 51, Number 11, October 1982, pp. 15, 17.

somewhere and smoking hay.<sup>28</sup>

As law enforcement strengthened its attack, the club structure adjusted to protect their economic system. The outlaw motorcyclists solidified their underground organization, adopted more discreet smuggling tactics, and evolved into a secretive sub-culture committed to living as they pleased. They met the interference from traditional institutionalized society with zealous resistance and a willingness to use violence to preserve their lifestyle.

Others with similar attitudes lived in obscurity beyond the law and official scrutiny. These groups and individuals participated in the sub-culture, and the irregular economy of marijuana and narcotics which represented a rational adaptation to existing societal and economic opportunities.<sup>29</sup>

The desertion of large numbers of young people into the counter-culture during the Vietnam era concerned the nation's leaders. Issues surrounding marijuana and narcotics spurred a phenomenal growth of law enforcement power during Nixon's second administration. To eliminate a threat from people living outside the fashion advocated by the consensus of technocratic America during Nixon's presidency, narcotics and marijuana control expenditures increased 439% over previous levels.<sup>30</sup> Most funding aided state and local agencies. These expenditures yielded 1,798,400 drug arrests at the state and local level in Nixon's shortened second term. In 1974, the year

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<sup>28</sup>Roger Davis, "Outlaw Motorcyclists: A Problem for Police (Part II)," FBI Law Enforcement Bulletin, Vol. 51, Number 11, October 1982, p. 19.

<sup>29</sup>Yeager, "The Political Economy of Illicit Drugs," Contemporary Drug Problems, Vol. 4, No. 2, 1975, p. 150.

<sup>30</sup>White House Special Action Office for Drug Abuse, "Preliminary Report on the Social Cost of Drug Abuse," Washington, D.C.: The White House, 1974 as quoted in "The Political Economy of Illicit Drugs," Contemporary Drug Problems, Vol. 4, No. 2, 1975, p. 155.



of the President's forced resignation, the Drug Enforcement Administration confiscated 56 tons of marijuana, while state and local agencies arrested 445,600 people for marijuana crimes alone. Along with other societal stresses, the Nixon administration's breach of the public faith provoked further dissatisfaction.

Up until this administration, members of the disenfranchised communities, including various ethnic gangs, shared neighborhood bonds, common institutions, and a commitment to their immediate community. A trend accelerated during this turbulent time in which the middle class of those communities began migrating to suburban neighborhoods where they perceived more security and opportunity. They left behind the people least capable of coping with the problems of modern America. Those incapable of meeting their basic human needs in the traditional manner increasingly turned to the subsistence economies of welfare and narcotics. The largest subsistence opportunity with the least objectionable characteristics remained in the marijuana black market. Subsequent anti-marijuana efforts developed at all levels of the government as the people involved with the trade and use faced systematic attack.

The economy of marijuana attacked the foundations of industrial America. One researcher stated: "The drug ban [was] not generally enforced against the powerless groups so long as the drug users do not challenge or threaten the social structure. Thus, whether the drug user [was] a heavy or light user [became] irrelevant to his chances of arrest"<sup>31</sup> The marijuana underground, popular among many, attracted the greatest attention from law

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<sup>31</sup>James Mosher, "Discriminatory Practices in Marijuana Arrests: Results from a National Survey of Young Men," Contemporary Drug Problems, Vol. 9, No.1, Spring, 1980, pp. 100-101.

enforcement who pursued various lower class groups with arbitrary enforcement of the law.<sup>32</sup> Directed at certain "dangerous" societal subgroups, the trend of marijuana prosecutions within the cold war consensus allowed unchecked transgressions by police, prosecutors, courts, and prisons.<sup>33</sup> In 1974, the government arrested at least 445, 600 citizens for marijuana violations. The enforcement trends of the 1970s implemented by succeeding administrations carried implications initially felt later, during the early years of the Reagan administration, as pressure on the marijuana trade changed the narcotic black market's product of choice; a pattern that began in the early 1970s.<sup>34</sup>

The Drug Enforcement Administration was formed in 1973 by combining the Office of Drug Abuse and Law Enforcement, and the Bureau of Narcotics and Dangerous Drugs, along with the transfer of a number of agents from the Customs Service and the CIA.<sup>35</sup> Soon after Nixon resigned, the new President, Gerald Ford, added his support to the nation's drug war early in his administration. The President showed his commitment in an exchange with the Drug Enforcement Agency's Administrator, Peter Bensinger, 23 February 1976. The President called for action to "win the war on drugs," and stop "these merchants of tragedy and death...."<sup>36</sup> Mandatory prison sentences

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<sup>32</sup>James Mosher, "Discriminatory Practices in Marijuana Arrests: Results from a National Survey of Young Men," Contemporary Drug Problems, Vol. 9, No. 1, Spring, 1980, p. 101. See also Edward Escobar, "The Dialectics of Repression," The Journal of American History, Volume 79, No. 4, March 1993, pp. 1483-1514 .

<sup>33</sup>James Mosher, "Discriminatory Practices in Marijuana Arrests: Results from a National Survey of Young Men," Contemporary Drug Problems, Vol. 9, No. 1, Spring, 1980, p. 101.

<sup>34</sup>Committee on Government Operations, Stopping the Flood of Cocaine with Operation Snowcap: Is it Working?, Washington D.C., U.S.G.P.O., 1990, pp. 69-70.

<sup>35</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, p. 84.

<sup>36</sup>Gerald R. Ford, The Public Papers of the Presidents of the United States, Gerald R. Ford, 1976-1977, Book 1, Washington D.C.: U.S.G.P.O., 1979, p. 422.

became part of the political debate again. Ford promised "an all out Federal effort to combat the drug menace." Bensinger responded with these priorities of the Federal Government:

We will bend our efforts to make sure that foreign eradication of crops proceeds with priority and that we focus on key international importers of narcotics, too, and sharpen up those. I think that will eliminate some of the major importers and financiers. And I think that's what the federal role should be focused on.<sup>37</sup>

As narcotics seizures increased, Bensinger and the government believed they succeeded in their battle against the distribution networks. In 1976 the combined seizures of the Drug Enforcement Administration and U.S. Customs Bureau totaled 524 tons of marijuana, or enough to supply the nation's regular users for about a year.<sup>38</sup> State and local agencies cooperated and attacked the user culture with consistent ferocity throughout the 1970s. In 1976, as the nation celebrated its 200th anniversary of independence, 441,000 people were arrested for marijuana violations at the state and local level.<sup>39</sup>

Ford failed in his re-election campaign, and a new President, promising advancement in justice, humility, and mercy, took control of the nation's government. James Earl Carter said in his inaugural address that he hoped history would say that his administration "...had insured respect for the law and equal treatment under the law, for the weak and the powerful, for the rich and poor...."<sup>40</sup> When asked whether the narcotic control system was

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<sup>37</sup>Gerald R. Ford, The Public Papers of the Presidents of the United States, pp. 422-423.

<sup>38</sup>See Appendix 2, p. 165.

<sup>39</sup>See Appendix 1, p. 161.

<sup>40</sup>Jimmy Carter, Public Papers of the Presidents of the United States, Jimmy Carter, 1977, Book 1, Washington, D.C.: U.S.G.P.O., 1977, p. 4 .

arbitrary and unjust the President responded: "No." Carter declared that drugs "...are a devastating affliction on our society and ought to be eliminated as much as we can."<sup>41</sup>

The President stated his drug war goals in a message to Congress, 2 August 1977. "My goals are to discourage all drug abuse in America...and reduce to a minimum the harm drug abuse causes when it does occur."<sup>42</sup> Law enforcement remained the primary weapon for the government's drug war with common themes from the past guiding the eradication attempts. A portion of this Congressional address yielded some conciliation in the rhetorical war. Carter remarked:

Marihuana continues to be an emotional issue. After four decades, efforts to discourage use with stringent laws have still not been successful. More than 45 million Americans have tried marihuana and an estimated 11 million are regular users.

Penalties against possession of a drug should not be more damaging than the drug itself; and where they are, they should be changed. Nowhere is this more clear than in the laws against marihuana in private for personal use....States which have already removed criminal penalties for marihuana use, like Oregon and California, have not noted any significant increase in marihuana smoking [due to decriminalization]. The National Commission on Marihuana and Drug Abuse concluded 5 years ago that marihuana use should be decriminalized, and I believe it is time to implement those basic recommendations.<sup>43</sup>

Limited decriminalization took place. Pat Horton, the District Attorney for Lane County, Oregon reported: "Decriminalization has in fact prioritized police work into areas of violent crime and crime against property...." Horton continued:

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<sup>41</sup>Jimmy Carter, Public Papers of the Presidents of the United States, 1977, Book 1, p. 321.

<sup>42</sup>Jimmy Carter, Public Papers of the Presidents of the United States, 1977, Book 2, p. 1401.

<sup>43</sup>Jimmy Carter, Public Papers of the Presidents of the United States, 1977, Book 2, Washington, D.C.: U.S.G.P.O., p. 1404.

Currently law enforcement officers spend more time in the area of violent crimes and, thus, better serve their community....It has removed from the docket approximately one-third of the total number of cases awaiting trial.<sup>44</sup>

Horton importantly noted that "... the relationship between youth in the community and the police has improved substantially."<sup>45</sup> However, such good feelings were short lived, because the agencies held institutionalized biases which were transmitted from in-house training programs to young officers who adopted the biases of senior officers. Fifteen years after Horton discussed the benefits of legalization, Oregon had resumed harsh anti-marijuana programs that culminated in 1989 with two full scale riots which began with marijuana arrests. One riot occurred when police officers targeted a vendor at a street fair called the Saturday Market in downtown Eugene, for distributing individual marijuana cigarettes. Open marijuana smoking was common at the Saturday Market among social classes abhorrent to many officers. A pro-marijuana crowd gathered when the vendor was taken into custody. People threw bottles and rocks at police who retaliated with coercive force and more arrests. The second riot started at 13th Street and Alder Avenue in the campus area of the University of Oregon when students in dormitories pelted police with bottles. These officers had been conducting high visibility operations in the area to curb the open consumption and

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<sup>44</sup>Deborah Maloff, "A Review of the Decriminalization of Marijuana," Contemporary Drug Problems, Vol. 10, No. 3, Fall, 1981, pp. 307-322. See also Erich Goode, "Sociological Aspects of Marijuana Use," Contemporary Drug Problems, Vol. 4, No. 4, Winter, 1975, p. 441. Goode reported on the statements of Horton. In 1989 one senior police training officer in Eugene Oregon, the seat of Lane County told this writer: "This town is full of nothing but a bunch of goddamn hippies and dope smoking faggots."

<sup>45</sup>Goode, "Sociological Aspects of Marijuana Use," Contemporary Drug Problems, Vol. 4, No. 4, 1975, p. 441.

distribution of drugs. The department deployed officers in full riot gear who ended the disorder with tear gas and arrests. Unrest continued in Eugene and soon department policy mandated that officers carry full riot equipment even for normal operations.

The imposition of civil penalties maintained the pressure exerted by the government on the narcotic users. Guided by federal mandate, local and state police continued discretionary enforcement by issuing civil fines and additionally arrested 445,800 people for marijuana violations in 1978.<sup>46</sup> Marijuana arrests accounted for about 70% of all drug arrests in the 1970s. The drug war escalated under Jimmy Carter and penalties for drug possession continued to be more damaging than the drug itself.<sup>47</sup>

During the Carter administration, expenditures for law enforcement exceeded those for rehabilitation and treatment. Carter increased bureaucratic efficiency along with a subsequent expansion of the offensive against international sources. The government attacked high-level drug trafficking organizations, re-applied mandatory sentences for drug convictions and pressured the judiciary into applying consecutive sentences for multiple violations. Additionally, agencies developed asset seizure programs to confiscate the property of the narcotic users and sellers.<sup>48</sup>

The use of new technologies and methods in law enforcement increased drug costs as government programs decreased the supply of marijuana. The mounting chance of arrest also increased costs to the marijuana entrepreneur.

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<sup>46</sup>See Appendices 1 and 5, pp. 162, 183.

<sup>47</sup>See Appendix 1, pp. 161-162.

<sup>48</sup>Drugs Crime and the Justice System, pp. 88-89. See also Robert E. Chasen, "Currency and Foreign Transactions Reporting Act; A New Law Enforcement Tool," FBI Law Enforcement Bulletin, Vol. 48, Aug. 1979, pp. 1-5.

Subsequently, the value of the marijuana crop grew. The increasing cost of marijuana, along with the chance of incarceration, increased the likelihood of resistance from the members of the marijuana black market.

As the narcotic culture resisted, law enforcement developed militaristic officer training programs designed for assaults on the homes of users, distributors, and manufacturers of marijuana and other narcotics. The sheriff of the Los Angeles County Sheriff's Office, Peter Pitches, stated: "A man's home is his castle, and if he's in the drug traffic, it is apt to be well defended...Under the circumstances well-planned safety precautions are essential."<sup>49</sup> This attitude and the training programs that followed began the institutionalization of a highly confrontational attitude among police agencies which rationalized the use of military style training. Pitches described narcotic arrest procedures in the Drug Enforcement Administration's journal:

At 4:00 a.m. a Special Weapons Team Deputy crawled up the seemingly empty driveway to the residence. At the doorway he remained on his back to avoid television monitors. He was joined by another Deputy.

Hidden, a short distance away, the Special Weapons Team waited. Also waiting were members of an L.E.A.A.--funded Narcotics Task Force: Drug Administration Agents, Agents from

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<sup>49</sup>Peter J. Pitches, "Survival Training for Narcotics Officers," Drug Enforcement, Vol. 4, No. 1, Feb. 1977, p. 21. As Sheriff of Los Angeles County in the late 1960s and early 1970s, Pitches commanded a department that engaged in systematic campaigns of coercion, harassment, violence, infiltration and disruption of legal organizations, as well as traditional red-baiting in order to control dissident elements. In the summer of 1970, a Grand Jury even implicated Pitches and one of his deputies in the murder of a journalist and political activist, Ruben Salazar. Salazar had been shot through the head with a 10-by-1.5 inch armor piercing tear gas shell, fired without provocation by Sgt. Thomas Wilson, through an open door into a crowded cafe. Many believed this to be a political murder and despite the Grand Jury's finding for a true bill, the District Attorney refused to prosecute the case. In protest, demonstrators gathered and chanted: "Who killed Salazar? Wilson! Who gave the orders? Pitches!" Edward Escobar, "The Dialectics of Repression," The Journal of American History, Volume 79, No. 4, March 1993, pp. 1483-1514 .

the California Bureau of Narcotics Enforcement, Los Angeles County Sheriff's Narcotics Deputies, and Narcotics Officers for the Los Angeles Police Department.

The Task Force set up the early morning raid in commando style for a reason: Information was developed that the dealer they were about to arrest had fortified himself with a machine gun and television monitors at strategic points around his residence.<sup>50</sup>

The majority of drug raids were for marijuana violations.<sup>51</sup> Law enforcement agencies designed arrest procedures under the worst case scenario, which translated into the use of the highest degree of force in the arrest of marijuana and other narcotics offenders. Military style training for civilian drug law enforcement exemplified a form of systemic violence created by the actions of anti-drug law enforcement.<sup>52</sup> Pitches continued in his graphic description of training:

The survival school commences with a chilling re-creation of an actual narcotics case where three undercover investigators were killed in a well planned ambush. The students observe the incident in a shocked silence, realizing they would have in all probability reacted in the same manner as the slain officers.

Narcotics arrests resulting in officer deaths are researched, analyzed, and presented to the class, pointing out the need for constant awareness and control in each step of the investigative process. Although innovative survival techniques are offered, the emphasis is on using well established safety guidelines while drawing heavily from the personal street experiences of the instructors.

Every day officers are confronted with the hazardous task of arresting the narcotics offender in his domain, namely, in a dwelling....Therefore each entry should be viewed as an unknown entity, requiring extensive planning and uniformity of action

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<sup>50</sup>Pitches, "Survival Training for Narcotics Officers," *Drug Enforcement*, Vol. 4, No. 1, Feb. 1977, p. 20.

<sup>51</sup>Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 1985, pp. 445-447.

<sup>52</sup>Harrison, "The Drug Crime Nexus in the USA," *Contemporary Drug Problems*, Vol. 19, No. 2, Summer, 1992, p. 215.



whenever possible. As a result of this training, a multi-agency entry is now possible with complete uniformity.<sup>53</sup>

Such high risk military style training originated in the Los Angeles County Sheriff's Department. Their training techniques became the model for police training elsewhere. It represented a continuing trend in the nationalization of police force training under a military style. Drug Enforcement indicated the tendency of shifting to an L.A. style of enforcement as Pitches continued:

The interest and participation that has been generated by the school is outstanding....Since the inception of the school, virtually all the Sheriff's Department's plain-clothes detective units have indicated an interest in the school....In addition, many inquiries have been received by law enforcement agencies from within California and several other western states. These agencies are requesting admission to the school as observers in order that they may return to their respective areas and utilize the information gained both for in-service training sessions and for the establishment of similar survival schools.<sup>54</sup>

More extreme methods fell short in the drive to end the use of marijuana and narcotics. One researcher noted: "The effort to curb drug smuggling has been a monumental failure, primarily because the economics of the marketplace makes it literally impossible that such a program will ever succeed."<sup>55</sup> These conditions created fertile ground for the development of problems within a variety of police agencies. The Chief of Police in Lewiston, Idaho wrote in the FBI's training bulletin:

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<sup>53</sup>Pitches, "Survival Training for Narcotics Officers," Drug Enforcement, Vol. 4, No. 1, pp. 21-22. In the United States, military assault style entries were considered unlawful before the advent of the "No Knock" entry authorized in the 1970 Drug Control Act.

<sup>54</sup>Pitches, "Survival Training for Narcotics Officers," Drug Enforcement, Vol. 4, No. 1, p. 22.

<sup>55</sup>Mathew Yeager, "The Political Economy of Illicit Drugs," Contemporary Drug Problems, Vol. 4, No. 2, 1975, p. 156.

The inherent stress and frustration found in the law enforcement profession provides an ideal breeding ground for the disorder [of cynicism]....

Cynicism can be defined as a means to display an attitude of contemptuous distrust of human nature and motives....It corrupts and destructs the total image of a police officer or organization....

Cynicism like cancer does not respect rank status or position. It can frequently grow within individuals or within our organizations without us realizing its presence....If left to nurture to their potential, they can and frequently do become terminal to our careers, our lives, or both....

Young officers entering law enforcement frequently have deep feelings of commitment and a sense of entering a field of endeavor which is worthwhile and meaningful to society....He usually increases his association with law enforcement personnel. The result is the officer unknowingly starts a slow withdrawal from society...[and] as contact with peers increases, both on and off the job, the main topic of discussion becomes the job. The officer hears colleagues tell of their experiences and he relates his own experiences in the same fashion. He listens to the frustrations other officers encounter with the job and in society and starts to identify those frustrations as his own....He witnesses daily man's inhumanity to man and the inability of numerous residents of his city to cope with the pressure of society. He begins to reach a point where it becomes an "us against them" world. The "us" are his fellow officers, the only friends he believes he has, and "them" becomes the remainder of society....

The administrative ranks...are not immune to cynicism. Continual criticism of his endeavors, combined with the frustration of attempting to deliver police services to the community while being restricted by inadequate resources, can cause police administrators and entire law enforcement organizations to assume a cynical attitude toward governing bodies and the community at large....In this case, "us" is the police agency and "them" becomes city hall, the county commissioner...and more importantly the community....The agency withdraws from the community under the leadership of the [cynical] leader and becomes wrought with self-pity and apathy--incompetent to the delivery of quality public service.<sup>56</sup>

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<sup>56</sup>Kenneth R. Behrend, "Police Cynicism: A Cancer in Law Enforcement?," FBI Law Enforcement Bulletin, August 1980, Vol. 49, No. 8, Washington D.C.: Department of Justice, 1980, pp. 1-3.

Ronald Reagan, inaugurated in January of 1981, continued and intensified the previous trends in drug prohibition. The goals stated in the President's inaugural address contrasted with the drug war policies he developed for the decade of the 1980's. The President remarked:

It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people....It is no coincidence that our present troubles parallel and are proportionate to the intervention and intrusion in our lives that result from unnecessary and excessive growth of government. It is time for us to realize that we're too great a nation to limit ourselves to small dreams.<sup>57</sup>

Despite rhetoric calling for the shrinking of government control, Reagan's message applied only to citizens living according to standard norms. "People in trouble were reconceptualized as people who make trouble; social control replaced social welfare as the organizing principle of state policy."<sup>58</sup> The drug problem continued as a bipartisan platform to scape-goat an entire class of citizens for a wide array of problems, including crime, education, and the decline of the family. In order to prevent the growth of a "dangerous" class, anti-drug crusaders with the commander-in-chief at the head, advanced goals designed to do battle against the narcotic sub-culture.<sup>59</sup>

In a speech to the International Association of Chiefs of Police the President promised to "speak out on the crime problem....We will use this, what Teddy Roosevelt called a 'bully pulpit' of the Presidency, to remind the

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<sup>57</sup>Ronald Reagan, Public Papers of the Presidents of the United States, Ronald Reagan, 1981, p. 2.

<sup>58</sup>Craig Reinerman and Harry Levine, "Crack in Context: Politics and Media in the Making of a Drug Scare," Contemporary Drug Problems, Vol. 16, No. 4, Winter, 1989, pp. 560-561.

<sup>59</sup>Reinerman and Levine, "Crack in Context," Contemporary Drug Problems, Vol. 16, No. 4, Winter, 1989, p. 559.

public of the seriousness of the problem and the need to support your efforts to combat it.”<sup>60</sup> One of the core features of Reagan’s bully pulpit became “...the routinization of caricature--worst cases framed as typical cases, the episodic rhetorically recrafted into the epidemic.”<sup>61</sup> Such words guided a growing domestic big stick against portions of the narcotic black market with unintended results.

The Reagan administration’s anti-drug legislative agenda developed around the draft report of the Phase II Recommendations of the Attorney General’s Task Force on Violent Crime. The Phase II report named “narcotics and dangerous drugs” as the number one consideration within the violent crime category. The policies for the seventh decade of the American drug war were enunciated in three parts: (1) Interdict and eradicate foreign drugs wherever cultivated, processed and transported, by any means including the use of herbicides and the military; (2) Use the military to control, detect and intercept narcotics at the borders; and (3) Adopt a legislative program to support and improve the criminal justice system with a wide range of law enforcement changes that would facilitate the anti-narcotic program.<sup>62</sup>

Examples of this agenda included mandatory sentences for any felony associated with the possession of a gun regardless of whether or not the gun was used in the commission of the felony. Possession of a marijuana “joint” and a .22 rifle while on a rabbit hunt constituted a federal crime. The administration sought the elimination of bail in many cases. They tried

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<sup>60</sup>Ronald Reagan, Public Papers of the Presidents of the United States, 1981, p. 841.

<sup>61</sup>Reinarman and Levine, “Crack in Context,” Contemporary Drug Problems, Vol. 16, No. 4, Winter, 1989, p. 543.

<sup>62</sup>“The Reagan Administration’s Anti-Crime Agenda,” Contemporary Drug Problems, Vol. 9, No. 4, Winter, 1980, p. 475.

loosening the Exclusionary Rule which protected citizens from the use of evidence illegally seized by police. Two billion dollars in state aid were requested for state prisons, as well as federal resources to combat local street gangs. The most significant plank of Reagan's first legislative effort ended the traditional exclusion of the military in civilian law enforcement.<sup>63</sup>

In the summer of 1981, Congress passed a revised Posse Comitatus Act as part of the more than 800 pages of the military appropriations bill, House Resolution 3519, and the Senate's equivalent bill, 815. The General Counsel of the Department of Defense, William Howard Taft IV, proclaimed the importance of the original Posse Comitatus exclusions:

The Act expresses one of the clearest political traditions in Anglo-American history: that using military power to enforce the civilian law is harmful to both civilian and military interests....At best, section 375 [the section allowing the military authority in civilian affairs] will produce troublesome interagency difficulties and generate acrimony over requests for assistance with little actual result. At worst, it is a vehicle for diversion of military personnel from their mission with adverse effects both on military readiness and the tradition of separating civilian and military spheres of activity.<sup>64</sup>

Professor Christopher Pyle of Holyoke College in Massachusetts, a leading scholar in the area of military-civilian relations, testified to the crucial nature of the bill:

Mr. Chairman...as I understand it, my assignment was to analyze Section 371 through 375 of H.R. 3519, the Department of Defense Authorization Bill, with particular reference to the traditional separation of civilian and military law enforcement functions as exemplified by the Posse Comitatus Act of 1878....

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<sup>63</sup>Ronald Reagan, Public Papers of the Presidents of the United States, 1981, p. 842.

<sup>64</sup>Hearing Before the Subcommittee on Crime of the Committee on the Judiciary, House of Representatives, 97th Congress, First Session on H.R. 3519, Posse Comitatus Act, 3 June 1981, Serial No. 61, Washington: U.S.G.P.O., 1982, pp. 16-17.

I fully understand why the Drug Enforcement Administration would want to conscript federal troops into its war against marijuana smugglers, but I think Congress should view this request from a larger historical perspective. Laws against the smuggling of "controlled substances" are often controversial. So far as possible, the armed forces should be insulated from such controversies. It might behoove us to remember that the American Revolution itself was born of a popular, and often unreasoning hatred of a government that used the military to quell resistance to unpopular customs laws. The Boston Massacre, the quartering of troops in private homes, and the sea-going attack on a British warship by Newport-based smugglers seem quaint stories today, but they helped to confirm the Founders' opposition to the involvement of the military in civilian law enforcement. I would like to think we learned from these events during the 1920's, when we largely exempted the armed forces from the enforcement of the Prohibition laws. However, if section 375 is enacted in the Age of Marijuana, I fear we will have learned nothing....

More is involved than keeping soldiers off the back of the civilians. More is involved than mere appearances. What is at stake is nothing less than a consistent theory of the proper role of army forces in a democratic republic.

That theory, I have tried to suggest, envisions the military as a back-up force, operating under its own command, prepared to deal with large scale emergencies, beyond the capabilities of civilian authorities, not for the purpose of executing civilian laws, or even assisting in their execution, but for restoring order, saving lives, and protecting property from natural and man-made disasters.<sup>65</sup>

Congress failed to heed the scholar's warning and enacted the legislation.

President Reagan then explained the direction he would take the nation:

We have to recognize that our own country does not have completely clean hands. There is a great deal of marijuana produced in the United States. So unless we could be 100 percent able to find and apprehend or do away with that, we would be as much an offender as some country that is trying as hard as it can to eliminate the drug traffic.<sup>66</sup>

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<sup>65</sup> Hearing Before the Subcommittee on Crime of the Committee on the Judiciary, House of Representatives, 97th Congress, First Session on H.R. 3519, *Posse Comitatus Act*, pp. 35-43.

<sup>66</sup> Ronald Reagan, Public Papers of the Presidents of the United States, 1982, p. 484.

In conjunction with civilian law enforcement, Army helicopters and military pilots began flying missions against U.S. marijuana farms.<sup>67</sup> On a widespread level, Reagan's programs increased the number of marijuana seizures and arrests. The growing pressure changed the patterns of drug usage and distribution.

In the late 1970's and early 1980's activities coordinated by the Drug Enforcement Administration, and operating through multiple agencies down to local levels, disrupted the marijuana growing and distribution system. Arrests and seizures increased the cost of the marijuana business dramatically. At times marijuana practically disappeared from distribution channels.<sup>68</sup> While law enforcement eliminated a great deal of the marijuana supply from the narcotic black market, huge stands of coca reached maturity within Bolivia and Columbia and, as a result of eradication programs, which destroyed much of the marijuana black market, cocaine filled narcotic distribution channels in the late 1970s.<sup>69</sup> "The Colombian distributors, seeking new markets for these extraordinary amounts of [cocaine], looked to the Caribbean Islands and the United States."<sup>70</sup> Cocaine prices fell steadily as

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<sup>67</sup>Williams, Alton K. Jr., "Aerial Surveillance to Detect Growing Marijuana," FBI Law Enforcement Bulletin, Vol. 52, Feb. 1983, pp. 9-18. See also, "Marine OV-10D's with FLIR Systems Detect, Track Aircraft Smuggling Narcotics Into Southeast U.S.," Aviation Week & Space Technology, Vol. 131, No. 2, 10 July 1989, p. 49.

<sup>68</sup>Appendix 5, p. 184. See also Williams, "Aerial Surveillance to Detect Growing Marijuana," FBI Law Enforcement Bulletin, Vol. 52, Feb. 1983, pp. 9-18, and Bureau of Justice Statistics, Drugs, Crime, and the Justice System, pp. 84-85.

<sup>69</sup>Committee on Government Operations, Stopping the Flood of Cocaine with Operation Snow Cap: Is It Working, Washington D.C.: U.S.G.P.O., pp. 69-70. This crucial source reported that as the acreage of marijuana cultivation in Colombia fell due to U.S. government sponsored eradication, there was a corresponding increase in acreage devoted to coca production in more remote jungle areas beyond government control.

<sup>70</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, p. 50.

supplies mounted, while marijuana reserves decreased and the price of the more benign drug grew.<sup>71</sup>

About 1980, as cheaper cocaine powder flooded the black market, a new method of consuming it gained popularity. The distributors converted the powder to a small rock for smoking or "free-basing." "In all such groups of freebase...[users], a universally reported effect of freebase smoking was escalation to compulsive or binge use."<sup>72</sup> This fact was in direct contrast to the effects of marijuana.

The government's drug war caused the supply of marijuana to continue decreasing, while consumer prices rose from five to ten dollars an ounce in 1976 to twenty to thirty-five dollars per quarter-ounce by 1983. From 1976-1982 marijuana arrests comprised about 70% of all drug arrests despite government claims that they focused efforts on the dangerous narcotics.<sup>73</sup> The government's drug war crippled the marijuana economy. The ability of the marijuana distribution networks to control the cycle of drug trafficking was destroyed due to foreign and domestic aerial interdiction as the result of revisions in the Posse Comitatus Act. The end of domestic market control allowed conditions to exist which created capital flight and eliminated domestic distribution networks while foreign cartels took their place. In turn, foreign cartels concentrated their black market efforts on different products

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<sup>71</sup>William H. McGlothlin, Marijuana: An Analysis of Use Distribution and Control, Washington D.C.: U.S.G.P.O., 1971, pp. 85-86; DEA, Special Report, The Illicit Drug Situation in the United States and Canada 1984-1986, Washington D.C.: U.S.G.P.O., 1987, pp. 4-5; DEA, Intelligence Trends: Vol. 7, 1980; Vol. 14, No. 3, 1987, pp. 3, 6; Vol. 17, No.1, 1990, pp. 3, 6. From the 1970s to the 1990s the price of marijuana increased from about \$10 per ounce to about \$120 per ounce.

<sup>72</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, p. 55.

<sup>73</sup>See Appendix 1, pp. 161-162.



such as cocaine and "crack," which had much more hazardous effects than marijuana. "Freebase" later known as "crack" was introduced as a result of the elimination of marijuana, and the nature of the cocaine derivative had devastating impact on the narcotic sub-culture.<sup>74</sup>

Strategy documents from 1973-1984 never considered a resurgence of cocaine as a result of marijuana eradication programs. The traditional punitive approach considered mounting arrests and seizures as a success. Attorney General William French Smith stated: "We intend to keep up the pressure, and we will continue our successes."<sup>75</sup>

In the State of the Union Address of 25 January 1983, President Reagan described the nation's condition:

As we gather here tonight, the state of the Union is strong, but our economy is troubled. For too many of our fellow citizens--farmers, steel and auto workers, lumbermen, black teenagers, working mothers--this period is painful. We must do everything in our power to bring their ordeal to an end. It has fallen to us, in our time, to undo damage that was a long time in the making, and begin the hard but necessary task of building a better future for ourselves and our children.<sup>76</sup>

The people in pain that Reagan mentioned were the most likely to be a member of the narcotic economy and the most likely to face the drug war fallout.<sup>77</sup> The President proposed and the majority supported the drug war which attacked troubled people with little attempt to ease any suffering

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<sup>74</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, pp. 31-55.

<sup>75</sup>William French Smith, Challenge, Change, and Achievement: The Department of Justice 1981-1985, Washington, D.C.: U.S. Dept. of Justice, p. 6

<sup>76</sup>Ronald Reagan, Public Papers of the Presidents of the United States, 1983, p. 103.

<sup>77</sup>Erich Goode, "Sociological Aspects of Marijuana Use," Contemporary Drug Problems, Vol. 4., No. 4, 1975, pp. 397-398. See also James Mosher, "Discriminatory Practices in Marijuana Arrests: Results from a National Survey of Young Men," Contemporary Drug Problems, Vol. 9, Spring 1980, pp. 85-101.

caused by addiction. This rhetoric of the President compounded a problem growing for seven decades as he said:

The time has come for major reform of our criminal justice statutes and acceleration of the drive against organized crime and drug trafficking. It's high time we make our cities safe again. This administration hereby declares an all-out war on big-time organized crime and the drug racketeers who are poisoning our young people.<sup>78</sup>

The government's program to combat narcotics continued intensifying in the ensuing years. While the anti-drug campaign appeared in almost every appropriations bill throughout the 1980's, the first of three major pieces of legislation appeared in 1984.<sup>79</sup>

On 12 October 1984, President Reagan signed legislation he initiated following the State of the Union address. This culminated an eleven year effort to strengthen the federal criminal code.<sup>80</sup> The conservative political climate of the period contributed to conditions allowing for severe measures. Harsh punishment appealed to the voting public, who sought easy answers to complex problems. Despite the contentions of American Civil Liberties Union representative Jerry Berman, who declared the politicians rhetoric "fraudulent," for claiming "that this bill will reduce violence... or make this a safer society," the bill became law with these new provisions to reshape the drug war: (1) Drug defendants were presumed ineligible for bail and held in jail with the burden of rebutting government evidence before any pre-trial release. (2) The legislation controlled the judiciary by imposing mandatory

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<sup>78</sup>Ronald Reagan, *Public Papers of the Presidents of the United States*, 1983, p. 107.

<sup>79</sup>Steve Bartlett, former mayor of Dallas and Congressman from 1983-1989 told this to the writer. Anti-drug legislation is widely included in appropriations bills including the Pure Infant Formula Act.

<sup>80</sup>*Congressional Quarterly Almanac*, 1984, 98th Congress, 2nd Session, Vol. 40, Washington D.C.: Congressional Quarterly Inc., pp. 215-222.

sentencing guidelines and eliminating parole. According to the prosecutor's discretion, drug offenders adjudicated in the federal jurisdiction always faced hard jail time in federal prison. (3) Continuing a trend since the 1970 Comprehensive Drug Abuse Prevention and Control Act and RICO Act, bureaucratic agencies received greater authority to confiscate the property of those suspected of engaging in the narcotic economy. Captured funds were to be redistributed to the agencies responsible for the seizure. It also increased the value of goods from \$10,000 to \$100,000 that could be seized by agents without a court proceeding. (4) It increased maximum fines from \$25,000 to \$250,000, and expanded maximum prison sentence from 15 to 20 years. (5) The law created the Office of Justice Programs under the Attorney General, and the National Drug Enforcement Policy Board to coordinate federal, state and local drug war programs. (6) Congress authorized new block grant programs for federal aid to the state and local drug wars. Each state received \$250,000 with additional funding based on population. These grants entailed broad federal control over local agencies. (7) A program created \$25 million grants for prison construction from 1984-1988. (8) It authorized FBI training for state and local officials at the FBI academy in Quantico, Virginia. (9) The act distributed federal surplus properties for state and local prison construction and modernization. (10) Additionally, the law allowed juveniles to be tried as adults for federal drug crimes.<sup>81</sup>

Officers and agents of the government received authority to punish acts the judiciary left unpunished by confiscating property without a court

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<sup>81</sup>Congressional Quarterly Almanac, 1984, 98th Congress, 2nd Session, Vol. 40, p. 216. See also Rosemary Hart, "Sharing Federally Forfeited Property," FBI Law Enforcement Bulletin October, 1985, p. 21.

judgment of guilt.<sup>82</sup> Property was often sold before the defendant went to court, absent any final proof of guilt.<sup>83</sup> As the government seized property, people offered resistance while disregarding the consequences. Local and state prosecutors bolstered their felony conviction records with the ability to charge easier narcotics cases into both state and federal courts. They soon filled the new federally constructed prison spaces. Continuing criminal enterprise statutes emerged in all jurisdictions, along with federal drug crime definitions which allowed criminal sanctions to be applied at the discretion of police and prosecutors despite the decriminalization of marijuana possession in several states.<sup>84</sup>

After the all-out attack on marijuana and as the 1984 act passed, increased cocaine consumption and distribution became evident and significant. Capital flight resulted and affected the already impoverished sections of the nation's urban areas. In cities across the country organized gangs such as the Crips and Bloods in Los Angeles lost their stable marijuana market as cocaine use spread along with its other characteristic of overseas production and control.

The political economy of narcotics shifted further as a less refined, more powerful form of cocaine appeared in 1984. One researcher wrote: "[The]

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<sup>82</sup>John Dombrink and James Meeker, "Beyond Buy and Bust: Non-Traditional Sanctions in Federal Drug Law Enforcement," *Contemporary Drug Problems*, Vol. 13, No. 4, Winter, 1986, pp. 711-740, and Richard Mangan, "Exploiting the Financial Aspects of Major Drug Investigations," *FBI Law Enforcement Bulletin*, Vol. 53, Nov. 1984, pp. 13-15.

<sup>83</sup>A former police officer, with whom the writer is acquainted, was arrested for a marijuana growing operation. The courts concluded he was guilty of aggravated possession for personal use rather than conspiracy to manufacture and distribute as part of an ongoing criminal enterprise as the government contended. Before trial, police officials auctioned every piece of his property from his home and auto, to his clothes and personal memorabilia, including photographs. He received a minimum criminal sentence, but his property was gone despite the court's minimum verdict.

<sup>84</sup>Bureau of Justice Statistics, *Drugs, Crime and the Justice System*, pp. 82-86.

subsequent phenomena of crack use and distribution, which continues to develop to this day is a story of widespread demand, instant riches, rapid impoverishment and sudden death." The nature of marijuana distribution vanished due to actions of the criminal justice system. The crack pusher-junky, often out of control and seeking only a quick profit, replaced the more stable people who once sold marijuana alone.<sup>85</sup>

Because it appealed so powerfully to the pleasure center of the brain, crack achieved widespread popularity in low income neighborhoods.

With crack, whole households, kinship groups and neighborhood informal networks to which [crack users]...returned immediately succumbed to experimentation. Users, with few exceptions, graduated rapidly from experimentation to compulsive or "binge" use. They began forming themselves into poly-ethnic using groups (Caribbean African, African Americans and Hispanics) whose sole life was "the mission"--the never ending quest for more crack.<sup>86</sup>

"Violence...now exploded in all the ways in which crack use and distribution differed from that of previous drugs." The rapidly expanding demand for crack created huge ready-made markets. This contrasted sharply with the market for marijuana which developed over many years without significant monetary costs. Marijuana dealers who achieved wealth from years of effort usually did so after reaching maturity.<sup>87</sup> The crack dealers who replaced them were young, immature, and tempted by the elusive wealth they saw around them. Youthful crack dealers engaged in the conspicuous

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<sup>85</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, pp. 56-57.

<sup>86</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, p. 60.

<sup>87</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, p. 60.

consumption of luxury items, while neighborhoods deteriorated around them. Ethnicity, rapid acquisition of wealth, violence, and increasing youthfulness characterized the crack dealer of the mid-1980's.<sup>88</sup>

Monopolies in the distribution networks emerged as another troubling aspect of the "crack" black market. The "crack" economy contributed to the trend toward one absolute gang leader, while the previous marijuana economy, more closely based on agriculture, yielded a large, independent network of distributors. Gang warfare erupted as crime syndicates battled for "crack" monopolies. "To do business at all it seemed it was necessary for single organizations to control tightly both small urban markets per street distributor and at the same time several such operations in many cities....In order to maintain tight control, violence within organizations, among organizations, and against outsiders such as thieves, informers and the police was found to be instrumental."<sup>89</sup> Rival distribution groups were drawn into violent confrontation in order to monopolize access to clients. Along with the military style response of the police within the context of drug war, the crack distribution networks also became combat ready.

The cycle of crack use unfolded, and the founding members of the distribution groups, often pusher junkies, were replaced by more youthful entrepreneurs with no "crack" habit. The young dealers contributed further to "crack" related violence because these gang members held fewer reservations in applying coercive force against rivals, thieves and the police.

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<sup>88</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, pp. 60-68.

<sup>89</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, pp. 61-62. Hamid cites reports from the New York Times, 15 May 1989, U.S. News and World Report, 10 April 1989, and Time magazine 9 May 1988.

Themes of power, control, violence, sex, and misogyny became associated with the "crack" political economy. "Rap" the new musical expression of the counter-culture, described the violence and pain of the "crack" using lifestyle. The "crack" culture, and those it affected embraced music as a portrayal of their life. Themes explored in rap music dramatically contrasted with the earlier drug culture's music which expressed themes of love and transcendence with reggae and rock-n-roll.<sup>90</sup>

Young "crack" dealers held the fewest ties to society of any previous member of the narcotic black market. This led to flagrant abuse of customers. The "crack" economy caused homelessness, destitution, robbery, death, and other criminality associated with mobile distribution. "Crack" distributors depleted the wealth of a community and relocated it into other markets. The "crack" distribution and user networks increased friction in previously troubled neighborhoods. Prostitution, theft, assault, quarreling and indifference to children resulted. The same neighborhoods with significant marijuana distribution networks of earlier years were comparatively healthy. "Crack" related pain and violence permeated multiple generations of long suffering people. "The model [crack] so vividly represents--extreme youth in control, adults (user junkies) out of control, women exploited, the short violent life glorified--apparently absorbs whole neighborhoods faster than crack itself."<sup>91</sup>

The same cycle was seen in the growing violence of other distribution groups. Biker gangs avoided capital flight with a renewed commitment to

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<sup>90</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, p. 63.

<sup>91</sup>Hamid, "The Political Economy of Crack-related Violence," Contemporary Drug Problems, Vol. 17, No. 1, 1990, pp. 64-68.

organized marijuana production and distribution. Outlaw motorcyclists also adopted methamphetamines as a product because they could control all aspects of the manufacture and distribution cycle. They faced growing pressure under the enforcement practices of the 1980s and took on more insular and protective characteristics.<sup>92</sup>

The Crips and Bloods in Los Angeles California joined the “crack” economy along with other unidentified groups who joined the narcotic black market. “The current drug scare thus began in earnest when crack use became visible among this [these] threatening group[s].”<sup>93</sup>

By 1986, an orgy of media coverage yielded intensifying political concern, as well as fear. Countless TV and newspaper stories concluded that “crack” was tearing the nation apart.<sup>94</sup> Despite the anxiety, government surveys indicated that only .4% of American high school seniors used all forms of cocaine daily in the peak years of 1985-1986.<sup>95</sup> Just over one thousand Americans died from all cocaine related deaths in 1986.<sup>96</sup> Despite the concern

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<sup>92</sup>Davis, “Outlaw Motorcyclists A Problem for Police,” *FBI Law Enforcement Bulletin*, Vol. 51, Oct. 1982, p. 12 and Nov. 1982, p. 16. See also “Amphetamine,” *Drug Enforcement*, Vol. 2, No. 1, pp. 26-29; “Glossary of Slang Terms,” *Drug Enforcement*, Vol. 2, No. 2, p. 40. Although methamphetamines (ice, crystal, or crank) have been produced and used illicitly since at least 1948, the government in 1996 called “crystal-meth” a “new” threat to America. Following the tradition that renamed traditional hemp, “marijuana,” and free-based cocaine “crack” the government renamed an old drug a new, menacing names: “crank,” “ice,” or “crystal meth.” The renaming of hemp and cocaine was followed by new legislation.

<sup>93</sup>Reinarman, and Levine, “Crack in Context,” *Contemporary Drug Problems*, Vol. 16, No. 4, 1989, p. 541.

<sup>94</sup>Reinarman, and Levine, “Crack in Context,” *Contemporary Drug Problems*, Vol. 16, No. 4, 1989, p. 542.

<sup>95</sup>See Appendix 7, p. 188. Traditionally teenagers were the most frequent law violators, which allows one to assume that the survey findings for drug use among high school seniors would be at the high range for the actual use figures for the general population.

<sup>96</sup>Reinarman, and Levine, “Crack in Context,” *Contemporary Drug Problems*, Vol. 16, No. 4, 1989, p. 544.



over “crack”, the government’s statistics failed to list the substance separately from other cocaine forms making exact evaluations impossible.

In the mid-1980s the crack problem and the drug war offered an issue in which politicians appeared decisive and took a stand without alienating voting constituencies. “The drug problem served as an all purpose scapegoat with which they could blame an array of problems on the deviance of the individuals who suffered them.”<sup>97</sup> Scapegoating proved popular with voters. As perceptions of narcotic generated troubles increased, calls for tougher legislation erupted into the Anti-Drug Abuse Act of 1986.

“[In 1986] Reagan and Congressional leaders from both parties competed for credit in a race to combat drug abuse....Responding to an apparent growth in voter concern over illegal-drug abuse, Congress cleared a massive anti-drug measure, 17 October, less than three weeks before the mid-term congressional elections.”<sup>98</sup> Public law 99-570 increased penalties which followed a multiple decade trend and further complicated drug control with 192 pages of new law.<sup>99</sup> The statute provided for fines up to \$10 million and mandatory minimum sentences from five to forty years for “serious” drug offenses. “These were offenses involving 100 grams of heroin, 500 grams of cocaine, or 5 grams of cocaine freebase, known as “crack”, among other substances.”<sup>100</sup> This clause attacked “crack” in particular which focused the drug war primarily into black urban neighborhoods despite the fact that the active ingredient was identical in both “crack” and powder cocaine used more

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<sup>97</sup>Reinarman, and Levine, “Crack in Context,” Contemporary Drug Problems, Vol. 16, No. 4, 1989, p. 560.

<sup>98</sup>Congressional Quarterly Almanac, 99th Congress, Vol. 42, 1986, p. 92.

<sup>99</sup>United States Statutes at Large, 1986, Vol. 100, Part 4, pp. 3207.0-3207.192; Congressional Quarterly Almanac, 1986, p. 98. Penalty provisions are discussed from pp. 98-106.

<sup>100</sup>Congressional Quarterly Almanac, 1986, p. 98.

by the upper classes.<sup>101</sup> Additionally, only one gram of LSD brought on the mandatory sentencing provisions. LSD dosages were measured in micrograms, however, the hallucinogen was often distributed on small pieces of paper, in gelatin capsules, or sugar cubes, which often weighed one gram or more. The law created a condition allowing federal prosecution for the possession of one "hit of acid." The law prohibited parole and probation in these "serious" cases. Finally, the 1986 act attacked money laundering. Hundreds of millions of dollars were appropriated in addition to previous funding resulting in more seizures and arrests, as well as growing pressure on the narcotic sub-culture.

"As it had in the last two election years, Congress began early in 1988 crafting legislation to combat the nation's drug problem as both political parties felt the need to somehow capture the drug issue....[The trend of increasing drug penalties continued] driven by presidential politics as both parties accused the other of not doing enough to combat drugs."<sup>102</sup> The law expanded narcotic penalties in all categories, and added the death penalty for the leaders of narcotic distribution networks. Congressman George W. Gekas said "the war on drugs cannot be fought without the death penalty."<sup>103</sup> Charles Rangel, his colleague from New York responded: "Those bums who are dealing in drugs are not afraid of the death penalty. They live under the

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<sup>101</sup> Appendix 6, pp. 185-186. See also Committee on Government Operations, Stopping the Flood of Cocaine with Operation Snow Cap: Is It Working, Washington D.C.: U.S.G.P.O., p. 9.

<sup>102</sup> Congressional Quarterly Almanac, 100th Congress, Vol. 44, 1988, p. 85.

<sup>103</sup> Congressional Quarterly Almanac, 100th Congress, Vol. 44, 1988, p. 100. It is unknown whether any narcotic law violators are on death row or if any have been executed because the death penalty statistics do not include a section on drugs, just one entitled "other."

fear of death every day.”<sup>104</sup> Both congressmen were correct, but they never achieved a solution that would bring the drug war to an end.

From 1968 to 1988 the drug war escalated drastically. The government justified their control efforts under the federal authority over interstate commerce. Despite readily available information on the relative harmlessness of the plant, Nixon focused his part of the drug war on the marijuana economy. Ford and Carter continued this trend and added an attack on the financial aspects of the narcotic and marijuana black market. They fought marijuana to control a population who challenged conventional power structures because they withdrew into a subsistence culture and economy. Law enforcement pressed the drug underground until economic and personal costs to the user and seller created conditions leading to a shift in the nature of the narcotic black market. In the absence of marijuana, many adopted new products, like “crack” which had more intense effects on both the user and distribution system. “Crack” increased crime and violence due to the nature of the drug itself. A host of compulsive users engaged in any behavior to secure the purchase price of “crack” contrasting the characteristics of marijuana, the drug of choice for the previous generation. Additionally, the laws caused a complete transition of the entire use and distribution system. This created more crime and violence due to conditions inherent in the enforcement of the nation’s drug laws, which allowed the emergence of “crack” cocaine.<sup>105</sup> President Reagan left office in January 1989,

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<sup>104</sup> Congressional Quarterly Almanac, 100th Congress, Vol. 44, 1988, p. 100.

<sup>105</sup> Lana D. Harrison, “The Drug-Crime Nexus in the USA,” Contemporary Drug Problems, Vol. 19, No. 2, 1992, p. 215.

after continuing the traditional pattern of escalation in the U.S. Drug War with the emphasis of the conflict continuing unchanged.

## CONCLUSION

As the century turned a wide variety of people used narcotics. However, the government under Progressivism associated drug consumption with dangerous elements in society. David Musto wrote: "The circumstances of an institution's creation can stamp the character of its actions far into the future and this is certainly the case...with the crusade against drugs."<sup>1</sup> Latent racism and xenophobia soon melded with anti-radicalism following World War I. In this period, the nation's laws, including the Harrison Act of 1914, evolved around a need to protect the evolving institutions from Blacks, Asians, or others, who fell into categories perceived as threatening to an industrial society.

These hardened attitudes continued in the interwar period and only grew as Mexican migrant workers brought the marijuana use into America as the Great Depression began in the late 1920s. In the midst of this storm, Harry Anslinger became the dominant figure in the nation's drug control effort and continued a campaign of reverse social engineering as ambitious and long lasting as the New Deal. In support of government, as well as corporate agendas, the FBN's Commissioner maintained economic, political, and national security through the manipulation of drug control policy. The Marihuana Tax Act of 1937 and subsequent legislative and bureaucratic activities from the 1940s through the 1960s demonstrated the societal impact of drug control. The Second World War and Cold War compounded

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<sup>1</sup>David F. Musto, "The Global Drug Phenomenon: Lessons from History and Future Challenges," Raphael F. Perl, editor, Drugs and Foreign Policy: A Critical Review, Boulder: Westview Press, 1994, p. 2.

conditions unfavorable to debate and conducive to the use of coercive government power against the narcotic subculture. One historian wrote :

The fusion of nativism and legalism into anti-Communist ideology allowed Anslinger and the FBN to play a secondary yet active role in the development of the national security state. In that context, drug policy formulation and implementation took on greater importance than ever before in American foreign relations....Given a belief system such as Anslinger's, distortion was an inevitable result in the early Cold War.<sup>2</sup>

John F. Kennedy's assassination, racial unrest, and the Vietnam War exacerbated national unrest soon after Anslinger's retirement in 1962. Tragic events hindered the decision making capabilities of leaders who saw escalating force as the only alternative in a war against drug use. The government under Presidents Johnson, Nixon, Ford, Carter, and Reagan built upon the national security initiatives of their forerunners leaving Congressman John Coffee's words echoing through the decades:

Through operation of the law, as interpreted, there was developed also, as counterpart to the smuggling racket, the racket of dope peddling; in a word, the whole gigantic structure of the illicit-drug racket, with direct annual turnover of upward of a billion dollars.

Incidental effects were the persecution of perhaps a million victims of the diseased condition known as drug addiction....who now became human derelicts and were thrust by thousands into jails and prisons simply because they could not legally secure the medicine upon which depended their integrity of mind and body.<sup>3</sup>

Few listened to Coffee and as result regular drug users increased by the millions.<sup>4</sup> Additionally due to law enforcement policies in the 1970s and

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<sup>2</sup>William O. Walker, "Drug Control and the Issue of Culture in American Foreign Relations," *Diplomatic History*, Vol. 15, No. 1, Winter 1991, p. 371.

<sup>3</sup>Appendix 3, p. 170.

<sup>4</sup>Harry Anslinger, and William Tompkins, *The Traffic in Narcotics*, New York: Funk and Wagnals, 1953, p. 165, as reproduced by William O. Walker, *Drug Control in the Americas*, Albuquerque, University of New Mexico Press, 1981, p. 170. Anslinger said that in the late 1940s the level of drug use had reached an "irreducible minimum." Walker reports the estimated number of addicts were between 20,000 and 48,000 in 1948. According to Bureau of

1980s, a booming cocaine black market replaced marijuana, once the dominant commodity within many clandestine distribution networks.<sup>5</sup> The national government incrementally gained influence over a century of narcotic prohibition and continued the methodical disinformation and manipulation of deep-rooted societal fear. Continuing as his predecessors in the irony of offering more control in the guise of preserving freedom, George Bush offered these remarks regarding the drug war:

Good evening. This is the first time since taking the oath of office that I felt an issue was so important, so threatening, that it warranted talking directly with you, the American people. All of us agree that the gravest threat facing our nation today is drugs. Drugs have strained our faith in our system of justice. Our courts, our prisons, our legal system, are stretched to the breaking point. The social costs of drugs are mounting. In short, drugs are sapping our strength as a nation....Our most serious problem today is cocaine, and in particular crack. Who's responsible?

This is crack cocaine seized a few days ago by Drug Enforcement agents just across the street from the White House. Let there be no mistake: This stuff is poison....Drugs are real and a terribly dangerous threat to our neighborhoods, our friends, and our families....

Tonight, I'm announcing a strategy that reflects the coordinated, cooperative commitment of all our Federal agencies. In short, this plan is as comprehensive as the problem. With this strategy, we now finally have a plan that coordinates our resources, our programs, and the people who run them....

If we fight this war as a divided nation, then the war is lost. But if we face this evil as a nation united, this [the crack rock the president held up for the camera] will be nothing but a handful of useless chemicals. Victory--victory over drugs--is our cause, a just cause. And with your help, we are going to win.

Thank you, God bless you, and good night.<sup>6</sup>

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Justice Statistics, Drugs, Crime and the Justice System, 1992, p. 28, about 20 million Americans used marijuana in 1990.

<sup>5</sup> Committee on Government Operations, Stopping the Flood of Cocaine with Operation Snowcap: Is It Working?, Washington D.C.: U.S.G.P.O., 1990, p. 70.

<sup>6</sup>George Bush, Public Papers of the Presidents of the United States, 1989, pp. 1136-1140.

The next day a picture of Bush holding the bag of "crack" appeared on the front pages of the nation's newspapers. However, the President's "crack" was a mere illusion that added to the anti-drug hysteria. In fact, the government neither seized the "crack" nor made an arrest in the case. The President's agents lured the "crack" dealer in front of the White House and purchased the processed cocaine from the peddler for \$2,400. The President wrote the speech and then invented his own evidence to support spurious assertions that "crack" had become so pervasive that men were "selling drugs in front of the White House." Agents failed to find anyone who actually sold drugs in the neighborhood of the White House, so they manipulated someone from another part of town in order to create an appearance of a desperate problem.<sup>7</sup>

During 1989 the government arrested 1,361,700 citizens of the United States for drug law violations at the state and local level. Mounting arrest figures indicated the failure of society to integrate people with different viewpoints. Reflecting the beliefs of many in the drug underground, one member of the marijuana subculture handed a rookie police officer this page of prose as he walked his beat. It said:

I am your neighbor, your co-worker, your friend. If you need my help, I will be there. Like you, I want a better, safer and happier world for my children to grow like the beautiful little flowers they are. I want them to be free from prejudice, hate, war and injustice. I have been labeled "Criminal" by a government which has less regard for our Constitution and laws than I do. I refuse to support the balance of trade with our neighbor nations to the south because it is based on cocaine and weapons, which are equally evil in their

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<sup>7</sup>New York Times, 23 September 1989, p. A1. See also a speech in which the President rationalized the purchase in George Bush, Public Papers of the Presidents of the United States, George Bush, 1989, p. 1240.



potential to cause suffering. I refuse to support the criminal element in this or any other government. I reject the concept that weapons make better foreign policy than food and education. I refuse to pay taxes to a government which is committed to racism, corporate oppression of the weak, and the economics of pollution and death. I believe my body is my own sacred property, and no person has the right to demand a sample of my bodily fluids for the purpose of imposing their moral prejudices on me. Judge me by my actions, not the contents of my digestive tract. I am a criminal because I cultivate marijuana for personal use, yet tobacco farmers receive subsidies to cause 300,000 cancer deaths annually. It would seem that my real "crime" is refusing to support corporate America's profit margin by blindly consuming products which harm me, my family and my brothers and sisters in the third world. I am guilty of the "crime" of believing that we can live in peace with respect for the Earth and all its life forms. May peace be ours.<sup>8</sup>

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<sup>8</sup>Given to this writer, Laylow Jones (a.k.a. Reverend Will, Will Wingit), "I Am Not A Criminal," unpublished, January, 1990.

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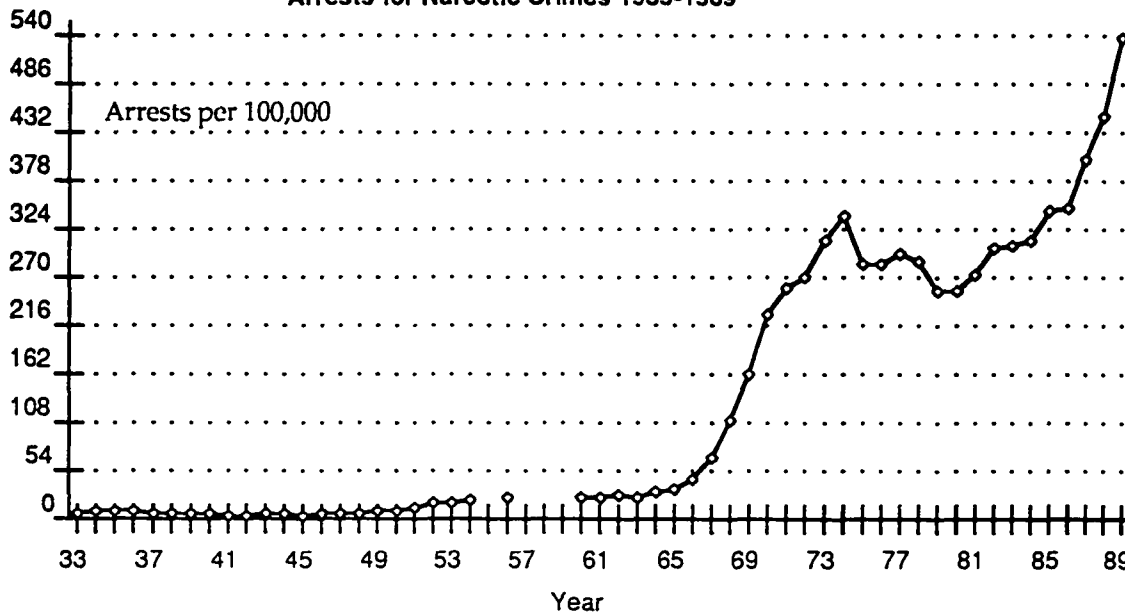
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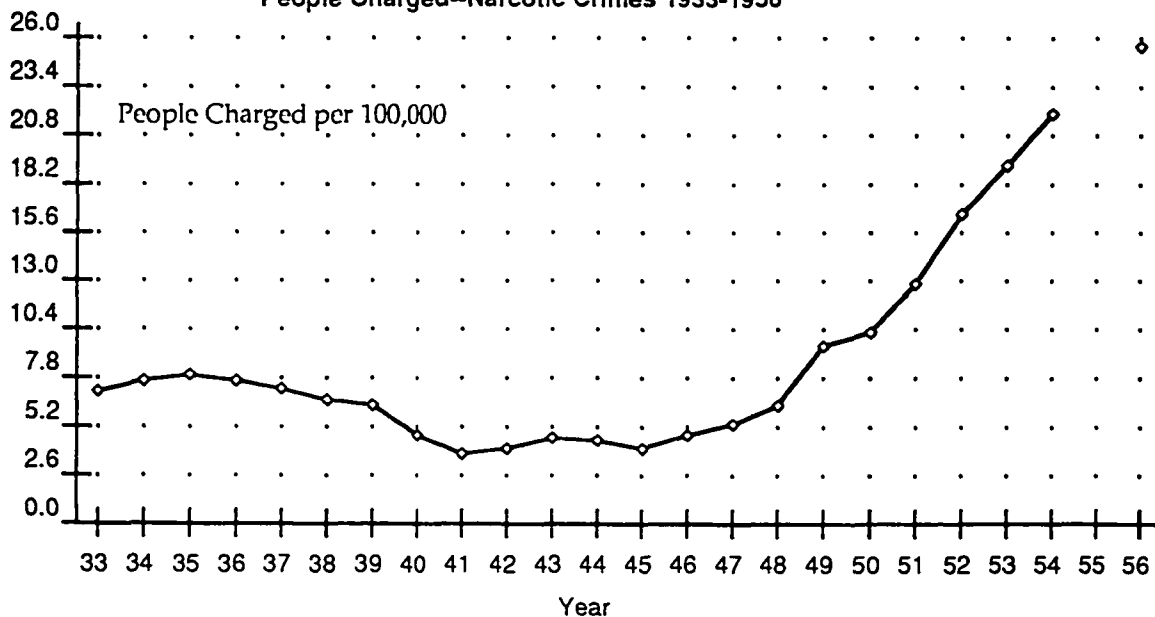
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**APPENDIX 1**  
**Summary of Drug Arrests from the FBI's Uniform Crime Reports<sup>1</sup>**

**Arrests for Narcotic Crimes 1933-1989**



**People Charged--Narcotic Crimes 1933-1956**



<sup>1</sup>Federal Bureau of Investigation, Uniform Crime Reports of the United States, Washington D.C.: U.S.G.P.O., 1933-1989. Page and volume numbers are adjacent to each entry.

**1933--TOTAL CHARGED WITH NARCOTIC DRUG LAWS**

2,406	7.1 PER 100,000	p. 21, vol. 5, no. 1, 1934
<b>1934--TOTAL</b>		
2,317	7.6 PER 100,000	p. 25, vol. 6, no. 1, 1935
<b>1935--TOTAL</b>		
2,621	7.9 PER 100,000	p. 25, vol. 7, no. 1, 1936
<b>1936--TOTAL</b>		
2,713	7.7 PER 100,000	p. 30, vol. 8, no. 1, 1937
<b>1937--TOTAL</b>		
2,700	7.2 PER 100,000	p. 19, vol. 9, no. 1, 1938
<b>1938--TOTAL</b>		
2,570	6.7 PER 100,000	p. 22, vol. 10, no. 1, 1939
<b>1939--TOTAL</b>		
2,472	6.3 PER 100,000	p. 25, vol. 11, no. 1, 1940
<b>1940--TOTAL</b>		
1,942	4.7 PER 100,000	p. 27, vol. 12, no. 1, 1941
<b>1941--TOTAL</b>		
1,498	3.8 PER 100,000	p. 29, vol. 13, no. 1, 1942
<b>1942--TOTAL</b>		
1,383	4.1 PER 100,000	p. 32, vol. 14, no. 1, 1943

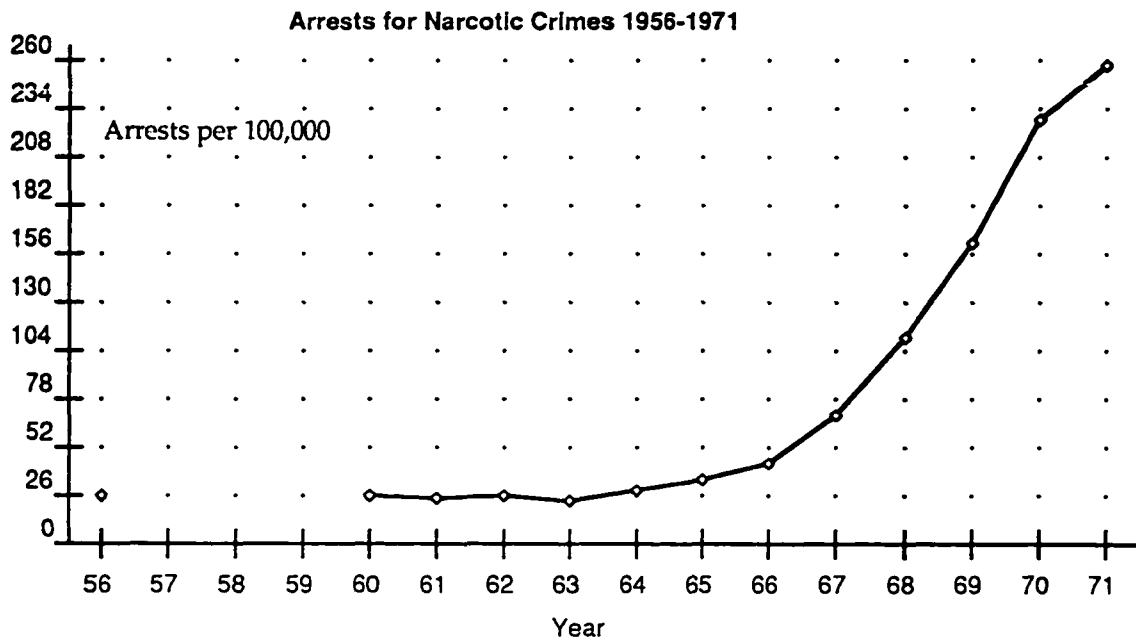
The 1942 UCR reported: "While other crimes tend to decrease, rape and aggravated assault continue to increase under wartime conditions." p. 1

<b>1943--TOTAL</b>		
1,979	4.6 PER 100,000	p. 35, vol. 15, 1944
<b>1944--TOTAL</b>		
2,071	4.5 PER 100,000	p. 43, vol. 16, 1945
<b>1945--TOTAL</b>		
1,877	4.0 PER 100,000	p. 57, vol. 17, 1946
<b>1946--TOTAL</b>		
2,181	4.7 PER 100,000	p. 55, vol. 18, 1947

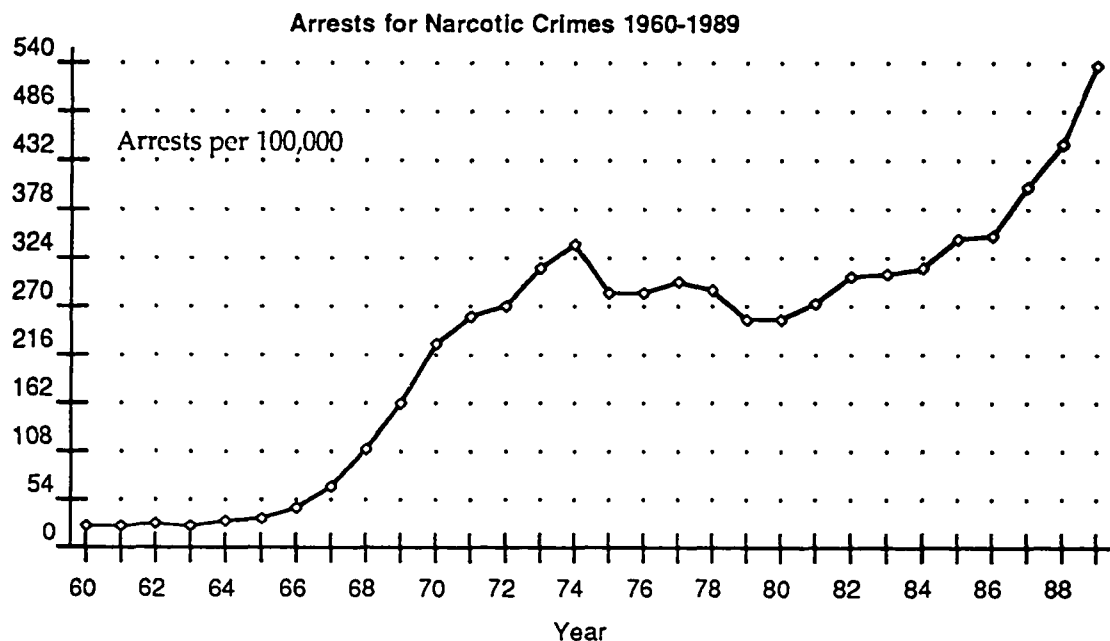
According to the 1946 UCR from 1945 to 1946 among those found guilty, "Decreases were moderate except for persons found guilty of murder, rape, and narcotic drug violations." p. 57 Additionally the 1946 UCR found: "A 39% increase in the number of police killed in the line of duty was reported for 1946, during which year there was also reported a widespread increase in crime with murders, robberies, aggravated assaults, and burglaries leading the upswing." p. 20

<b>1947--TOTAL</b>		
2,585	5.3 PER 100,000	p. 55, vol. 19, 1948
<b>1948--TOTAL</b>		
3,125	6.3 PER 100,000	p. 53, vol. 20, 1949
<b>1949--TOTAL</b>		
4,712	9.5 PER 100,000	p. 55, vol. 21, 1950
<b>1950--TOTAL</b>		
5,590	10.2 PER 100,000	p. 51, vol. 22, 1951
<b>1951--TOTAL</b>		
7,119	12.8 PER 100,000	p. 55, vol. 23, 1952
<b>1952--TOTAL</b>		
10,218	16.6 PER 100,000	p. 54, vol. 24, 1953

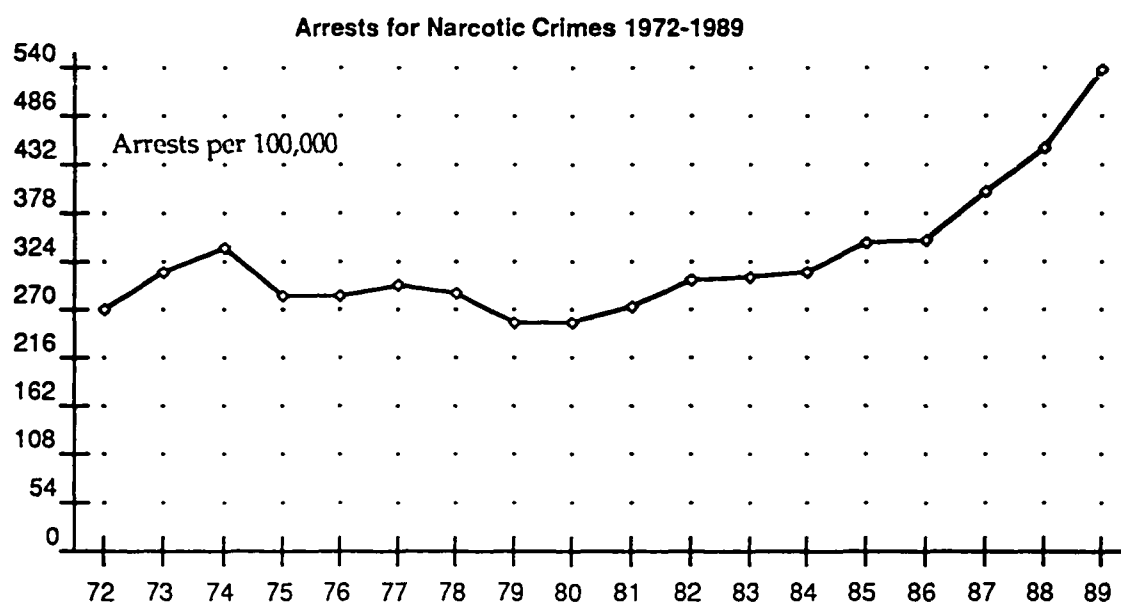




In 1958, the FBI changed reporting methods for the UCR. Narcotic statistics changed drastically from 1957-59. These years have been excluded because the data seemed skewed from the years before and after, and figures for arrests per 100,000 was excluded by the FBI. Proper data returned for 1960; however, the statistic, number of arrests was substituted for number of charged.



<b>1953--<u>Total</u></b> 11,974	19.2 charged per 100,000	p. 52, 1954
<b>1954--<u>Total</u></b> 14,226	22.0 charged per 100,000	p. 52, 1955
<b>1956--<u>Total</u></b> 17,556	25.5 charged per 100,000	p. 53, 1956
<b>1960--<u>Total</u></b> 27,735	25.5 arrests per 100,000	p. 90, 1960
<b>1961--<u>Total</u></b> 29,122	25.2 arrests per 100,000	p. 92 1961
<b>1962--<u>Total</u></b> 32,956	26.7 arrests per 100,000	p. 92, 1962
<b>1963--<u>Total</u></b> 29,613	23.3 arrests per 100,000	p. 92, 1963
<b>1964--<u>Total</u></b> 37,802	28.5 arrests per 100,000	p. 106, 1964
<b>1965--<u>Total</u></b> 46,069	34.4 arrests per 100,000	p. 109, 1965
<b>1966--<u>Total</u></b> 60,358	43.7 arrests per 100,000	p. 111, 1966
<b>1967--<u>Total</u></b> 101,079	69.3 arrests per 100,000	p. 117, 1967
<b>1968--<u>Total</u></b> 162,177	111.6 arrests per 100,000	p. 111, 1968
<b>1969--<u>Total</u></b> 232,690	161.8 arrests per 100,000	p. 109, 1969
<b>1970--<u>Total</u></b> 346,412	228.5 arrests per 100,00	p. 121, 1970
<b>1971--<u>Total</u></b> 400,606	257.7 arrests per 100,000	p.117, 1971



After 1971 the FBI offered more detail in the UCR.

<b>1972--</b>	<u>Marijuana</u>	<u>Cocaine-opiates</u>	<u>Synthetics</u>	<u>Other</u>
	292,200	112,900	46,900	75,400

Total Arrests  
527,400

Arrests Per 100,000--269.1

pp.119-121

<b>1973--</b>	<u>Marijuana</u>	<u>Cocaine-opiates</u>	<u>Synthetics</u>	<u>Other</u>
	420,700	88,800	33,400	86,800

Total Arrests  
628,900

Arrests Per 100,000--312.4

pp.121-123, pp.124 -- From 1960 to 1973 drug arrests increased 999.6%

<b>1974--</b>	<u>Marijuana</u>	<u>Cocaine-opiates</u>	<u>Synthetics</u>	<u>Other</u>
	445,600	101,500	27,600	67,400

Total Arrests  
642,100

Arrests Per 100,000--339.3

pp.179-181

<b>1975--</b>	<u>Marijuana</u>	<u>Cocaine-opiates</u>	<u>Synthetics</u>	<u>Other</u>
	416,100	78,800	28,300	78,200

Total Arrests  
601,400

Arrests Per 100,000--283.6

pp.179-181

After 1975 the FBI added additional data.

<b>1976--</b>	<u>Marijuana</u>	<u>Cocaine-opiates</u>	<u>Synthetics</u>	<u>Other</u>
	72%	10%	3%	15%
	441,000	60,200	18,200	90,200

Total  
609,700

Arrests Per 100,000--285.2

pp.173-174

<b>1977--</b>	<u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
	71%	13%	3%	13%
	457,600	84,800	18,000	82,300

Total Arrests  
642,700

Arrests Per 100,000--298.4

pp. 172-173

<b>1978--</b>	<u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
	71%	13%	3%	13%
	445,800	83,100	17,200	82,500

Total Arrests  
628,700

Arrests Per 100,000--288.3

pp.186-187

<b>1979--</b>	<u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
	70%	12%	3%	15%
	391,600	68,100	18,400	80,400

Total Arrests  
558,600

Arrests Per 100,000--253.8

pp.188-189

<b>1980--</b>	<u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
	69%	12%	4%	15%
	405,600	68,100	22,500	84,700

Total Arrests  
580,900

Arrests Per 100,000--256.0

pp.190-192

<b>1981--</b>	<u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
	72%	13%	4%	12%
	400,300	72,100	20,000	67,500

Total Arrests  
559,900

Arrests Per 100,000--273.7

pp.162-164

<b>1982--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
67%	17%	4%	12%
455,600	112,900	24,800	82,900

Total Arrests  
676,000

Arrests Per 100,000--301.7

pp.167-169

<b>1983--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
61%	23%	3%	13%
406,900	149,500	22,300	82,700

Total Arrests  
661,400

Arrests Per 100,000--307.4

pp.170-172

<b>1984--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
59%	26%	3%	13%
419,400	181,800	19,000	88,300

Total Arrests  
708,400

Arrests Per 100,000--312.6

pp. 164-165

<b>1985--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
56%	30%	2%	13%
454,384	123,420	16,228	105,482

Total Arrests  
811,400

Arrests Per 100,000--346.2

pp.164-165

<b>1986--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
44%	41%	3%	13%
362,604	337,881	24,723	107,133

Total Arrests  
824,100

Arrests Per 100,000--348.6

pp.163-165

<b>1987--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
40%	46%	3%	11%
374,960	431,204	28,122	103,114

Total Arrests  
937,400

Arrests Per 100,000--400.9

pg.163 and 164

<b>1988--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
34%	52%	3%	11%
392,768	600,704	34,656	127,072

Total Arrests  
1,155,200

Arrests Per 100,000--449.9

pp.167 -169

<b>1989--</b> <u>Marijuana</u>	<u>Cocaine-Opiates</u>	<u>Synthetics</u>	<u>Other</u>
29%	54%	2%	15%
394,893	735,318	27,234	204,255

Total Arrests  
1,361,700

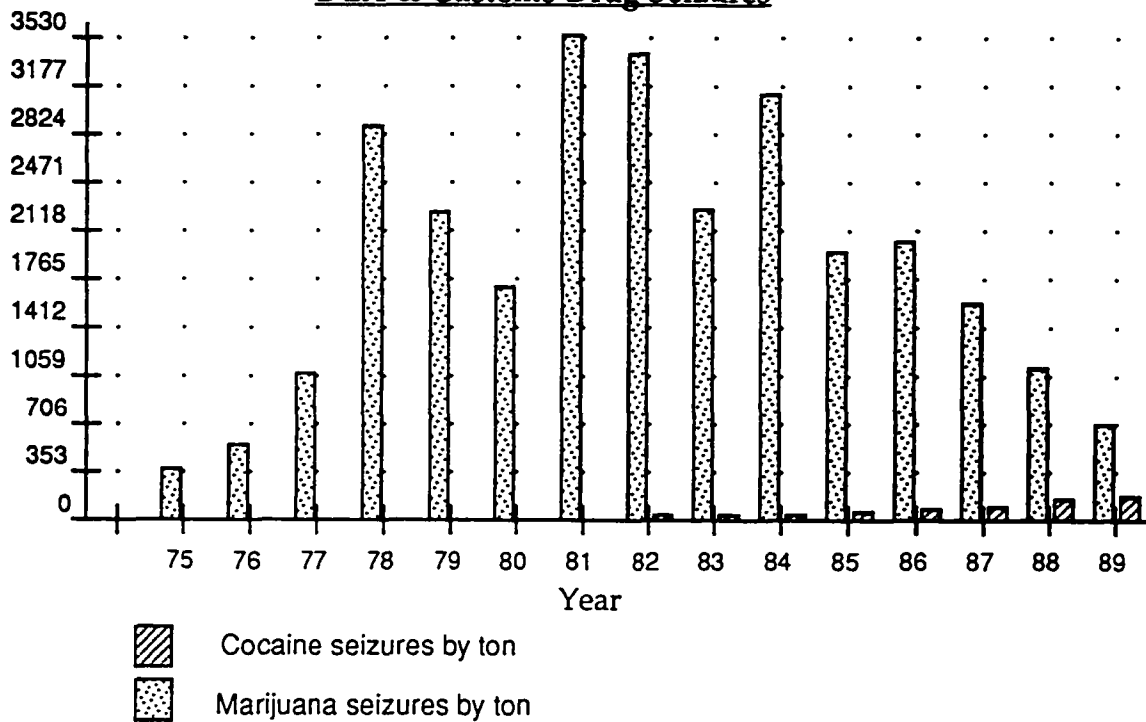
Arrests Per 100,000--538.0

pp.171-172

## APPENDIX 2

### A Survey of Drug Seizure Statistics<sup>1</sup>

#### DEA & Customs Drug Seizures



	<u>DEA</u> <u>Marijuana in Tons</u>	<u>Customs Bureau</u> <u>Marijuana in Tons</u>	<u>Both Agencies</u> <u>Cocaine in Tons</u>
<b>1974</b>	56	unknown	---
<b>1975</b>	117	233	---
<b>1976</b>	145	379	---
<b>1977</b>	167	884	---
<b>1978</b>	558	2,308	---
<b>1979</b>	443	1,791	1.3
<b>1980</b>	497	1,180	3.6
<b>1981</b>	967	2,554	4
<b>1982</b>	1,407	1,979	11.8
<b>1983</b>	897	1,366	19.6
<b>1984</b>	1,454	1,637	26.4
<b>1985</b>	820	1,119	45.2
<b>1986</b>	909	1,105	56.1
<b>1987</b>	714	850	84.9
<b>1988</b>	620	484	132.7
<b>1989</b>	373	322	155.9

<sup>1</sup>Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics, 1985, pp. 445-447



In 1984, 19,199 marihuana subsistence agriculture plots were eradicated by the DEA, 4,941 subsistence farmers were arrested, and 1424 weapons were seized. These seizure figures reflect only one agency out of many.<sup>2</sup>

The literature indicated that after the massive interdiction of marijuana in the early eighties enforcement trends and the black market marijuana economy shifted.<sup>3</sup> The seizure figures reflected enforcement styles that had these characteristics:

(1) After 1984, Federal agencies began redeploying interdiction resources into the more costly campaign against cocaine, as crack cocaine became the focus of law enforcement. This trend is visible through the eighties in the growing cocaine arrest and seizure figures.

(2) While the marijuana seizure figures for the DEA and Customs Bureau showed a decline in the 1980s, the total cannabis seizures have increased due to federal aid to state and local agencies.<sup>4</sup>

(3) Local and state agencies have increased their marijuana eradication efforts with the aid of the military. Because of the new Posse Comitatus Act of 1982, the local eradication effort was aided by the air power of the military. Yearly, sorties were flown against marijuana growers with names like Operation Green Sweep, in the Western Unites States in 1989.<sup>5</sup>

(4) Increasing air sorties drove marijuana cultivation indoors, or to more secluded areas away from the control of authorities.<sup>6</sup>

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<sup>2</sup>Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics, 1985, pp. 445-447

<sup>3</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, 1992, p. 150.

<sup>4</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, 1992, p. 150.

<sup>5</sup>Alton K. Williams Jr. "Aerial Surveillance to Detect Growing Marijuana," F.B.I. Law Enforcement Bulletin, vol. 52, Feb. 1983, pp. 9-18. See also for an example of the advanced aircraft used in local law enforcement, "Marine OV-10D's with Flir Systems Detect, Track Aircraft Smuggling Narcotics Into Southeast U.S.," Aviation Week & Space Technology, Vol. 131, No. 2, 10 July 1989, p. 49. See also Drug Enforcement Administration, Drug Enforcement, Drug Enforcement Administration, U.S. Dept. of Justice, Washington, D.C. for additional trends in federal aid to local and state marijuana eradication.

<sup>6</sup>Bureau of Justice Statistics, Drugs, Crime, and the Justice System, 1992, pp. 150-151. See also the user culture's literature, such as the magazine High Times, chronicles the changes within the marijuana black market caused by increased government pressure. This author worked at the A. L. Mangum Regional airport in Nacogdoches, Texas in 1985-1986. Army national guard helicopters flew repeated sorties in the late summer and early fall looking for marijuana. The missions were commanded by a regional task force, which seized unknown quantities of marijuana.

APPENDIX 3  
EXTENSION OF REMARKS  
OF  
HON. JOHN M. COFFEE  
OF WASHINGTON  
IN THE HOUSE OF REPRESENTATIVES  
TUESDAY, JUNE 14, 1938

Mr. Coffee of Washington. Mr. Speaker, this bill proposes an appropriation for making a survey of narcotic drug conditions in the United States.

A question naturally arises as to why such a survey is desirable. The answer can not be given without first gaining an inkling of the narcotics situation. We are especially concerned with the economic aspects of the situation.

ECONOMIC ASPECTS OF NARCOTICS

It is estimated by the American Association of Drug Addictions , of Seattle, that the annual cost of narcotics addiction, chiefly opiate addiction, is of the order of \$2,735,000,000, or about \$80 per family. It is claimed that this is a needless burden imposed on the people, not by conditions inherent in the problems of drug addiction, and not by the operation of law, but by the mistaken interpretations of law made by the Federal Bureau of Narcotics.

If this claim is justified, the Narcotics Bureau stands as the costliest bureau or governmental department in the world, and the Commissioner of Narcotics ranks as far and away the costliest man in the world. He and his

predecessor, a prohibition officer, have been in control of the narcotics situation for 17 years.

#### PURPOSE OF PROPOSED LEGISLATION

The purpose of the investigation proposed in this bill is to evaluate these claims, with the expectation that if they are found valid, action will be taken speedily to reform the evils of the situation.

#### TWO TYPES OF LAWS TREATING NARCOTICS

There are two types of laws supposedly governing the narcotic situation: (1) An import law providing that crude opium and coca leaves may be imported under certain conditions, but forbidding the import of any refined products or alkaloids of either drug; and (2) the Harrison Special Tax Act of 1914, commonly called the Harrison Narcotic Act, which imposes a head tax on all legitimate handlers of narcotic drugs, and (as revised in 1918) a special tax also on the narcotic drugs manufactured from the imported crude substances.

The first of these laws I shall not consider at the moment beyond pointing out the obvious extreme difficulties encountered in the endeavor to prevent smuggling of products of such small bulk as the alkaloids, morphine, heroin, and cocaine, the dosage of which is measured in grains or fractions of a grain. In another connection it will be noted that the opium alkaloids in particular are admittedly smuggled into the country constantly to the extent of many tons annually. It will be noted also that the smuggling racket was a direct outgrowth of the operation of the other narcotics law, the Harrison Act.

#### HARMFUL EFFECTS OF HARRISON ACT

In examining the Harrison Special Tax Act we are confronted with the anomaly that a law designed (as its name implies) to place a tax on certain

drugs, and raise revenue thereby, resulting in reducing enormously the legitimate importation of the drugs in question, while developing a smuggling industry not before in existence. That, however, is only the beginning. Through operation of the law, as interpreted, there was developed also, as counterpart to the smuggling racket, the racket of dope peddling; in a word, the whole gigantic structure of the illicit-drug racket, with direct annual turnover of upward of a billion dollars.

#### PITY THE POOR ADDICT

Incidental effects were the persecution of perhaps a million victims of the diseased condition known as drug addiction, the great majority of whom had been law-abiding, self-respecting, self-supporting citizens, but who now became human derelicts and were thrust by thousands into jails and prisons simply because they could not legally secure the medicine upon which depended their integrity of mind and body. There were no narcotics prisoners in Federal prisons prior to the passage of the Harrison Act. Ten years later, more than one-third of all convicts in Federal prisons were narcotic cases.

The total number of such Federal narcotic prisoners during the period since the Harrison Act began to operate as potent maker of criminals is of the order of 75,000 with aggregate prison sentence of upward of 100,000 years. No other statute ever operated to make criminals on any comparable scale."

#### MISINTERPRETATION AT FAULT-- NO INHERENT DEFECT IN BILL

Let me repeat, however, that no such dire effects were inherent in the Harrison Act itself. The social and economic disaster involving an army of sick people came about through bureaucratic action which is claimed to have been based on misinterpretation of the law-- misinterpretation which is alleged to have set at defiance the clear decisions of the Supreme Court--

illustrating incidentally the often overlooked fact that the high tribunal is purely advisory in function, having no power whatever to enforce its decisions.

#### COURTS HOLD HARRISON ACT TO BE A REVENUE BILL

Let us get down to cases. The essence of the Harrison Act is the provision that no slightest modicum of any narcotic drug shall get to the ultimate consumer in any manner whatsoever except at the hands of a registered physician--we may overlook dentists and veterinary surgeons for the present purposes. There is no reference to the uses of narcotics in the law, and no reference to drug addicts or drug addiction. The Supreme Court has ruled -- Linder case, 1925; Nigro case, 1928, and so forth-- that the law is a pure revenue measure, and that Federal law has no control over the practice of a profession--reiterated, with a specific citation of Linder case, in the A.A.A. decision of 1936.

#### INHUMANITY TO ADDICTS

The Narcotics Bureau ignores these decisions and assumes authority to prevent physicians from even the attempt to cure narcotic addicts unless the patients are under forced confinement. The addicts number, by the very lowest estimate, at least 100,000. The institutions that will receive them as patients are almost non-existent. It follows that the prohibitory mandate of the Narcotics Bureau effectively denies treatment to the vast majority of narcotic addicts.

#### A GREAT INJUSTICE OF MODERN TIMES

It is believed that this is the first instance in all history of the denial of medical treatment to a class of citizens of whatever status or capacity. The fact that the Supreme Court has declared that narcotic addicts are diseased and

proper subjects for medical treatment makes the action of the Narcotics Bureau peculiarly paradoxical. The paradox is emphasized by the further fact that the Federal Government has erected a beautifully equipped hospital for treatment of narcotic addicts at Lexington, Ky. Most of the patients are first condemned to prison, then transferred to the hospital. Voluntary cases may also be received. But the total capacity of the institution is only about 1,000. At least a hundred such institutions would be required to meet the needs of the existing addict population-- 5 or 10 times that if the newer estimates of that population are valid.

#### ADDICTION, ONCE DEVELOPED IS CHRONIC

The erection of a hundred or a thousand such institutions , however, would by no means solve the narcotic problem. Addiction, once developed, is a very chronic condition. It is admitted by the authorities, including the narcotics commissioner, that very few "cures" result from incarceration for a 1-year period. It has been suggested that a 5-year segregation is the least than [sic, that?] can be expected to restore the average addict. The idea of incarcerating even a hundred thousand, let alone a million, unfortunates for a term of 5 years is rather startling--especially considering that they are sick people, for the most part of average respectability and moral status, not markedly handicapped by their infirmity.

#### UNIVERSAL IMPRISONMENT OF ADDICTS IMPOSSIBLE, HEARTLESS, AND UNSOUND

In any event, such effort would be mere temporizing. Even if the miracle of curing all existing addicts were effected in 5 years, we should be no better off, because the dope peddler, deprived of his present market, would

instantly set to work to develop a new market, and a perennial new crop of addicts would be in evidence.

#### THE REMEDY IS SIMPLE

But what is the alternative? Fortunately, the answer is simple. If the Harrison Act were allowed to operate as was designed, all victims of the drug addiction disease-- "narcotoxia" it is technically termed--would come under medical supervision; and, on prescription, would be supplied with whatever medicine they need at a slight cost at the drug stores. Morphine, which the peddler sells at a dollar a grain would be supplied, of pure quality, for 2 or 3 cents a grain. The peddler, unable to meet such a price, would go out of business-- the illicit narcotic drug industry, the billion dollar racket, would automatically cease to exist.

That much may be stated with absolute certainty. Almost as certain is it that the army of narcotics derelicts would be reduced to the vanishing point. Courts would cease to be crowded with delinquents who owe their downfall to the dope peddler's exorbitant demands. Jails would be emptied; Federal Prisons would lose a quarter or a third of their population. The billion dollar--or the two and three-quarter billion dollar--tax on the public would be eliminated.

Why should there be any such argument against permitting the law to operate, since such beneficent results seem inevitable? Here we come to the crux of the matter. The opposition comes from a small coterie of persons in authority, who are in a position to benefit from the status quo. These persons will be brought into the open by such a congressional investigation as this bill proposes. There will then be opportunity to subject to official scrutiny the records of these opponents of law reform.

### LET US FIND OUT THE CAUSE OF THIS SITUATION

Specifically, there will be opportunity to question the Commissioner of Narcotics--and to observe how he may endeavor to justify the activities that cost the American people not far from \$3,000,000,000 a year, and give the Commissioner himself status as the costliest man in the world.

It seems necessary to make these general comments, if for no other reason, to explain why this bill (H.R. Res. 6420) proposes to entrust the investigation and survey of the narcotics situation to the Surgeon General of the United States Public Health Service, and not to the Bureau of Narcotics.

### THE HARRISON LAW AS INTERPRETED.

The Harrison Special Act of 1914 required all handlers of narcotic drugs, opium and coca leaves and their products and preparations, to register with the Commissioner of Internal Revenue, and pay an annual tax of \$1. Narcotic drugs could be transferred only on presentation of a signed order form issued by the Commissioner of Internal Revenue; but, physicians, dentists, and veterinary surgeons were exempt from this requirement, and druggists could issue narcotics on the prescriptions of these exempt professional persons: provided only that the prescriptions were issued for legitimate patients, "in the course of professional practice only." The writers of prescriptions were to keep duplicate copies in their offices; and the original prescriptions, after being filled, were to be kept for 2 years on file at the pharmacy. No record need be kept by the practitioners of narcotic drugs directly administered to patients whom they professionally attended.

That is all. There is no mention of the uses of narcotic drugs; no reference to addiction or any other malady or condition, and no suggestion as to meaning or interpretation of the words "legitimate", "patient", or



“professional practice.” Nor is there the slightest hint as to the qualifications that render any person eligible to register as a physician, dentist, veterinary surgeon, or pharmacist. Presumably the lawmakers fully understood that professional eligibility to handle drugs is a matter for state supervision and control, and one over which Federal law has no jurisdiction. It is not even specifically stated that a physician may use his own prescription blanks; it is merely stated that he is not required to use the printed order forms issued by the Commissioner of Internal Revenue, which all other handlers of the drug must use.

#### LATER CHANGES IN THE LAW AS INTERPRETED

Subsequent amendments (1919 and 1926) modified the annual head tax (establishing a graded scale ranging from \$24 to \$3, and then shifting the minimum-- for physicians -- back to \$1), and provided for a stamp tax of 1 cent an ounce; no drugs to be dispensed to the ultimate consumer except “in or from” a package bearing the revenue stamp. But the amendments did not otherwise concern the pharmacist or the physician, which is equivalent to saying that the Harrison Act, in its relation to the professional activities of the persons who alone are authorized to dispense narcotic drugs to the consumer remains absolutely un-modified since its enactment in 1914. Any changes in the operation of the law have not been due to legislative action, but to judicial or bureaucratic interpretation. These changes have been so notable, however, that the net result has been, as to every essential, almost diametrically opposed to what the proponents of the act planned and hoped for.

## FACTS OF NARCOTICS PROBLEM DISQUIETING

For example, (1) direct revenues have decreased instead of increasing, and an indirect burden of cost has been multiplied a hundred fold; (2) smuggling of narcotic drugs has increased from negligible pounds of smoking opium to scores of tons of morphine and heroin; (3) a negligible group of peddlers of cocaine in prohibition districts has become an army of peddlers of morphine and heroin; (4) a scattered company of drug addicts, a majority of whom were respectable, self-supporting citizens, neither financially or morally hampered by their infirmity, has become a multitude of derelicts, victims of the dope peddler and the narcotic agent, and denied all medical attention; (5) whereas formerly a considerable number of addicts were cured by sedulous medical treatment, such treatment could no longer be attempted, and every case of addiction became practically hopeless from inception (including large numbers of soldiers returned from the Great War) ; (6) the dope peddler, whose very existence was due to the law as interpreted, was and is naturally diligent to increase his market so that the addicted population has probably doubled, if not tripled, since the Harrison Law was enacted; (7) under stress of necessity, being denied legitimate access to the medicine they require, narcotic addicts as a class become lawbreakers (since every purchase constitutes a felony), and soon the jails and prisons were crowded with narcotic prisoners (in Federal prisons alone narcotic cases advanced from none in 1915 to 2,569 in 1925) ; physicians were so hampered in their use of the most indispensable of medicines that most of them refuse to treat drug addicts even for maladies other than addiction disease, yet, even so, upward of 25,000 physicians have been reported for criminal violation of the Harrison Act, and about 5,000 have been convicted in Federal courts, and either heavily

fined or imprisoned, the irony of the situation being enhanced by the fact that, with rare exceptions, these convicted physicians had assiduously attempted to conform to the law and to every regulation of the narcotics authorities.

Such have been the unpredicted consequences of operation of the Harrison Act, as interpreted.

#### AIDS OF MY PROPOSED INVESTIGATION

Perhaps a few words should be added about the specific aims of the proposed investigation, as stated in the resolution now before the House--line 10, page 2, to line 10, page 3. Information is desired as to --

(a) The extent of unlawful activities with respect to narcotics and the number of persons connected with such activities.

#### NARCOTICS WIDESPREAD TINCTURING OF OFFICIAL LIFE

Comment: The extent to which unlawful activities in the distribution of narcotics have invaded official life is cogently suggested by several recent happenings:

#### HANSON AFFAIR IN NEVADA

First. The arrest, prosecution, and conviction of the chief Federal narcotics agent for the state of Nevada--Chris Hanson--and a confederate who was formerly a revenue officer, for direct dope peddling and connivance with a gang of Chinese racketeers in June 1937. Hanson was sentenced to 10 years in the Federal penitentiary at McNeill Island and a fine of \$9000. It is to be noted that Hanson was chief Federal narcotic agent at Los Angeles Calif., at the time of the arrest and prosecution there of physicians, through which the closure of the beneficent narcotics clinic of the county medical association and board was effected--and the 75 rehabilitated patients thrust back into the

hands of the dope peddlers. Incidentally, it should be noted that the United States attorney who cooperated with the narcotic agents in the prosecutions in question was ousted from his position for his action in this affair, along with the two assistants directly involved, one of whom was held in contempt of court because of his reprehensible actions. The character of the associates of the Federal narcotics agent is further evidenced by the arrest and imprisonment of another officer--investigator for the State medical board of examiners--who had active share in the frame-up of clinic physicians.

It is perhaps not without significance to note that no Federal bureau or agency had any share in the initial investigations through which Chief Federal Agent Hanson and the former customs officer were entrapped at Reno. On the other hand, the Commissioner of Narcotics took an active hand in the questionable proceedings at Los Angeles which led to the arraignment of the assistant United States attorney for contempt of court. And he is on record as regarding that case as the most important in the history of the Narcotics Bureau, with its record of many thousand cases. His dubious partnership amounted to effective championship of the dope peddlers--and seems inexplicable on any other basis.

#### ACTION AT ZURICH

Second. The demonstrated participation of Federal narcotics agents in the illicit drug racket is suggestively supplemented by the reported arrest at Zurich May 30, 1938, of a former Peruvian diplomat said to be the head of a colossal international dope ring. The incident is perhaps only a grandstand play--in view of the fact that the authorities of the League of Nations are conceded to have known the names of the important narcotics smugglers for years past, and have argued among themselves as to the advisability of

warning various governments against them. But whatever the motive for the present arrest, the fact that the suspect is a former diplomat gives authenticity to the recently published statement of a French criminologist that enormous quantities of contraband narcotics are shipped into America as part of the baggage, exempt from inspection, of officials in the Diplomatic Service.

Third. Whatever the manner of smuggling, the aggregate amount of narcotics--in particular morphine and heroin--involved in the illicit traffic is enormous. At a congressional hearing on the Porter bill, which resulted in the act authorizing the building of two narcotics hospitals--one now in operation at Lexington, Ky.--Colonel Nutt, then in charge of the Narcotics Division of the Prohibition Bureau estimated the addict population at a minimum of 100,000 and the daily average of morphine at 8 grains. He expressed the opinion that all but a negligible quantity--one or two percent at most--of the legitimate supply of narcotics was handled legitimately by physicians, admitting, therefore, that practically the entire supply of the addicts was smuggled into the country, and sold, at \$1 a grain, by dope peddlers.

#### COLONEL NUTT'S TESTIMONY

He made no estimate of the number of such traffickers. But a simple calculation shows that by his estimate the morphine, or its equivalent, consumed by 100,000 addicts on the daily 8-grain basis would amount to 292,000,000 grains a year, or more than 20 tons. Recall, please, that this was a minimum estimate. It is perhaps not very important to find out how many peddlers are required to dispose of such quantities of the illicit product. But it is of salient importance to recall that there was no smuggling and no peddling

of opiates before the passing of the Harrison Act, and that there would be none now if addicts were permitted, under medical supervision, to secure the drug they imperiously need, at a legitimate price at a pharmacy.

#### ENORMOUS PROFIT IN DRUG PEDDLING

Smuggling and peddling of drugs are carried on for a profit. There would be no market for morphine at a dollar a grain if it could be secured, of pure quality, legally, for 1 or 2 cents a grain as could be before the prohibitive law was enacted; and as it still could be if the narcotics authorities did not substitute a bureau created "regulation" for Federal law.

One salient purpose of the proposed investigation will be to ascertain why certain narcotics authorities perennially champion the "regulation" which supports the drug peddler and keeps the narcotic racket in being.

So much for the first-suggested investigation. The second (b) is complimentary, concerning the number of addicts in the United States, with further question as to the availability of various types of treatment.

#### CAN ADDICTS SECURE ADEQUATE MEDICAL TREATMENT?

Here the thing of real importance is suggested in the concluding clause. It would be of interest to know the number of addicts--estimates range from 100,000 to more than a million-- but the really vital question is, whether addicts, be they few or many, are given the opportunity to secure medical treatment--such opportunities as are open to victims of every other type of malady or perverted condition, regardless of whether we term it disease, or habit, or perversion.

That statement is perhaps not quite accurate. As a matter of fact, we know that victims of narcotics addiction (unlike alcohol addicts or nicotine

addicts) are not permitted to receive treatment like other sufferers. The question at issue is, Why are they not permitted this elemental right?

SUFFERER SHOULD BE MERCIFULLY HANDLED

The obvious answer is that if this were permitted, the dope peddler would be put out of business, and the entire illicit drug racket would vanish. But that answer only leads to the question: Why should persons in authority wish to keep the dope peddler in business, and the illicit drug racket in possession of its billion-dollar income?

It will be obvious, I think, that this is the really significant question at issue. I submit that an official answer to that question would be not merely of interest, but of truly vital importance to every American citizen. If we, the representatives of the people, are to continue to let our narcotics authorities continue to conduct themselves in a manner tantamount to upholding and in effect supporting the billion-dollar drug racket, we should at least be able to explain to our constituents why we do so.<sup>1</sup>

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<sup>1</sup>Congressional Record; Appendix of the Third Session of the Seventy-fifth Congress of the United States of America, Volume 83, Part 11, Washington: U.S.G.P.O., 1938, pp. 2706-2709.

## APPENDIX 4

### News Conference of President Harry S. Truman, 29 March 1951

Every war has left a trail of crime in its wake, and the last war did that, too. I have been deeply concerned about it, and we have been taking positive steps to combat it.

As early as 1946, the Attorney General convened a national conference on the prevention of juvenile delinquency. This was an effort to eliminate crime at its roots, and the program is having good results.

In the meantime, we have been studying quietly but consistently the problems of adult crime, particularly organized crime, which spills over state boundaries.

About a year ago I directed the Attorney General to call a conference of Federal, State, and municipal enforcement officials. This conference produced some proposals for cooperative attack on crime which are already being used, and produced other proposals which are being carefully studied.

At my direction, the Attorney General has also during the last 18 months-- this is a special order of my own-- convened special Grand Juries in Miami, Los Angeles, Kansas City, Newark, Philadelphia, and Scranton to seek out offenders against the federal tax, narcotics, white slave, and other laws. In the regular course of its work, the Justice Department filed over 36,000 criminal cases in the last fiscal year. Many notorious gangsters have been and are being prosecuted under these Federal statutes.

In addition the Treasury and Justice Department have, under my orders, given unstinted cooperation to the present Senate Committee to Investigate



Organized Crime in Interstate Commerce. The committee deserves great credit for focusing public attention on the need for even greater efforts to stamp out crime.

The eradication of crime is a job for everyone. The Federal government can not evade its responsibilities any more than the states and the municipal governments can. And, above all, the individual citizens cannot evade their responsibility for their patronage without which gaming-- gambling, vice, and narcotics peddling-- could not exist.

It has always been and always will continue to be the policy of this administration to back up the States in their inherent police powers by every appropriate measure. We already have laws to back up the states in their enforcement of local narcotics and alcohol laws. There are many more measures that need not be catalogued here.

On the other hand, I do not want anyone to be deceived that Federal action itself can solve the problems of crime. The primary responsibility rests with the state and local authorities, and with individual citizens who must obey the laws enacted by their representatives in government.

It is vitally important that this nation remain strong morally, as well as economically and militarily.<sup>1</sup>

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<sup>1</sup>Truman, Harry S., Public Papers of the President of the United States, Harry S. Truman, 1951, Office of the Federal Register, U.S.G.P.O., Washington D.C., 1965, pp. 201-203.

## APPENDIX 5

### Arrests for Possession and Sale/Manufacture of Narcotics by Percentage<sup>1</sup>

	<u>Possession</u>	<u>Sale and Manufacture</u>
1978	82%	18%
1979	82%	18%
1980	78%	22%
1981	80%	20%
1982	80%	20%
1983	78%	22%
1984	78%	22%
1985	76%	24%
1986	75%	25%
1987	74%	26%
1988	73%	27%
1989	68%	32%

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<sup>1</sup>Sourcebook of Criminal Justice Statistics 1990, p.452. See also previous volumes.

## APPENDIX 6

### Number and Percentage of Black People Arrested for Marijuana and Narcotics Violations at the State and Local Level, 1976-1991<sup>1</sup>

	<u>Total Blacks Arrested</u>	<u>Percentage of Total Arrests</u>
<b>1976</b>	103,615	21.8%
<b>1977</b>	122,594	21.7 %
<b>1978</b>	127,277	21.5 %
<b>1979</b>	112,748	21.8 %
<b>1980</b>	111,924	25.9 %
<b>1981</b>	146,858	25.1 %
<b>1982</b>	156,369	27.8 %
<b>1983</b>	149,959	30.3 %
<b>1984</b>	210,298	30.0 %
<b>1985</b>	193,152	31.1 %
<b>1986</b>	219,159	31.8 %
<b>1987</b>	291,177	36.0 %
<b>1988</b>	334,015	39.6 %
<b>1989</b>	452,574	42.1 %
<b>1990</b>	349,965	40.7 %
<b>1991</b>	312,997	40.3 %

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<sup>1</sup>Sourcebook of Criminal Justice Statistics, 1980-1990, Section 4. Within section 4 in each volume the Bureau of Justice includes a breakdown of drug arrests according to race.

A survey of the state and local arrests reported by the Bureau of Justice in these years showed that the disproportionate number of black people arrested was an urban phenomena. The year 1991 exemplified this statistic as 28.5 % of the people arrested for narcotics and marijuana violations in suburban areas were black, 16.4% of the people arrested in rural areas were black, and 45.2 % of the people arrested in cities and urban areas were black.<sup>2</sup>

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<sup>2</sup>Sourcebook of Criminal Justice Statistics, 1992, pp. 438, 442, 446.

## APPENDIX 7

### Self Reported Drug Usage Among Young People

#### Percentage of College Students Using Marijuana Daily<sup>1</sup>

1967	.06%
1969	2.2%
1970	4.2%
1971	5.1%

#### Percentage of High School Seniors Surveyed who Use Marijuana Daily<sup>2</sup>

1975	6.0%
1976	8.2%
1977	9.1%
1978	10.7%
1979	10.3%
1980	9.1%
1981	7.0%
1982	6.3%
1983	5.0%
1984	5.0%
1985	4.9%

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<sup>1</sup>Erich Goode, "Sociological Aspects of Marijuana Use", Contemporary Drug Problems, vol. 4, 1975, pp. 397-402.

<sup>2</sup>National Institute on Drug Abuse, Student Drug Use In America 1975-1981, Washington D.C.: U.S. Dept. of Health and Human Services, Public Health Service, 1981. p. 34. See also National Institute on Drug Abuse, Drugs and American High School Students 1975-1983, Washington D.C.: U.S. Dept. of Health and Human Services, Public Health Service, 1984, p. 34. See also National Institute on Drug Abuse, Drug Use Drinking and Smoking: National Survey Results From High School College, and Young Adult Populations 1975-1988, Washington D.C.: U.S. Dept. of Health and Human Services, Public Health Service, 1989, p. 56. See also National Institute on Drug Abuse, Smoking, Drinking, and Illicit Drug Use Among American Secondary School Students, College Students, and Young Adults, 1975-1991, Washington D.C.: U.S. Dept. of Health and Human Services, Public Health Service, 1992, p. 74

<b>1986</b>	<b>4.0%</b>
<b>1987</b>	<b>3.3%</b>
<b>1988</b>	<b>2.7%</b>
<b>1989</b>	<b>2.9%</b>
<b>1990</b>	<b>2.2%</b>
<b>1991</b>	<b>2.0%</b>

**Percentage of High School Seniors surveyed who ever Used Cocaine<sup>3</sup>**

<b>1975</b>	<b>5.6%</b>
<b>1976</b>	<b>6.0%</b>
<b>1977</b>	<b>7.2%</b>
<b>1978</b>	<b>9.0%</b>
<b>1979</b>	<b>12.0%</b>
<b>1980</b>	<b>12.3%</b>
<b>1981</b>	<b>12.4%</b>
<b>1982</b>	<b>11.5%</b>
<b>1983</b>	<b>11.4%</b>
<b>1984</b>	<b>11.6%</b>
<b>1985</b>	<b>13.1%</b>
<b>1986</b>	<b>12.7%</b>
<b>1987</b>	<b>10.3%</b>
<b>1988</b>	<b>7.9%</b>
<b>1989</b>	<b>10.3%</b>

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<sup>3</sup>National Institute on Drug Abuse, Smoking, Drinking, and Illicit Drug Use Among American Secondary School Students, College Students, and Young Adults, 1975-1991, Washington D.C.: U.S.Dept. of Health and Human Services, Public Health Service, 1992, p. 74.

1990 9.4%  
1991 7.8%

**Percentage of High School Seniors Who Used Cocaine**

**Daily for the Last Thirty Days:<sup>4</sup>**

1975 0.1%  
1976 0.1%  
1977 0.1%  
1978 0.1%  
1979 0.2%  
1980 0.2%  
1981 0.3%  
1982 0.2%  
1983 0.2%  
1984 0.2%  
1985 0.4%  
1986 0.4%  
1987 0.3%  
1988 0.2%  
1989 0.3%  
1990 0.1%  
1991 0.1%

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<sup>4</sup>National Institute on Drug Abuse, Smoking, Drinking, and Illicit Drug Use Among American Secondary School Students, College Students, and Young Adults, 1975-1991, Washington D.C.: U. S. Dept. of Health and Human Services, Public Health Service, 1992, p. 74.

## APPENDIX 8

### One District Attorney's Attitude

District attorney's routinely inform police officers on the manner in which prosecutor's want criminal cases developed and the types of cases they wish to take to court. The following is an excerpt from memorandum routinely distributed to officers from the Eugene, Oregon, Department of Public Safety.

#### **Policy Statement of the District Attorney of Lane County, Oregon, 1990**

Since November 1, 1989, we have been operating under new sentencing rules for felonies....The truth is that these guidelines are for all practical purposes a **revision of the criminal code** [his emphasis] and every police officer should have a good working knowledge of them.

**Getting meaningful sentences:** It is still possible to get meaningful sentences on some criminals. As with any Byzantine legal system, studying the rules can pay off. Here are some examples:

**Drug Crimes:** As noted above, possession, delivery and manufacture of small amounts of drug carry little jail time under the [state of Oregon] guidelines, even for career criminals. To some extent, this can be handled by taking major cases to a federal prosecutor. Another approach is to prove that the drug offense was committed as a part of a drug delivery scheme or network.

The difference in sanctions can be startling. Cottage Grove [Oregon] drug dealer Robert Swicegood was charged with two counts of delivery of methamphetamine. Normally, this would mean a maximum of 60 days in jail on each count. But the evidence presented at trial showed that Swicegood kept scales and drug records in his home, and one of his former customers testified to prior drug sales. The jury found him guilty of UDCS [Unlawful Delivery of a Controlled Substance] as part of a drug delivery scheme and network. Swicegood was sentenced to 40 months in prison.

No particular amount of drugs are required for a drug scheme or network conviction. Tracy Wolfard was arrested after selling five dollars worth of marijuana to an undercover police officer. He



was offered a plea to UDCS without the drug network enhancement. He turned the offer down flat, insisting he was entrapped. The jury found otherwise, and also found that the sale was part of a drug scheme or network. Wolfard is now looking at a presumptive 20 months in prison.

**Factors for a Drug Scheme Network**

1. Substantial amounts of cash.
2. Weapons [whether or not used in the criminal activity]
3. Manufacturing or distribution materials:
  - drug recipes [such as books describing how to grow the marijuana plant]
  - precursor chemicals
  - lab equipment
  - irrigation or lighting equipment
  - generators
  - scales and packaging materials
4. Drug sales records.
5. Stolen Property.
6. Building modifications.
7. Large Amounts of drugs.
8. Repeated sales.<sup>1</sup>

The District Attorney instructed police officer to pursue the most serious offense in cases that involved petty drugs sales or minor possession offenses. This attitude came as Ronald Reagan encouraged false assumptions with statements like "Progress is being made, but it takes time to erase 20 years of lax attitudes."<sup>2</sup> Other statistical evidence showed an incremental escalation in the drug war from the early sixties.

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<sup>1</sup>F. Douglass Harclerod, The Briefing, District Attorney's Office, Lane County Oregon, August 1990, pp. 1, 3-4. The District Attorney's Office repeatedly encouraged narcotic felony cases. The DA was a politically motivated to gather as many felony convictions as possible in order to prove he did a good job fighting crime.

<sup>2</sup>Public Papers of the Presidents of the United States; Ronald Reagan, 1983, p. 1527.

## APPENDIX 9

### Drug Schedules Under Federal Law

Federal law schedules drugs according to their effects, medical use and potential for abuse.

<u>DEA Schedule</u>	<u>Abuse Potential</u>	<u>Drugs</u>	<u>Medical Use</u>
I	Highest	Heroin, LSD Marijuana, Hashish, “Designer Drugs”	No Accepted, Restricted Research
II	High	Morphine, Cocaine, PCP, Codeine, Benzedrine	Accepted Use with Restrictions
III	Medium	Amphetamines, Methamphetamines, Anabolic Steroids	Accepted
IV	Low	Valium(Diazepam), Phenobarbital	Accepted
V	Lowest	Over the counter, Prescription	Accepted

### Federal Prison Sentences for Scheduled Drugs 1991<sup>1</sup>

DEA Schedule	Drugs	First Offense		Subsequent Offenses	
		Prison	Fine	Prison	Fine
I&II	Heroin, Marijuana, Cocaine	0--20 years	\$1 million	0--30	\$2 million
III	Am- phetamines  Methampheta- mines	0--5 years	\$250,000	0--10	\$500,000
IV	Valium  (Diazepam)	0--3 years	\$250,000	0--6	\$500,000
V	Prescription,  Over the Counter	0--1 year	\$100,000	0--2	\$200,000

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<sup>1</sup>Bureau of Justice Statistics, Drugs Crime and the Justice System, Washington D.C.: U.S.G.P.O., 1992, pp. 99, 178.

## VITA

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Kate L. Turabian, A Manual for Writers of Term Papers, Theses and Dissertations, Fourth Edition, Chicago: The University of Chicago Press, 1973, was used as the style guide for this thesis.

This thesis was typed by Jeffery E. Roth