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GRAZING IN THE GRASS:  
A CONTEMPORARY VIEW OF THE GREAT MARIJUANA SCARE

A single light glows dimly in one end of the room, as it vibrates to the swelling and throbbing of hard rock music. A colored flashing light synchronizes with the waves of crashing sound. The "joint" is passed back and forth among the listeners who alternate their drags with sips of coke or wine or beer. The incense burns, its fragrant aroma mingling with and overcoming the smoke from the joints. As the smokers begin to get "high", the mood is relaxed, happy, peaceful; the flashing colors of the light are enhanced; the music seems to acquire an extraordinary third dimensional quality as if the listeners were hearing a live performance rather than a recording. One's thoughts may wander; become introspective; become fixed on a single idea. Or the smoker may feel that he's floating thru the air, however briefly the illusion; called "being stoned"! Once fleeting minutes seem to drag by: a burning cigarette lasts an unusually long while. Then at some point the "munchies" occur: a craving to eat based not on hunger but on desire. Maybe a pizza, whatever is at hand. But how delicious and appetizing it appears! Later, a quiet reverie interspersed with a short nap, and its all over. Elapsed time: two to four hours, depending on the number of joints smoked.

What's all over? Surely you've guessed by now! A more or less typical session of smoking the so-called dangerous weed- marijuana or "grass", "pot", "tea", or "marijane", to list a few of its nicknames. A tremendous controversy now rages in this country around not only its use but the possible decriminalization and eventual legalization. Much has been written, accurately and inaccurately, about its use and its users. Study commissions have been appointed and reports rendered. Yet the public mind, by and large, is still scared and misinformed. To say that "everyone's doing it" from the 30's down to the early teens is not too great an exaggeration. It is to this controversy that this paper addresses itself.

Exactly what is marijuana? Is its use a modern day phenomenon? Should it continue to be illegal? Is it a dangerous drug to the mind and body, as some maintain? What are the legal penalties for its use? Does use of marijuana lead to harder drugs? To anti-social behavior? Should its use be decriminalized? Or should it be controlled as are other more dangerous drugs? These are some of the questions that this paper will attempt to answer.

Since ancient times people have used marijuana for stimulation and intoxication. The pharmacological effects of the hemp plant were first recorded in the herbal of the Emperor Shan Nung of China in 2737 B.C. for the treatment of a variety of illnesses and hemp preparations were used as intoxicants in India before the 10th century A.D. It is believed indigenous to Central Asia but it has now spread worldwide as the plant can be cultivated in any area having a hot season. As the plant spread westward from Asia, its use spread from North Africa into Europe after 1800, being brought home by troops of Napoleon's army returning from the Egyptian campaigns. Marijuana was first used to a significant extent in the United States in the 1920s.

Since derivatives of the hemp plant had been used for centuries as a medicine in India and China, it was widely prescribed in the 19th century throughout the Western World. And although this usage declined in this century, it remained in the US Pharmacopocia until 1937. The Tax Act of that year complete its demise. The prevailing public attitude in the US today is a bias as a result of the campaign begun in the 1930s by the Bureau of Narcotics resulting in much misinformation and distortion concerning its effects. The 1937 Federal law lead to a rise in price that caused the pusher to add marijuana to the other illegal lines of drugs.

But what is marijuana? There are three varieties and three grades of preparation of the plants. The three varieties are : canabis sativa, which grows worldwide and is illegal in every state of the U.S.; canabis indica, illegal under some but not all state laws; and canabis ruderalis, grown only in Russia and not specifically outlawed under any law. Once the leaves of any of these plants are dried, there is no chemical method of determining

All marijuana comes from the female hemp plant. As the plants ripen, then flower, the seed heads exude a resin that contains the highest natural concentration of tetrahydrocannabinol or THC, the chemical which produces the physiological effects. THC is also present to a lesser extent in the leaves, stems, and seeds, the amount varying widely according to the climate, soil, and other factors. Based on its clinical effects, THC is classified as a hallucinogenic or psychotomimetic drug. It can now be synthesized from inorganic materials.

The three grades of marijuana are bhang, ganja, and hashish. Bhang is the cheapest and least potent preparation, coming from the seed heads, leaves, and chopped up stalks. Most marijuana used in the United States, much of it imported from Mexico, is of this grade which, at best, is only about 1/10th as strong as hashish. The second grade, or ganja, is prepared from the flowering tops and leaves of cultivated plants and is of a correspondingly higher quality. The third or highest grade is hashish, used mainly in the Middle East and rarely reaching the U.S. It is derived from the resin of the seed heads.

The male hemp plant, which contains little if any THC, is used mainly as a source of hemp fiber for use in ropes. For this purpose, its growth was encouraged by our government in World War II when its importation from the Phillipines was no longer possible.

Although both marijuana and hashish are usually smoked in cigarettes or pipes, they may be eaten in cookies or candy. In some cultures, it is steeped in hot water and drunk, thus explaining the nicknames of "tea" and "pot".

Since in every state even the possession of marijuana in minute quantities is to some degree illegal, it is hard to accurately estimate exactly how widespread its use has now become. However, the National Advisory Commission on Criminal Justice Standards and Goals, as a result of a 1 3/4 million dollar, two year study, estimated that 15 to 20 million Americans were experimenting with or using marijuana. But according to the National Organization for Reform of Marijuana Laws this figure was only an estimated 50,000

in 1937 when the first Federal anti-marijuana statute was passed, whereas a Justice Department study estimates that by 1976 the number of persons having smoked marijuana will reach 45 to 50 million or nearly double that of today. Perhaps a capsule comparison of marijuana with more known and accepted drugs would be a good way to begin to look at marijuana's effects upon both the body and mind. The short term effects of an average amount will lead to relaxation, breakdown of inhibitions, alteration of perceptions, euphoria, and increased appetite, with a duration of two to four hours. The short term effect of a large amount can lead to panic or stupor. It has moderate psychological habituation but no physical addiction and no tolerance is acquired (increasing amounts needed for the same effect). Long term effects of continued excessive use are fatigue and psychosis. It does have some medical uses in the treatment of tension, depression, headaches, and poor appetite.

Contrast these properties with marijuana's nearest drug competitors in public use. First alcohol: Alcohol's short term effects for an average amount include relaxation, breakdown of inhibitions, and euphoria too, but also include depression and decreased alertness. The duration period of two to four hours is the same but the short term effects of a large amount are much more serious: stupor, nausea, unconsciousness, hangover, or even death. Its psychological habituation is high, physical addiction is moderate, and tolerance is high, while alcohol's long term effects from continued excessive use are numerous: obesity, impotence, psychosis, ulcers, malnutrition, liver and brain damage, delirium tremens, and death.

Now lets look at the effects of nicotine, which has both high habituation and tolerance. While excessive use in the short term can lead to headaches, loss of appetite or nausea, the long-term effects of excessive use are very fatal: impaired breathing, heart and lung disease, cancer and death.

Dr. Joel Fort, Director of the Center for Solving Special Social and Health Problems and author of several books on drugs, states in the Law Quarterly issue "Contemporary Drug Problems" that "If I were rating it (marijuana) on the scale of hard drugs that I developed, I would say that zero is the harmless

drug, of which there are none; 10 would be the hardest drug. Caffeine would be at about 1; marijuana at about 3; and alcohol and tobacco would be at about 9 to 10. Heroin would be somewhere around 8. It is not as dangerous physiologically or socially as alcohol and tobacco." This rating scale takes into account the number of persons using each drug and how much danger there is to society as a whole.

Dr. Fort continues "In terms of the historical evidence dating back to the Indian Hemp Commission, there is no reason to anticipate the same kinds of abuse or problems from marijuana that have occurred with other drugs. I'd say they would be minimal, and insofar as they occurred, they would come from a pool of people who are potential abusers of any drug or drugs. It would be less of a problem for them than if they abused alcohol or tobacco."

The Indian Hemp Commission referred to in this quotation conducted the earliest and one of the most extensive studies of marijuana for the British government in the 1890s. Their report of 3000 pages, submitted in 1894, concluded that there was no evidence that moderate use of marijuana produced any disease or mental or moral damage or that it had any more tendency to lead to excess than moderate use of whiskey. This, incidentally, was the same conclusion arrived at by the Commission appointed by New York Mayor Fiorello LaGuardia in the late 1930s.

Perhaps we should, at this point, stop and consider the term "drug abuse" and its relation to the use of marijuana. What should this term really mean? Should the occasional user of marijuana be labeled a "drug abuser" in the public mind? This term has too long been irresponsibly and misleadingly thrown about by politicians and newswriters alike. Stop and think about it: the term means or should mean to the public exactly what we all know the word abuse to mean: the overuse of any drug "to the point where it interferes with the individuals health or with his economic or social adjustment", according to Dr. David Smith, Medical Director of Haight-Ashbury Free Clinic. Thus the real drug-abuser is the chain smoker, the person who keeps drinking liquor until he's drunk, the ten cups of coffee a day fellow, the heavy users

of sleeping pills. Moderate useage of any drug is not drug abuse and it has been estimated that only two to three percent of marijuana users are actually abusers of the drug. This is due to the no tolerance characteristic and the onset of effects of the drug (the "high") being rapid when smoked, as it usually is. Thus it is possible for the user to easily avoid an overdose. It should be pointed out that most real drug abusers are multiple drug abusers. But what leads an individual to marijuana in the first place? Make no mistake about it, we are a drug-oriented culture. If you don't believe this, turn on your television set and notice the number of commercials, the net effect of which is that there's a pill or a remedy for whatever aches or pains possess us. As we grow up to this constant barrage, the next easy step is drugs for pleasure. And a large segment of society, particularly the young, are disaffected and bored with school, with work, with politics and political institutions. It is this discontent and alienation, along with the natural personalty problems of teen-agers, the thrill of marijuana's illegality (as with use of alcohol in the 1920s) and the feeling of having been lied to by leaders, both governmental and educational, regarding the effects of the drug , as well as peer-group pressure and natural curiosity that lead to drug usage. But can this use of marijuana lead to harder drugs? This view has been widely circulated by the Federal Bureau of Dangerous Drugs and also advanced by such politicians as President Richard Nixon. Whatever their motives, they are just not telling the truth. The textbook "Psychology Today" states positively that there is no evidence "to suggest that smoking marijuana is but the first step in a chain of events that inevitably leads to taking heroin or some other narcotic. Although it is true that many addicts smoked marijuana before trying heroin, the causal connection between these two correlated events has not been established experimentally. Indeed, the correlations between heroin addiction and smoking tobacco or drinking alcohol are higher than between heroin and marijuana." The National Commission on Marijuana and Drug Abuse, appointed by President Nixon, after a two year investigation of drug use in America came to much the same conclusion. They found that although about 50%

of heroin users had used marijuana, most had also been users of alcohol and tobacco.

This National Commission's second report, entitled "Drug Use in America: Problem in Perspective" reaffirmed their earlier recommendation that personal use of marijuana by adults be decriminalized. This report urges a new approach to drug useage and points out that the country's main concern should not be marijuana but rather the problems caused by other more dangerous drugs such as alcohol, heroin, amphetamines, and barbiturates. The Chairman, ex-Governor Shafer of Pennsylvania, states flatly that "Instead of assuming that mood alteration through some drugs is inherently objectionable, while similar use of others is not, the public and its leaders must focus directly on the appropriate role of drug-induced mood alteration. It is no longer satisfactory to defend social disapproval of use of a particular drug on the ground that it is a mind altering drug or a means of escape. For so are they all."

In recommending the discontinuance of the term "drug abuse" in official pronouncements, the Commission stated: "the term has no functional utility and has become no more than an arbitrary code word for that drug use which is presently considered wrong." And in observing drug use from a behavior standpoint, the Commission found that use of alcohol is strongly associated with violent behavior and reckless misuse of motor vehicles whereas marijuana use neither causes or is directly associated with crime, violent or non-violent, and marijuana users tend to be under-represented among assaultive offenders. While the position of the Commission is that marijuana use is undesirable and should be discouraged thru education, it also found government drug education and information programs to be mainly ineffective, incorrect, and incomplete as to drug use and its effects. Such programs, according to Governor Shafer, are often used "to propound and defend the official doctrine and values rather than communicate accurate information. Consequently, the credibility of these programs is low."

It is interesting to note that the conclusions of this Commission are basically no different from those of other Commissions conducting investigations in

Great Britain and Canada.

The number of organizations concurring with the National Commission in urging decriminalization is now neumerous and impressive: the American Bar Association, the American Medical Association, the American Public Health Association, the National Educational Association, the National Conference of Commissioners on Uniform State Laws, the Central Conference of American Rabbis, the National Council of Churches, which, while calling for a policy of social control to discourage heavy use, concluded by endorsing the National Commission statement that "considering the range of social concerns in contemporary America, marijuana does not, in our considered judgment, rank very high. We would deemphasize marijuana as a problem."

Of course, the medical jury is still out on the subject of heavy useage as it will likely be for many years. And every researcher who conducts a study of users vs. non-users, no matter how limited the scope or small the sample, can receive instant recognition and news coverage of his results. But most authorities agree that, moderately used, marijuana has no ill effect on either the body or the mind. This was emphasized in a long article in the December, 1969, "Scientific American" which pointed out that it was possible that marijuana might even protect some people from such pychosis as melancholia and depression. One interesting controversy among experts concerns the substitution of marijuana for alcohol should marijuana be legalized. Would there be a mass switch by the drug-using public? Marijuana has already been found effective as a substitute in the treatment of some alcoholics. It is speculative but possible that sales of wine and beer would increase with a resultant decrease in sales of hard liquor. This, then, should be considered another plus factor in the legalization or decriminalization of marijuana.

But as the threat of punishment did not end the use of alcohol during Prohibition, neither has it ended the use of marijuana in the present. The American Bar Association has estimated that there were 226,000 marijuana-related arrests in this country in 1972. The National Commission, in its study, found that only 7% of the state arrests were against the seller, while the other 93% were for possession and use. And it is a costly process. In the state of California



alone, it has been estimated that the costs of enforcing the marijuana laws amount to over 100 million dollars annually. Is it not illogical, with some 20 to 26 million Americans using marijuana (depending on whose estimate you read) to waste such resources, both monetary and human, in a legal crusade against a relatively mild drug such as marijuana? Change is long overdue and some states are moving to relax their laws but this is too little and too late. The most effective and sensible way to correct this legal mess that now comprises our marijuana laws would be on the Federal level.

Before discussing that possibility, let us look at some past state laws and the slowly developing trend in them today. Until last year, the state of Texas possessed the dubious distinction of having the harshist marijuana law in the world next to Communist China: simple possession of a small amount was a felony punishable for two years to life! This has now been relaxed to a possible jail term up to 6 months and/or a fine of up to \$1000 for possession of two ounces or less and up to one year and/or a \$2000 fine for possession of up to four ounces. How about that for a "easier" law!

In Rhode Island, the only other state treating simple possession as a felony, first offense possession can get a person up to 15 years and/or a \$10,000 fine. Most other states provide for a conditional discharge for first offense possession, as does Kentucky, but still consider it a criminal charge. On the other hand, we should be proud that at least our law does show some common sense in that the penalty is no more than 90 days and no more than \$250 fine. In 1973 Oregon became the first state to decriminalize private possession and use of marijuana. Its new law reclassifies possession of up to one ounce as a violation rather than a criminal act. There is no jail sentence or criminal record and the maximum penalty is a \$100 fine.

Nebraska also has an enlightened statute that comes close to decriminalization. It stipulates no more than seven days in jail and/or a one dollar fine for possession.

These are steps in the right direction but are we moving fast enough and is mere decriminalization, defacto or otherwise, enough? The writer of this paper

thinks not. Nor do others.

In a study by Dr. William McGlothlin, funded by the Bureau of Narcotics and Dangerous Drugs, the following estimates were made: that four tons of marijuana are successfully imported into the United States every day; the annual retail expenditures for marijuana and hashish combined is 1.4 billion dollars; that there are 280,000 retail sellers of marijuana and 17,500 wholesalers in the US; that 13% of all attempted imports are confiscated while the other 87% get through; the arrest rate of dealers is 26% yearly, of users 3%; and the number of persons in the U.S. having smoked marijuana by 1976 will be 45 to 50 million or about double today's estimated number. Dr. McGlothlin concluded by recommending legalization with age and strength controls, a conclusion not concurred with by the BNDD, needless to say.

But is certainly not the only study advocating legalization. The Washington D.C. Mayor's Advisory Committee on Narcotics Addiction, Prevention and Rehabilitation, composed of a cross section of the city's legal and medical professions, the judiciary, local government and businessmen, following a four month study, recommended "government regulation of growth, manufacture, and supply of marijuana" and urged "immediate research into the problems and consequences of such a regulatory scheme." This should be done, the Committee stated, "in order to avoid the pitfalls of unrestrained commercial exploitation of the drug. Decriminalization alone, without legalization, might allow organized crime to further develop and expand its involvement in the business of marijuana production comparable to the Prohibition Era for alcohol."

This is certainly a significant argument for legalization to anyone familiar with the history of organized crime's rise to national dominance, funded by the profits of illegal Prohibition alcohol.

Consumers Union, the prestigious, non-profit, non-commercial publisher of the well-known "Consumers Reports", has also issued a report calling for legalization of marijuana, entitled "Licit and Illicit Drugs". With the observation that "marijuana is here to stay. No conceivable law enforcement program can curb its availability" prefacing the report, Consumers Union urges that Federal


and state governments repeal existing marijuana laws and that the states "pass new laws legalizing the cultivation, processing, and orderly marketing of marijuana subject to appropriate regulations." Consumers Union stresses that "we do not recommend legalization because we believe marijuana is 'safe' or 'harmless'. No drug is safe or harmless to all people at all dosage levels or under all conditions of use." But Consumers Union foresees legal use and orderly distribution to be far superior to the present black market in marijuana, sparing both state and Federal governments the tremendous costs of enforcing the present laws. They advocate a permanent Marijuana Commission established to encourage research and development of workable methods of distribution and control. This Commission would set national standards for strength and purity, ban all advertising, and promulgate a cigarette-like warning notice on all packages that would act as a disclaimer of any official sanction. The Report urges that taxes be kept moderate and the proceeds used for drug research and education programs. Since this would take some years to implement, the Report calls for an immediate end to imprisonment as a punishment for possession, reclassifying the offense as a civil violation, and the freeing of all those now serving sentences for possession and the clearing of their records.

The Consumers Union Report closely parallels the position of the National Organization for the Reform of Marijuana Laws (NORML), a lobbying group headquartered in Washington, D.C., which has for some years been working to influence professional organizations as well as state and Federal governments for relaxation of the current harsh laws as well as eventual legalization. Their position is summed up by NORML Legislative Counsel Frank Fioramonti as "that the medical findings, in terms of lack of harmfulness, are persuasive enough that we can now do something about the laws instead of merely talking about it and studying the drugs. Our position is that marijuana should be legalized; that some regulatory scheme probably would be most advisable....The widespread use of the drug in an unregulated state can involve dangers which come from adulteration, from uncertainty as to potency, abuse by very young people-ages 10, 11, 12. These areas could be dealt with under a regulatory scheme but not through mere

decriminalization."

As long as marijuana was smoked by musicians and used in the ghettos by Negroes, Puerto Ricans, and Mexicans, although illegal, it was not considered a problem and no one really cared. But now that marijuana, considered by many as a so-called "non-white" drug, has invaded the white community, one wonders if the same anxieties and frustrations that lead some to use the drug may not also arouse others to crusade against it.

In any case, its past time that we face up to the question of marijuana and its use. Is it an overstatement to label marijuana prosecution as cultural discrimination of the young and their life-style by their legal drug-using (and abusing) elders? One wonders as to motives. It is time for common sense to be applied where repression has failed. Its time to protect the marijuana user from the risk of chemically adulterated weed. Its time to stop the prosecution of otherwise innocent young persons for using a far less dangerous drug than the legalized ones available. Its time to empty our jails of those persons incarcerated under these unjust penalties. Its time to end the association of marijuana with the neighborhood pusher - with someone who is linked to the harder drugs. Its time to get marijuana out of reach of the very young. Its time to remove the glamour of illegality. Its time, yes, past time, for a sensible approach to work where a harsh approach has completely failed!

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