

What Steve Cooley doesn't know about Marijuana Law

A Short Primer for Elected Officials

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This document contains a short review of important facts about the marijuana laws and marijuana policy. It is presented by Clifford Schaffer, founder of the Schaffer Library of Drug Policy – <http://druglibrary.org/schaffer>, and the world's largest publisher of the major research on drug policy. The Schaffer Library is used as a basic teaching resource at hundreds of colleges and universities around the world, as well as in California high schools. The Schaffer Library was the basis for the four-hour History Channel special "Hooked: Illegal Drugs and How They Got That Way." For more information, contact Clifford Schaffer - 661-547-2834 or cliff_schaffer@yahoo.com

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What DA Steve Cooley does not know about marijuana law.

Introduction

This document is the result of a recent luncheon I attended with DA Steve Cooley at the California Club in downtown Los Angeles. Mr. Cooley debated Judge James P. Gray on the subject of marijuana legalization. Judge Gray is in favor of marijuana legalization and Mr. Cooley was against it.

I quickly determined that Mr. Cooley had never read the most basic research on the subject. His speech was filled with inaccuracies, to say the least.

At the end of the speeches there was a question and answer period. I informed Mr. Cooley that I had collected the full text of every major government commission report on the drug laws in the last 100 years from around the world and put them on the web where everyone could read them. I told him that not one of the major reports supported his point of view. I then asked him if he could name any significant study of the drug laws in the last 100 years that supported his point of view.

It was obvious that Mr. Cooley was not even aware that any such research had been done. When I handed him a short list of some of the studies (listed below), it was apparent that he had never even heard of any of them.

In 1973, President Nixon's US National Commission on Marijuana and Drug Abuse completed the largest study of the drug problem ever done. At the end of their study, they said that the real drug problem was not marijuana, or heroin, or cocaine. The real drug problem, they said, was the ignorance of our public officials who have never bothered to read the most basic research.

Steve Cooley proves that what they said is still true. Mr. Cooley is ignorant on this subject. He simply doesn't have a clue what he is talking about. That is the real marijuana problem.

Even worse, it is apparent that Mr. Cooley's ignorance is deliberate. I have supplied him with links to where he can read the major research. He has simply refused. He simply doesn't want to know the facts.

I make a standing offer to debate Steve Cooley in any public forum of his choosing, with any moderator he may choose. If Mr. Cooley has the courage to accept such a challenge, I will prove Mr. Cooley's ignorance beyond a reasonable doubt.

What were the first marijuana laws in the US?

The first marijuana laws in the early colonies required farmers to grow cannabis. The reason was that every sailing ship carried 100 tons of hemp rope and sail, which had to be replaced about once a year. The colonies needed a thriving cannabis industry to support international trade. In addition, hemp was used for all kinds of applications including food, fiber, and medicine. See Marijuana, the First 12,000 Years at <http://druglibrary.org/schaffer/hemp/history/first12000/abel.htm>

When was marijuana originally outlawed?

The first state laws against marijuana began to appear starting in 1913. California was the first state to pass a law against marijuana, motivated primarily by the pharmaceutical industry. However, it was little noticed and there is no evidence that it was enforced. Utah followed with a law in 1914. Utah outlawed marijuana along with a number of other Mormon religious prohibitions. Other laws followed – first in the southwestern states. Some of the northeastern states followed with laws against marijuana – even though there is no record of any reported problem with marijuana in those states. Thirty states had outlawed marijuana by 1930. Marijuana was outlawed at the national level by the Marihuana Tax Act of 1937.

See the short history of the marijuana laws at <http://druglibrary.org/schaffer/History/whiteb1.htm> and The Forbidden Fruit and the Tree of Knowledge at <http://druglibrary.org/schaffer/LIBRARY/studies/vlr/vlrtoc.htm>

Why was marijuana outlawed?

There were two major reasons for the early state marijuana laws. The first was because “All Mexicans are crazy and marijuana is what makes them crazy.” The second was the fear that heroin addiction would lead to the use of marijuana – exactly the opposite of the modern “gateway” idea.

The campaign was aided by William Randolph Hearst who published lurid yellow journalism “reefer madness” stories about the supposed dangers of marijuana.

It is clear from all the laws that the lawmakers really had no idea that they were outlawing the common hemp plant that had been grown throughout the US since colonial days.

The reasons given in the congressional hearings in 1937 included the following allegations:

- Marijuana caused insanity, criminality, and death.
- Marijuana had a terrible effect on the “degenerate” races.
- Marijuana caused both lethargy and extreme violence.
- Marijuana caused diarrhea.
- Marijuana caused young lovers to go so crazy that they eloped and got married.

It is clear that Congress did not even know what marijuana was when they passed the law. The most frequent question during the hearings was “What is this stuff?” Even the representatives of the hemp industry were surprised to hear that a dangerous drug could be made from the common cannabis plant. Only two questions were asked about the bill on the floor of Congress. The first was “What is this stuff?” The answer was “I don’t know. I think it is some kind of narcotic.” The second question was “Is the AMA in favor of this bill?” The response was that the AMA fully supported the bill, which was a complete lie. The bill passed with little notice and without a recorded vote.

See the short history of the marijuana laws at <http://druglibrary.org/schaffer/History/whiteb1.htm> and The Forbidden Fruit and the Tree of Knowledge at <http://druglibrary.org/schaffer/LIBRARY/studies/vlr/vlrtoc.htm>

Also see the complete transcripts of the congressional hearings for the Marihuana Tax Act of 1937 at <http://druglibrary.org/schaffer/hemp/taxact/taxact.htm>

What did the American Medical Association say about the law?

When the Marihuana Tax Act was passed in 1937, only two doctors testified before Congress. The representative of the AMA said there was no evidence that marijuana was a dangerous drug and no reason for the law. He pointed out that cannabis was used in 250 common medicines at the time, with no reports of significant problems. In response, the committee told him that if he wasn’t going to cooperate, he should shut up and leave.

The only other doctor to testify was Dr. James C. Munch. His sole claim to fame was that he had injected some extract of cannabis directly into the brains of 300 dogs and two of them died. When they asked

him what he concluded from this, he said he didn't know because he wasn't a dog psychologist. Dr. Munch also testified in court, under oath, that marijuana could make your fangs grow six inches long and drip with blood and that, when he tried it, it turned him into a bat.

Dr. Munch was the only doctor in the US who thought that marijuana should be illegal, so he was appointed US Official Expert on marijuana, where he served for 25 years. See the short history of the marijuana laws at <http://druglibrary.org/schaffer/History/whiteb1.htm>

When did drug-related crime get started?

Drug-related crime was essentially unknown in the US prior to 1914. There were no drug gangs. There were addicts but the addicts were not criminals and did not usually commit crimes. Many were upstanding citizens, such as Dr. William Stewart Halsted, the "father of modern surgery."

This was despite the fact that all drugs were sold freely over the counter, without any restrictions at all. Cocaine was included in everything from tobacco cheroots (crack cocaine) to toothache drops to soda pop (Coca Cola and Pepsi Cola). Lots of patent medicines were fifty percent morphine by volume. Heroin was included in baby colic remedies.

There were no labeling laws so people didn't even know what they were taking. There were no age limits, so kids could buy them. There were no advertising laws so sellers could – and did – advertise that their concoction would cure any problem had by you or your mule. Even the Pope was in ads telling people that they ought to be drinking cocaine wine.

Even under those conditions, the drugs were not considered a major problem in society and there was no popular movement to get them outlawed. Drug-related crime, and the modern problems we see did not start until 1915. They started with the passage of the Harrison Narcotics Tax Act. Within six months, major medical societies across the nation were calling the new law a medical, moral, social, and criminal disaster. There was a new crime wave, and an entirely new class of criminals. In response to the obvious disaster of the new law, Congress made the law tougher, further increasing the problems.

See the first several chapters of Licit and Illicit Drugs at <http://druglibrary.org/schaffer/Library/studies/cu/cumenu.htm> and The Drug Hang-Up by Rufus King at <http://druglibrary.org/special/king/dhu/dhumenu.htm>

How did the marijuana gateway idea get started?

First, there is no drug that will give someone cravings for completely different drugs they have never had. That is a belief in witchcraft, not science. In addition, anyone who asserts the marijuana gateway idea will get a failing grade in any college logic class. The logical fallacy is "post hoc ergo propter hoc" – the false belief that because B followed A then A must have caused B.

Circa 1910, they believed that snacking between meals, eating "mexicanized food", and drinking tea and coffee would lead to a "drunkard's grave."

In the 1920s, some states outlawed marijuana because of the fear that heroin addiction would lead to the use of marijuana.

In 1937, Harry Anslinger, head of the Federal Bureau of Narcotics, testified in the hearings for the Marihuana Tax Act. He was asked specifically if there was any connection between marijuana and heroin. He replied emphatically that there was no connection at all.

ANSLINGER: This drug is not being used by those who have been using heroin and morphine. It is being used by a different class, by a mostly younger group of people. The age of the morphine and heroin addict is increasing all the time, whereas the marihuana smoker is quite young.

MR. DINGELL: I am just wondering whether the marihuana addict graduates into a heroin, an opium, or a cocaine user.

MR. ANSLINGER: No, sir; I have not heard of a case of that kind. I think it is an entirely different class. The marihuana addict does not go in that direction.

MR. DINGELL: And the hardened narcotic user does not fall back on marihuana.

MR. ANSLINGER: No, sir; he would not touch that.

In 1944, the La Guardia Committee report confirmed what Anslinger had said – no connection at all between marijuana and heroin.

In 1951, the story changed. Anslinger was up before Congress again, asking for more money to enforce the marijuana laws. Unfortunately for Anslinger, just before he testified the head of the Federal addiction research program testified that they knew for certain that every reason given to outlaw marijuana in 1937 was completely wrong. Marijuana didn't do any of the things that had been alleged.

Anslinger had the rug pulled out from under him. He didn't have any justification for his request for more money. He didn't even have any justification for the marijuana laws at all. In response, Anslinger made up the idea that marijuana is the certain steppingstone to heroin. In doing so, he contradicted all the known research, as well as directly contradicting his own testimony from 1937.

In terms of the science, every major study that has ever addressed the issue has found that the only connection between marijuana and harder drugs is the one created by the laws themselves. They all concluded that the only real connection between them is the fact that are illegal and found in the same black markets.

See http://druglibrary.org/schaffer/library/gateway_myth.htm for more information, with links to references.

What is the biggest cause of drug epidemics among US children?

Historically speaking, the biggest single cause of drug epidemics among US children is anti-drug campaigns.

The first example was the huge teen drinking epidemic during alcohol prohibition. Alcohol prohibition was passed with a campaign of "Save the Children from Alcohol". Within five years there were record numbers of kids in hospitals and courts for alcohol problems. Schools had to cancel dances because so many kids showed up drunk. The average age at which people started drinking dropped dramatically. Young women began to drink in large numbers. Kids became involved in the bootlegging trade. Early supporters of prohibition turned against it because prohibition made it easier than ever for their kids to get booze. Prohibition was repealed with a campaign of "Save the Children from Prohibition."

Other examples include the epidemics of speed, glue sniffing, LSD, and crack, among others. In each case, the major epidemic followed the media campaign against the drug, rather than preceding it.

See the following chapters in Licit and Illicit Drugs, by the Editors of Consumer Reports.

Chapter 30 - Popularizing the barbiturates as "thrill pills" -
<http://druglibrary.org/schaffer/Library/studies/cu/cu30.html>

Chapter 38 - How speed was popularized - <http://druglibrary.org/schaffer/Library/studies/cu/CU38.html>

Chapter 44 – How to Launch a Nationwide Drug Menace
<http://druglibrary.org/schaffer/Library/studies/cu/cu44.htm>

Chapter 50 - How LSD was popularized, 1962-1969 -
<http://druglibrary.org/schaffer/Library/studies/cu/CU50.html>

Chapter 51 - How the hazards of LSD were augmented, 1962-1969 -
<http://druglibrary.org/schaffer/Library/studies/cu/CU51.html>

See also: Did Alcohol Prohibition Reduce Alcohol Consumption?
<http://druglibrary.org/schaffer/prohibitionresults.htm>

Has anyone ever done a major study of the marijuana laws and what we should do about it?

There have been numerous major government commissions that have studied the marijuana laws over the last 100 years around the world. They all reached very similar conclusions.

They all concluded that marijuana is not, and never has been a significant threat to public health and safety.

They concluded that the marijuana laws were based on the worst kind of ignorance and nonsense and never made any rational sense.

They concluded that marijuana prohibition does more harm than good – no matter what you assume about the dangers of marijuana.

These studies include:

List of Major Studies of the Marijuana Laws

Year	Country	Title
1894	India	Indian Hemp Drugs Commission Report - http://www.druglibrary.org/schaffer/Library/studies/inhemp/ihmenu.htm
1929	US	Panama Canal Zone Military Investigations (US Military, 1916-29) - http://www.druglibrary.org/schaffer/Library/studies/panama/default.htm
1944	US	The La Guardia Committee Report Mayor's Committee on Marihuana, The Marihuana Problem in the City of New York commissioned by Mayor Fiorello La Guardia, written by the New York Academy of Medicine, and published by the City of New York - http://www.druglibrary.org/schaffer/Library/studies/lag/lagmenu.htm
1967	UK	Advisory Committee on Drug Dependence, Cannabis, (The Wootton Report) - http://www.druglibrary.org/schaffer/Library/studies/wootton/wootmenu.htm
1970	Canada	Canadian Government Commission of Inquiry into the Non-Medical Use of Drugs, (The Le Dain Report) - http://www.druglibrary.org/schaffer/Library/studies/ledain/ldctoc.html
1970	US	The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marihuana Prohibition by Professors Richard J. Bonnie & Charles H. Whitebread, II, Virginia Law Review, Volume 56, October 1970 Number 6 - http://www.druglibrary.org/schaffer/Library/studies/vlr/vlrtoc.htm
1972	US	The Consumers Union Report on Licit and Illicit Drugs, by Edward M. Brecher and the Editors of Consumer Reports Magazine - http://www.druglibrary.org/schaffer/Library/studies/cu/cumenu.htm
1972	US	Marihuana: A Signal of Misunderstanding, US National Commission on Marihuana and Drug Abuse - http://www.druglibrary.org/schaffer/Library/studies/nc/ncmenu.htm
1979	Canada	Cannabis Control Policy: A Discussion Paper - Canadian Government - Health Protection Branch Department of National Health and Welfare - January 1979 - http://www.druglibrary.org/schaffer/Library/studies/ccp/default.htm
1982	US	An Analysis of Marijuana Policy

		Committee on Substance Abuse and Habitual Behavior, Commission on Behavioral and Social Sciences and Education, National Research Council, National Academy of Science, National Academy Press Washington D.C. 1982 - http://www.druglibrary.org/schaffer/Library/studies/nas/AMPMenu.htm
1988	US	DEA Docket No. 86-22, DEA Chief Administrative Law Judge ruling on medical marijuana - http://www.druglibrary.org/schaffer/Library/studies/YOUNG/index.html
1989	US	Report of the Research Advisory Panel for the State of California - http://www.druglibrary.org/schaffer/Library/studies/caresadv/Default.htm
1994	Australia	Legislative Options for Cannabis. Australian Government - http://www.druglibrary.org/schaffer/Library/studies/aus/cannabis.htm
1995	World Health Organization	A Comparative Appraisal of the Health and Psychological Consequences of Alcohol, Cannabis, Nicotine and Opiate Use -WHO Project on Health Implications of Cannabis Use - http://www.druglibrary.org/schaffer/hemp/general/who-index.htm
1999	Switzerland	Cannabis Report of the Swiss Federal Commission For Drug Issues – http://druglibrary.org/schaffer/Library/studies/cannabise.pdf
2000	UK	Drugs and the Law - Report of the Independent Inquiry into the Misuse of Drugs Act, 1971 - Chairman: Viscountess Runciman DBE - http://www.druglibrary.org/schaffer/Library/studies/runciman/default.htm
2002	Canada	Canadian Senate Special Committee on Illegal Drugs 37th Parliament, 1st Session http://www.druglibrary.org/schaffer/Library/studies/canadasenate/TABLE_OF_CONTENTS.htm

How big is the marijuana market?

Estimates vary because marijuana is illegal and producers and sellers don't report their activities to authorities. The lowest estimates of the marijuana market are about \$10 billion per year for the entire US. The highest estimates are about \$100 billion per year – about the same as the size of the market for beer.

My own personal analyses of the marijuana market in Los Angeles City alone support the high-end figure. My own estimates show that the amount of marijuana being sold through medical marijuana dispensaries in Los Angeles is at least one billion dollars per year, and probably closer to two billion or more. Interestingly, everyone involved in the marijuana market seems to agree that there is still a thriving non-medical, completely illegal marijuana market. No one really knows how big that market is but most judgments from the street conclude that it is at least as large as the amount of marijuana being sold through medical marijuana dispensaries.

According to the officials of the Campaign Against Marijuana Planting, the dollar value of the marijuana seized in California each year is about \$15 billion. That is compared to a total legal farm production of \$36 billion. If all we did was to take the marijuana seized by CAMP and sell it through licensed distributors like alcohol, we would increase California's farm income by about fifty percent. It should be obvious to all that the CAMP seizures did not seriously dent the supply of marijuana in California.

One should also note that, for the same cost of keeping a helicopter in the air for one day searching for marijuana, we could buy hot lunches for about 3,600 school children.

Every time you see beer on sale in your community, remember that someone, somewhere is selling the same amount of marijuana. This happens whether you like marijuana or not. It is clear to everyone, especially the marijuana sellers, that the government has lost the power to enforce the marijuana laws at any level. The budget just isn't there for it, anymore. The difference between the marijuana market and the beer market is that the beer sellers are licensed and they follow rules and pay taxes.

Why do people use medical marijuana?

The best research to date on why people use medical marijuana has been done by Dr. Tom O'Connell. Dr. O'Connell has compiled life histories on more than 4,000 medical marijuana patients. His findings are quite interesting.

The majority of his patients are males, about half over 30 and about half under 30. Demographically, in terms of race, education, and economic level they match the national demographics very closely.

Most have legitimate physical ailments for which marijuana could be helpful. However, most were veteran marijuana users before they came down with the physical ailment for which they use medical marijuana. Because of this, Dr. O'Connell suspected that something else needed to be discovered.

His life histories of the patients showed some common patterns. For the males, there was a high history of absent natural fathers during early childhood, or bad relationships with the natural father. There was a frequent history of early diagnosis with anxiety-related disorders such as PTSD, ADD, and ADHD. There was a frequent history of early abusive use of drugs, usually starting with alcohol and tobacco. The pattern was the use of any drug that was available, and often using multiple drugs. There was a frequent history of blackout periods on drugs. Many had progressed to dependence on one or more hard drugs.

Dr. O'Connell's conclusion is that they are taking drugs to self-medicate anxiety-related problems. They are doing the same thing that other people might do if they went to the doctor and got a prescription for Valium.

Dr. O'Connell says this offers a good explanation for why there sometimes appear to be so many able-bodied young men with marijuana recommendations. He believes that many of them are really self-medicating anxiety disorders – disorders that can't be readily seen. It also explains why they sometimes tell the doctors that they want a marijuana recommendation for their hangnail. In our society, it is not "manly" for men to admit that they have anxiety disorders. Therefore, they dream up an excuse and tell their friends that they got over on the system. Getting over on the system is far more "manly" than admitting that you need medicine for anxiety.

Dr. O'Connell also points out that doctors don't let patients diagnose themselves. Therefore, it would be imprudent of the doctor to dismiss someone just because they reported they wanted marijuana for a hangnail. He points out that, if they went to all the time, trouble, and expense to go to the doctor to ask for a recommendation then there must be a bigger explanation than a hangnail. That explanation, he says, can usually be found in their life history.

The most interesting part is that 90 percent of them greatly reduced their use of hard drugs, and ten percent quit completely, when they took up the regular use of medical marijuana. Marijuana gave them the anxiety relief they are seeking without messing them up so badly that they can't function.

This proves that the marijuana "gateway" idea is exactly backwards. Marijuana does not lead people to harder drugs. It is actually useful in getting people to stop harder drug use. Dr. O'Connell is leading a growing group of doctors who think that marijuana may be useful for treating conditions such as PTSD in returning soldiers and alcoholism. It turns out that the temporary interference with short-term memory is a good thing if the memories are bad.