

The Prohibition of Marijuana

The 1937 Congressional hearings that led to the ban constituted a three-act drama involving the Treasury Department, industries that relied on hemp, and the American Medical Association.

"Nice Work If You Can Get It" and other hits of 1937 are playing as the audience arrives. The NARRATOR sits on a stool. CONGRESSMEN and WITNESSES take their places at a table on stage. A place card gives each man's name (they are all men but can, of course, be played by women), party and state. Committee members include Democrats Robert "Muley" Doughton of North Carolina, the chairman; Fred Vinson of Kentucky; John Dingell and Roy Woodruff of Michigan; John McCormack of Massachusetts; Jere Cooper of Tennessee; Claude Fuller of Arkansas; Wesley Disney of Oklahoma. The Republicans include David Lewis of Maryland; Daniel Reed and Frank Crowther of New York.

The first witness is Clinton Hester, a lawyer for the U.S. Treasury Department, a pin-stripe-suit type.

NARRATOR: What you're about to hear is taken from the Congressional Record. (reading): "Tuesday, April 27, 1937. House of Representatives, Committee on Ways and Means, Hon. Robert L. Doughton, presiding." Doughton was a Democrat from North Carolina. In this period the South was solidly Democratic and solidly segregationist.

DOUGHTON: The committee will come to order. The meeting this morning has been called for the purpose of considering H.R. 6385, introduced by me on April 14, 1937, a bill to "impose an occupational excise tax upon certain dealers in marijuana, to impose a transfer tax upon certain dealings in marijuana, and to safeguard the revenue therefrom by registry and recording." This bill was introduced by me at the request of the Secretary of the Treasury.

NARRATOR: The Secretary of the Treasury in 1937 was Henry Morgenthau, a Roosevelt appointee. Morgenthau's son Robert is the district attorney of Manhattan to this day.

DOUGHTON: Representatives of the Treasury Department are here this morning to explain the bill. Mr. Clinton Hester, assistant general counsel for the Treasury Department will be the first witness to be heard in behalf of the proposed legislation.

HESTER: Mr. Chairman and members of the Ways and Means Committee, for the past two years the Treasury Department has been making a study of the subject of marijuana. A drug which is found in the flowering tops, seeds and leaves of Indian hemp, and is now being used extensively by high school children in cigarettes. **Its effect is deadly.**

NARRATOR: The effects of ingesting marijuana are not deadly and never have been. The very first statement from the government's first witness is a lie. Will anybody pick up on it?

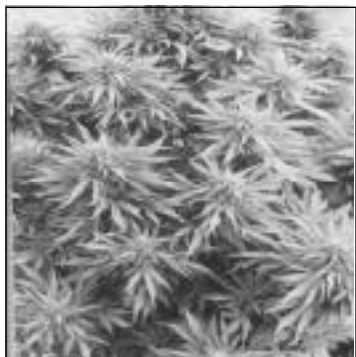
HESTER: The leading newspapers of the United States have recognized the seriousness of this problem and many of them have advocated Federal legislation to control the traffic in marijuana. In fact, several newspapers in the city of Washington have advocated such legislation. In a recent editorial the Washington Times stated:

"The marijuana cigarette is one of the most insidious of all forms of dope, largely because of the failure of the public to understand its **fatal qualities**. The nation is almost defenseless against it, having no federal laws to cope with it, and virtually no organized campaign for combating it. The result is tragic."

NARRATOR: Defining marijuana as deadly and fatal is what's called the big lie technique. The big lie was really big in 1937. The Nazis were claiming that a whole people were evil and had no rights. Stalin was staging show trials at which sincere socialists were forced to denounce themselves. And the U.S. Treasury Department was defining a plant species as evil and seeking to deprive its users of liberty and the pursuit of health and happiness.

HESTER: School children are prey to ped-

dlers who infest school neighborhoods. High school boys and girls buy the destructive weed without knowledge of its capacity for harm, and conscienceless dealers sell it with impunity. This is a national problem and it



must have national attention. **The fatal marijuana cigarette must be recognized as a deadly drug, and the American children must be protected against it.**

NARRATOR: The nanny state is not a new invention.

HESTER: As recently as the 17th of this month there appeared in the Washington Post an editorial on this subject, advocating the speedy enactment by Congress of this very bill. I quote: "It is time to wipe out the evil before its potentialities for national degeneracy become more apparent. The legislation just introduced in Congress by Representative Doughton would further this end. Its speedy passage is desirable."

The purpose of House Resolution 6385 is to employ the federal taxing power, not only to raise revenue from the marijuana traffic, but also to discourage the current and widespread undesirable use of marijuana by smokers and drug addicts, and thus drive the traffic into channels where the plant will be put to valuable, industrial, medical, and scientific uses.

NARRATOR: In 1937, even the most ardent prohibitionists had to acknowledge marijuana's industrial, medical and scientific uses. Anticipating opposition from those who were in fact using the plant—as fiber, medicine, birdseed, and oil—the Treasury Department was prepared to offer exemptions to a total prohibition. A similar strategy had worked in 1914 when Congress passed the Harrison Act, placing a prohibitive tax and onerous paperwork on cocaine and opium transactions; doctors, dentists, druggists, veterinarians and researchers had to pay only a token tax of one dollar a year, and were mollified enough to not oppose it.

HESTER: The Harrison Narcotics Act was designed to accomplish these same general objectives with reference to opium and coca leaves and their derivatives. That act required all legitimate handlers of narcotics to register, pay an occupational tax, and file information returns setting forth the details surrounding their use of the drugs. It further provided that no transfer of narcotics (with a few exceptions, notably by practitioners in their bona fide practice and druggists who dispense on prescription) could be made, except upon written order forms. Since no one except registered persons could legally acquire these order forms and since illicit consumers were not eligible to register, the order-form requirement served the double purpose of publicizing transfers of narcotics and restricting them to legitimate users.

LEWIS: The treatment of this subject, so far as constitutional basis is concerned, is about the same as the Harrison Narcotic Act.... I was thinking you might add this drug as an amendment to the Harrison Narcotic Act.

NARRATOR: Congressman Lewis asks a good question: why didn't the Treasury Department simply propose an addition to the Harrison Act, listing marijuana among the plants that had to be taxed? (Reading from a book called "The Marijuana Conviction,") According to these two law professors,

Bonnie and Whitebread, in passing the Harrison Act, quote, "Congress was attempting to do indirectly that which it believed it could not do directly: regulate the practice of medicine and the intrastate sale and possession of drugs... The Supreme Court had allowed Congress to get away with this ruse, but only by a five-to-four margin." Close quote.

HESTER: ...the Harrison Act has twice been sustained by the Supreme Court of the United States, and lawyers are no longer challenging its constitutionality. If an entirely new and different subject matter were to be inserted in its provisions, the act might be subject to further constitutional attack.

LEWIS: On what basis did the Justices who dissented question the constitutionality of the Harrison Act?

HESTER: The focal point of the attack was that the provision which limited the persons to whom narcotics could be sold clearly indicated that the primary purpose of the act was not to raise revenue, but to regulate matters which were reserved to the States under the Tenth Amendment.

NARRATOR: So when the Treasury Department decided to ban marijuana, they had to concoct a scheme to get around the 10th Amendment—which leaves the regulation of medicine up to the states. The slick lawyer who actually drafted the bill was an aide to Morgenthau named Herman Oliphant. His idea was to place a prohibitive sales tax on all marijuana sales—like the one Congress had recently slapped on machine guns. Unlike the Harrison Act, which created a subset of citizens entitled to buy and sell opium and cocaine, the marijuana prohibition bill entitled all citizens to buy and sell it—if they registered each transaction with the government, and paid the huge tax.

HESTER: The proposed marijuana bill is something of a synthesis between the Harrison Act and the National Firearms Act. In order to obviate the possibility of an attack upon the constitutionality of this bill, it, like the National Firearms Act, permits the transfer of marijuana to non-registered persons upon the payment of a heavy transfer tax. The bill would permit the transfer of marijuana to anyone. It would impose a \$100-an-ounce tax upon a transfer to a person who might use it for purposes which are dangerous and harmful to the public, just as the National Firearms Act permits a transfer of a machine-gun to anyone but imposes a \$200 tax upon a transfer to a person who would be likely to put it to an illegal use. We've looked into the records in connection with the transfer tax in the Firearms Act, and we found that only one machine gun was purchased at \$200 last year.

DINGELL: Legitimately?

HESTER: Yes. This bill would permit anyone to purchase marijuana as was done in the National Firearms Act in permitting anyone to buy a machine gun. But he would have to pay a tax of \$100 per ounce of marijuana and make his purchase on an official order form. A person who wants to buy marijuana would have to go to the collector and get an order form in duplicate, and buy the \$100 tax stamp and put it on the original order form there. He would take the original to the vendor, and keep the duplicate. If the purchaser wants to transfer it, the person who purchases the marijuana from him has to do the same thing and pay the \$100 tax. That is the scheme that has been adopted to stop high-school children from getting marijuana.

NARRATOR: Sounds like the hoops they're making medical users jump through in California today. Is there anything new under the bureaucracy?

JENKINS: It seems to me your only burden is to prove, chemically, that this is a narcotic.

HESTER: We have to show that it is a drug. JENKINS: If you show that, you have no

question as to its being constitutional?

HESTER: That is right.

McCORMACK: In other words, it is a straight tax bill?

HESTER: That is right.

McCORMACK: And the other testimony you will introduce as to the character of this drug and its effect upon human beings is to justify what appears to be a high tax.

HESTER: That is right.

McCORMACK: Showing the justification for this from the tax angle. That is the theory upon which you are proceeding.

HESTER: That is the theory. Your statement is absolutely correct.

McCORMACK: What the results might be is of no concern to the courts. If we have the power to tax, the manner in which it is exercised is of no concern to the courts.

HESTER: That is right.

NARRATOR: In the 1930s Congress was asserting its power to legislate in areas that, for most of U.S. history, had been left up to the states. The Supreme Court was an obstacle to some key New Deal reforms, and President Roosevelt had a plan to bring the Supreme Court into line by packing it with six new members.

VINSON: What is the fair market value, per ounce, of marijuana?

HESTER: In its raw state it is about one dollar per ounce, as a drug.

DINGELL: I would like to ask the witness whether the Treasury has had any contact with the pharmaceutical trade, and whether we have any word from them as to their attitude on this proposed legislation. Take, for



instance, such concerns as Frederick Stearns; Parke, Davis & Co; Burroughs-Wellcome, and a number of others; have you had any word from them as to whether they are opposed to this legislation or not?

HESTER: I have not personally communicated with any of these people, but Commissioner Anslinger is in touch with them constantly. I might say, though, that this drug is rarely used by the medical profession and is not indispensable to that profession. Commissioner Anslinger will predict in his statement that it will be only a few years until marijuana will entirely disappear as a drug.

NARRATOR: Harry J. Anslinger, the head of the Bureau of Narcotics, was appointed to that position by the Republican Secretary of the Treasury, Andrew Mellon, in 1931. Anslinger happened to be married to Mellon's niece. He had been a prohibition agent in the 1920s, when alcohol was illegal. The ban on marijuana would provide Anslinger and countless others with lifetime employment at taxpayer expense. Not many Republican appointees survived the victory of Franklin Delano Roosevelt in 1932, but when Morgenthau replaced Mellon at the Treasury Department, a decision was made

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to keep Anslinger as head of the BNE. The prohibition of marijuana was a bipartisan effort from the start.

DINGELL: I have no intention of trying to place the commercial interests of the drug producers ahead of the general welfare or ahead of public health, but I wondered whether the Treasury had any word from the large drug manufacturers who are always, so far as I can ascertain, willing to cooperate with the Treasury.

HESTER: The drug manufacturers always cooperate with the Treasury Department in all these matters. This bill has been pending for some time and we have not had any word from them.

NARRATOR: Harry Anslinger licensed the importation and production of opiates, and the big drug companies were unwilling to cross him when he pressured them to stop making cannabis products. Although Parke, Davis, Merck, Eli Lilly and others produced and sold cannabis-based tinctures and salves, these products weren't bringing in significant profits. For pain reduction, opiates and barbiturates offered purity, consistency, and "precise dosage" (which is never really precise, given the variations in size and metabolism between individual patients).

DOUGHTON: Through what channel or agency is this drug in its deleterious form dispensed or distributed? Is it sold by druggists, or at grocery stores?

HESTER: I will answer your question, but I hope you will ask the same question of Mr. Anslinger, because he can speak more authoritatively on that phase of the subject. The flowered tops, leaves, and seeds, are smoked in cigarettes.

DOUGHTON: Is it carried generally by druggists?

HESTER: I do not think so, for this reason: it is very variable. It may affect you in one way, and me in another way, and then, too, there are many better substitutes.

DOUGHTON: And its use is deleterious?

HESTER: The smoking of it, yes. You can take the tops, leaves, and seeds and fix them in a way somewhat similar to tobacco. It is just about the same as tobacco. You can smoke it like tobacco.

DOUGHTON: Just as an illustration, suppose I were in the market for some of this drug, where would I find it?

HESTER: There are about 10,000 acres under cultivation by legitimate producers.

DOUGHTON: I want to know where it can be bought? When is it being sold?

LEWIS: Where do the victims get it?

REED: I think what the chairman wants to know is how the high-school children are able to get it. Is it true that there are illicit peddlers who hang around the high-school buildings, and as soon as they find out that there is some boy to whom they think they can sell it, they make his acquaintance?

HESTER: Yes, I read in the newspapers not long ago that a place on 12th Street was raided where a lady was selling marijuana.

LEWIS: Do legitimate companies make these cigarettes, or are they made in an illicit manner, like bootleg whiskey used to be made? Do reputable firms make these cigarettes?

HESTER: I would like to refer that question to Commissioner Anslinger.

ANSLINGER *unwraps some flowering tops which he will use as a prop.*

DOUGHTON: Mr. Anslinger, the committee will be glad to have a statement from you at this time. Will you state your full name and the position you occupy with the Treasury Department?

ANSLINGER: My name is H. J. Anslinger. I am commissioner of narcotics in the Bureau of Narcotics, in the Treasury Department. Mr. Chairman and distinguished members of the Ways and Means Committee, this traffic in marijuana is increasing to such an extent that it has become the cause for the greatest national concern. This drug is as old as civilization itself. Homer wrote about it as a drug which made men forget their homes and that turned them into swine. In Persia, a thousand years before Christ, there was a religious and military order founded which was called the Assassins, and they derived the name from the drug called hashish, which is now known in this country as marijuana.



Harry Anslinger

They were noted for their acts of cruelty and the word "assassin" very aptly describes the drug.

NARRATOR: According to the Encyclopedia Britannica, "The term 'assassin' was brought to Europe by the crusaders from Syria and derives from the terrorists' alleged practice of taking hashish to induce ecstatic visions of paradise before setting out to face martyrdom." A contemporary scholar, Dr. Tod Mikuriya, puts it thus: "They'd smoke hashish the night before battle to overcome anxiety and get to sleep."

ANSLINGER: Marijuana is the same as Indian hemp, hashish. It is sometimes cultivated in backyards. Over here in Maryland some has been found, and last fall we discovered three acres of it in the Southwest.

It is sometimes found as a residual weed and sometimes as the result of a dissemination of birdseed. It is known as Cannabis Americana, or Cannabis Sativa. Marijuana is the Mexican term for Cannabis Indica. We seem to have adopted the Mexican terminology, and we call it marihuana, which means "good feeling." In the underworld it is referred to by such colorful, colloquial names as reefer, muggles, Indian hay, hot hay, and weed. It is known in various countries by a variety of names.

NARRATOR: The Treasury Department employed the term "marijuana" —instead of "cannabis" or "hemp"— because they figured anti-Mexican prejudice would attach to it.

LEWIS: In literature it is known as hashish, is it not?

ANSLINGER: Yes, sir. At the Geneva Convention in 1895 the term "cannabis" included only the dried flowering or fruiting top of the pistillate plant as the source of the dangerous resin. But research has shown that this definition is not sufficient, because it has been found by experiment that the leaves of the pistillate plant as well as the leaves of the staminate plant contain the active principle up to 50 percent of the strength prescribed in the U.S. Pharmacopoeia. As a matter of fact, **the staminate leaves are about as harmless as a rattlesnake.**

In medical schools the physician-to-be is taught that without opium, medicine would be like a one armed-man. That is true, because you cannot get along without opium. But here we have a drug that is not like opium. Opium has all of the good of Dr. Jekyll and all the evil of Mr. Hyde. This drug is entirely the monster Hyde, the harmful effect of which cannot be measured.

REED: I want to be certain what this is. Is this the weed that grows wild in some of the Western States which is now called the loco weed?

ANSLINGER: No, sir, that is another family.

DINGELL: That is also a harmful drug-producing weed it not?

ANSLINGER: Not to my knowledge: it is not used by humans.

DOUGHTON: In what particular sections does this weed grow wild?

ANSLINGER: In almost every state in the Union today.

REED: What you are describing is a plant which has a rather large flower?

ANSLINGER: No, sir, a very small flower.

REED: Is it not Indian Hemp?

ANSLINGER: It is Indian Hemp. We have some specimens here.

Anslinger passes around some leafy stalks of marijuana.

VINSON: When was this brought to your attention being a menace among our own people?

ANSLINGER: About ten years ago.

VINSON: Why did you wait until 1937 to bring in a recommendation of this kind?

ANSLINGER: Ten years ago we only heard about it throughout the Southwest. It is only in the last few years that it has become a national menace. It has grown like wildfire, but only become a national menace in the last three years.

NARRATOR: Making cannabis/hemp illegal was first proposed in the early 1900s by police and sheriffs in the Southwest. The ranchers and bankers who put them in office wanted the Mexican fieldhands kept in their place, i.e., not functioning as citizens with full rights. The fact that Mexicans smoked cannabis —which they called marijuana— distinguished them from the gringos; criminalizing it gave the police grounds to bust and control them. By the 1930s, marijuana use had spread to the cities of the North, where Mexican and black workers were competing with European-Americans for blue-collar jobs.

ANSLINGER: It is only in the last two years that we had a report of seizures anywhere but in the Southwest. Last year New York State reported 195 tons seized. Before that I do not believe New York could have reported one ton seized. Let me quote from this report to the League of Nations: "The discussion disclosed that, from the medical point of view in some countries, the use of Indian hemp in its various forms is regarded as in no way indispensable and that it is therefore possible that little objection would be raised to drafting limitations upon medical use of derivatives." That is only last year.

Here is what Dr. J. Bouquet, hospital pharmacist at Tunis, and inspector of pharmacists at Tunis, says. He is the outstanding expert on cannabis in the world. He says, "to sum up, Indian hemp, like many other medicaments, had enjoyed for a time a vogue which is not justified by the results obtained. Therapeutics would not lose much if it were removed from the list of medicaments." That comes from the greatest authority on cannabis in the world.

McCORMACK: What are its first manifestations, a feeling of grandeur and self-exaltation, and things of that sort?

ANSLINGER: It affects different individuals in different ways. Some individuals have a complete loss of a sense of time or a sense of value. They lose the sense of place. They have an increased feeling of physical strength and power. Some people fly into a delirious rage and they are temporarily irresponsible and may commit violent crimes. Other people will laugh uncontrollably. It is impossible to say what the effect will be on any individual. Those research men who have tried it have always been under control. They have always insisted on that.

McCORMACK: Is it used by the criminal class?

ANSLINGER: Yes, it is. It is dangerous to the mind and body, and particularly dangerous to the criminal type, because it releases all of the inhibitions. I have here statements by the foremost expert in the world talking on this subject. "Does Indian hemp —cannabis sativa— in its various forms give rise to drug addiction?" This is from the report by Dr. J. Bouquet, Tunis, to the League of Nations. "The use of cannabis, whether smoked or ingested in its various forms, undoubtedly gives rise to a form of addiction, which has serious social consequences: abandonment of work..."

NARRATOR: The boss's least favorite image.

ANSLINGER... propensity to theft and crime, disappearance of reproductive power."

NARRATOR: I beg your pardon.

ANSLINGER: I will give you gentlemen just a few outstanding evidences of crimes that have been committed as a result of the use of marijuana. Here is a gang of seven young men, all seven of them, young men under 21 years of age. They terrorized central Ohio for more than two months and they were responsible for 38 stick-ups. They all boast that they did those crimes while under the influence of marijuana.

LEWIS: Does it strengthen the criminal will? Does it operate as whisky might, to provoke recklessness?

ANSLINGER: I think it makes them irresponsible. A man does not know what he is doing. (Shuffling papers) Here is one of the

worst cases I have seen. The district attorney told me the defendant in this case pleaded that he was under the influence of marijuana when he committed that crime, but that has not been recognized. We have several cases of that kind. There was one town in Ohio where a young man went into a hotel and held up the clerk and killed him, and his defense was that he had been affected by the use of marijuana. As to these young men I was telling you about, one of them said if he had killed somebody on the spot he would not have known it. In Florida a 21-year old boy under the influence of this drug killed his parents and his brothers and sister. The evidence showed that he had smoked marijuana. In Chicago recently two boys murdered a policeman while under the influence of marijuana. Not long ago we found a 15-year-old boy going insane because, the doctor told the enforcement officers, he thought the boy was smoking marijuana cigarettes... Colorado seems to have had a lot of cases of violence recently. In Alamosa county and in Huerfano county the sheriff was killed as the result of the action of a man under the influence of marijuana. Recently in Baltimore a young man was sent to the electric chair for having raped a girl while under the influence of marijuana.

McCORMACK: Are you acquainted with the report of the public prosecutor at New Orleans in 1931?

ANSLINGER: Yes, sir. I am going to introduce it into the record.

McCORMACK: That was a case where 125 out of 450 prisoners were found to be marijuana addicts, and slightly less than one half of the murderers were marijuana addicts, and about 20 percent of them were charged with being addicts of what they called "merry wonder."

ANSLINGER: That is the same thing.

McCORMACK: You are acquainted with that?

ANSLINGER: Yes, sir. That is one of the finest reports that has been written on marijuana... by the district attorney, Eugene Stanley. (reads from it) "The United States government, unquestionably, will be compelled to adopt a consistent attitude towards this drug, and... to give Federal aid to the states in their effort to suppress a traffic as deadly and destructive to society as the traffic in the other forms of narcotics now prohibited by the Harrison Act."

NARRATOR: Eugene Stanley was the district attorney of New Orleans, Louisiana — an ambitious DA trying to find a scapegoat for a crime wave that was actually a result of the alcohol prohibition. The marijuana users he prosecuted were disproportionately black folks —from the same community that, in our time, the government jeopardized by inadequate levees. In the 1920s District Attorney Stanley had closed the clinics at which doctors had been treating opium addicts effectively by giving them maintenance doses.

DOUGHTON: How many states have laws in reference to marijuana?

ANSLINGER: Every state except the District of Columbia. Last year there were 15 dealers arrested here for peddling marijuana and they had to be prosecuted for pharmacy without a license.

DOUGHTON: The states now all do cooperate?

ANSLINGER: Every one of them, yes sir. But they do not all have central enforcement agencies.

DOUGHTON: With this uniform state legislation, why can they not stamp this out? What progress are they making?

ANSLINGER: They are making some progress, as indicated by the 338 seizures made last year. The state of Pennsylvania destroyed 200,000 pounds.

JENKINS: If each state has a law on this subject, I wonder why that does not reach it.

ANSLINGER: It does reach it. But we get requests from public officials from different states, and I will name particularly the states of Colorado, Kansas, New Mexico, Louisiana and Oklahoma that have urged federal legislation for the purpose of enabling us to cooperate with the several states.

McCORMACK: This is a tax measure, and we might as well get the revenue out of it

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that enables the federal government to cooperate with the states in connection with the state activities.

ANSLINGER: And you get a certain uniformity. You also get to help the local police, and they always want it. You also get to help the state police, and they always ask for this help. Whenever they find marijuana, the first place on which they call for help is the federal narcotic office, so that they can take a man along who is a specialist on narcotic matters. We have federal legislation dealing with opium and coca leaves. With this legislation we will make a drive on this traffic and make every effort to stamp it out, and it will not cost very much.

NARRATOR: Last year the federal government spent 20 billion dollars directly on the War on Drugs. State and local governments spent about twice that.

ANSLINGER I say that advisedly because we have men throughout the country at the present time who are dealing with the narcotic problem. But the use of marijuana is increasing.

NARRATOR: Even back then they were escalating their enforcement efforts to no avail.

THOMPSON: I would like to know whether or not these marijuana cigarettes move through legitimate channels. Are there manufacturing concerns that make them, or are they rolled in the kitchens and cellars like illicit liquor used to be?

ANSLINGER: It is 100 percent illicit.

THOMPSON: What is the price of marijuana?

ANSLINGER: The addict pays anywhere from 10 to 25 cents per cigarette. It will be sold by the cigarette. In illicit traffic the bulk price would be around \$20 a pound. Legitimately, the bulk is around \$2 a pound.

THOMPSON: How does that compare with the price of opium or morphine? Do the class of people who use this drug use it because it is cheaper than the other kinds?

ANSLINGER: That is one reason, yes, sir. To be a morphine or heroin addict it would cost you from \$5 to \$8 a day to maintain your supply. But if you want to smoke a cigarette you pay 10 cents.

BOEHNE: Just one of them can knock the socks off of you?

ANSLINGER: One of them can do it.

McCORMACK: Some of those cigarettes are sold much cheaper than 10 cents, are they not? In other words it is a low-priced cigarette, and that is one of the reasons for the tremendous increase in its use?

NARRATOR: Interesting point. Marijuana was a poor person's drug. Still would be if it weren't for prohibition.

ANSLINGER: Yes. It is low enough in price for school children to buy it.

McCORMACK: And they have parties in different parts of the country that they call "Reefer parties"?

ANSLINGER: Yes, sir, we have heard of them, and know of them.

NARRATOR: But we have never been invited.

FULLER: Another thing is that they will not be able to get other kinds of dope, but they do have an opportunity to get this marijuana, which causes it to be so much sought after and used in the community.

ANSLINGER: That is true, and the effect is just passed by word of mouth, and everybody wants to try it.

WOODRUFF: Have you put into the record a statement showing the names of the different states in which this drug plant is grown?

ANSLINGER: It is grown in practically all

states... I have a statement showing the seizures of marijuana during the calendar year 1936 in the various states. (The PAGE brings it around.)

NARRATOR: This table showed that more than half the marijuana seized by law enforcement was in Mississippi and Louisiana. The quantities were very small, given how widespread cultivation is today. California ranked third in amount of marijuana seized—and the total was only 623 pounds. If the goal of Prohibition was to reduce marijuana production in the United States, it has been a colossal failure.

ANSLINGER: I would also like to put into the record the statement of the district attorney that I referred to... And I want to introduce correspondence from the editor of a Colorado newspaper who was asked by civic leaders and law officers to contact the Treasury Department. (*reads the quote*) "Two weeks ago a sex-mad degenerate named Leo Fernandez brutally attacked a young Alamosa girl. He was convicted of assault with intent to rape and sentenced to 10 to 14 years in the state penitentiary... 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."

DOUGHTON: Mr. Anslinger, at this time the committee would like to thank you for your time and call another witness before our adjournment today. I will, however, ask for you to be available to this committee for any further testimony during the remainder of hearings on this matter.

**ACT II
The Hempsters Try to Strike Back**

NARRATOR: Wednesday, April 28. "The Hempsters Strike Back."

CULLEN: The committee will come to order. Yesterday when the committee adjourned we had heard several witnesses in favor of the pending bill, HR6385. Are there any more witnesses to be heard in favor of the bill?

HESTER: We have three more witnesses, Mr. Chairman.

CULLEN: We shall be glad to hear them this morning. I have in my hand a letter addressed to the chairman of the committee from the Armstrong Cork Products Co., which suggests an amendment to the bill. I will ask the clerk to read the letter, which will be inserted in the record.

CLERK (*reading*): "The undersigned company, one of the principal manufacturers of linoleum in the United States, has consumed substantial quantities of hempseed oil in the past, in the manufacture of hard-surface floor coverings. At present none of this oil is being used by us, but conditions in the drying-oil market may change in the future and again find us among the ranks of consumers.

"We are in thorough sympathy with the object which is sought to be accomplished by HR6385—to control the growing traffic in marijuana. We believe, however, that the definition of 'marijuana' contained in section 1(b) is needlessly too broad. We suggest at the end of line 6, page 2, the period should be changed to a semicolon and the words 'and provided further, shall not include the oil derived from the seeds' be added to this paragraph. Hempseed oil, so far as we have been able to discover, presents no dangers in connection with the control of marijuana. It should therefore be excluded from the bill.

"For the Armstrong Cork company, Jesse R. Smith."

NARRATOR: Hester then read a long, complicated "summary of the effect of the marijuana bill upon legitimate industry" that said doctors, druggists and some industrial users would be exempt from the sales tax—but would have to pay the excise tax and do the paperwork on every transaction. And the birdseed distributors would not even be exempt from the sales tax.

HESTER Since marijuana bird seed contains the drug and is capable of being used by human beings for smoking purposes and since, if negligently disposed of, it propagates

new marijuana very rapidly, all occupational and transfer taxes imposed by the bill are applicable with respect to bird seed containing marijuana. Since the ultimate purchaser of bird seed could not register under the bill, a transfer to him would be subject to the prohibitive \$100 tax. Thus, the effect of the bill is to prevent the use of marijuana seed in bird seed.

NARRATOR: So the birdseed producers were to be totally screwed—not to mention the canaries, who used to sing all over America.

CULLEN Who is your next witness, Mr. Hester?

HESTER I would like the committee now to hear Dr. Munch, a pharmacologist from Temple University, Philadelphia.

NARRATOR Doctor Munch—sounds like a name Brecht might have used—was a PhD, not a medical doctor. He had been the director of research for Sharp and Dohme, and was now in charge of tests and standards for another major pharmaceutical company, John Wyeth & Brothers. Munch started off with an explanation of how dogs are used in drug development.

DR. MUNCH ... We have to give larger doses as the animals are used over a period of six months or a year. This means that the animal is becoming habituated, and finally the animal must be discarded because it is no longer serviceable.

McCORMACK (impatient) We are more concerned with human beings than with animals. We would like to have whatever evidence you have as to the conditions existing in the country, as to what the effect is upon human beings. Not that we are not concerned about the animals, but the important matter before us concerns the use of this drug by human beings.

MUNCH: I was making the point to show that in 1910 and in 1920 the Pharmacopoeia accepted cannabis as one drug for use in human medicine, and that that is the method of standardization, because there was no other method by which this could be standardized. When we considered the material for the Pharmacopoeia in 1930, we found that this method of standardization was not useful. We found that the International committee on Standardization of Drugs of the League of Nations had not admitted cannabis because it is not used through the world. Therefore, that method of standardization was discarded, and so at this time the product which may be used is used without being standardized. But the use of it is definitely decreasing, as shown by production statistics and surveys of prescription ingredients.

REED: You say the use is receding?

MUNCH: It is disappearing; that is, its use in human medicine is decreasing.

REED: You do not wish us to infer that it is decreasing in use as a narcotic, do you?

MUNCH: Not at all. I am discussing the medicinal use.

VINSON: For what was it used?

MUNCH: I can only give you the literature. No physician with whom I am immediately acquainted uses it at this time. In the early days it was used in cases of sleeplessness and to make your last moments on earth less painful when you were dying from rabies. There may be other uses, but I have not found them.

VINSON: As I understand you, the use of marijuana was to ease the last hours of a person in distress from excruciating pain.

MUNCH: Yes, sir.

VINSON: I feel certain there are many substitutes that could have been used before



and be used now for the purpose of which marijuana to some extent was used.

NARRATOR: Thank you, Doctor Vinson.

MUNCH: Yes, that is true. Most of the modern drugs for the annulment of pain have been developed since about 1880 or 1890.

McCORMACK: Doctor Munch, have you experimented with any animals whose reaction to this drug would be similar to that of human beings?

MUNCH The reason we use dogs is because the reaction of dogs to this drug closely resembles the reaction of human beings.

McCORMACK: And the continued use of it, as you have observed the reaction on dogs, has resulted in the disintegration of personality?

MUNCH: Yes. So far as I can tell, not being a dog psychologist, the effects will develop in from three months to a year.

NARRATOR: Makes you wonder what symptoms they were looking for...

McCORMACK: I understand this drug came in from, or was originally grown in Asia.

MUNCH: Marijuana is the name for cannabis in the Mexican Pharmacopoeia. It was originally grown in Asia.

McCORMACK: That was way back in the oriental days. The word assassin is derived from an oriental word or name by which the drug was called; is not that true?

MUNCH: Yes, sir.

McCORMACK: So it goes way back to those years when hashish was just a species of the same class, which is identified by the English translation of an oriental word; that is, the word "assassin." Is that right?

MUNCH: That is my understanding.

NARRATOR: The next witness in support of the bill was Herbert Wollner, a consulting chemist with the Treasury Department, who spoke briefly and showed some slides.

WOLLNER (*Showing photo of flowering top*): Those are the flowering tops and the plant is covered with a tremendous number of very fine hairs. You will notice that at the base of these hairs there are little pockets, like apertures, where little sacks of resin are located. This resin contains an ingredient which the chemical technologist refers to as cannabionone or cannabionol. This material contains the active principle which does the job.

VINSON: How do they get this into commercial use? I am talking about the flowering plant. Do they have to take it in its natural state?

WOLLNER: There are a variety of ways. In the early days, when they used hashish, they would jounce the flowering tops up and down in bags and then the resin would collect on the surface of the cloth and was scraped off and mixed with sweets and eaten. At the present time in reefers and muggles there is no separation. They smoke the stuff in toto, the leaves, the flowering tops, and everything.

VINSON: They use the whole thing?

WOLLNER: Yes. In the laboratory we extract this resin and then identify it... The identification problems have been worked out very clearly from the botanical and from the purely laboratory approach, and that is in such shape right now that the transmission of that information to police officers throughout the country would be perfectly possible.

CROWTHER: Is that the oil that the manufacturers used to produce in considerable quantities?

WOLLNER: That is a different oil. That oil derives from the seed of a marijuana plant. The seed of the plant contains a drying oil which is in a general way similar to that of linseed. Those seeds contain a small amount of that resin, apparently on their outer surface according to quite a number of investigators.

NARRATOR: This very question—how much trace THC can be found on the seeds—is raised today by the Drug Enforcement Agency to block importation of hemp seed from Canada.

BUCK: Does the oil from the seed contain any of this deleterious matter?

WOLLNER: That would in a large measure depend upon the condition of the seed and the condition of manufacture, but I would



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CANNABIS GROWN FOR FIBER (also known as **hemp**) is bred and cultivated to



Photos at left and center are thought to depict a harvest in Kentucky.



MEDICINAL CANNABIS is cultivated to maximize resin-producing flowers, hence the bushy conformation. Photo by D.T.

say in any event the oil would not contain a large amount of this resin.

BUCK: Would it be enough to have any harmful effect on anyone if taken internally?

WOLLNER: I would say no; it would not contain such an amount.

FULLER (*as if hard of hearing*): As I understand, you say the oil does not contain much if any of the drug?

WOLLNER: It does contain some of the drug, but not much. It would appear, offhand, to be rather difficult to separate, but processes might possibly be developed for that purpose.

FULLER: So the oil would not be useful for the purpose for which they are using this marijuana.

WOLLNER: No.

FULLER: So far as the oil from the seed is concerned, it is harmless—as far as human use is concerned?

WOLLNER: That is right.

CULLEN: We thank you for your statement. Mr. Hester, who is your next witness?

HESTER: Our final witness is Lyster H. Dewey. He is a botanist, and while he is now in retirement, officials of the Department of Agriculture have referred us to him as the foremost expert on the botanical aspect of this plant.

DEWEY: My name is Lyster H. Dewey. Mr. Chairman, when I was in the Department of Agriculture I was in charge of fibers other than cotton from 1898 to 1935, when I was retired for age. The plant *Cannabis Sativa*, so-called by Linnaeus in 1753, constitutes one species of hemp that has been known longer than any other fiber plant in the world. It was cultivated in China at least three centuries before Christ.

COOPER: Did I understand you to say that you had charge of fibers?

DEWEY: The cultivation of fiber plants, flax, hemp, jute and all other fiber plants except cotton... The term hemp is better known than marijuana because the name marijuana has been used only for the drug, while hemp is used in connection with the production of fiber. Hemp has been grown in nearly all countries in the north temperate zone, and to some extent in the south.

DINGELL: What kind of fiber is marijuana hemp, or the plant we have under discussion? What is it used for?

DEWEY: It is used for commercial twines, such as bookbinder's twine, hatters twine for sewing hats, and it was formerly used for what was called express twine, or heavy twine.

DINGELL: In other words light weight twines are being made from the hemp that we have under discussion here today?

DEWEY: Yes sir. The fiber is used for commercial twine.

McCORMACK: To what extent?

DEWEY: In this past year, in this country, there were about 7,000 acres grown, or more than that. Nearly 10,000 acres. The largest areas are in Wisconsin and Illinois—especially around Danville in Illinois. It is also grown in Kentucky; in northeastern Nebraska, in Cedar County, and in southern Minnesota. There it is chiefly grown around Blue Earth and Makato. It is grown in Wisconsin around Beaver Dam, Juneau, and Brandon, north of Waupun.

DINGELL: Are those the only states where it is commercially grown?

DEWEY: Yes, sir. It has been grown in

other states, and efforts are being made to grow it in other states for fiber purpose.

McCORMACK: Isn't it also used for birdseed?

DEWEY: Yes, sir; it is used for birdseed; but most of the birdseed is imported.

NARRATOR: The Treasury Department brought in a Washington DC veterinarian named Buckingham as an extra witness in support of the bill.

BUCKINGHAM: If you are practicing veterinary medicine you would find that there were better drugs for the purpose. For instance, they could use morphine or atropine hypodermically with better results.

VINSON: So you think it is a harmful drug, and that your profession in the District should be recorded in support of this measure.

BUCKINGHAM: That is right. Perhaps my thought on the subject has been accentuated because of the fact that I attend at the Lorton Penitentiary, as well as at the reformatory, and I understand that this drug is mainly used by that type of gentlemen who climb in second story windows, break into banks, and so forth.

VINSON: And it reaches children in schools, also.

BUCKINGHAM: Yes, sir.

FULLER: Therefore you are not only opposed to the use of this drug here, but you would eliminate it by regulations not only here, but all over the United States.

BUCKINGHAM: Yes.

NARRATOR: And so ended the parade of witnesses in support of the bill. Comes now the Honorable Ralph F. Lozier, a former judge and Congressman, retired to private practice.

LOZIER: For the record and for the information of those present who do not know me, I will say I am Ralph F. Lozier. My home is in Carrollton, Missouri, where I have for many years been engaged in the practice of law. I appear before this committee as general counsel for the National Institute of Oilseed Products, an association of about 20 concerns dealing in and crushing vegetable oil-bearing seed. I have a list of the organizations composing this association, and will hand it to the reporter for the purpose of the record.

NARRATOR: The National Institute of Oilseed Producers consisted mainly of west coast companies that imported the seed by boat from China. San Francisco companies: Pacific Vegetable Oil Corporation; RJ Ruesling & Co; CB Jennings & Co; SL Jones & Co.; El Dorado Oil Works. East Bay companies: Durkee Famous Foods, Inc., Berkeley Oil & Meal Co., Western Vegetable Oil... Los Angeles companies: Snow Brokerage, California Flax Seeds Products, Copra Oil & Meal, Pacific Nut Oil, Globe Grain & Milling, California Cotton Oil, and Producers Cotton Oil of Fresno. And Spencer Kellogg & sons, with six offices, from Buffalo New York to Duluth, Minnesota.

These were substantial companies that did not want to see their businesses disrupted by a Prohibition bill.

LOZIER: The measure before you is one which should not be hastily considered or hastily acted upon. It is of that type of legislation which conceals within its four corners activities, agencies and results that this committee, without a thorough investigation, would never think were embodied in its measure.

NARRATOR: How prophetic! But Mr. Lozier is about to undermine his own point.

LOZIER: In the first place, I want it distinctly understood that the organizations for which I speak want to go on record as favoring absolutely and unconditionally that portion of this bill which seeks to limit the use of marijuana as a drug, or for any other injurious purpose. That portion of the bill, it seems to me, can merit the opposition of no right-thinking or right-acting man. I agree with the witnesses for the government that the use of the drug marijuana is a vicious habit that should be suppressed.

NARRATOR: The users of industrial hemp reflexively endorsed the prohibitionists' goal, without questioning its scientific validity—even though they were the ones who had some knowledge of the plant, and should have had reason to know that the so-called dangers were being vastly exaggerated. They probably thought that seeking an exemption for themselves was a better tactic than questioning the rationale for prohibition. This is a form of opportunism—"goody-goodyism"—that prevails to this day among many hempsters and medical marijuana advocates.

LOZIER: ... We do know that the deleterious principle, element or radical which is the base of this drug is not to be found in the seed or oil, but in the flowering tops of the female plants, or in the resins therefrom. Every country has a little different name for marijuana. Respectable authorities tell us that in the Orient, at least 200 million people use this drug; and when we take into consideration that for hundreds, yes, thousands of years, practically that number of people have been using this drug, it is significant that in Asia and elsewhere in the Orient, where poverty stalks abroad on every hand and where they draw on all the plant resources which a bountiful nature has given that domain—it is a significant fact that none of those 200 million people has ever, since the dawn of civilization, been found using the seed of this plant or using the oil as a drug.

Now, if there were any deleterious properties or principles in the seed or oil, it is reasonable to suppose that these orientals who have been reaching out in their poverty for something that would satisfy their morbid appetite, would have discovered it; and the mere fact that for more than two thousand years the orientals have found this drug only in flowering tops of the female plants and not in the seeds and oils, affords convincing proof that the drug principle does not exist in the plant except in the flowering tops.

The seed of *cannabis sativa* is also used in a part of Russia as food. It is grown in their fields and used as oatmeal. Millions of people every day are using hemp seed in the Orient as food. They have been doing that for many generations, especially in periods of famines.

But the authorities say that the narcotic principle is absolutely absent from the seed and absent from the oil in this plant.

FULLER: I do not think that the gentlemen who have presented the case on behalf of the committee, or the Government have claimed that it was present in the oil.

LOZIER: They have said it was in the seed.

FULLER: He said there would be no injurious effect from the little there was in the seed.

LOZIER: The point I make is this: that this bill is too all-inclusive. This bill is a world-encircling measure. This bill brings the activities of this great industry under the supervision of a bureau, which may mean its suppression.

NARRATOR: Lozier was soon proved

right. Within a few years the Treasury Department would push for a more complete ban on hempseed oil.

LOZIER: In the last three years there have been 193 million pounds of hemp seed imported into this country, an average of 64 million pounds a year. In addition, 752,000 pounds of hemp oil have been imported.

WOODRUFF: What is the oil used for?

LOZIER: It is a rapidly drying oil to use in paints. It is also used in soap and linoleum.

COOPER: Just what do you object to in this bill?

LOZIER: This bill brings the crushers and importers of hempseed under its provisions and requires not only a license fee, which is nominal, but it provides for government supervision and it provides for reports.

DINGELL: How could you control the drug aspect of it without a reasonable and proper regulation of the entire industry? You will grant that in order to produce the seed and oil, you must permit the growth of the marijuana plant.

LOZIER: Not in this country. Nearly all of the seeds come from the Orient. The point I make is that if you turn all of the hempseed grown in this country over to the persons who have the marijuana habit, they would not be able to satisfy that habit. The point I make is that it is not necessary.

VINSON: Mr. Lozier, we know you, we love you, and we respect your ability as an advocate. Suppose you put your finger on the language in the bill that would bring about the supervision to which you object.

LOZIER: I am objecting to first, with reference to the supervision—

VINSON: The supervision of what?

LOZIER: Of the industry! By requiring reports and by a system of espionage.

VINSON: Where is that in the bill?

LOZIER: They are required to make reports. The books of the seed crushers would be subject to inspection. Under this bill the Government has a right to go into the factories and offices and make investigations.

VINSON: It seems to me that you are so certain that the activities of your people are not connected, directly or indirectly, with the use of this marijuana as a drug, that you would not hesitate to permit an investigation in order to kill this traffic.

NARRATOR: By granting that marijuana is a dangerous drug, Lozier opened himself up for this thrust by Congressman Vinson of Kentucky.

VINSON: I know that your people are not knowingly a part or parcel of the traffic. I know that from what you say. If that is not the case, of course, they ought to come under the law, and if that is the case, they will not be hurt.

LOZIER: I will answer that in this way: that there is no more reason for the supervision of the hempseed crushing industry un-



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der this bill than there is for the supervision of the milling of rye, wheat, or other grain from which alcohol may be extracted.

VINSON: Cannot marijuana be grown from seeds that come into the possession of your crushers?

LOZIER: Yes, sir; it might be, but the germination of those seeds is practically nil.

VINSON: But you admit that this plant can be grown from seed coming into the possession of your people, and that being true, do you not think it proper to provide for the exercise of the government's function to do that which will prevent the further propagation of this plant in this country?

LOZIER: These people buy these cargoes. They buy this product by shiploads, by trainloads, and by carload. They manufacture this oil and sell it in tank cars. They have been engaged in this business for years, and never, until the last three weeks, was any suggestion made that they were handling a commodity that was carrying a deleterious principle that was contributing to the delinquency of the people of the United States!

NARRATOR Right on, counselor... Too bad you conceded that the plant contains a "deleterious principle."

VINSON: Perhaps the committee in a way might be subjected to criticism for not acting on the matter before. But it is fair to state it was not called to our attention. If you admit that this marijuana is a menace to the youth as well as to the adult citizenship of this country, do you not recognize the power of the federal government to operate upon that drug?

LOZIER: Yes.

VINSON: If you recognize that, do you not also recognize in the Government the power and the right to prevent the illicit growth of that plant?

LOZIER: I am objecting to the method.

VINSON: You do not recognize the power of Congress to do that?

LOZIER: Yes, the government has that absolute power, but the question is whether or not the government should exercise it in this way.

VINSON: I think that your people ought to hasten to join hands with the federal government to prevent the condition obtaining in this country that my good friend has depicted as existing in the oriental countries.

CULLEN: If you will suspend a moment, let me say the House is now in session and will be taking up a bill in which many members are interested. I am wondering if we should not adjourn at this point to meet again tomorrow morning.

LOZIER: If you will allow me one moment before adjournment, I will call your attention to paragraph 6, page 9, which is an exception that permits the crusher to sell marijuana to the manufacturer or compounder for use by the vendee as a material in the manufacture of, or to be prepared by him as a component of, paint or varnish. Now under that provision you could not sell the cake or meal to farmers or the oil to makers of soap or linoleum.

CULLEN: The committee will now stand adjourned until 10:30 tomorrow morning, at which time we will continue hearing the testimony of the witnesses in opposition to the bill.

NARRATOR: According to the Congressional Record, Judge Lozier's last point was simply ignored.

Thursday April 29th

DOUGHTON: The committee will be in order. This is a continuation of the hearing on the bill HR 6385. After the adjournment yesterday I suggested to Mr. Hester, who has been representing the Treasury Department in the presentation of this bill, that he have a conference with some of those who have appeared in opposition to certain provisions of the bill to see if it were possible to iron out the differences and reach an agreement. Do you have something to report, Mr. Hester?

HESTER: Yes, Mr. Chairman, I have, and as a result of our conference, those gentlemen who represent importers of the seeds and those who crush the seeds for the purpose of making oil and using the residue of the seeds for making meal and cake, have expressed the view that they are willing to pay the occupational tax which is provided in this bill

if the definition of marijuana is amended to eliminate oil made from the seeds, and the meal and cake which are made from the seeds, as well as any compounds or manufactures of either oil, meal, or cake.

They also take the position that under the bill as now drawn, they could not sell this residue from the seeds, or the meal and cake, to cattlemen, because the cattlemen could not register under the bill, and that therefore they would have to pay a prohibitive tax.

I will say this: that I have never come up here in connection with any legislation where the Way and Means Committee has not found it necessary to make some changes. We always expect that when we come before the Ways and Means Committee, because of the fine consideration the committee gives to all legislation. If the committee should ask the Secretary of the Treasury for his recommendation with respect to the proposals made by these gentlemen representing this legitimate industry, I will say very frankly to the Secretary that I see no objection to amending the definition of marijuana so as to eliminate oil, meal, cake, and the manufactured compounds of those materials.

REED: I was wondering whether this clears the atmosphere so we could go ahead, or whether there are other witnesses who may raise other points in opposition to the bill. Has there been any indication of that?

DOUGHTON: My understanding is that this clears the atmosphere so far as this provision of the bill is concerned. I am informed that the American Medical Association has a representative here to make some statement in regard to the bill; and perhaps, in opposition to certain features of their position.

SCARLETT: Mr. Chairman, my name is Raymond G. Scarlett, representing William G. Scarlett & company, seed merchants of Baltimore. We represent the interest of the feed manufacturers on this subject, which is a little different angle from that which has been presented heretofore. We would like to be heard at some time.

DOUGHTON: We will ask you to be here tomorrow morning.

SCARLETT: I will be present.

NARRATOR: Friday, April 30. Once again Clinton Hester of the Treasury Department had conferred overnight with business people who had concerns about the prohibition of marijuana.

SCARLETT: Mr. Chairman, I might say there are only two representatives of the seed industry here today, because it so happens that our trade association, which represents 90 percent of the seed dealers in the country, is now in session in Chicago, and one of the things in which they are engaged is the drafting of suggestions for provisions for the Federal regulation of seed, and our counsel could not be here for that reason.

We handle a considerable quantity of hempseed annually for use in pigeon feeds. That is a necessary ingredient in pigeon feed because it contains an oil substance that is a valuable ingredient of pigeon feed, and we have not been able to find any seed that will take its place. If you substitute anything for the hemp, it has a tendency to change the character of the squabs produced; and if we were deprived of the use of hempseed, it would affect all of the pigeon producers in the United States, of which there are upwards of 40,000.

DOUGHTON: Does that seed have the same effect on pigeons as the drug has on individuals?

SCARLETT: I have never noticed it. It has a tendency to bring back the feathers and im-

prove the birds.

NARRATOR: Too bad that Mr. Scarlett didn't want to pursue the implications of his own knowledge. Hempseed oil contains some unique components very beneficial to birds. Nothing else makes the pigeons' feathers shine like hempseed.

SCARLETT: We are not interested in spreading marijuana, or anything like that. We do not want to be drug peddlers. But it has occurred to us that if we could sterilize the seed there would be no possibility of the plant being produced from the seeds that the pigeons might throw on the ground.

DOUGHTON: If you were allowed to use this seed for that purpose, and it was sterilized, would that eliminate your objections?

SCARLETT: Yes, sir, that is the agreement we have reached with the Treasury representatives. There has been an amendment proposed to section 1(b) by excluding from the definition of marijuana sterilized seed which is incapable of germination.

DOUGHTON: Suppose it should develop that in your efforts to sterilize the seed you should not be successful... then would you object to legislation necessary to protect the people from the deleterious effects of this drug?

SCARLETT: No, sir. But sterilization could be very easily accomplished.

DISNEY: What is the relation between hempseed and marijuana?

SCARLETT: Until Monday of this week we did not know that there was any connection between the two. When this bill came and we saw that it was called a bill to impose an occupational excise tax upon dealers in marijuana, we paid no attention to it. Nobody in the seed trade refers to hempseed as marijuana. Hempseed is a harmless ingredient used for many years in the seed trade. They say that hemp and marijuana are one and the same thing, but it was not until Monday that we knew they were.

DISNEY: That is as far as the trade is concerned?

SCARLETT: Yes, sir. The trade at large do not know that this bill that is under consideration contains any provision affecting them, because the title of the bill would give them no knowledge that it was hempseed that was under discussion.

REED: I want to get it clearly in my mind that this marijuana and the ordinary hemp that we hear about are the same thing. The plant is the same?

SCARLETT: Yes, sir.

REED: There is no difference?

SCARLETT: No sir, not to my knowledge.

REED: Can anybody answer that question.

HESTER: That is right.

DISNEY: Do you mean field hemp?

REED: Yes. I am talking about field hemp. I want to get that clear.

DOUGHTON: Is not one a manufactured product and the other the substance from which it is made? The hempseed is the substance from which the marijuana is produced, is it not?

NARRATOR: Which came first, the seed or the plant?

SCARLETT: No, sir. Marijuana is produced from the resin of the female flowers or blossoms.

DOUGHTON: It comes from the hempseed?

SCARLETT: Yes, sir, but in India when they produce marijuana, they are very careful to go through the fields and pick out the male plant so that they will not fertilize the female plant.

DOUGHTON: If you had no hemp seed you would have no marijuana would you?

SCARLETT: That is correct. That is the reason I said we would sterilize the seed.

REED: Several people have talked to me about marijuana and they have impressed me with the fact that they are different plants. I think that ought to be cleared up in the public mind, so that we may know we are dealing with hemp. I suppose a good many people have the idea that it is some sort of a new species of plant in the country.

DISNEY: Down in our part of the country I understand marijuana grows everywhere, just as an ordinary weed. I would like to get a clear understanding on that.

REED: In other words, it is hemp growing wild, is it not?



DISNEY: I do not know.

REED: There seems to be quite a good deal of confusion about it, and the newspapers are publishing stories about it and we might as well clear up that situation and say that we are not dealing with the ordinary hemp plant, wild or cultivated, if that is right.

HESTER: That is right.

NARRATOR: Hester got in the last word, and it was not right. The same plant—cannabis, as named by Linneaus—is usually known in America as hemp when bred for fiber, and marijuana when bred for the drug content of its resin.

DOUGHTON: Is there anyone else who desires to be heard?

HERTZFELD: My name is Joseph B. Hertzfeld. I am manager of the feed department of the Philadelphia Seed Co. of Philadelphia, Pennsylvania. I want to say at the outset, Mr. Chairman, that our firm is heartily in sympathy with the aims and purposes of this bill, and we have no desire to become parties in spreading this drug around the country. We have been manufacturers of feeds and mixed birdseeds for many years, and in those mixtures hempseed is a very important item. Hempseed is very beneficial because it adds the proper oil to the mixture and promotes the growth of feathers, and it is also a general vitalizer.

NARRATOR "A general vitalizer." For birds. But it supposedly kills people. Doesn't anybody sense the disconnect? It's not only safe, it's healthful!

HERTZFELD: Birds lose their feathers and hempseed aids considerably in restoring the bird's vitality quickly. Otherwise there is a delay of two or three months before the bird gets back into condition, and the use of hempseed helps to accomplish that purpose.

I want to second what Mr. Scarlett has just said, and to express our willingness to have the seed sterilized so that it cannot be grown and thus cause any harm. This agreement which has been referred to, that we reached yesterday with Mr. Hester, is very satisfactory to us.

NARRATOR: But they've got more regulation in store for you.

CROWTHER: Would the sterilization which would prevent the germination remove such of the drug as exists in the cull or the outside cover of the seed?

HERTZFELD: I cannot answer that. We have seen evidence by eminent authorities that there is not any of the drug in the seed.

CROWTHER: Someone testified that there are some particles of the resin on the outside of shell of the seed

HERTZFELD (*indicating exhibit*): The type of seed that we use is this seed here—brown seed, dried and matured.

DOUGHTON: Is there any of the residue on that seed when it comes into your possession?

HERTZFELD: No, that is gone. When this seed is matured and dry we grind the shell off in the threshing operation. I had occasion to write to the Bureau of Plant Industry in the Department of Agriculture about this in 1935, and under date of October 4 I had a communication from FD Richey in which he said, "The female inflorescence of the plant possesses physiological properties that are the basis of abuse as a potent drug. The seed is considered to be devoid of such properties." It has been used for various purposes

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for years, and I have never heard of any ill effects. On the contrary, it seems to be extremely beneficial.

NARRATOR: Is the momentum about to change?

HERTZFELD: We would like to have the privilege of having the use of that seed until it is definitely proven that the sterilized hempseed should not be used.

DISNEY: As I stated a while ago, out in our country marijuana is known as an ordinary weed that grows in back yards, and in any place where plants will grow. It is not the ordinary field hemp that is used for fibers.

HESTER: It is the ordinary field hemp growing wild, or at least without the extensive cultivation necessary to provide good fiber. The committee may have been confused because we have used the term marijuana in this bill.

NARRATOR: Yes, why did you, Mr. Treasury man?

HESTER: The reason for that is this. This is the hemp drug, commonly known in Mexico and in the United States as marijuana. It is just a colloquial term in Mexico, as I understand it, and means the flowered tops and leaves of the hemp plant, which may be eaten or smoked. We could not make Cannabis Sativa, the hemp plant, the subject of the taxes contained in this bill, because it was not intended to tax the whole plant, but merely the parts of the plant which contain the drug. The parts of the plant which contain the drug are commonly known as marijuana, so the taxes were imposed on "marijuana."

In addition I might say that some people say that the marijuana seed should be called fruit, because botanically speaking it is a fruit, not a seed. However, it is known commercially and commonly as a seed.

DISNEY: I notice that in section 1, at the beginning of the bill, in subdivision c it says that the producer is one who... "fails to destroy marijuana within 10 days after notice that such marijuana is growing upon land under his control." To what extent do you expect to go along that line, where it is an ordinary weed?

HESTER: The person on whose land the plant was growing wild would be notified by the Treasury Department, and if he did not destroy the weed, he would become a producer under the bill, and subject to the tax.

LEWIS: Suppose he is not raising it for the market?

HESTER: He would be a producer under the bill. That is the only way it can be handled, I believe. Since this plant will grow wild, a person might evade the occupational tax on producers by stating to the Internal Revenue agent that the plant was growing wild.

NARRATOR: How many IRS agents would it take to survey every acre of every farmer's land?

DOUGHTON: I have had considerable ex-

perience in trying to destroy weeds, and it requires a lot of expense. Who would defray the expense required in fighting and destroying that weed?

HESTER: He does not have to destroy it if he does not want to; but if he does not, he pays a small occupational tax.

LEWIS: How much?

HESTER: \$25 a year.

REED: I know something about farming. I know that we have tried on our farms to keep out certain weeds, but we could not do it because the expense is too great. You will have a revolution on your hands if, as you say, this plant grows generally throughout the country and you try to charge the farmers a tax of \$25, as you said.

HESTER: Suppose the poppy from which you extract opium grew wild. You would have exactly the same situation. That is the only way in which it can be controlled.

REED: I think that is the most serious question that has come up in connection with this bill...Take for instance, wild carrots. I defy any farmer to eliminate them unless and until he summer-fallows the ground.

HESTER (defiant): Do you think farmers would not be willing to cooperate with the government in stamping out this marijuana by paying a small tax?

REED (realistic, assertive): Do you imagine that all through our country where a farmer has, say 25 acres, they are going to pay an occupational tax of \$25 dollars?

HESTER (unctuous in retreat): You gentlemen in Congress, of course, can fix the occupational tax at any amount that you see fit. That is merely a suggestion.

DISNEY: I would like to know this: When I see these weeds growing as they do in our part of the country, I imagine there is enough marijuana growing in one back yard to enable a man to get on several hilarious drunks. I would like to know what happens when that weed is growing there.

HESTER: Our government has to notify you under the bill.

DISNEY: I am trying to think of it and get some information in a practical way. Of course I am in favor of the main purpose of the bill—to stamp out the use of the drug.

REED: I would like to go the limit to accomplish that purpose also. But you have a very serious problem here if this grows wild as many weeds do.

HESTER: Here is the situation. Most of you gentlemen are lawyers, and you know you have to have an occupational tax to have a revenue bill. You would have to impose some kind of an occupational tax on a farmer. What the amount of the tax will be is entirely a matter for the committee to decide. We only require them to notify the government.

NARRATOR: Big brother only wants to watch.

REED: I can see a lot of trouble unless this is properly worked out, because if you are going to start on a program of exterminating some weed, a weed that grows generally throughout the United States, you are undertaking a program that will be difficult and expensive.

HESTER: In 1914 the Harrison Narcotic Act provided for doing the same thing, which included the word "producer," and the only thing is that it so happens poppies cannot be grown in the United States... It does not seem to me to be an undue hardship to put a small occupational tax on a person who has this growing wild on his land. The government could get no information whatsoever from him otherwise. It is the only way the government could get any information as to where this is growing wild.

REED: But the next step is to destroy the weed?

HESTER: Not necessarily to destroy it, but so that the Government will know where it is. There is no provision in the bill that requires them to destroy it. It says to the farmer, if you do not destroy it within 10 days, you will have to qualify as a producer and pay a small occupational tax.

REED: What is the government going to do then—put a man there to watch it?

HESTER: No.

REED: How will it stamp it out?

HESTER: If the farmer does not want to pay the small occupational tax, he will have to destroy it himself, or Congress will have to make an appropriation for the Department of Agriculture which will permit them to send people throughout the country to stamp it out.

REED: You are looking at it from the Government-bureau point of view, and I am looking at it from the practical farmer's side, with this weed spreading all over creation. If this weed has spread so that it has become a menace, the farmer will have to hire men to go through his meadows and cut out this weed, and the expense will be greater than you realize. Does this hemp spread as other weeds do?

HESTER: Dr. Dewey is the botanist.

DEWEY: I think it can be killed easily. It is, in fact, a plant growing only from seeds, and can be exterminated once and for all by merely cutting it down before it goes to seed.

FULLER: If the seed is on the ground it may be covered up and may keep covered up for years.

DEWEY: Ordinarily one cutting would eliminate it. There might be some seeds that would remain the next year. I have seen it growing year after year in the same place when it was not cut because no stock would eat it. Of course, it is all introduced from the type that is distributed from the birds, and the birdseed does come up year after year from self-sown seed, but the type that is grown for fiber production does not...

HESTER: Under this bill, if you grow this wild, it is the duty of the government to notify you; and if you do not destroy it within a certain length of time after you are notified, then you are required to qualify as a producer and pay some small occupational tax. And the only reason for that is that that is the only way the Government can acquire information and where it is going wild.

LEWIS: Does it seem to you gentlemen who have studied the subject with a view to eliminating the evil that the growth of this plant must be completely eliminated?

HESTER: It will have to be under control—in order to prevent evasion of the producer's tax.

DINGELL: Mr. Hester, do you not believe that the average farmer would be willing to use a mowing machine or a scythe if he thought that in that way or any way at all after a year or two years he could exterminate and kill the weed which kills people?

HESTER: I would be amazed if they would not.

DOUGHTON: You must know how difficult this work of extermination would be. On some farms you could not use mowing machines for any such purpose because of the roughness of the ground and rocks. It would be an almost impossible undertaking to remove these weeds to the extent of exterminating them.

DEWEY: I was in the Department of Agriculture from 1890 to 1935. During the first 10 years my work was chiefly on weeds and how to kill them. The last 30 years I had charge of the work with fibre-producing plants like hemp. This work required travel in all parts of the country, and I learned to look for weeds from the car windows or where I found them.

Thousands of letters came to me asking about weeds and, so far as I can recall, there were only four asking about hemp as a weed, and in these instances it was not a troublesome weed but merely a new plant that looked like a weed to the farmer who asked the question. Although I was looking for weeds and all plants that might be troublesome as weeds, I never found the hemp plant to be really a troublesome weed.

Hemp is an annual plant, growing only from the seeds. It does not have a perennial root or roots stalks like Canada thistle or Johnson grass and therefore, it may be easily exterminated by cutting it before the seeds are produced.

When it grows as a weed, it does not produce many seeds, and it does not spread rapidly as do wild carrots, which Mr. Reed mentioned, and other really troublesome weeds. It grows as a weed along roadsides, railways, in waste lands, on overflowed lands along rivers, and where seed from bird cages has been thrown out in backyards. This weed type often reseeds itself and persists in the same place year after year. Stock do not eat the plant. As a weed, the plants are usually only a few in a place.

The largest plant of hemp known to me as a weed was in waste land along the railway between St. Paul and Minneapolis. I watched this plant every year or two for a period of at least 10 or 15 years and it did not increase materially in size.

NARRATOR: The next speaker according to the Congressional Record, was Congressman Crowther, and his comments seem a little... disjointed.

CROWTHER: Has there been any increase in the use of this marijuana drug during the last year or two, in cigarettes or otherwise?

HESTER: I will have to refer that question to Commissioner Anslinger.

continued on next page

Johnson & Johnson used to sell cannabis-based corn plasters (ad, above) and poultices (in price list at right). Notes were written by druggist planning to place an order. Today the company surreptitiously finances the marijuana Prohibition through the activities of the Robert Wood Johnson foundation.

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ANSLINGER: There has been.
CROWTHER: According to a brief that has been submitted, as a rule the addict passes into a dreamy state, in which judgment is lost, the imagination runs rampant; he is subject to bizarre ideas, lacking in continuity, and losing all sense of the measurement of time and space. I was wondering if there was a very marked increase in the smoking of this drug in cigarettes last year, following the period of September and October.

ANSLINGER: It has been on the increase.
CROWTHER: Has it increased lately?

ANSLINGER: There has been a decided increase in the number of seizures, or the number of seizures in 1936 over the number in 1935.

NARRATOR: Of course the number of seizures could have gone up because the Treasury Department authorized more raids. Or because all those under-utilized Prohibition agents needed to justify their employment.

VINSON: Would you say that a prolonged period of suffering over a period of several years would have anything to do with the forming of the habit?

ANSLINGER: No, sir! I might say with respect to the question of the farmers destroying the weeds that we have found a number of instances where the weed was growing on property, and when we have called it to the attention of the property owners, we have found that they have not only gladly cooperated in destroying the weed but they have destroyed them by burning with a view to getting rid of them entirely. We have never found a case where a property owner has not cooperated with us in getting rid of this destructive weed.

NARRATOR: Which makes you wonder why they were pushing so hard for this prohibitive tax. Before adjournment, Hester added a big “if” to the concession the birdseed producers thought they had won by promising to sterilize their product.

HESTER: If at some later date it develops from experience or chemical analysis that marijuana is still in the seeds after sterilization, and that they are being smoked throughout the country, we might have to come before the committee again and propose an amendment which would strike out this language.

CHAIRMAN: We thank you for your statement.

**Act Three:
The Grilling of Dr. Woodward**

NARRATOR: Tuesday, May 4. “The Grilling of Dr. Woodward.”

DOUGHTON: The Committee will be in order. The meeting this morning is for the purpose of continuing hearings on House Resolution 6385. When we adjourned last week, Dr. William C. Woodward, Legislative Counsel of the American Medical Association, was here and ready to testify. Dr. Woodward, if you come forward and give your name and address and the capacity in which you appear, we shall be glad to hear you at this time.

WOODWARD: Mr. Chairman and gentlemen, my name is Dr. William C. Woodward, representing the American Medical Association. The address is 535 North Dearborn Street, Chicago, Illinois.

DOUGHTON: Thank you, Dr. Woodward.

WOODWARD: It is with great regret that I find myself in opposition to any measure that is proposed by the government ... (*Vinson and McCormack look at each other as if expecting trouble*) and particularly in opposition to any measure that has been proposed by the Secretary of the Treasury for the purpose of suppressing traffic in narcotics.

I cooperated with Hamilton Wright in drafting the Harrison Narcotics Act. I have been more or less in touch with the narcotic situation since that time. During the past two years I have visited the Bureau of Narcotics probably 10 times or more. Unfortunately, I had no knowledge that such a bill as this was proposed until after it had been introduced.

Before proceeding further, I would like to call your attention to a matter in the record wherein the American Medical Association

is apparently quoted as being in favor of legislation of this character. On page 6 of the hearings before this committee we find the following: “In an editorial on this subject appearing in its editorial columns of April 10, 1937, the *Washington Herald* quoted the *Journal of the American Medical Association* in part as follows: “the problem of greatest menace in the United States seem to be the rise in the use of Indian hemp (marijuana) with inadequate control laws.” I have here a copy of the editorial referred to, and clearly the quotation from that editorial and from the *Journal of the American Medical Association* do not correctly represent the views of the association. The *Herald* is not discussing marijuana alone, but is discussing the narcotic invasion of America.

That editorial was in the nature of a review of the report on “Traffic in Opium and Other Dangerous Drugs in the United States of America for 1935,” published by the Bureau of Narcotics of the Treasury Department.

NARRATOR ...run by Harry Anslinger. The very bureau that has been pushing the prohibition of marijuana.

WOODWARD: The quotation has reference to the seeming situation that results from the statement of the Commissioner of Narcotics and not from any evidence that is in possession of the American Medical Association.

Gentlemen, there is nothing in the medicinal use of Cannabis that has any relation to cannabis addiction. I use the word “cannabis” in preference to the word “marijuana,” because cannabis is the correct word for describing the plant and its products.

The term “marijuana” is a mongrel word that has crept into this country over the Mexican border and has no general meaning, except as it relates to the use of cannabis preparations for smoking. It is not recognized in medicine, and hardly recognized even in the Treasury Department.

It was the use of the term “marijuana” rather than the use of the term “cannabis” or the use of the term “Indian Hemp” that was responsible, as you realized, probably, a day or two ago, for the failure of the dealers of Indian hempseed to connect up this bill with their business until rather late in the day. So, I shall use the word cannabis, and I should certainly suggest that if any legislation is enacted, the term used be “cannabis,” and not the mongrel word “marijuana.”

I say the medicinal use of cannabis had nothing to do with cannabis—or marijuana—addiction. In all that you have heard here thus far, no mention has been made of any excessive use of the drug by any doctor, or its excessive distribution by any pharmacist. And yet the burden of this bill is placed heavily on the doctors and pharmacists of the country, and I say very heavily, most heavily, possibly of all, on the farmers of the country.

The medicinal use of Cannabis, as you have been told, has decreased enormously. It is very seldom used.

COOPER: How is that?

WOODWARD (raising his voice): The medicinal use has greatly decreased. That is partially because of the uncertainty of the effects of the drug. That uncertainty has heretofore been attributed to variations in the potency of the preparations as coming from particular plants. The variations in the potency of the drug as coming from particular plants undoubtedly depends on variations in the ingredients of which the resin of the plant is made up.

To say, however, as has been proposed here, that the use of the drug should be prevented by a prohibitive tax, loses sight of the fact that future investigation may show that there are substantial medical uses.

NARRATOR: Indeed, future investigators have been able to identify the active components in the resin and to grow cannabis plants with standardized cannabinoid contents and potency.

WOODWARD: That there are medical uses for cannabis is admitted in a report that has, I think, been quoted here before, by a hospital pharmacist in Tunis, Dr. Bouquet.

NARRATOR: The man Anslinger kept calling the world’s greatest expert.

WOODWARD: This pharmacist, Dr. Bouquet, asks, “Do any preparations of Indian hemp exist possessing a therapeutic value

such that nothing else can take their place for medical purposes?” His answer is no. He submits qualifications, however. Quote: “Indian hemp is employed in various preparations for internal use as a sedative and antispasmodic. It does not seem to give better results than belladonna, except in a few cases of dyspepsia accompanied by painful symptoms.” End quote.

The number of the exceptions and the character of the cases in which cannabis gives these superior results are not stated. He adds, quote, “At my request, experiments were made for several months in 1912 with different preparations of Cannabis, without the addition of other synergetic substances. The conclusion reached was that in a few rare cases Indian hemp gives good results, but that in general it is not superior to other medicaments which can be used in therapeutics for treatment of the same afflictions.”

NARRATOR: A typo in the Congressional record makes this read “for treatment of the same afflictions.”

WOODWARD He still admits that there are exceptions in which cannabis cannot apparently be successfully substituted for. A third example. He cites, The thesis of F. Pascal (Toulouse, 1934) which, quote: “seems to show that Indian hemp has remarkable properties in revealing the subconscious: hence it can be used for psychological, psychoanalytical, and psychotherapeutic research, though only to a very limited extent.”

These are the present uses recognized.

LEWIS: Are there any substitutes for that latter psychological use?

WOODWARD: I know of none. That use, by the way, was recognized by John Stuart Mill in his work on psychology, where he referred to the ability of Cannabis or Indian hemp to revive old memories—and psychoanalysis depends on revivification of hidden memories.

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 marijuana addiction. We are told that the use of marijuana causes crime. Yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marijuana 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 marijuana cigarettes. No one has been summoned from the Children’s Bureau to show the nature and 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.

Inquiry into 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. That Bureau has control of the narcotics farms that were created about 1929 or 1930 and came into operation a few years later. No one has been summoned from that Bureau to give evidence. Informal inquiry by me indicates that they have had no record of any marijuana or cannabis addicts who have ever been committed to those farms.



But we must admit that there is a slight addiction, with possibly—and probably, I will admit—a tendency toward an increase. So that we have to raise the question at the present time as to the adequacy or inadequacy of our present machinery and our present laws to meet the situation.

You have been told that every state has a marijuana or cannabis law of some kind. My own inquiry indicated that there are two states that had not; but at least 46 states have laws of their own, and the District of Columbia, contrary to what has been told you, has a law that has been in force since 1906 that limits the sale of Cannabis, its derivatives and its preparations to pharmacists and persons who are authorized assistants to pharmacists. And there must be either a prescription from an authorized physician, or there must be due inquiry and a proper record made so as to assure the proper use of the drug. No one, whether a pharmacist or not, under this law, has any right to sell any preparation of cannabis indica to any person under 18 years of age except on the written order of an adult.

More interesting, possibly, is the Federal law relating to the matter. You have been told, I believe, that there is no federal law. The federal law is a very direct and a very positive law and I shall be glad to quote what seems to me the basic principle of it: “The Secretary of the Treasury shall cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions...”

VINSON: To what statute are you referring?

WOODWARD: The statute of June 14, 1930, which created the present Bureau of Narcotics. If there is at the present time any weakness in our state laws relating to cannabis—or marijuana—a fair share of the blame, if not all of it, rests on the Secretary of the Treasury and his assistants who have had this duty imposed upon them for six and more years. That there has been no coordinated effort to bring into effect, in the several states, really effective laws on this subject, I think I can safely assert. And after all, that is the essential place, the states, for laws of this character.

NARRATOR: Dr. Woodward suggested that the Federal Bureau of Narcotics help state officials implement their anti-marijuana laws. Another thing the feds could do, he suggested, was to develop programs warning students about the dangers of drug abuse.

Woodward then re-read the definition of “producer” in the bill under consideration, and ridiculed the practicality of a nationwide crackdown.

WOODWARD: You can realize the difficulty that the federal government would have in covering the entire United States by an inspection force such as would be necessary to locate the growth of marijuana, even in considerable quantities. Marijuana grows wild along railroad tracks, along highways, on land belonging to the states, on immense farms and ranches, forest land and places of that sort—places to which, by the way, the federal government, I believe, has no inherent right of entry... The federal government could never determine where this plant was growing. It could never undertake to prosecute, and if it did prosecute it would meet with the same difficulty that it met in prosecuting under the National Prohibition Act; the inadequacy of the courts and the inad-

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equacy of prosecuting attorneys, and I may say, the inadequacy of jails.

The trouble is that we are looking on narcotic addiction solely as a vice. It is a vice, but like all vices, it is based on human nature. The use of narcotics represents an effort on the part of the individual to adjust himself to some difficult situation in his life. He will take one thing to stimulate him and another to quiet him. His will is weakened in proportion as he relies on drugs of that sort. And until we develop young men and young women who are able to suffer a little and exercise a certain amount of control, even though it may be inconvenient and unpleasant to do so, we are going to have a considerable amount of addiction to narcotics and addiction to other drugs.

NARRATOR: This is the premise of harm reduction—that some people will always use drugs in their attempt to cope with life's problems, so the practical approach is to make treatment available and limit any harmful effects of drug use.

WOODWARD: We of the medical profession are interested, as are all citizens, in the prevalence or the growth of any narcotic habit. We are interested particularly in this bill because it proposes to tax physicians who desire to use cannabis. And it taxes the pharmacists and the manufacturing pharmacists and others who supply them.

I think I may safely say that the American Medical Association would enter no objection at all to the inclusion of cannabis indica or the various types of Cannabis, in the Harrison Narcotic Act. Under that act we are already paying a slight tax, such a tax as is sufficient merely to give the government jurisdiction. We have certain order forms that we have to fill out to get the drug. We are required to comply with certain conditions in giving prescriptions for any of the narcotic drugs. And if cannabis should be included in the drugs so named, I feel quite sure in saying that there would be no objection.

If this proposed bill is constitutional, there can be no reason why its provisions should not be incorporated in the Harrison Narcotic Act. If it is not constitutional, obviously it should not be enacted.

VINSON (*like a prosecutor*): Doctor, what is your connection with the American Medical Association?

WOODWARD: I am the director of the bureau of legal medicine and legislation and act as legislative counsel. I have been a member of the association since 1892 or 1893. I should explain, perhaps, that I am a doctor, licensed to practice medicine. I am also a member of the bar, a lawyer.

VINSON: Were you connected with the association, or did you appear before Congress at the time the Harrison Narcotic Act was pending?

WOODWARD: I was at that time not their legislative representative. I was requested by the association at that time to cooperate with Dr. Hamilton Wright in preparing the law.

VINSON: You and your association favored the passage of the Harrison Narcotic Act?

WOODWARD: I will not say we favored it. We felt it was an experiment.

VINSON: What was the position of the American Medical Association at the time the Harrison Narcotic Bill was being considered?

WOODWARD: So far as my recollection serves me, they were in favor of state legislation.

VINSON: And that is the position you take today, is it not, in regard to marijuana?

WOODWARD: That the most effective way is adequacy of state legislation plus federal aid. Cooperation between the federal government and the states with respect to the transportation of marijuana in interstate commerce and foreign commerce through the mails.

VINSON: Now I understand that you have received no instruction and had no specific authority from the American Medical Association to state their position in respect to this bill but that you felt safe in submitting their position; is that right?

WOODWARD: The policy of the American Medical Association is determinable by our house of delegates or our board of trustees when it comes to legislation of this sort. The house of delegates not being available

from which to receive instructions, and the board of trustees not being available, I received instructions from the executive committee of the board of trustees to appear here and oppose this bill.

VINSON: Let us see. You have a house of delegates?

WOODWARD: Yes, sir.

VINSON: Is that a popular body in the association?

WOODWARD: It is.

VINSON: They have not acted, have they?

WOODWARD: They meet once a year and have had not a chance.

VINSON: And what was the other group that had not acted?

WOODWARD: The board of trustees.

VINSON: How are they selected?

WOODWARD: They are elected by the house of delegates. That is the governing body in the interim between the annual meetings.

VINSON: And this other group, the executive council?

WOODWARD: The executive committee of the board of trustees.

VINSON: They are a smaller number?

NARRATOR: It will become clear in due course why Congressman Vinson is questioning Dr. Woodward's right to speak for the AMA.



Rep. Fred Vinson of Kentucky was appointed Secretary of the Treasury in 1945 by President Truman —then Chief Justice of the U.S. Supreme Court in '46.

WOODWARD: They are three or five men that get together during the intervals. They can do it more conveniently than nine men can from all over the country.

VINSON: When did they get together?

WOODWARD: It must have been the 19th or 20th of April.

NARRATOR: Four twenty!

VINSON: After the introduction of this bill?

WOODWARD: Yes.

VINSON: They got together and advised you of their position?

WOODWARD: They did.

VINSON: And that followed, in a general way, the attitude of the American Medical Association in respect to the Harrison Narcotic Act?

WOODWARD: It did.

VINSON: You seem to take issue with the gentlemen representing the Treasury on the legal proposition; but I did not hear you say anything about the analogy of this act to the firearms case.

WOODWARD: What I had in mind was an analogy of this act to the old Child Labor Tax Act. The Court said in that case "There comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty with the characteristics of regulation and punishment."

VINSON: When that same argument was directed at the Harrison narcotic Statute, that argument fell, did it not?

WOODWARD: Fell by a divided court.

VINSON: I say it fell?

WOODWARD: It fell, yes.

VINSON: While it was a divided court, it fell?

WOODWARD: Yes.

VINSON: How long has it been that the American Medical Association has been critical of the Federal Government in the matter of enacting legislation looking toward the control of the marijuana habit?

WOODWARD: It is not a habit that is connected with the medical profession, and the medical profession knows very little of it.

VINSON: I did not ask you that, doctor.

WOODWARD: It arises outside of the medical profession, and the American Medi-

cal Association has no more evidence concerning the extent of the marijuana habit than this committee has.

VINSON: My question was this. Has the American Medical Association taken cognizance of the marijuana habit and the need for its control?

WOODWARD: Only in connection with the development of a uniform State narcotics act.

VINSON: Let us see, doctor... I hand you here the first editorial in the issue of the *Journal of the American Medical Association* dated January 23, 1937, and it is headed "Opium Traffic in the United States." I want to read an editorial that you did not call our attention to: "Closely allied with the opium traffic is the present situation with regard to Indian hemp, or marijuana. There is as yet no federal legislation penalizing traffic in this drug, and Federal efforts are at present largely confined to restriction of imports and cooperation with those states or local bodies which have effective regulations." It just seems to me that that is something of a criticism that the federal government as yet has passed no legislation penalizing the traffic in this drug.

WOODWARD: Mr. Vinson, if you will read



William Woodward, MD, JD, in his younger days.

that as a whole, you will find that it is substantially a review of a report made by the Commissioner of Narcotics, and mirrors the facts and opinions that were embodied in *his* report.

VINSON: Do you not think that an editorial appearing in a great periodical such as the *Journal of the American Medical Association*, which does not attribute its conclusions to Mr. Anslinger's report, is entitled to consideration?

WOODWARD: It is a discussion of the opium traffic in the United States and the footnote reference is as follows: "Anslinger, HJ Traffic in Opium and Other Dangerous Drugs for the Year Ended December 31, 1935, US Treasury Department, Bureau Narcotics."

VINSON: What does that footnote refer to? I did not expect this of you. That footnote refers to a certain report?

WOODWARD: Yes.

VINSON: A report that was made by Mr. Anslinger?

WOODWARD: Yes.

VINSON: The rest of that editorial is not a quotation from Mr. Anslinger's report. They are giving a history, a picture of the opium traffic; is not that correct? That is, the opium and other narcotics traffic.

WOODWARD: They are mirroring the picture of the opium traffic given by Mr. Anslinger, as you must realize if you see the figures that are embodied in the statement. We certainly could not get those figures otherwise than from Mr. Anslinger's report.

VINSON: I ask you here whether this is the language of the editor who wrote the editorial, or whether it is the language of the Anslinger report. "Closely allied with the opium traffic is the present situation with regard to Indian hemp, or marijuana."

WOODWARD: I do not know whether that is a substantially direct quotation from Mr. Anslinger's report or whether those are the words of the editor based on the report.

VINSON: To the ordinary person who would read this editorial, either a doctor or a layman, this editorial in the *Journal of the American Medical Association*, January 23, 1937, would there be anything to even squint at that being other than an editorial comment?

WOODWARD: In answer to that I can say

that no person of judgment reading that editorial would attribute it to any source other than Commissioner Anslinger's report.

McCORMACK: Editorial comment, of course, determines the policy of a magazine or newspaper?

WOODWARD: Not at all.

McCORMACK: The editorial page is where I always look to find out the policy of the paper.

WOODWARD: The policies of the AMA are made by the house of delegates, and under our bylaws, no one is authorized to express an opinion on behalf of the AMA, except the house of delegates, other than the board of trustees, in the interval between annual meetings, may they find it necessary to do so.

McCORMACK: Did the house of delegates tell the editor what he should write?

WOODWARD: Certainly not.

McCORMACK: Assuming that what you say is correct, would the average reader not infer that the editorial policy of the paper accepts the report of Commissioner Anslinger as the basis of their editorial?

WOODWARD: As the basis of the editorial. They are informative editorials.

NARRATOR: What we nowadays would call "op-ed pieces."

WOODWARD: The average one is an informative editorial rather than one that determines the policy or indicates even the policy of the association. The editor would not dare to express the policy of the AMA in the editorial columns of the *Journal* in any way contrary to the policy as determined by the house of delegates.

THOMPSON: Doctor, is it not a fact that Dr. Fishbein is the editor of the American Medical Journal?

WOODWARD: He is.

THOMPSON: And does not the American public generally regard Dr. Fishbein as representing the views of the American Medical Association in what he says editorially?

WOODWARD: I can hardly say what the American public—

THOMPSON: It seems that way out in my country, at least. When he speaks, people think that the American Medical Association expresses itself through Dr. Fishbein.

VINSON: Doctor, you say that the medical profession have not seen that there is an increased number of addicts to marijuana. The very last sentence in this same editorial conveys to me that not only is the menace recognized, but there is lack of control. Quote: "The two problems of greatest menace seem to be the rise in the use of Indian hemp, with inadequate control laws, and the oversupply of narcotic drugs available in the Far East, which threatens to inundate the western world."

WOODWARD: I think we agree that based on Commissioner Anslinger's statement, that does seem to be the case.

VINSON: Doctor, you have been appearing before committees of Congress on behalf of the AMA for 15 years in your present status, and for several years before that—is that correct?

WOODWARD: Back to 1892, seldom a year has passed that I have not appeared before one or more committees of Congress.

VINSON: Would it be too much trouble for you to give us a statement of the bills on which you have testified, representing the AMA, and the stands that you took?

WOODWARD: It would be certainly impossible to do that.

VINSON: I want to know what legislation, what affirmative action of the Congress, has the American Medical Association sponsored since you have been connected with it.

WOODWARD: I should have to go back to search the records.

VINSON: Three years ago, when the social security bill was pending, when we had Title VI before us, which some of us thought was quite helpful, where were you?

NARRATOR: The original social security bill had the support of the Southern Democrats because it did not cover the jobs held by most black workers, farming and domestic work. Title VI involved funding for public health, with most black folks excluded.

WOODWARD: Where was the American Medical Association?

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VINSON: Where were you? President Behring of the American Medical Association testified, not because he was authorized to do so by the house of delegates of your association, but he testified in favor of the legislation—Title VI, dealing with public health. I was just wondering where you were when that piece of work was pending?

WOODWARD: I personally, I presume, was in Chicago. That is where my headquarters are.

VINSON: You knew about it did you not?

WOODWARD: We knew about it, and we might differ with you in your judgment as to whether it was or was not a piece of medical legislation.

VINSON: As a matter of fact, you do differ—you, personally, differ.

WOODWARD: I certainly do.

VINSON: You do not approve it now? I am not speaking of the law, but you do not approve the performance of that kind of a function now?

WOODWARD: What kind of a function, Mr. Vinson?

VINSON: Title VI.

WOODWARD: What is Title VI? Let’s get it in the record, please.

VINSON: Title VI of the social security bill provided for an authorization of \$10 million, \$2 million of which was to go for research and investigation, and \$8 million of which was to be used in grants to states for public-health work.

WOODWARD: I do not believe the American Medical Association ever opposed provisions for research and investigation. It has been and is consistently opposed to anything that seems to involve, through subsidies, the purchase of state rights by the federal government.

NARRATOR: Woodward foresaw the federal takeover of health care regulation.

VINSON: You do not agree with that policy?

WOODWARD: The purchase of state rights?

VINSON (*very angry*): I am talking about the policy set forth in the social security bill, Title VI, with which you are very familiar.

WOODWARD: I am thoroughly in favor of the appropriation by the federal government of adequate money for research by the Public Health Service or any other agency of the government; and an adequate appropriation of money by the federal government to meet the needs of the destitute and suffering.

VINSON: I still ask you to say whether or not you favored the passage of that act at that time, or whether or not you favor the principle set forth in it now.

WOODWARD: We took no position.

VINSON: I am not talking about “we.” I am talking about you, personally. Because I know that you have quite an influence on the policy of the American Medical Association.

WOODWARD: You flatter me in that respect. I should say the general policy of the federal government, with respect to the old age pensions—

VINSON: No! That is not what I asked. Title VI. Public health.

WOODWARD: I just stated that we favor anything that promotes the public health.

VINSON: You did not favor it, did you?

WOODWARD: Yes, we favor that.

VINSON: You did not appear. We happened to catch the president of the American Medical Association while he was visiting here, and he was big enough and broad enough to come to the support of the legislation.

WOODWARD: I did not appear in that because I was not instructed to. I might say—it might interest the committee to know my background—I was health officer of the District of Columbia for 24 years, from 1894 until 1918. I was health commissioner of the city of Boston from 1918 to 1922.

COOPER: Doctor, I understand you to say

that you did not favor the passage of the Harrison Narcotic Act.

WOODWARD: We favored it to the extent of actively cooperating in the framing of it and securing its passage. We did not regard it as an act that was going to accomplish what it set out to accomplish; and it has not. If you will stop for a moment to think that the addicts of the country are still obtaining their supply of narcotic drugs through the drugs that are illicitly brought into the United States in contravention of the Harrison Act, and that they distribute them in contravention of that act... We cannot enforce the act, and you would find the enforcement of this act a thousand times more difficult than the enforcement of the Harrison Act.

COOPER: I understood you to state that you did not favor the passage of the Harrison Narcotic Act because you entertained the view that the control should be exercised by the states.

WOODWARD: I think you are probably correct. But we cooperated in securing its passage.

COOPER: You did not favor it, though?

WOODWARD: Did not favor the principle—no.

COOPER: Are you prepared to state now that the act has produced beneficial results.

WOODWARD: I think it has.

COOPER: I understand you as criticizing the failure of testimony to be presented here from the Bureau of Prisons, the Children’s Bureau, the Office of Education, and other Government Agencies on this subject.

WOODWARD: The Indian Bureau, for instance, among whose charges there is certainly a tendency to use narcotics. They have no evidence to submit on this bill.

COOPER: Regardless of all that, do you state now before this committee that there is no difficulty involved—that there is no trouble presented because of marijuana.

WOODWARD (*after a few beats*): I do not.

NARRATOR: This is Woodward’s tragic concession. He doesn’t challenge the basic premise of the prohibitionists—that marijuana causes insanity and crime. If Dr. Woodward had contacted the Indian Bureau himself, he might have learned that marijuana, though used by native Americans in the southwest and elsewhere, wasn’t destroying minds and bodies the way alcohol was. Looking back, if marijuana had been legally available as an alternative to alcohol, who knows how many lives would have been saved over the years?

COOPER: Do you recognize that a difficulty is involved and regulation necessary in connection with marijuana?

WOODWARD: I do. I have tried to explain that it is a state matter.

COOPER: Regardless whether it is a state or a federal matter, there is trouble?

WOODWARD: There is trouble.

COOPER: And something should be done about it. It is a menace, is it not?

WOODWARD: A menace for which there is adequate remedy.

COOPER: Well, it probably comes within our province as to what action should be taken about it. To what do you object in this particular bill?

WOODWARD: I object because it is utterly unsusceptible of execution, and an act that is not susceptible to execution is a bad thing on the statute books. My interest is primarily, of course, in medical aspects. We object to imposing an additional tax on physicians, pharmacists, and others catering to the sick; to require that they register and re-register, that they have special order forms to be used for this particular drug, when this matter can just as well be covered by the Harrison Narcotics Act.

COOPER: Do you think the doctors of this country would object to the payment of a dollar a year?

WOODWARD: The unnecessary payment of a dollar a year? Yes. They object to paying fees and the execution of forms and the use of special records, and everything of that kind.

NARRATOR: Doctor Woodward is lucky he didn’t live to see managed care and HMOs.

COOPER: Has the method employed under the Harrison Narcotic Act produced sat-

isfactory results, in your opinion?

WOODWARD: The method of registration has not satisfactorily solved the narcotic problem for the United States, and never will. It registers the honest man, the men who will comply with the law; and the offenders who will not comply with the law not only do not register, but they are not required to register.

COOPER: Do you not think registration is necessary to meet the problem that we have here?

WOODWARD: Some kind of registration, yes; but we have it already. We ask cooperation on the part of the federal government by not imposing an unnecessary burden which in the end falls on the sick.

McCORMACK: Do doctors register under the state laws where they now exist?

WOODWARD: They register under the Harrison Narcotic Act as compliance with state law.

McCORMACK: You do not object to registration under state legislation?

WOODWARD: I do not.

McCORMACK: And you do not object to making out forms under state legislation?

WOODWARD: We do object—as a matter of fact, that is the reason that the uniform state law provides—

McCORMACK: (interrupting) Doctor, I just asked a very simple question. You do not object to registering under state law?

WOODWARD: We are already registered.

ROBERTSON: Doctor Woodward, does the production of cannabis or marijuana or Indian hemp differ in some respects from the principal narcotics covered by the Harrison narcotic law?

WOODWARD: The only difference is that the coca plant and the opium plant do not grow here as yet, and the cannabis plant does.

NARRATOR: An incomplete answer, since cocaine and heroin are produced by extracting active ingredients from the plants and producing drugs 100 times stronger—and without some of the modulating elements contained in the plants.

WOODWARD: But the Harrison Narcotic Act provides for the registration of producers, and the men who grow cannabis are producers.

COOPER: I understood you to say a few moments ago that you recognize there is an evil existing with reference to this marijuana drug.

WOODWARD: I will agree to that. *The NARRATOR shakes his head in dismay.*

COOPER: Taking your statement, just as you made it here, that the evil exists and that the problem is not being properly met by state laws, do you recommend that we just continue to sit by idly and attempt to do nothing?

WOODWARD: No, I do not. I recommend that the Secretary of the Treasury get together with the state people who can enforce the law and procure the enactment of adequate state laws. They can enforce it on the ground.

COOPER: Effective results have not been accomplished in that way.

WOODWARD: It has never been done.

COOPER: And you recommend that the thing for us to do is to just continue the doctrine of laissez-faire, and do nothing?

WOODWARD: It has never been done. The Secretary of the Treasury has ample authority and it is his duty to give the states information concerning the violation even of state laws, and to allow his own officers to go into the state courts and before state medical boards to enforce or help to enforce state laws.



McCORMACK: But Congress would have to pass some kind of legislation with reference to marijuana in order to make the law applicable?

WOODWARD: No. Here is the statute as it now reads: “The Secretary of the Treasury shall”—not may but shall—“cooperate with the several states in the suppression of the abuse of narcotic drugs in their respective jurisdiction.” At the very time that this was passed, the definition of narcotic drugs was enacted by Congress in connection with admissions to the federal narcotic farms, and in connection with the definition of addict, the cannabis habit was included.

COOPER: If the fact remains, as you state, that there is this evil present, and it is not being effectively treated or dealt with, do you not think something should be done, or some attempt should be made, to do something to try to meet that evil?

WOODWARD: Certainly.

COOPER: To what extent is marijuana used by physicians in the country as a beneficial and a helpful drug?

WOODWARD: Very little.

COOPER: In fact, to such a small extent that the American Medical Association’s own publication has left it out of the list of useful drugs, has it not?

WOODWARD: We probably did.

LEWIS: Judging from the expert medical testimony given here, it appears that it is rarely true that a physician would prescribe this drug. He would find other drugs more desirable, more sure in their operation. No physician then, who did not think well of this drug, would need to take out a special license at all, would he?

WOODWARD: He would not have to. But most physicians would want to preserve the right to use it—probably. The drug is a peculiar drug. The products are uncertain in their action and the composition of the drug is hardly understood. We do know that the resin is in fact the active principle but may be broken down into other ingredients, some of which may have one effect and some of which may have another. Even according to what has been quoted from this report of Dr. Bouquet, there are evidently potentialities in the drug that should not be shut off by adverse legislation. The medical profession and pharmacologists should be left to develop the use of this drug as they see fit.

DOUGHTON: I have a statement here giving the number of prescriptions and showing the relative use of this drug. In 1885 there were five prescriptions out of every 10,000 as fluid extract; in 1895, 11.6; in 1907, eight out of every 10,000; in 1926, 2.3, and in 1933, the last figures we have, 0.4 out of every 10,000. That corroborates your statement that its use as a drug for the treatment of diseases by the medical professional has greatly fallen off and is on the decrease.

On the other hand, it seems that there has been a great increase in the use of it as a narcotic where it has its most dangerous and deleterious effects. If its use as a medicine has fallen off to a point where it is practically negligible, and its use as a dope has increased until it has become serious and a menace to the public, as has been testified here—and the testimony here has been that it causes people to lose their mental balance, causes them to become criminals, so they do not seem to realize right from wrong after they become addicts of this drug—taking into consideration the growth of its injurious effects and its diminution in its use so far as any beneficial effect is concerned, you realize, do you not, that some good maybe accomplished by this proposed legislation?

WOODWARD: Some legislation, yes, Mr. Chairman.

DOUGHTON: If this is true, why have you not been here before this bill was introduced, proposing some remedy for this evil?

WOODWARD: Mr. Chairman, I have visited the Commissioner of Narcotics on various occasions.

DOUGHTON: That is not an answer to my question at all.

WOODWARD: I have not been here because—

DOUGHTON: If your association has realized the necessity, the importance of some

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legislation—which you now admit— why did you wait until this bill was introduced to come here and make mention of it? Why did you not come here voluntarily and suggest to this committee some legislation?

WOODWARD: I have talked these matters over many times with the—

DOUGHTON: That does not do us any good to talk matters over. I have talked over a lot of things. The states do not seem to be able to deal with it effectively, nor is the federal government dealing with it at all. Why do you wait until now and the come in here to oppose something that is presented to us? You suggest nothing whatever to correct the evil that exists. Now, I do not like to have a roundabout answer to that question.

WOODWARD: We do not propose legislation directly to Congress when the same end can be reached through one of the executive departments of the government.

DOUGHTON: You admit that it has not been done. You said you thought some legislation would be helpful. That is what I am trying to hold you down to. Now, why have you not proposed any legislation? This is what I want a clear, definite, clean-cut answer to.

WOODWARD: In the first place, it is not a medical addiction that is involved, and the data do not come before the medical society. You may absolutely forbid the use of cannabis by any physician, disposition of cannabis by any pharmacist in the country, and you would not have touched your cannabis addiction as it stands today, because there is no relation between it and the practice of medicine or pharmacy. It is entirely outside of those two branches.

DOUGHTON: If the statement you have just made has any relation to the question that I have asked, I just do not have the mind to understand it. I am sorry.

WOODWARD: We do not ordinarily come directly to Congress if a department can take care of the matter. I have talked with Commissioner Anslinger.

DOUGHTON: If you want to advise us on legislation, you should come here with some constructive proposals, rather than criticism, rather than trying to throw obstacles in the way of something that the federal government is trying to do. It is not only an unselfish motive in this, but they have a serious responsibility.

WOODWARD: We cannot understand yet, Mr. Chairman, why this bill should have been prepared in secret for two years without any intimation, even to the profession, that it was being prepared.

DOUGHTON: Is not the fact that you were not consulted your real objection to this bill?

WOODWARD: Not at all. We always try to be helpful.

VINSON: The fact that they took that length of time in preparation of the bill, what has that to do with the merits of the legislation?

WOODWARD: The legislation is impractical so far as enforcement is concerned, and the same study devoted to state legislation with 44 state legislatures in session this year would have produced much better results.

DINGELL: The impression I gain from your last remark is that only the medical profession is interested in this bill, but what about the 125 million people in this country? This is not only a bill that the medical profession is interested in, or that the AMA is interested in, but all the people are interested in it. Incidentally, I would like to ask,

how many doctors are members of the AMA?

WOODWARD: Approximately 100 thousand.

DINGELL: How many doctors are there in the United States?

WOODWARD: Probably 140 thousand or 150 thousand; or there may be 160 thousand, many are retired.

DINGELL: Are we to understand that the medical men the state of Michigan, or the medical profession in Wayne County, or the medical association of Detroit, are opposed to this legislation?

WOODWARD: I do not know. No medical man would identify this bill with a medicine until he read it through, because "marijuana" is not a drug.

DINGELL: Please tell me this, what effort has been made in my state through the medical association to protect the school children, and the unfortunate people who are falling victims to this habit? I ask that question because we are talking about controlling it through the state. I want to know what has been done by the state of Michigan, and the members of the medical profession to give protection intended by this bill?

WOODWARD: It is, of course, impossible for me to say just what has been done in any particular state, but in the Michigan laws of 1931, chapter 173, they do regulate the production and distribution of Cannabis Indica.

DINGELL: Can you tell me whether that legislation was at the time sponsored by the medical association of my state?

WOODWARD: I do not know. I cannot carry all of those details in my mind. You understand marijuana is simply a name given cannabis. It is a mongrel word brought in from Mexico. It is a popular term to indicate cannabis, like "coke" is used to indicate cocaine, and as "dope" is used to indicate opium.

DINGELL: We know that it is a habit and is spreading, particularly among youngsters. We learn that from the pages of the newspapers. You say that Michigan has a law regulating it. We have a state law, but we do not seem to be able to get anywhere with it, because, as I have said, the habit is growing. The number of victims is increasing each year.

WOODWARD: There is no evidence of that.

DINGELL: I have not been impressed with your testimony here as reflecting the sentiments of the high-class members of the medical profession in my state. I am confident that medical profession in my state of Michigan, and in Wayne County, particularly, or in my district, will subscribe wholeheartedly to any law that will suppress this thing, despite the fact that there is a \$1 tax imposed.

WOODWARD: If there was any law that would absolutely suppress the thing, perhaps that is true. But when the law simply contains provisions that impose a useless expense, and does not accomplish the result—

DINGELL: That is simply your personal opinion. That is kindred to the opinion you entertained with reference to the Harrison Narcotics Act.

WOODWARD: If we had been asked to cooperate in drafting it—

DINGELL: You are not cooperating in this at all.

WOODWARD: As a matter of fact, it does not serve to suppress the use of opium or cocaine.

DINGELL: The medical profession should be doing its utmost to aid in the suppression of this curse that is eating the very vitals of the nation!

WOODWARD: They are.

McCORMACK: Are you not simply piqued because you were not consulted in the drafting of the bill?

WOODWARD: That is not the case at all. I said, in explaining why I was here, that the measure should have been discussed, and an expression of opinion obtained before the Treasury Department brought the bill before the Congress of the United States, so that it would be in a form that would be acceptable.

McCORMACK: With all respect to you and for your appearance here, is it not a fact that you are peeved because you were not called in and consulted in the drafting of the bill?

WOODWARD: Not in the least. I have



TAX STAMP issued by the IRS, a branch of the U.S. Treasury Department, was required by anyone handling cannabis after Congress passed the Marihuana Tax Act. Fewer and fewer permits were issued until de facto prohibition was achieved. An exception was made during World War Two when the Department of Agriculture encouraged cannabis production under the "Hemp for Victory" program. In 1969 the Marijuana Tax Act was challenged by Timothy Leary and found to be unconstitutional. The federal Controlled Substances Act of 1970 replaced it.

Photo courtesy of Michael Krawitz, The Cannabis Museum

drafted too many bills to be peeved about that.

McCORMACK: There is no question that the drug habit has been increasing rapidly in recent years.

WOODWARD: There is no evidence to show whether or not it has been.

McCORMACK: In your opinion, has it increased?

WOODWARD: I should say that it has increased slightly. Newspaper exploitation of the habit has done more to increase it than anything else.

McCORMACK: Is it likely to increase further unless some effort is made to suppress it?

WOODWARD: I do not know. The exploitation tempts young men and women to venture into the habit.

McCORMACK: At any event it is a drug.

WOODWARD: Cannabis indica is a drug, yes.

McCORMACK: Assuming that this bill was amended to permit the Secretary of the Treasury to put the medical profession under reasonable regulations, what would be your opposition to the bill?

WOODWARD: I am quite sure we could not object to that.

McCORMACK: Then your objection to this bill would be removed?

WOODWARD: You could go a step further and require the registration and recording of sales of cannabis under the Harrison Narcotics Act. I am not inclined to think there would be any objection to that at all.

NARRATOR: Chairman Doughton of North Carolina then re-read the Washington Times and Washington Post editorials defining marijuana as "fatal" and calling for passage of the bill he had introduced on behalf of the Treasury Department.

DOUGHTON: "The fatal marijuana cigarette must be recognized as a deadly drug, and American children must be protected against it." "With a federal law on the books, a more ambitious attack can be launched." You do not agree with that?

WOODWARD: I believe there is addiction, and I believe there is a temptation to children.

DOUGHTON: It is on the increase, is it not?

WOODWARD: Probably, but we do not know.

DOUGHTON: The public authorities dealing with this evil, the state authorities, and federal authorities, say they need further legislation in order to protect the people from its insidious influence and effects. Under these conditions, do you not believe Congress should try to do something?

WOODWARD: I think something should be done, but it is only a question of what should be done.

DOUGHTON: You stated a while ago that you believed this law would be ineffective. Of course the law against carrying concealed weapons, designed to protect people against criminals is not entirely effective, but you would not advocate the repeal of the law. The laws against prostitution and murder are not entirely effective, but without legislative control, we would be at the mercy of the crimi-

nal class, and we would have no civilization whatever...

WOODWARD: I realize that.

NARRATOR: The final witness, Dr. S.L. Hilton of the American Pharmaceutical Association, testified—

HILTON: We are in favor of any legislation that will correct anything pertaining to habit forming drugs.

NARRATOR: But he objected to the requirement that pharmacists take out a \$15 license to dispense Cannabis Indica, and fill out forms and pay a tax every time they purchase it from a supplier.

DOUGHTON: I assume that you recognize this evil.

HILTON We certainly do.

DOUGHTON You recognize that some legislation on this subject is needed?

HILTON We want to cooperate by doing anything we can to stamp it out.

NARRATOR: The House and Ways Committee approved the Marijuana Tax Act and sent it to the Senate Subcommittee, which after one day of hearings also approved it. When the bill came before the full House, Fred Vinson of Kentucky was its main advocate. Only four congressmen asked for an explanation of the bill's provisions. What they got from Vinson was an account of the criminal acts inspired by marijuana. Commissioner Anslinger's testimony was reported to the full Congress as undisputed fact. The question of whether the American Medical Association agreed with the bill was answered thus by Congressman Vinson:

VINSON: Our committee heard testimony of Dr. William Wharton...

NARRATOR: Woodward, Wharton, what's the difference?

VINSON...who not only gave this measure his full support, but also the approval from the American Medical Association which he represented as legislative counsel.

NARRATOR: Could we have an instant replay of that?

VINSON: Our Committee heard testimony of Dr. William Wharton, who not only gave this measure his full support, but also the approval of the American Medical Association, which he represented as legislative counsel.

NARRATOR: The Marijuana Tax Act passed without a roll call and was enacted into law in September of 1937. Fred Vinson went on to become Chief Justice of the U.S. Supreme Court. He was succeeded by Earl Warren in 1953.

In America our history gets taken away from us and we don't even know it.

We're taught that systematic falsifications only happen in other countries, where individual rights are not respected and the masses are impotent and cynical.

Well, it happens here, too.

