

Why is Marijuana Illegal?

7000-8000 B.C.

First woven fabric believed to be from hemp.

1619

Jamestown Colony, Virginia passes law requiring farmers to grow hemp.

1700s

Hemp was the primary crop grown by George Washington at Mount Vernon, and a secondary crop grown by Thomas Jefferson at Monticello.

1884

Maine is the first state to outlaw alcohol.

1906

Pure Food and Drug Act is passed, forming the Food and Drug Administration. First time that drugs have any government oversight.

1913 California, apparently, passes the first state marijuana law, though missed by many because it referred to "preparations of hemp, or loco weed."

1914

Harrison Act passed, outlawing opiates and cocaine (taxing scheme)

1915

Utah passes state anti-

Many people assume that marijuana was made illegal through some kind of process involving scientific, medical, and government hearings; that it was to protect the citizens from what was determined to be a dangerous drug.

The actual story shows a much different picture. Those who voted on the legal fate of this plant never had the facts, but were dependent on information supplied by those who had a specific agenda to deceive lawmakers. You'll see below that the very first federal vote to prohibit marijuana was based entirely on a documented lie on the floor of the Senate.

You'll also see that the history of marijuana's criminalization is filled with:

- Racism
- Fear
- Protection of Corporate Profits
- Yellow Journalism
- Ignorant, Incompetent, and/or Corrupt Legislators
- Personal Career Advancement and Greed

These are the actual reasons marijuana is illegal.

Background

For most of human history, marijuana has been completely legal. It's not a recently discovered plant, nor is it a long-standing law. Marijuana has been illegal for less than 1% of the time that it's been in use. Its known uses go back further than 7,000 B.C. and it was legal as recently as when Ronald Reagan was a boy.

The marijuana (hemp) plant, of course, has an incredible number of uses. The earliest known woven fabric was apparently of hemp, and over the centuries the plant was used for food, incense, cloth, rope, and much more. This adds to some of the confusion over its introduction in the United States, as the plant was well known from the early 1600's, but did not reach public awareness as a recreational drug until the early 1900's.

America's first marijuana law was enacted at Jamestown Colony, Virginia in 1619. It was a law "ordering" all farmers to grow Indian hempseed. There were several other "must grow" laws over the next 200 years (you could be jailed for not growing hemp during times of shortage in Virginia between 1763 and 1767), and during most of that time, hemp was legal tender (you could even pay your taxes with hemp — try that today!) Hemp was such a critical crop for a number of purposes (including essential war requirements – rope, etc.) that the government went out of its way to encourage growth.

The United States Census of 1850 counted 8,327 hemp "plantations" (minimum 2,000-acre farm) growing cannabis hemp for cloth, canvas and even the cordage used for baling cotton.

The Mexican Connection

In the early 1900s, the western states developed significant tensions regarding the influx of Mexican-Americans. The revolution in



marijuana law.

Mexico in 1910 spilled over the border, with General Pershing's army clashing with bandit Pancho Villa. Later in that decade, bad feelings developed between the small farmer and the large farms that used cheaper Mexican labor. Then, the depression came and increased tensions, as jobs and welfare resources became scarce.

1919

18th Amendment to the Constitution (alcohol prohibition) is ratified.

One of the "differences" seized upon during this time was the fact that many Mexicans smoked marijuana and had brought the plant with them, and it was through this that California apparently passed the first state marijuana law, outlawing "preparations of hemp, or loco weed."

1930

Harry J. Anslinger given control of the new Federal Bureau of Narcotics (he remains in the position until 1962)

However, one of the first state laws outlawing marijuana may have been influenced, not just by Mexicans using the drug, but, oddly enough, because of Mormons using it. Mormons who traveled to Mexico in 1910 came back to Salt Lake City with marijuana. The church's reaction to this may have contributed to the state's marijuana law. (*Note: the source for this speculation is from articles by Charles Whitebread, Professor of Law at USC Law School in a paper for the Virginia Law Review, and a speech to the California Judges Association (sourced below). Mormon blogger Ardis Parshall [disputes this](#).*)

1933

21st Amendment to the Constitution is ratified, repealing alcohol prohibition.

Other states quickly followed suit with marijuana prohibition laws, including Wyoming (1915), Texas (1919), Iowa (1923), Nevada (1923), Oregon (1923), Washington (1923), Arkansas (1923), and Nebraska (1927). These laws tended to be specifically targeted against the Mexican-American population.

1937

When Montana outlawed marijuana in 1927, the Butte Montana Standard reported a legislator's comment: "When some beet field peon takes a few traces of this stuff... he thinks he has just been elected president of Mexico, so he starts out to execute all his political enemies." In Texas, a senator said on the floor of the Senate: "All Mexicans are crazy, and this stuff [marijuana] is what makes them crazy."

Jazz and Assassins

Marijuana Tax Act

In the eastern states, the "problem" was attributed to a combination of Latin Americans and black jazz musicians. Marijuana and jazz traveled from New Orleans to Chicago, and then to Harlem, where marijuana became an indispensable part of the music scene, even entering the language of the black hits of the time (Louis Armstrong's "Muggles", Cab Calloway's "That Funny Reefer Man", Fats Waller's "Viper's Drag").

1938

Food, Drug and Cosmetic Act

Again, racism was part of the charge against marijuana, as newspapers in 1934 editorialized: "Marihuana influences Negroes to look at white people in the eye, step on white men's shadows and look at a white woman twice."

1951

Boggs Amendment to the Harrison Narcotic Act (mandatory sentences)

Two other fear-tactic rumors started to spread: one, that Mexicans, Blacks and other foreigners were snaring white children with marijuana; and two, the story of the "assassins." Early stories of Marco Polo had told of "hasheesh-eaters" or hashashin, from which derived the term "assassin." In the original stories, these professional killers were given large doses of hashish and brought to the ruler's garden (to give them a glimpse of the paradise that awaited them upon successful completion of their mission). Then, after the effects of the drug disappeared, the assassin would fulfill his ruler's wishes with cool, calculating loyalty.

1956

Narcotics Control Act adds more severe penalties

By the 1930s, the story had changed. Dr. A. E. Fossier wrote in the 1931 New Orleans Medical and Surgical Journal: "Under the influence of hashish those fanatics would madly rush at their enemies, and ruthlessly massacre every one within their grasp." Within a very short time, marijuana started being linked to violent behavior.

1970

Comprehensive Drug Abuse Prevention and Control Act. Replaces and updates all previous laws concerning narcotics and other dangerous drugs. Emphasis on law enforcement. Includes the Controlled Substances Act, where

Alcohol Prohibition and Federal Approaches to Drug Prohibition

During this time, the United States was also dealing with alcohol prohibition, which lasted from 1919 to 1933. Alcohol prohibition was extremely visible and debated at all levels, while drug laws were passed without the general public's knowledge. National alcohol prohibition happened through the mechanism of an amendment to the constitution.

Earlier (1914), the Harrison Act was passed, which provided federal tax penalties for opiates and cocaine.

The federal approach is important. It was considered at the time that the federal government did not have the constitutional power to outlaw alcohol or drugs. It is because of this that alcohol prohibition required a constitutional amendment.

marijuana is classified a Schedule 1 drug (reserved for the most dangerous drugs that have no recognized medical use).

1972

Drug Abuse Office and Treatment Act. Establishes federally funded programs for prevention and treatment

1973

Drug Enforcement Administration (DEA) Changes Bureau of Narcotics and Dangerous Drugs into the DEA

1974 and 1978

Drug Abuse Treatment and Control Amendments. Extends 1972 act

1988

Anti-Drug Abuse Act. Establishes oversight office: National Office of Drug Control Policy and the Drug Czar

1992

ADAMHA Reorganization. Transfers NIDA, NIMH, and NIAAA to NIH and incorporates ADAMHA's programs into the Substance Abuse and Mental Health Services Administration (SAMHSA)

At that time in our country's history, the judiciary regularly placed the tenth amendment in the path of congressional regulation of "local" affairs, and direct regulation of medical practice was considered beyond congressional power under the commerce clause (since then, both provisions have been weakened so far as to have almost no meaning).

Since drugs could not be outlawed at the federal level, the decision was made to use federal taxes as a way around the restriction. In the Harrison Act, legal uses of opiates and cocaine were taxed (supposedly as a revenue need by the federal government, which is the only way it would hold up in the courts), and those who didn't follow the law found themselves in trouble with the treasury department.

In 1930, a new division in the Treasury Department was established — the Federal Bureau of Narcotics — and Harry J. Anslinger was named director. This, if anything, marked the beginning of the all-out war against marijuana.

Harry J. Anslinger

Anslinger was an extremely ambitious man, and he recognized the Bureau of Narcotics as an amazing career opportunity — a new government agency with the opportunity to define both the problem and the solution. He immediately realized that opiates and cocaine wouldn't be enough to help build his agency, so he latched on to marijuana and started to work on making it illegal at the federal level.

Anslinger immediately drew upon the themes of racism and violence to draw national attention to the problem he wanted to create. He also promoted and frequently read from "Gore Files" — wild reefer-madness-style exploitation tales of ax murderers on marijuana and sex and... Negroes. Here are some quotes that have been widely attributed to Anslinger and his Gore Files:



"There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos, and entertainers. Their Satanic music, jazz, and swing, result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers, and any others."

“...the primary reason to outlaw marijuana is its effect on the degenerate races.”

“Marijuana is an addictive drug which produces in its users insanity, criminality, and death.”

“Reefer makes darkies think they’re as good as white men.”

“Marihuana leads to pacifism and communist brainwashing”

“You smoke a joint and you’re likely to kill your brother.”

“Marijuana is the most violence-causing drug in the history of mankind.”

And he loved to pull out his own version of the “assassin” definition:

“In the year 1090, there was founded in Persia the religious and military order of the Assassins, whose history is one of cruelty, barbarity, and murder, and for good reason: the members were confirmed users of hashish, or marihuana, and it is from the Arabs’ ‘hashashin’ that we have the English word ‘assassin.’”

Yellow Journalism

Harry Anslinger got some additional help from William Randolph Hearst, owner of a huge chain of newspapers. Hearst had lots of reasons to help. First, he hated Mexicans. Second, he had invested heavily in the timber industry to support his newspaper chain and didn’t want to see the development of hemp paper in competition. Third, he had lost 800,000 acres of timberland to Pancho Villa, so he hated Mexicans. Fourth, telling lurid lies about Mexicans (and the devil marijuana weed causing violence) sold newspapers, making him rich.

Some samples from the San Francisco Examiner:



“Marihuana makes fiends of boys in thirty days — Hashish goads users to bloodlust.”

“By the tons it is coming into this country — the deadly, dreadful poison that racks and tears not only the body, but the very heart and soul of every human being who once becomes a slave to it in any of its cruel and devastating forms.... Marihuana is a short cut to the insane asylum. Smoke marihuana cigarettes for a month and what was once your brain will be nothing but a storehouse of horrid specters. Hasheesh makes a murderer who kills for the love of killing out of the mildest mannered man who ever laughed at the idea that any habit could ever get him....”

And other nationwide columns...

“Users of marijuana become STIMULATED as they inhale the drug and are LIKELY TO DO ANYTHING. Most crimes of violence in this section, especially in country districts are laid to users of that drug.”

“Was it marijuana, the new Mexican drug, that nerved the murderous arm of Clara Phillips when she hammered out

her victim's life in Los Angeles? ... THREE-FOURTHS OF THE CRIMES of violence in this country today are committed by DOPE SLAVES — that is a matter of cold record."

Hearst and Anslinger were then supported by Dupont chemical company and various pharmaceutical companies in the effort to outlaw cannabis. Dupont had patented nylon, and wanted hemp removed as competition. The pharmaceutical companies could neither identify nor standardize cannabis dosages, and besides, with cannabis, folks could grow their own medicine and not have to purchase it from large companies.

This all set the stage for...

The Marijuana Tax Act of 1937.

After two years of secret planning, Anslinger brought his plan to Congress — complete with a scrapbook full of sensational Hearst editorials, stories of ax murderers who had supposedly smoked marijuana, and racial slurs.

It was a remarkably short set of hearings.

The one fly in Anslinger's ointment was the appearance by Dr. William C. Woodward, Legislative Council of the American Medical Association.

Woodward started by slamming Harry Anslinger and the Bureau of Narcotics for distorting earlier AMA statements that had nothing to do with marijuana and making them appear to be AMA endorsement for Anslinger's view.

He also reproached the legislature and the Bureau for using the term marijuana in the legislation and not publicizing it as a bill about cannabis or hemp. At this point, marijuana (or marihuana) was a sensationalist word used to refer to Mexicans smoking a drug and had not been connected in most people's minds to the existing cannabis/hemp plant. Thus, many who had legitimate reasons to oppose the bill weren't even aware of it.

Woodward went on to state that the AMA was opposed to the legislation and further questioned the approach of the hearings, coming close to outright accusation of misconduct by Anslinger and the committee:

"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 [even Woodward was partially taken in by Hearst's propaganda]. It has surprised me, however, that the facts on which these statements have been based have not been brought before this committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marihuana addiction. We are told that the use of marihuana causes crime.

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

You have been told that school children are great users of marihuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and 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 of the Office of Education— and they certainly should know something of the prevalence of the habit among the school children of the country, if there is a prevalent habit— indicates that they have had no occasion to investigate and know nothing of it.

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

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

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

Committee members then proceeded to attack Dr. Woodward, questioning his motives in opposing the legislation. Even the Chairman joined in:

The Chairman: If you want to advise us on legislation, you ought to 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 has not only an unselfish motive in this, but they have a serious responsibility.

Dr. Woodward: We cannot understand yet, Mr. Chairman, why this bill should have been prepared in secret for 2 years without any intimation, even, to the profession, that it was being prepared.

After some further bantering...

The Chairman: I would like to read a quotation from a recent editorial in the Washington Times:

The marihuana 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.

School children are the prey of peddlers who infest school neighborhoods.

High school boys and girls buy the destructive weed without knowledge of its capacity of harm, and conscienceless dealers sell it with impunity.

This is a national problem, and it must have national attention.

The fatal marihuana cigarette must be recognized as a deadly drug, and American children must be protected against it.

That is a pretty severe indictment. They say it is a national question and that it requires effective legislation. Of course, in a general way, you have responded to all of these statements; but that indicates very clearly that it is an

evil of such magnitude that it is recognized by the press of the country as such.

And that was basically it. Yellow journalism won over medical science.

The committee passed the legislation on. And on the floor of the house, the entire discussion was:

Member from upstate New York: *“Mr. Speaker, what is this bill about?”*

Speaker Rayburn: *“I don’t know. It has something to do with a thing called marihuana. I think it’s a narcotic of some kind.”*

“Mr. Speaker, does the American Medical Association support this bill?”

Member on the committee jumps up and says: *“Their Doctor Wentworth[sic] came down here. They support this bill 100 percent.”*

And on the basis of that lie, on August 2, 1937, marijuana became illegal at the federal level.

The entire coverage in the New York Times: “President Roosevelt signed today a bill to curb traffic in the narcotic, marihuana, through heavy taxes on transactions.”

Anslinger as precursor to the Drug Czars

Anslinger was essentially the first Drug Czar. Even though the term didn’t exist until William Bennett’s position as director of the White House Office of National Drug Policy, Anslinger acted in a similar fashion. In fact, there are some amazing parallels between Anslinger and the current Drug Czar John Walters. Both had kind of a carte blanche to go around demonizing drugs and drug users. Both had resources and a large public podium for their voice to be heard and to promote their personal agenda. Both lied constantly, often when it was unnecessary. Both were racists. Both had the ear of lawmakers, and both realized that they could persuade legislators and others based on lies, particularly if they could co-opt the media into squelching or downplaying any opposition views.

Anslinger even had the ability to circumvent the First Amendment. He banned the Canadian movie “Drug Addict,” a 1946 documentary that realistically depicted the drug addicts and law enforcement efforts. He even tried to get Canada to ban the movie in their own country, or failing that, to prevent U.S. citizens from seeing the movie in Canada. Canada refused. (Today, Drug Czar John Walters is trying to bully Canada into keeping harsh marijuana laws.)

Anslinger had 37 years to solidify the propoganda and stifle opposition. The lies continued the entire time (although the stories would adjust — the 21 year old Florida boy who killed his family of five got younger each time he told it). In 1961, he looked back at his efforts:

“Much of the most irrational juvenile violence and that has written a new chapter of shame and tragedy is traceable directly to this hemp intoxication. A gang of boys tear the clothes from two school girls and rape the screaming girls, one boy after the other. A sixteen-year-old kills his entire family of five in Florida, a man in Minnesota puts a bullet through the head of a stranger on the road; in Colorado husband tries to shoot his wife, kills her grandmother instead and then kills himself. Every one of these crimes had been proceeded [sic] by the smoking of one or more marijuana “reefers.” As the marijuana situation grew worse, I knew action had to be taken to get the proper legislation passed. By 1937 under my direction, the Bureau launched two important steps First, a legislative plan to seek from Congress a new law that would place marijuana and its distribution directly under federal control. Second, on radio and at major forums, such that presented annually by the New York Herald Tribune, I told the story of this evil weed of the fields and river beds and roadsides. I wrote articles for magazines; our agents gave

hundreds of lectures to parents, educators, social and civic leaders. In network broadcasts I reported on the growing list of crimes, including murder and rape. I described the nature of marijuana and its close kinship to hashish. I continued to hammer at the facts.

I believe we did a thorough job, for the public was alerted and the laws to protect them were passed, both nationally and at the state level. We also brought under control the wild growing marijuana in this country. Working with local authorities, we cleaned up hundreds of acres of marijuana and we uprooted plants sprouting along the roadsides.”

After Anslinger

On a break from college in the 70s, I was visiting a church in rural Illinois. There in the literature racks in the back of the church was a lurid pamphlet about the evils of marijuana — all the old reefer madness propaganda about how it caused insanity and murder. I approached the minister and said “You can’t have this in your church. It’s all lies, and the church shouldn’t be about promoting lies.” Fortunately, my dad believed me, and he had the material removed. He didn’t even know how it got there. But without me speaking up, neither he nor the other members of the church had any reason NOT to believe what the pamphlet said. The propaganda machine had been that effective.

The narrative since then has been a continual litany of:

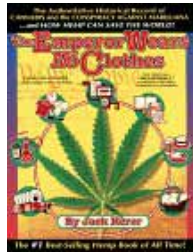
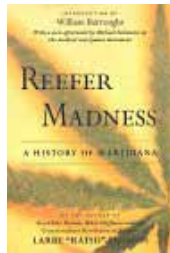
- Politicians wanting to appear tough on crime and passing tougher penalties
- Constant increases in spending on law enforcement and prisons
- Racist application of drug laws
- Taxpayer funded propaganda
- Stifling of opposition speech
- Political contributions from corporations that profit from marijuana being illegal (pharmaceuticals, alcohol, etc.)

... but that’s another whole story.

Interlude...

This account only scratches the surface of the story. If you want to know more about the history of marijuana, Harry Anslinger, and the saga of criminalization in the United States and elsewhere, visit some of the excellent links below. (All data and quotes for this piece came from these sources as well).

- [The History of the Non-Medical Use of Drugs in the United States](#) by Charles Whitebread, Professor of Law, USC Law School. A Speech to the California Judges Association 1995 annual conference.
- [THE FORBIDDEN FRUIT AND THE TREE OF KNOWLEDGE: AN INQUIRY INTO THE LEGAL HISTORY OF AMERICAN MARIJUANA PROHIBITION](#) by Richard J. Bonnie & Charles H. Whitebread, II. VIRGINIA LAW REVIEW. VOLUME 56 OCTOBER 1970 NUMBER 6
- [The Consumers Union Report – Licit and Illicit Drugs](#)
by Edward M. Brecher and the Editors of Consumer Reports Magazine
- [The History of the Marihuana Tax Act of 1937](#)
By David F. Musto, M.D., New Haven, Conn.
Originally published in Arch. Gen. Psychiat. Volume 26, February, 1972
- [The Report of the National Commission on Marihuana and Drug Abuse](#)
I. Control of Marihuana, Alcohol and Tobacco.
History of Marihuana Legislation
- [The Marihuana Tax Act of 1937.](#)
The history of how the Marihuana Tax Act came to be the law of the land.
- [Marijuana – The First Twelve Thousand Years](#) by Ernest L. Abel, 1980



[Porqué la marihuana es ilegal]

<http://www.drugwarrant.com/articles/why-is-marijuana-illegal/>

