

## How cannabis was criminalised.

Cannabis first became illegal in the UK, and most of the rest of the world, on 28th September 1928 when the 1925 Dangerous Drugs Act came into force. There were no British domestic reasons, no lobbying for or against prohibition, and no Parliamentary debates.

The Act controlling 'Indian Hemp and all resins and preparations based thereon' had been passed after Britain signed the 1925 Geneva International Convention on Narcotics Control, organised by the League of Nations. Asked what it was all about on a slow day in Parliament, a junior Home Office Minister explained that the Convention could not be ratified without an 'important but small' law being passed. 'What it does is include coca leaves under a former Act. They are the real basis of cocaine - we place them in the same category as raw opium.' Cannabis itself was never mentioned aloud.

This apathy was nothing new. When the 1920 Act controlling opium and cocaine was passed, there were problems finding enough MPs to vote on the committee stages. In 1893 a huge report by the Indian Hemp Drugs Commission had concluded that 'the moderate use of hemp drugs is practically attended by no evil results at all'. It recommended, for India, 'restraining use and improving the revenue by the imposition of suitable taxation' at 'as high a rate of duty as can be levied without inducing illicit practices' on the grounds that 'the best way to restrict the consumption of drugs is to tax them.' Taxes on cannabis were already normal in India - Bengal state government made about £100,000 per year through the 1860's [£5-10 million in today's money]. This report from the Empire was never publicly discussed in the UK, and the authorities were content to have no laws at all controlling cannabis for another thirty years.

The herb had few supporters in the 1920's. European hemp for ropes and paper was usually believed to be a separate plant, though related. Modern medical uses were rare and both traditional herbal medicines and patent potions had become unfashionable at the turn of the century, after campaigns by the British Medical Association. Apart from a few adventurous poets and musicians, there were hardly any recreational cannabis users in Europe.

There was little or no opposition to cannabis use, either. Prohibitionist campaigns worked against alcohol and cocaine at home, opium abroad. Some people thought opiate users would take up cannabis if their supplies were cut off. 'Drugs' were seen as filthy foreign stuff which should be suppressed for the foreigners' own good. Fear and contempt of 'coloureds', and of sex, was the visible motive in a few 1920's newspaper drug scandals about foreigners with cocaine or opium, and the English girls they allegedly corrupted and destroyed, but cannabis was rarely accused.

Cannabis was added to the agenda of the 1925 Convention on Narcotics Control because Egypt and Turkey proposed it. Both countries had histories of prohibition based on interpretations of Islamic law; newly secular, they were trying to be 'modern'. The Egyptian delegate denounced 'Hashism' which he said caused from 30-60 per cent of the insanity in his country. 'In support of this contention... there are three times as many cases of mental alienation among men as among women, and it is an established fact that men are much more addicted to hashish than women'. Hashish addicts, he said, were regarded as useless derelicts. 'His eye is wild and the expression of his face is stupid. He is silent; has no muscular power; suffers from physical ailments, heart troubles, digestive troubles etc; his intellectual faculties gradually weaken and the whole organism decays. The addict very frequently becomes neurasthenic and eventually insane.'



These claims for the dangers of cannabis made in 1925 were not investigated by the League of Nations until ten years after it was banned. That study was never completed. The only serious investigation made previously was the 1893 Indian Hemp Drugs Commission Report, which contradicted most of the Egyptian's speech, but was not referred to. India opposed banning cannabis in the Convention, as their delegate said it had been used there since time immemorial, grew wild, and they doubted that a prohibition could be enforced. The British delegate suggested that it should be considered further and abstained from the vote, but signed in the end, along with another 57 nations.

Drugs laws in the United States have a quite different history. The USA never joined the League of Nations, and didn't sign the 1925 Convention because they were more anti-drugs than any other nation. They proposed that opium use be completely banned world wide within ten years, and walked out of the conference when this was rejected, before cannabis was mentioned.

Alcohol was prohibited in the USA from 1920-33, and as early as 1911 hearings on a Federal anti-narcotics law heard debate on controlling cannabis. The USA unsuccessfully proposed that cannabis be discussed at the Hague Conference on opiates in 1912. Their enthusiasm for drug control was a mix of moralism and self-interest, both tending to boost America's developing international influence. Most medical drugs were imported, so controlling them made little difference to US domestic policy, but gave the US a moral and economic lever against their producers, mostly Britain and Germany. Cannabis was an exception, so it had some friends in the pharmaceutical, veterinary, and seed oil industries. It also had enemies among the press and politicians who used it as part of an attack on Mexican immigration and Black cultural independence..

William Randolph Hearst's newspapers introduced the word 'marijuana' into English from Mexican slang, confusing the public into thinking this devil weed was quite different from the familiar agricultural plant hemp. Hearst sold lots of newspapers using stories about coloured men using drugs to corrupt white women. Many of them allegedly carried big knives and would go wild at any provocation. Others were perverts. The specific drug and the race of the villains changed every few years, but the story never did. Versions are still used in some anti-drug campaigns. Marijuana had its turn from the 1920s-60's. Hearst also had massive wood pulp paper making interests which would have been damaged by wider use of hemp fibre.

After missing out on the 1914 Harrison Narcotics Act and the 1925 treaty, there was no Federal control of cannabis until 1937, though several Southern states with Mexican immigrants urged the Government to ban it. Research funded by New Orleans' District Attorney associated marijuana with

the loss of civilised inhibitions, leading to rape, murder and homosexuality. The press spread these politically motivated 'scientific research' stories enthusiastically.



In 1931 former Prohibition Commissioner Harry J Anslinger was appointed head of the Federal Bureau of Narcotics. At first he was reluctant to extend his national powers over marijuana, although he thought it was an evil, because it seemed a localised problem, and impossible to enforce prohibition of a plant which had some legitimate uses and grew wild 'like dandelions.' For a Federal law to work, all uses of the plant had to be controlled together. Instead, he encouraged State laws and anti-drug propaganda.

By the 1930's Depression, mechanised hemp production was a potential threat to paper and cellulose producers. The supposed wickedness of job and woman-stealing dope-crazed foreigners was a vote winner. So the herb had new enemies. Malicious, racist press stories, pseudo-scientific reports, and political pressure multiplied. By 1935 Anslinger was promoting a federal law which his FBN could enforce. In Congressional hearings to plan it, all positive evidence was suppressed. The American Medical Association and the Oil Seed Institute opposed the law, but were ignored. Anslinger quoted press cuttings as proof that cannabis was 'the most violence-creating drug on this planet'. From October 1st 1937, the Marijuana Tax Act made it illegal to grow or transfer any form of cannabis without a tax-paid stamp - which were never made available to private citizens. Possession laws varied between States until 1970.

Anslinger used the new law to expand his Bureau. He began an ugly campaign against 'demon dope' using films and posters, associating it with jazz ['voodoo music'], inter-racial sex, madness and death. The FBN suppressed or abused any research showing that marijuana was not an extreme danger, notably the 1944 'LaGuardia Report' commissioned by the Mayor of New York. He led US delegations to every international drug control body until sacked by President Kennedy in 1961. Most countries didn't think they had a problem with cannabis until the 1960's. Anslinger did his best to persuade them otherwise.

In 1945 there were only 4 prosecutions for cannabis offences in the UK, and 206 for opium. In 1950 for the first time ever there were more prosecutions for cannabis than for opium and manufactured drugs put together - 86 against 41 opium and 42 others. That year a series of police raids on jazz clubs produced a fresh crop of British news stories about black men with drugs and white women. Cannabis had finally got into the local shock horror league, but it wasn't to become the world's favourite illegality for a few more years.



Three events abroad had long term effects. In 1961 a new treaty was organised, the United Nations Single Convention on Narcotics Drugs. It updated all previous drugs treaties, and set up classifications of drugs according to their supposed harmfulness. Cannabis went into the same list as the opiates and cocaine, 'having strong addictive properties' and/or 'a risk to public health.' Only medical or scientific uses were permitted, and the World Health Organisation [advised by Anslinger] considered cannabis to have no modern medical value. Traditional and non-drug uses were to be closely controlled by governments. It was resolved that 'use of cannabis is to be discontinued within 25 years'. The USA actively joined in creating and enforcing the Single Convention, guided by Harry Anslinger. His sacking and the identification of 'active ingredient' tetrahydrocannabinol [THC] in 1964 made serious research possible again, but too late for more realistic laws to be passed.



By the early 60's recreational drug use was increasing in the white, suburban classes, influenced by American beatnik writers and folk singers, jazz and blues musicians. These arts went part way across racial divisions. 'Pot' was becoming fashionable among a bohemian, arty elite because the propaganda was partly believed. It was seen as a jazzy, sexy, Black thing to do, and [in Europe], an American thing. English bourgeois hipsters were scared but proud of being able to score from Cockney hoodlums or ex-colonial Caribbean and Indian immigrants. It was also one of the fun parts of being connected with deep political movements. In the USA Civil Rights and anti-war movements and British CND, millions of sincere, liberal-minded young people met skilled organisers, famous philosophers, anarchist radicals, and pot-smoking hedonists. It was probably inevitable that ideas developed about a politics of personal growth, and the right to any pleasure that does no harm to others. Soon white middle-class youth were smuggling and dealing to their own class. Often they believed they were benefiting a new, happier and calmer society.

1964 was the first year when more white people than black were convicted of cannabis - related offences in the UK. It was also the first year in which less than half of the people convicted were sentenced to prison. The total number of convictions, 544, was a little lower than in the previous two years.

Cannabis really started its lurch into mass consciousness, mythology says, sometime in 1964 when the Beatles met Bob Dylan at an airport in America. He offered them a joint in the VIP lounge. Only Ringo tried it then, but soon they were all very enthusiastic. Other popsters and their fans learned about drugs from old jazz and blues men, and beatniks like the poet Allen Ginsberg. He was one vital link between literary circles, artists, aristos, politicians, pop stars and fellow pot-smokers all over the world. On demonstrations for free speech, he gave Buddhist chants to cops with tear gas. In the UK his then-illegal homosexuality found him introductions to a persecuted underground with friends in high places and hopes of changing an unjust law. He contributed to *The Marijuana Papers* (1966), the

high places and hopes of changing an unjust law. He contributed to the Marijuana Papers (1960), the first mass market book about cannabis, suggesting advertising for public support for legal changes, and got an MP to find a copy of the Indian Hemp report in the House of Commons Library.

The 1965 Dangerous Drugs Act began to bring UK law in line with parts of the UN Single Convention. An Advisory Committee on Drug Dependency was set up, and a sub-committee chaired by Baroness Wootton started to look into the legal position of cannabis, still the same as for opiates, with no distinction between possession and supply. A new crime was invented, allowing premises to be used for drug taking. Convictions for cannabis offences rose by 79% in a year - in 1967 they rose another 113%. Up to 90% of those convictions were for personal possession. According to the Wootton Report, 15% of people convicted for possessing under 30 grams were sentenced to prison, including 13% who had no previous convictions.

Some police used their power to stop and search anyone they suspected of carrying drugs, to harass black people and longhairs. Specialist Drugs Squads were set up. Guided by the gossip columns of the News of the World, they raided Black meeting places and pop stars' mansions. The Rolling Stones and Beatles were favourites. Other newspapers and politicians spread sensationalist stories, apparently intended to influence the Wootton Committee into suggesting harsh penalties.



In early 1967 the National Council for Civil Liberties published a pamphlet about the discriminatory ways the law worked, the increase in unjustifiable searches, accusations of evidence planting, and the harshness of sentencing.

After a demonstration in Fleet Street against the rising tide of harassment guided by press malice, two close-linked organisations were set up. Release aimed to give advice to young people in trouble with drugs or drugs laws; within months they had hundreds of referrals. SOMA campaigned to improve the cannabis law. Their first action was a full page advertisement in the Times on July 24th 1967, headed 'The law against marijuana is immoral in principle and unworkable in practice'. Below that, a quote from the philosopher Spinoza: 'All laws which can be violated without doing anyone any injury are laughed at... He who tries to determine everything by law will foment crime rather than lessen it.' The rest of the advert was an explanation of how damaging the law was, compared with the harmlessness of cannabis. There were quotes from modern medical opinions such as 'does not lead to degeneration, does not affect the brain cells, is not habit forming, and does not lead to heroin addiction'. It was signed by 72 prominent people including some of Britain's best-known artists and writers, two Nobel Prize winners, two MP's, journalists, doctors and the Beatles [who paid for it].

SOMA were not arguing for cannabis laws to be abolished or for full legalisation. Their proposals were; to permit and encourage research and medical uses; abolish the 'allowing premises to be used' offence; remove cannabis from the dangerous drugs list; either permit possession or set a low maximum fine; abolish imprisonment for possession and release the prisoners. They'd talked with some of the Wootton committee about cautious wording which might be acceptable, and one member of the committee signed the advert. The campaign was ultimately aimed at liberal opinion-formers, especially Home Secretary Roy Jenkins, who was then liberalising the laws against male homosexuality.

In an inconclusive debate four days after the advert, the Indian Hemp Drugs Commission got its first mention in Parliament after publication, seventy-three years late. Anecdotes were exchanged about police misbehaviour and heroin addicts who'd once smoked pot. The government suggested that more information was needed before laws could be relaxed, and international treaties would make it difficult - which is still the Home Office line thirty years later.

The Wootton Report was ready early in 1968, but not published until January 1969. Meanwhile it was leaked to the press, who were almost all hostile, producing headlines like 'The deadly path to addiction.' New Home Secretary Jim Callaghan announced that he disagreed with the report, weeks before it was officially released. It recommended making a clear legal distinction between cannabis and other drugs, and reducing penalties for cannabis offences. The committee were, cautiously, 'in agreement... that the long-term consumption of cannabis in moderate doses has no harmful effects.' Although no encouragement should be given to the wider use of cannabis, the dangers of its use were overstated and the existing penalties unjustifiably severe. They wanted a situation where nobody would be sent to prison for cannabis possession.



The eventual parliamentary debate was extremely feeble. The committee's research and conclusions were pushed aside as if they did not exist. Callaghan suggested they'd been excessively influenced by the 'notorious' Times advert and the 'pro-cannabis lobby'. He told the 'leads-to-heroin' story and said that he was glad to help 'halt the advancing tide of so-called permissiveness'. Few speakers appeared to have read the report, preferring old anecdotes or the newspapers' selective interpretations.

Still, the drugs laws were acknowledged to be a mess. Callaghan blocked it for a while, partly influenced by more leaks to a hostile press, but what was to be the 1971 Misuse of Drugs Act had passed through Labour Cabinet committees before the Conservatives won the 1970 election.

Campaigning for cannabis faded over the three years before parts of the Wootton Report were acted on. There were too many other struggles in the underground, and too much disillusion with conventional politics. SOMA closed down in 1970; the Wootton Committee had made proposals

conventional politics. COMA closed down in 1970, the Wootton Committee had made proposals similar to those in the Times advert. The founder, Steve Abrams, felt that the new law would be much more liberal in practice than the old, and effectively end the threat of prison for personal possession. Another campaign, CARO, was established by Release and the NCCL, but it faded before the Act came into force on 4th April 1973.

The new Act partly followed the more convenient parts of Wootton's advice. Cannabis was now classified as a class B drug, like amphetamines, with less severe penalties than those for heroin or LSD. Maximum penalties were increased, not reduced - up to fourteen years jail for cultivation, allowing premises to be used for supply, and the new offences of supplying or possession with intent to supply. Up to five years prison was still possible for possession. However, most cases would be dealt with in magistrates courts where 'only' six months jail could be imposed and a fine is far more common.



The 1971 Act did not prohibit fibre from stalks, or seeds, and allowed medical and research uses, but all of them needed licences from the Home Office which for many years were issued to only a few official researchers. In 1993 an EEC directive made it possible for a few hemp farms to grow cannabis with very low THC contents under licence. No patient has yet managed to get raw cannabis for medical uses on prescription, though some doctors have licences to use synthetic cannabinoids in research. There have been several attempts to cut sentences for possession back to what Wootton recommended, but the 1971 Act is still in force, and some penalties have actually been increased.

A permanent Advisory Council on the Misuse of Drugs [ACMD] was established by the 1971 Act to help formulate Government policy. Several governments have since ignored the ACMD's advice about cannabis, which has generally been that it has 'no significant harmful effects on man' [but more research is needed, just in case]; and that penalties are too severe, and should be reduced.

In 1977 amendments to a Criminal Law Bill would have ended the power of Magistrates to imprison first time offenders for possession. The ACMD agreed with this in principle and said it should be done urgently, but set up a wider enquiry which took 18 months to report. This was probably the smallest change in the MDA it was possible to suggest, and would have saved no more than six people in 1976. Less modest amendments, such as actually reducing maximum penalties to roughly what the Wootton report had proposed, were side tracked.

Meanwhile the usual suspects launched the Legalise Cannabis Campaign a few months before the fiftieth birthday of cannabis prohibition. They argued that merely lowering penalties would not make the law moral or workable. The provable harm caused by prohibition is far greater than the unproved damage which might in theory be caused by legal cannabis. All penalties for possession and cultivation should be abolished. Despite a lot of public support and a high profile in the first few years, LCC has not succeeded in improving the law, and now barely struggles on with minimal resources.



A series of reports for Governments across the world through the 1970's found the potential dangers of cannabis to be minor or insignificant. Even the USA's enthusiasm for prohibition wavered under President Carter, when 'decriminalisation' was seriously considered federally and several states made their laws more liberal. An international campaign was started to lobby for changes in the UN Single Convention. Then right-wing populists were elected in America and the UK, willing to ignore both common sense and their own expert advisers in pursuit of 'law and order' votes.

In mid 1979 the Advisory Council proposed moving cannabis to class C under the Misuse of Drugs Act, and changing penalties for possession. In principle, they said, imprisonment should no longer be available for a person with no previous convictions, summarily convicted for possessing cannabis; but in practice up to two years jail should still be available. There are no other commonly used illegal drugs in class C, so this was effectively a rule for cannabis alone. Nothing was done about this proposal.

The ACMD established an Expert Group on the health effects of cannabis use, which reported eighteen months later, in November 1981. These official experts said there was insufficient evidence to reach conclusions, but research had 'not demonstrated significant harmful effects in man', however, 'deleterious effects may result in certain circumstances' So, they still agreed with what they'd said five years earlier about sentencing, but despite tens of thousands of existing scientific studies, felt that more research was needed.

As well as huge fines or prison, since 1986 anyone convicted for almost anything except possession can have money or property confiscated under the Drug Trafficking Offences Act. This American idea of taking away growers' and dealers' estimated illegal income which now makes banking privacy a myth in most of the world was supported by a 1988 UN Convention on illicit trafficking. Financial institutions are encouraged, sometimes required by law, to inform on customers who they suspect might be dealing. If the amount the court estimates can't be found, they give extra prison time.

The new Conservative Government said in 1981 that they had no intention of ever reducing penalties for drugs offences, still less of legalising or decriminalising cannabis. We still have the same government, and they still have the same attitude. Although many first-time possession cases are now dealt with by cautions, maximum sentences were raised in 1994. Possible fines also went up, by 250%. The same year, over seventy-two thousand people were convicted or cautioned for cannabis offences.

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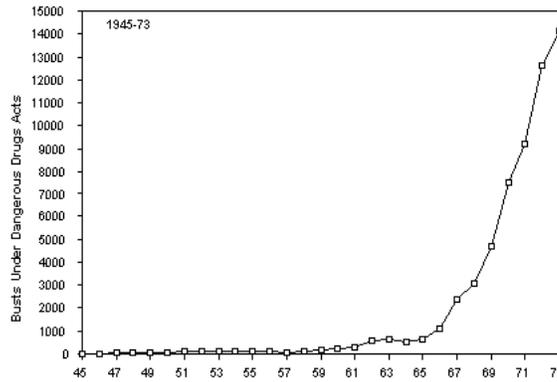
The cannabis prohibition laws were passed and are still in force because of official apathy, racism, and the manic waffle of a few professional anti-drug campaigners. Scientific and sociological ignorance has often been deliberately maintained in the face of all evidence. Official policy is to reduce both the supply of and demand for all illegal drugs. It has failed miserably, and done great damage to hundreds of thousands of people.

**All Cannabis offences 1945 - 94 \***

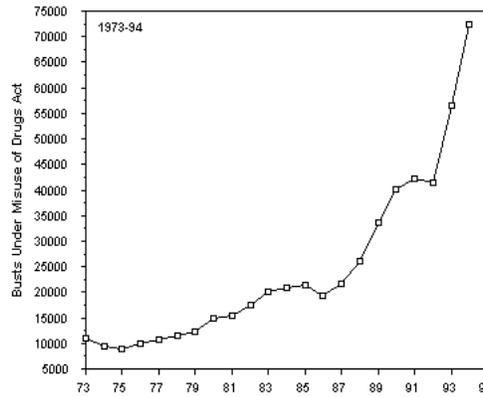
Year	Busts*	Year	Busts*	Year	Busts*
1945	4	54	144	73*4	11,111
46	11	55	115	74	9,517
47	46	56	103	75	8,987
48	51	57	51	76	9,946
49	61	58	99	77	10,607
50	86	59	185	78	11,572
51	132	60	235	79	12,409
52	98	61	288	80	14,910
53*	88	62	588	81	15,388
		63	663	82	17,410
		64	544	83	20,066
		65*	626	84	20,746
		66	1119	85	21,337
		67	2393	86	19,286
		68	3071	87	21,733
		69	4683	88	26,111
		70	7520	89	33,669
		71	9219	90	40,194
		72	12,611	91	42,209
		73*	14,119	92	41,353
				93*	56,417
				94	72,392

Over 650,00 people have been convicted or cautioned to date for all cannabis -related offences. Over 80% of those have been for simple possession.

**All Cannabis offences 1945 - 94**



The 1971 Misuse of Drugs Act came into force in April 1973. An apparent short term drop in convictions, partly caused by changes in what was being measured, was followed by enormous increases, which still continue.



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