

POLICING KNOWLEDGE IN THE WAR ON DRUGS: A FOUCAULDIAN ANALYSIS OF  
THE MARIJUANA DISCOURSE IN THE LATE 1960S AND EARLY 1970S

A Thesis

by

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This thesis meets the standards for scope and quality of  
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## ABSTRACT

Many histories of marijuana prohibition see the 1960s and 1970s as a time of relatively lax attitudes towards marijuana use, with scholars pointing to a softening of the penalties for low-level offenses. However, focusing solely on policy and failing to scrutinize how the discourse on drugs worked to marginalize users and underwrite enforcement efforts overlooks the extent to which this era represents a time of increasing obsession with controlling marijuana and other drug use.

Michel Foucault's work on the relationship between knowledge and power provides a useful framework through which this discourse can be elucidated. Foucault describes discourse as both productive and disciplinary: it produces categories of knowledge and simultaneously regulates what can be known through what it includes, excludes, or limits. Thus, it exerts a power distinct from the coercive power of the law: the power to determine the acceptability of a behavior and what is known about it. To analyze this discourse, I rely on two main forms of sources: print media and drug education materials. Newspaper and magazines provide a sense of how the "drug problem" was framed in the media, while government-sponsored drug education efforts are crucial to examining how the prohibitionist discourse was propagated and institutionalized.

The popular discourse on marijuana and other drugs constituted an official discursive "truth," a body of knowledge that justified the mechanisms, including law enforcement and drug education that enforced and normalized a prohibitive stance towards marijuana in the late 1960s and early 1970s. A Foucauldian approach to marijuana prohibition is significant because it considers discourse as a form of power that produced categorical frameworks through which drug use was perceived, rather than only considering legal restrictions. We must move beyond a policy-

centered approach and look at discourse as a form of disciplinary power that can regulate and define citizen bodies and actions, and direct our attention to the ways this discourse itself is policed in order to understand how the systems of power that supported prohibition were maintained.

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## INTRODUCTION

I think drugs and alcohol hold back your full potential.  
I choose to avoid illegal substances because they will keep me from  
accomplishing my true goals in life.  
I graduate [Figure 1].

The Islander Alcohol and Drug Abuse Prevention Team (I-ADAPT) is an organization at Texas A&M University-Corpus Christi whose mission is “promoting healthy choices and reducing the harmful effects caused by abusing alcohol, tobacco and other drugs” and “provide evidence based strategies for students to learn to choose positive behaviors.”<sup>1</sup> On Thursday, November 10, 2016, I-ADAPT held a “Cannabis Educational Summit,” and open event designed to provide the “facts” about marijuana. Three presenters, a criminal justice professor, a DEA agent, and a chemical dependency counselor, would speak prior to a panel discussion involving the audience.

In discussing the effects of marijuana, the counselor explained that marijuana caused poor academic performance, the inability to make complex decisions, and had a high potential for abuse. People who once enjoyed hobbies now only wanted to get high, as marijuana literally “eats their brain.” Marijuana was even dangerous to one’s sexuality, he explained: it caused impotence, and women who smoked marijuana were seven times more likely to contract a sexually transmitted disease. The ubiquitous feature of all of the “facts” in the presentations was that they were overwhelmingly from government sources, such as the National Institute of Drug Abuse. When pressured on if he really believed these things to be true, the counselor shrugged and said that he only said what the state had instructed him to say as a counselor.

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<sup>1</sup> “I-ADAPT,” Texas A&M University-Corpus Christi, accessed March 30, 2017, <http://iadapt.tamucc.edu/>

When an audience member asked what the real dangers of marijuana were, Nueces County District Attorney Mark Skurka, who was present for the panel discussion said that, in his experience, most capital murder cases can be traced to the criminal's use of marijuana. Like the text of the poster above, these statements exert a power: they provide a way to understand marijuana and other drug use in a particular way. They situate marijuana as antithetical to the realization of potential, to success, to a positive and healthy life. Under the guise of factual education, the user is categorized as lazy, deviant, and even potentially dangerous.

This event begs some questions that constitute the main focus of this study. How did the "truth" about marijuana become infused with so many value judgements, such exaggeration? How did it come to symbolize crime, deviance, or a lack of ambition? How did drug education become a tool, not necessary to inform people about drugs, but to discourage people from using them? To answer these questions, it necessary to examine the evolution of how marijuana was spoken about over the last century: what could be known about it, and how it and its users were categorized, stigmatized, and marginalized. To examine this entire evolution would be the work of many long books, but there are particular time periods that can provide a better sense of how the marijuana discourse became what it is today. The late 1960s and early 1970s represent a crucial moment in this evolution that is indispensable to an understanding how marijuana the "truth" about marijuana was formed.

The 1960s were a time of extreme upheaval in American society, politics, and culture and is, consequently very difficult to historicize, or even date for that matter. There is not clear moment when the sixties began. Rather, the decade saw the "emergence of a new political sensibility" in

which “groups began to challenge basic assumptions and institutions, from segregation to campus restrictions to presumptions about personal development and national goals.”<sup>2</sup>

In the early 1960s, the southern civil rights movement transformed into national-level struggle for “black power, cultural identity, and race consciousness.”<sup>3</sup> When non-violent protest, favored by Martin Luther King, Jr. and many other prominent activists, failed to produce the desired outcomes of equal opportunity and an end to racial discrimination, revolutionary demonstrators like Stokely Carmichael and Bobby Seale adopted a more militant tone and sought to end discrimination achieve equality by whatever means necessary, including violence.<sup>4</sup> For example, Bobby Seale and Huey P. Newton founded the Black Panther Party was formed in 1966 in Oakland, California to resist police brutality and discrimination, forcefully if necessary.<sup>5</sup> The civil rights movement concurrently stimulated the thousands of white, upper-middle class college students who despite their position of relative comfort felt powerless and marginalized. The language of the civil rights crusade “was easily transferred to others who lived under unfair constraints.”<sup>6</sup>

The era also saw considerable challenges to normative constructions of gender and sexuality.

Women “made the logical jump from racial prejudice to discrimination based on sexist views,” and gays and lesbians formed their own resistances to the long-held prejudices they faced.<sup>7</sup>

Women were still expected “to conform with a family image that emphasized a finely manicured suburban home, pampered children, and an ever-present ‘housewife heroine’” that represented

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<sup>2</sup> Alexander Bloom, *Long Time Gone: Sixties America Then and Now* (New York: Oxford University Press, 2001), 5.

<sup>3</sup> Bloom, *Long Time Gone*, 5.

<sup>4</sup> Randall B. Woods, *Quest for Identity: America Since 1945* (Cambridge: Cambridge University Press, 2005): 248-249.

<sup>5</sup> Bloom, *Long Time Gone*, 5.

<sup>6</sup> Bloom, *Long Time Gone*, 7.

<sup>7</sup> Bloom, *Long Time Gone*, 7.

the traditional “good American life.”<sup>8</sup> In the 1960s, however, a new discourse emerged that “encouraged the individual to realize his or her ‘self’ in the pursuit of pleasure, a pleasure that was first and foremost sexual. Individual fulfillment was the final expression of the citizen’s inalienable right to the pursuit of happiness.”<sup>9</sup> The availability of the birth control pill in 1960 and the spread of legal abortion “gave young women, for the first time, options they themselves could control.”<sup>10</sup> Thus, as feminist authors such as Betty Friedan and Helen Gurley Brown argued, a woman could and should be defined by their own pursuit of fulfillment rather than by the social conventions of domesticity and motherhood.<sup>11</sup> The development of a popular mode of thought that rejected strictly defined gender roles also prompted gays and lesbians to embrace their sexuality, and began to lobby for their own political interests.<sup>12</sup>

While some youth went to participate in civil rights activities directly, others joined free speech movements aimed at democratizing American colleges, while still others sought to change the underlying philosophies on which the nation’s political and economic institutions were based. This new, explicitly political protest movement was known as the New Left. The New Left originated in 1960 when two University of Michigan Students, Tom Hayden and Al Haber, founded the Students for a Democratic Society (SDS).<sup>13</sup> SDS and the New Left were characterized by direct political action, a distrust of established political institutions, and a

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<sup>8</sup> Jeremi Suri, "The Rise and Fall of an International Counterculture, 1960-1975," *The American Historical Review* 114, no. 1 (2009): 45; Sharon Monteith, *American Culture in the 1960s*. (Edinburgh: Edinburgh University Press, 2008), 164.

<sup>9</sup> Hilary Radner and Mora Lockett. *Swinging Single: Representing Sexuality in the 1960s* (Minneapolis: Minnesota University Press, 1999), 2.

<sup>10</sup> Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York: Oxford University Press, 2012), 152.

<sup>11</sup> Radner and Lockett, *Swinging Single*, 2.

<sup>12</sup> Isserman and Kazin, *America Divided*, 152, 296.

<sup>13</sup> Woods, *Quest for Identity*, 256.

propensity to blame both sides of the Cold War conflict.<sup>14</sup> This set them apart from “traditional New Deal liberalism,” which maintained belief in the effectiveness of the electoral process and supported “America’s anti-communism world mission.”<sup>15</sup> In 1962, members of SDS met in Port Huron, Michigan to draft a manifesto known as the Port Huron Statement.<sup>16</sup> The document defined the New Left’s politics in opposition to racism, Cold War aggression of both sides.<sup>17</sup> It illustrated the movement’s “disillusion with the hypocrisy of American ideals,” for instance, the duplicity America’s credo of “all men are created equal” while maintaining segregation and militarily intervening in Vietnam.<sup>18</sup> The New Left and organization like SDS therefore constituted a significant political challenge to militarism and racism and, by emphasizing demonstration and protest as a method of change, a shift in traditional modes of political organization.

Many, although not all, members of these movements participated in the alternative lifestyle movement known collectively as the counterculture. These men and women sought to construct “a popular culture of personal freedom” that was free of “traditional restrictions imposed by an inherited culture of self-control and public discipline.”<sup>19</sup> “Hippies,” as they were called, expressed their individuality and withdraw from social conformism by engaging in premarital sex with multiple partners, smoking marijuana, dressing in colorful clothing and wearing their hair and beards long, and even forming new communal living arrangements.<sup>20</sup> They sought and “derived a sense of meaning and authenticity through involvement in immediate and intense

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<sup>14</sup> Woods, *Quest for Identity*, 257.

<sup>15</sup> Woods, *Quest for Identity*, 257.

<sup>16</sup> Rebecca E. Klatch, *A Generation Divided: The New Left, The New Right, and the 1960s* (Berkeley: University of California Press, 1999), 25.

<sup>17</sup> Klatch, *A Generation Divided*, 25.

<sup>18</sup> Klatch, *A Generation Divided*, 25, 26.

<sup>19</sup> Suri, “The Rise and Fall of an International Counterculture,” 53.

<sup>20</sup> Woods, *Quest for Identity*, 260-262.

experiences rather than through disciplined participation in social institutions.”<sup>21</sup> They consequently rejected the authority of elders and the state as “unjust and therefore illegitimate.”<sup>22</sup> The impact of the counterculture was broad. Geographically, it ranged coast to coast from the smallest of towns to the largest of cities.<sup>23</sup> This was, in other words, a period of profound changes in the lives of almost all Americans, culturally, socially, and politically. The counterculture was visible, being discussed at length in the media, and influential, spawning a range of political movements that repudiated of the mores that structured American society for decades.

By 1968, virtually all of these groups had come together to oppose the Vietnam War. They believed that Vietnam signified all that was wrong with America: racism, intolerance of other cultures and lifestyles, militarism, and imperial self-importance.<sup>24</sup> The inability of the U.S. to achieve a definitive victory, and events such as the Tet Offensive in 1968, a massive military campaign by the North Vietnamese that resulted in heavy U.S. casualties and a loss of occupied territories, caused many Americans to verbalize doubts in the efficacy and morality of the war.<sup>25</sup> Anti-draft protests, draft card burning, and anti-war demonstrations were broadcast on television across the country, and in 1968, anti-war factions in the Democratic Party directly challenged the party establishment over the re-election of Lyndon B. Johnson.<sup>26</sup> Opposition to the war provided a uniting force for leftist activists, civil rights demonstrators, and participants in the broader counterculture.<sup>27</sup> Those protesting the Vietnam War clashed with those who still believed that

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<sup>21</sup> Simon Gottschalk, “Uncomfortably Numb: Countercultural Impulses in the Postmodern Era” *Symbolic Interaction* Vol. 16, No. 4 (Winter 1993), 353.

<sup>22</sup> Bertram, *Drug War Politics*, 95.

<sup>23</sup> Bloom, *Long Time Gone*, 7.

<sup>24</sup> Woods, *Quest for Identity*, 249.

<sup>25</sup> Woods, *Quest for Identity*, 268.

<sup>26</sup> Bloom, *Long Time Gone*, 6.

<sup>27</sup> Isserman and Kazin, *America Divided*, 170, 180.

America was the greatest country in the world, “the only good Communist was a dead one,” and Vietnam had been entered into with pure motives.<sup>28</sup>

Indeed, although the 1960s are often thought of as a time of extreme liberalism, a considerable portion of Americans remained essentially conservative and clung to dominant social norms.<sup>29</sup> These conservatives resented the disturbance of social tranquility and felt threatened by the social, cultural and political upheaval of the late 1960s.<sup>30</sup> Conservative political organizations emerged, including the John Birch Society in 1958, the American Conservative Union in 1964, and Young Americans for Freedom (YAF).<sup>31</sup> As a youth-led political organization, the YAF supported the war in Vietnam and opposed labor unions, welfare programs, and especially the campus protest activities of leftist organizations like SDS.<sup>32</sup> Like SDS, YAF’s politics was “shadowed by the threat” of the Cold War. Unlike SDS, however, the YAF and political conservatives saw the struggle against communism as good vs. evil, and leftism as a threat to the containment of communism and American hegemony in international affairs.<sup>33</sup>

The specter of the civil rights movement, mass riots, the indictment of American capitalism by the New Left, and the rebellion against normalcy by the counterculture as a whole provoked extreme anxieties over the direction of the country.<sup>34</sup> To conservatives, the campaign of Richard Nixon “represented the familiar, tried and true way, the comforting middle ground,” a rejection of 1960s activism.<sup>35</sup> The “silent majority,” a term invented by Richard Nixon in 1970, was white,

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<sup>28</sup> Woods, *Quest for Identity*, 248.

<sup>29</sup> Woods, *Quest for Identity*, 248.

<sup>30</sup> Bertram, *Drug War Politics*, 111.

<sup>31</sup> James A. Hijiya, "The Conservative 1960s," *Journal of American Studies* 37, no. 2 (2003): 203.

<sup>32</sup> Klatch, *A Generation Divided*, 17.

<sup>33</sup> Klatch, *A Generation Divided*, 30.

<sup>34</sup> Woods, *Quest for Identity*, 248-249, 259.

<sup>35</sup> Woods, *Quest for Identity*, 280.

lower middle class, and was determined to protect its hard-won social and economic gains.<sup>36</sup> As historian James A. Hijiya argues, “Conservatives did not merely survive the 1960s, but used those tumultuous years to launch a movement that would dominate the politics of the following era.”<sup>37</sup> The ever-deepening divide over what the character and identity of America was served to create an environment of intense unease and interest in the activities of those associated with the changing culture.

The sudden visibility and popularity of drugs in the 1960s was an integral aspect of the cultural divide. Conservative ideology associated marijuana with the New Left’s politics, the countercultures non-conformity, and anti-Vietnam War activism. The dialogue of law enforcement officers, school officials, and a variety of “experts” often mirrored anxieties concerning these groups. Therein lies the significance and uniqueness of marijuana as a focus of analysis. Marijuana was by far the most widely used illicit drug in the 1960s and 1970s. According to a 1971 survey, approximately 24 million Americans had tried it at least once.<sup>38</sup> Yet, more Americans were arrested for possessing or even being associated with the plant than for any other drug during this time.<sup>39</sup> As marijuana use became synonymous with a disregard for what were considered traditional American values (for example, patriotic nationalism, conservative Christian morality, rigid gender and sexual norms, and the authority and legitimacy of the state), it provided a symbolic target for conservatives who saw the permissive attitude towards drugs as a threatening aspect of the counterculture and leftist activism.<sup>40</sup> Fears over a changing society and the association of this change with drug use in the media, led to a profound

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<sup>36</sup> Woods, *Quest for Identity*, 248.

<sup>37</sup> Hijiya, "The Conservative 1960s," 201.

<sup>38</sup> Bertram, *Drug War Politics*, 95.

<sup>39</sup> “Annual Marijuana Arrests in the US,” *National Organization for the Reform of Marijuana Laws*, Accessed November 15, 2015, <http://marijuana-arrests.com/US-arrests.html>

<sup>40</sup> Bertram, *Drug War Politics*, 98; Ferraiolo, "From Killer Weed to Popular Medicine," 157, 158.



concern over the use of drugs expressed through both the media and the law in the late 1960s. The popular discourse on marijuana and other drugs constituted an official discursive “truth,” a body of knowledge that justified the mechanisms, including law enforcement and drug education that enforced and normalized a prohibitive stance towards marijuana in the late 1960s and early 1970s.

## **Historiography**

Many historians of American drug prohibition explain the political discourse on marijuana as a pendulum swinging back and forth between extremes of conservative intolerance and liberal permissiveness. This has been termed the “cyclical model” of drug prohibition by scholars such as David T. Courtwright.<sup>41</sup> It is a common assertion that, in the late 1960s and early 1970s, higher rates of usage and the fact that marijuana was being used by an increasing number of middle-class whites led to a softening of the penalties for low-level offenses.<sup>42</sup> If one were to look at public policy alone, this might seem accurate. However, looking at public policy exclusively ignores the significance how marijuana was perceived and how these views have defined use and the user as abnormal through their proliferation. Through media coverage of the issue, emergent drug education programs, and other forms of discourse, marijuana and other drug use was still defined as deviant and dangerous.

Furthermore, if the 1970s represented a liberalization of policy and a softening of the punitive paradigm, why did nationwide arrests for marijuana more than double between 1965

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<sup>41</sup> For examples of this theory, see Courtwright, David T. “The Cycles of American Drug Policy.” *The American Historian* 5 (August 2015), 24-29; Ferraiolo, “From Killer Weed to Popular Medicine,” 147-179.

<sup>42</sup> Bertram, *Drug War Politics*, 85, 92-96; Mathew Pembleton, “Voice of the Bureau: How Frederic Sondern and the Bureau of Narcotics Crafted a Drug War and Shaped Popular Understanding of Drugs, Addiction, and Organized Crime in the 1950s.” *The Journal of American Culture* Vol. 38, No. 2 (2015): 114.

and 1975, and continue to rise in the decades thereafter? Why do public opinion polls show an increasing anxiety about drugs during the 1970s? And why, in spite of abundant evidence that marijuana prohibition is ineffective at curbing its use and numerous scientific studies affirming its comparatively benign qualities (including the federally appointed National Commission on Marihuana and Drug Abuse in 1972), did prohibition continue? Instead of alternating periods of repression and liberation, it is more useful to view the history of drugs in the United States, and consequently the history of marijuana prohibition, as one of increasing obsession with defining and controlling use. The trend towards treatment and education as methods of drug control that emerged fully in the early 1970s did not replace the punitive law enforcement approach, but accompanied its escalation. The proliferation and maintenance of an anti-drug dialogue served to simultaneously define users as abnormal and justify punitive measures against them.

When the variety of discursive elements in drug debate and the legal sanctions that accompanied them are examined, the cyclical hypothesis appears to be an inadequate framework that obscures more than it explains. The late 1960's and early 1970s were a moment in which teachers, parents, law enforcement, advertisers, and a variety of scientific, medical, and public policy experts were called upon to frame drugs abuse as wholly unacceptable, creating a discourse that excluded any possibility of benign use, and drug arrests soared.<sup>43</sup> By focusing solely on policy and failing to scrutinize this aspect of the discourse on drugs as well as the increase in enforcement efforts, historians who emphasize the liberalization of drug policy overlook the significance of this era to the escalation of the drug war.

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<sup>43</sup> Molly Niesen, "Public Enemy Number One: The US Advertising Council's First Drug Abuse Prevention Campaign," *Substance Use & Misuse* 46, no. 7 (May 2011): 872; Jerome E. Beck, "100 Years of 'Just Say No,' Versus 'Just Say Know,'" *Center for Educational Research and Development Evaluation Review*, Vol. 22 No. 1 (February 1998): 23.

While most historical analyses of marijuana prohibition during the 1970s still focus mostly on policy, some relatively recent works frame the criminalization of drug use in terms of social control and the furthering of social and governmental agendas.<sup>44</sup> These scholars correctly posit that prohibition was less about drugs themselves and more about social control. Michelle Alexander's 2010 *The New Jim Crow* is an illustrative example. Alexander argues that the political "law and order" rhetoric surrounding drug use constituted coded language for the repression of marginalized social groups, specifically racial groups.<sup>45</sup> For Alexander, the war on drugs was a direct consequence of racialized political rhetoric that associated black men with criminality, and thus explains its disproportionate effect on African Americans. Furthermore, she explains that the impact of drug prohibition does not end with sentencing. Rather, one's categorization as an offender places her/him in a virtually second-class status, possibly making them ineligible for federal benefits, gainful employment, the ability to enlist in the army, purchase a firearm, or a host of other rights afforded to other citizens.<sup>46</sup> Although Alexander's focus is mainly on the 1980s and 1990s, the notion of the criminal drug user that Alexander examines has its roots in earlier decades, and her arguments demonstrate the relationship between the law and how certain populations are viewed.

Thus, the development of legal sanctions in the war on drugs from the 1970s forward did not simply punish the user, but marginalized them through the suspension of privilege. The discourse on marijuana and other drug use as developed throughout the 20<sup>th</sup> century underwrote these policies, and were fundamentally imbricated in the legal marginalization of users. The

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<sup>44</sup> See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010); David Courtwright, *Forces of Habit: Drugs and the Making of the Modern World* (Cambridge: Harvard University Press, 2002); Douglas Husak, *Overcriminalization: The Limits of the Criminal Law* (New York: Oxford University Press, 2008); Kathleen J. Frydl, *The Drug Wars in America, 1940–1973* (Cambridge: Cambridge University Press, 2013).

<sup>45</sup> Michelle Alexander, *The New Jim Crow*, 47-49.

<sup>46</sup> Michelle Alexander, *The New Jim Crow*, 16-17.

beginning of the War on Drugs in the 1970s, when viewed in this frame, seems less a departure from the racist, xenophobic rhetoric in the 1930s than the institutionalization of a discourse that framed the marijuana user as a threat to national vitality and a deviant social element that needed to be surveilled and controlled.

### **Foucault as a Method of Analysis**

Examining the significance of the marijuana dialogue requires a theoretical framework that accounts for its influence on what can be known about the substance. Consequently, this study employs a methodology based on Michel Foucault's concept of discourse and governmentality. This discourse analysis focuses on cultural and political representations and practices that produced a field of knowledge concerning marijuana users and the myriad of power relationships that repressed the user: the relationship between teachers and students, parents and children, law enforcement and civilians, citizens' relationships with each other. Foucault's concept of discourse refers to "networks of texts, documents, practices, disciplines, and institutions, which together function as matrixes in the production of certain objects and forms of knowledge."<sup>47</sup> As Foucault notes, "the judges of normality are everywhere" because "we are in the society of the teacher-judge, the doctor-judge, the educator-judge, the social worker judge; it is on them that the universal reign of the normative is based."<sup>48</sup> These networks function as defining mechanisms that constitute the framework through which an activity or behavior is viewed and acted upon.

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<sup>47</sup> Lisa Lowe, *Critical Terrains: British and French Orientalisms* (Ithaca: Cornell University Press, 1991), 12.

<sup>48</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Random House, 1975), 304.

Thus, power is exercised by “correcting” individuals that deviate from those norms, not only through force, but by defining what is correct behavior and what is deviant. Separate from the coercive power of the law, Foucault’s discursive power is imbued with the following characteristics. It is not something that can be seized, wielded, exercised or forfeited. It is not merely prohibitive, but productive: it does not simply negate, but constructs “truth” through discourse. It is not the product of “binary and all-encompassing opposition between rulers and ruled,” but is rather the product of a myriad of relationships and confrontations that take place at a lower level of society in small groups, families and institutions.<sup>49</sup> Discourse is therefore both productive and disciplinary. It *produces* categories of knowledge such as deviance, madness, and inferiority, and *regulates* these objects of knowledge through inclusion, limitation, or elimination.<sup>50</sup> Thus, discursive power does not simply negate, but produces a “truth” through discourse. Discursive power is exerted through a myriad of relationships and confrontations that takes place at many levels of society, in small groups, families, and institutions. It is intentional, but not produced or controlled by any single inventor. Rather, it is the product of connected, comprehensive system of calculations that is more or less anonymous.<sup>51</sup>

The categorization of marijuana use as both an illegal and aberrant activity imbued it with powerful political and culture symbolism. The concept of the delinquent has political advantages in that it justifies an increased surveillance and regulation of a population, and, for example, the ability of the state to seize the assets of drug offenders.<sup>52</sup> Foucault terms this concept “useful delinquency.”<sup>53</sup> Operating at a distance, the power that categorizes certain behaviors as delinquent, and thus normalizes their suppression, constitutes what Foucault referred to as

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<sup>49</sup> Michel Foucault, *The History of Sexuality, Volume I: An Introduction* (New York: Random House, 1978), 94-96.

<sup>50</sup> Lowe, *Critical Terrains*, 12.

<sup>51</sup> Michel Foucault, *The History of Sexuality, Volume I: An Introduction* (New York: Random House, 1978), 94-96.

<sup>52</sup> Foucault, *Discipline and Punish*, 280.

<sup>53</sup> Foucault, *Discipline and Punish*, 280.

governmentality. People will mostly “do as they should,” not necessarily because of the physical force the government may bring to bear on them, but because what they “ought” to do is constantly being informed and reinforced through the workings of discursive power. People come to believe marijuana is “bad” not necessarily because of its illegality alone, but because its illegality is predicated on the notion that it is an aberrant behavior on the part of suspect portions of society. Since people are not necessarily aware that their behavior is influenced through discourse, coercive force is not necessarily required to determine and dictate proper behavior.

A Foucauldian approach to marijuana’s stigmatization can therefore add to the historiography of marijuana prohibition because it considers discourse as a form of power, a regulatory force that influences how marijuana is discussed and what can be known about it. When this concept of power is applied to marijuana prohibition in the 1970s, the supposed trend towards liberalism in drug sentencing appears to more of an increasing obsession with controlling certain segments of society deemed deviant. Rather, the 1960s and 1970s saw the continued normalization of the negative stigma attached to marijuana use at all levels of society to the point where it becomes nearly unquestionable, and for some, inescapable. Although some scholars have used Foucault as a theoretical framework to analyze discourses surrounding drug use and treatment, few, if any, have used this framework to better understand the discursive mechanisms supporting marijuana prohibition in 1970s.<sup>54</sup>

### **Sources of the Anti-drug Discourse**

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<sup>54</sup> For examples of works that use a Foucauldian framework to analyze drug issues, see Helen Keane, “Foucault on Methadone: Beyond Biopower,” *International Journal of Drug Policy* 20 (2009) 450-452; Michael Burke and Christopher Hallihan, “Drugs, Sport, Anxiety, and Foucauldian Governmentality,” *Sports Ethics and Philosophy* 2 (2008) 39-55; David Boothroyd, “Foucault and Deleuze on Acid,” in *Culture on Drugs* (Manchester: Manchester University Press, 2006).

In order to analyze the various sources of this discourse concerning marijuana at different levels of society, it is necessary to move beyond the law itself and look into the other areas in which this discourse was produced. Newspapers and magazines from the late 1960s to the early 1970s are particularly effective in gauging how the “drug problem” was framed in various places across the country. The focus will mainly be on influential papers with a broad readership from cities like New York, Dallas, Chicago, Los Angeles, and Cincinnati. However, to demonstrate that concern over drug use was not isolated in major cities, materials with a smaller readership will also be used, such as the *Corpus Christi Caller Times* and variety of other papers will also be used on occasion. Selecting media sources that are particularly representative of the anti-marijuana discourse provide a contextual basis for how the issue was discussed and debated during this time period. Although moving away from policy allows for the consideration of the impact of how marijuana was spoken about, the text of government documents such as the Comprehensive Drug Abuse Prevention and Control Act of 1970 demonstrates the effect of discourse on the law and its influence on public policy.

What could be broadly termed “drug education” has received less attention in historical analyses of marijuana prohibition but is crucial to examining how the prohibitionist discourse was institutionalized through its integration into the school system, the family, and the media. These materials are particularly illustrative of the ways marijuana users were portrayed and the attempts to produce and legitimize a discourse that condemned marijuana use. These include sources as diverse as parent and teacher guides to drug education, government-sponsored, national-level information campaigns and PSAs, films, and law enforcement training manuals. These are the sources that have been somewhat neglected in many historical narratives that focus more exclusively on public policy. Moving away from a policy-centered exploration of

marijuana prohibition towards the more localized points of discourse demonstrate how these discursive elements made escalation of drug enforcement possible and placed the marijuana user in a state of social inferiority. The aforementioned materials represent some of the multiple points from which the discourse on drug use emanated, and demonstrate how the negative characterizations of use functioned both to alienate users and legitimate their placement under the purview of state power. My goal is not to completely abandon public policy as a source, but to complicate it by examining the link between the intertwining social, legal, and political fabric of marijuana prohibition.

At the heart of this discourse on drugs are fundamental notions of American identity, and what is often perceived to be at stake is the very future and success of the country. The public anxieties over marijuana were less about marijuana itself than how those using it were perceived. Marijuana came to symbolize something wholly other than itself: moral degradation, an abandonment of traditional values, crime, poverty, and deviance.<sup>55</sup> Examining how a certain behavior like marijuana use is demonized and discouraged lends insight into the ways that negative connotations associated with drug use become normalized. It illustrates how the production of a discursive “truth” concerning a certain behavior can profoundly affect both policy and opinion while stabilizing, justifying, and escalating the repression of those engaging, or even associated with, that behavior. Perhaps most significantly, understanding the underlying causes and mechanisms of the marijuana prohibition in the 1970s helps explain its character and function in later decades and the present; its racial and socioeconomic disparities, its possession of a nearly unlimited justification for escalating and eroding the constitutional rights of its

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<sup>55</sup> Bertram, *Drug War Politics*, 99.



targets, and its creation of a delinquent class of citizens that are relegated to a second-class status.

## **CHAPTER I**

### **The Marijuana Fiend**

Opening Scroll: "The motion picture you are about to witness may startle you. It would not have been possible, otherwise, to sufficiently emphasize the frightful toll of the new drug menace which is destroying the youth of America in alarmingly increasing numbers. Marihuana is that drug - a violent narcotic - an unspeakable scourge - The Real Public Enemy Number One! Its first effect is sudden violent, uncontrollable laughter, then come dangerous hallucinations - space expands - time slows down, almost stands still... fixed ideas come next, conjuring up monstrous extravagances - followed by emotional disturbances, the

total inability to direct thoughts, the loss of all power to resist physical emotions... leading finally to acts of shocking violence... ending often in incurable insanity. In picturing its soul-destroying effects no attempt was made to equivocate. The scenes and incidents, while fictionalized for the purposes of this story, are based upon actual research into the results of Marihuana addiction. If their stark reality will make you think, will make you aware that something must be done to wipe out this ghastly menace, then the picture will not have failed in its purpose... Because the dread Marihuana may be reaching forth next for your son or daughter... or yours... [*points to camera*] or YOURS!”<sup>56</sup> - *Reefer Madness*, 1936

### **From Medicine to Menace**

Popular support for marijuana prohibition has long depended on an image of the marijuana user as a threatening, deviant, or at least abnormal, element of society. The legal, cultural, and political categorization of the marijuana user was an integral factor in the escalation of the militarized drug prohibition that began in the early 1970s and continued to escalate in the following decades. Social perceptions of drug use, and marijuana in particular, had nonetheless been evolving long before then, and it is to these early characterizations that we must direct our attention in order to contextualize and grasp the significance of the 1960s and 1970s to the study of how marijuana use was viewed.

To demonstrate why the late 1960s and early 1970s were such an important moment for marijuana prohibition, in terms of both continuity and change in the dialogue surrounding it, it is necessary to understand the evolution of the anti-marijuana discourse from the early 20<sup>th</sup> century. It is essential to understand the growth of the prohibition apparatus and conceptualize the reciprocal reinforcement of public opinion and the law in order to understand why this era was significant. Tracing the public attitudes towards marijuana and early attempts to eradicate its use

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<sup>56</sup> IMDB, “Reefer Madness (1936),” accessed March 30, 2017, <http://www.imdb.com/title/tt0028346/quotes>

from the late 19<sup>th</sup> century through the 1950s helps elucidate the ways in which the anti-marijuana discourse evolved as well as the persistence of marijuana's negative stigma.

### **Early Marijuana Controls and Anxieties**

Marijuana has a long history in America. Originally brought to North America in the 1600s as Indian Hemp, marijuana was not widely used as an intoxicant in the U.S. until the first half of the 19<sup>th</sup> century.<sup>57</sup> Inspired by Dr. William O'Shaughnessy's experiments with cannabis in India in the 1830s, American physicians also began their own investigations into the medical uses of marijuana. By the mid-nineteenth century, cannabis-infused solutions were widely accessible in American pharmacies. Various classified as a "hypnotic, anodyne, narcotic, stimulant, poison, and intoxicant," it was placed in the same category as other drugs targeted by local and state regulations concerning the sale of medicinal intoxicants.<sup>58</sup> In other words, it was thought of as little more than a potentially useful pharmaceutical substance.

During the latter part of the 19<sup>th</sup> century, marijuana, like other intoxicants such as opium and cocaine, were not objects of government concern or regulation, at least not on any level higher than local ordinances. Marijuana continued to be a common ingredient in many patent medicines and was used as a painkiller, analgesic, and anticonvulsant.<sup>59</sup> Two significant factors were influential in bringing about a shift in attitudes and narcotics policy at the beginning of the 20<sup>th</sup> century. The first of these was the growing negative view of drugs and drug addiction that fueled the push for regulation.<sup>60</sup> Second, the United States sought to lead the legal and moral international drug

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<sup>57</sup> Rathge, "Pondering Pot," 31.

<sup>58</sup> Rathge, "Pondering Pot," 31-32.

<sup>59</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 150

<sup>60</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 152.

control effort by passing domestic anti-drug legislation. By the early 1900s, public anxieties over the abuse of opiates, cocaine, morphine, and heroin and ease with which these drugs could be acquired were growing.<sup>61</sup> As pressure mounted from political interests such as the Women's Christian Temperance Union, the United States passed its first drug control legislation: The Pure Food and Drug Act of 1906. The act required that narcotic ingredients be listed on the labels of patent medicines if said medicines were to be transported over state lines, but had little regulatory power outside of that.<sup>62</sup>

More prominent was the Harrison Narcotics Act of 1914, which put stringent requirements on the sale of intoxicants, prohibited many from being sold without a prescription, such as opiates and cocaine, and justified the regulation of drug use through taxation and the Constitutional power to control interstate commerce.<sup>63</sup> However, marijuana was not among the regulated substances, mostly owing to declining use as an ingredient in pharmaceutical products, which was the major purview of the legislation. Nevertheless, as historians of American drug policy have noted, the Harrison Act represented both the realization of drug control efforts and the beginning of a far-reaching federal attempt to regulate the use of intoxicants.<sup>64</sup> Due to its absence from the Harrison Act, marijuana remained under local and state control as it had since the late 1800s. Between 1911 and 1918 at least ten states and numerous municipalities, including Albuquerque, El Paso, New York City, Phoenix, and Portland, passed legislation regulating marijuana.<sup>65</sup> These statutes were generally based on the same models as late 18<sup>th</sup> pharmaceutical regulations.

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<sup>61</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 153.

<sup>62</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 151.

<sup>63</sup> Rathge, "Pondering Pot," 33.

<sup>64</sup> Rathge, "Pondering Pot," 33; Ferraiolo, "From Killer Weed to Popular Medicine," 151.

<sup>65</sup> Rathge, "Pondering Pot," 33.

In the early 1900s, and especially the 1930s, groups with which marijuana was generally associated fueled federal anti-marijuana efforts and cemented the marijuana users' status as outcasts. Marijuana was thought of as a habit "suspect marginal groups," such as "artists, jazz musicians, bohemians, petty criminals, Mexicans, and African Americans."<sup>66</sup> As many scholars have noted, the influx of Mexican immigrants in the southwest during the 1920s and 1930s as well as racial anxieties in general seem to have significantly affected the public's view of marijuana.<sup>67</sup> During the Great Depression especially, with competition over employment increasing, Mexican American immigrants were an unwanted population in the southwest and many state governments petitioned the federal government to do something about their use of marijuana. In the early 1920s, authorities in New Orleans blamed marijuana for criminal activity in the city, especially among African Americans.<sup>68</sup> The association of these groups with marijuana stoked anxieties about the drug and helped solidify and justify support for marijuana laws for several decades.<sup>69</sup>

Although racist attitudes towards marijuana use were not focused solely on the Southwest, the region nonetheless influenced marijuana prohibition provides an illustrative example of the way many people blended negative perceptions of drug users and racial minorities. Mexican American immigrants were often targeted as the cause of marijuana's presence and a source of its distribution in the United States. The perceived connection of Mexican Americans with marijuana was a powerfully salient one for the time period, as Mexicans were generally thought of as prone to criminal action.<sup>70</sup> As historian Gilbert Gonzales writes, sociological literature in

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<sup>66</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 156.

<sup>67</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 156.

<sup>68</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 156.

<sup>69</sup> Donald E Miller, "Narcotic Drug and Marihuana Controls," *Journal Of Psychoactive Drugs* 1, no. 1 (April 2007): 29.

<sup>70</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 156.

the early 1900s alleged that Mexicans were irresponsible and immoral, had a propensity for intoxication, and were prone to violence and criminality.<sup>71</sup> Fears of drug use by Mexican immigrants was therefore part of the larger “Mexican problem,” the wider concern over the social, economic, and political impact of Mexican immigration.

The Great Depression only exacerbated these prejudices. Mexicans provided a “convenient scapegoat” for Americans “reeling from the economic disorientation of the depression.”<sup>72</sup> This resulted in a “frenzy of anti-Mexican activity” including mass deportations and violence.<sup>73</sup> As Kathleen Ferraiolo points out, during the Great Depression Mexican immigrants “became an unwelcome population and Southwestern states complained to the federal government about their marijuana use.”<sup>74</sup> Thus, allegations over marijuana use functioned as one way for Southwestern states to justify punitive measures against this “unwanted population.”

Concern over the use of marijuana by Mexican Americans in the Southwest can be seen in the sensationalized stories published in regional newspapers that identified marijuana as a major cause of crime among Mexican Americans. The connection between marijuana and Mexican Americans had existed, like other racial drug associations, since at least the turn of the century. Newspapers from the early twentieth century often published sensationalized stories of working class Mexicans imbibing marijuana and committing horrible crimes and thus helped forge the link between marijuana, the racial other, and crime. A 1913 article in the *Fort Worth Star - Telegram* explicitly referred to marijuana as being “Mexican” and “evil” in its title, “Evil Mexican Plants That Drive You Insane.” The column described an incident in which a Mexican

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<sup>71</sup> Gilbert Gonzales, *Culture of Empire: American Writers, Mexico, and Mexican Immigrants, 1880-1930* (Austin: University of Texas Press, 2004), 146.

<sup>72</sup> Francisco E. Balderrama and Raymond Rodriguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995), 2.

<sup>73</sup> Balderrama, *Decade of Betrayal*, 2.

<sup>74</sup> Ferraiolo, “From Killer Weed to Popular Medicine,” 156.

worker had allegedly “smoked a marijuana cigarette, became insane, attacked and killed a policeman and badly wounded three others.”<sup>75</sup> Thus, the elimination of marijuana became, in many cases, equated with a reduction of crime among Mexican Americans. Another newspaper quoted a pharmacist as having said, “Eliminate marihuana and crimes among the laboring class of Mexicans will be appreciably reduced.”<sup>76</sup> With this concern about the link between Mexicans, marijuana, and crime, news stories alleging that Mexican drug peddlers were introducing white school children to marijuana helped to convince the public at large as well as legislators to adopt a harsh stance towards it.<sup>77</sup> While not representative of a widespread panic across the country, this public concern prompted many law enforcement agents and local politicians to pass their own anti-marijuana legislation and petition the federal government for a law restricting its use.

In other regions of the country, race was an equally significant factor shaping public perceptions of marijuana. While marijuana use by Mexican Americans seemed to be the object of greatest concern, the alleged use of African Americans also sparked anxiety. Most significant racial associations seemed to be between blacks, jazz music, and marijuana. In several instances, marijuana was dubbed the “jazz weed,” an association that spoke to racial and cultural prejudices of the time period.<sup>78</sup> Many whites viewed Jazz music with contempt, and often portrayed it as “primitive and evil” and feared that it was a “dangerous, unhealthy” form of music.<sup>79</sup> This reflected the linking of prejudice against blacks to a prejudice against jazz music, with racial bigotry against blacks spilling over into a hatred of jazz because of its association with the black community. Marijuana use by black jazz musicians consequently became a cause of public

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<sup>75</sup> “Evil Mexican Plants That Drive You Insane,” *Fort Worth Star-Telegram*, March 8, 1913.

<sup>76</sup> “‘Jazz Weed’ Used by ‘Dopes’ Is Cause of Crime in Southwest,” *Duluth News Tribune*, October 17, 1921.

<sup>77</sup> “Charge Marihuana Sold to Students,” *Dallas Morning News*, March 27, 1932.

<sup>78</sup> “‘Jazz Weed’ Used by ‘Dopes’ Is Cause of Crime in Southwest,” *Duluth News Tribune*, October 17, 1921

<sup>79</sup> Maureen Anderson, “The White Reception of Jazz in America,” *African American Review* 38, no. 1 (Spring 2004): 135-137.

concern, as many “began to view the use of marijuana in the Black community, generally, and among Black musicians, specifically, as a dangerous vice in need of immediate and firm social control.”<sup>80</sup> Linking prejudice against African Americans to a negative view of marijuana suggests that the Southwest was not the only region concerned with marijuana, and demonstrates the extent to which racism influenced public attitudes.

### **Harry J. Anslinger’s Reefer Madness**

No discussion of marijuana prohibition would be complete without some mention of Harry J. Anslinger. Anslinger was among the most significant public figures leading the fight for marijuana prohibition in the late 1930s. A Pennsylvania native, Anslinger became head of the FBN in 1930, and was one of the most influential actors in securing the passage of the Marihuana Tax Act of 1937.<sup>81</sup> The general purpose of the Marihuana Tax Act as stated in its Congressional hearing was “to impose an occupational excise tax upon certain dealers in marihuana, to impose a transfer tax upon certain dealings in marihuana, and to safeguard the revenue therefrom by registry and recording.”<sup>82</sup> The taxes imposed by the legislation were prohibitively high unless the marijuana was being used by a medical practitioner, making legal possession or sale virtually impossible. Registration cost only one dollar a year for medical practitioners, but twenty five dollars for producers and fifteen for anyone who was neither a practitioner nor a producer and all were required to both obtain permission and submit detailed

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<sup>80</sup> Merrill Singer and Greg Mirhej, "High Notes: The Role of Drugs in the Making of Jazz," *Journal Of Ethnicity In Substance Abuse* 5, no. 4 (December 2006): 9.

<sup>81</sup> John C. McWilliams, "Unsung partner Against Crime: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962," *Pennsylvania Magazine Of History & Biography* 113, no. 2 (April 1989): 229, 210.

<sup>82</sup> House Committee on Ways and Means, *Taxation of Marihuana*, 75<sup>th</sup> Cong., 1<sup>st</sup> sess., 1937, 1.



accounts of transactions to the FBN.<sup>83</sup> Although the passage of the act seemed to simply reflect the desire of a federal agency to involve themselves regulating drug use, attitudes concerning drugs, and marijuana in particular, played a significant role in securing its acceptance.

Anslinger believed that strict law enforcement was the answer to the question of narcotics control and drug addiction. He was the most vociferous voice in creating, and effectively maintaining, a discourse in which addiction was viewed as both an indication of and a cause of deviancy.<sup>84</sup> Using the power of the FBN, Anslinger tirelessly campaigned in support of anti-drug legislation, and sought to inform the public “of the insanity, the disgrace, the horror which marijuana can bring to its victim.”<sup>85</sup> In the years prior to the passage of the Marihuana Tax Act, Anslinger ramped up the FBN’s efforts to garner support for federal action to control marijuana. He gave speeches to “women’s clubs, temperance groups, church organizations, and at congressional hearings to spread information,” and “used position papers and periodical articles to disseminate his views.”<sup>86</sup> The FBN was therefore able to establish the parameters through which marijuana was understood at a time when the general public had little knowledge of the drug.

Anslinger was incredibly successful in transforming concern over marijuana into an object of national anxiety. He enjoyed the support of both Democrats and Republicans in Congress, as well as the WTC and many religious organizations.<sup>87</sup> President Franklin D. Roosevelt also continually lent his support to anti-drug measures to better comply with the Geneva Narcotics

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<sup>83</sup> House Committee on Ways and Means, *Taxation of Marihuana*, 75<sup>th</sup> Cong., 1<sup>st</sup> sess., 1937, 4, 25-27.

<sup>84</sup> William D. Armstrong, and John Parascandola, “American Concern Over Marihuana in the 1930's,” *Pharmacy in History* 14, (1972): 26.

<sup>85</sup> Harry J. Anslinger and C.F. Cooper, “Marihuana: Assassin of Youth,” *American Magazine* 124 (July 1937): n.p.

<sup>86</sup> Ferraiolo, “From Killer Weed to Popular Medicine,” 156.

<sup>87</sup> John F. Galliher, David P. Keys, and Michael Elsner, “Lindesmith v. Anslinger: An Early Government Victory in the Failed War on Drugs,” *Journal Of Criminal Law & Criminology* 88, no. 2 (Winter 1998): 665.

Limitation Convention, a 1931 international agreement between the League of Nations to limit drug trafficking.<sup>88</sup> Additionally, the FBN held sway over licensing the importation of opiates, and thus received the support of pharmaceutical companies.<sup>89</sup> By using his power as Commissioner of the FBN to control the available information on marijuana, Anslinger was able to “control public opinion regarding drug use and addiction” through censorship of dissenting material and by exploiting “[racial] fears by linking drugs to minorities.”<sup>90</sup> These activities were central in crafting the image of the marijuana user as a dangerous social other.

Anslinger’s use of preexisting racial, class, and gender perceptions and attitudes were extremely influential in shaping negative perceptions of marijuana and those who used it. The attitudes towards marijuana users defined in terms of race, gender and class had appeared sporadically in newspapers and in the testimony of local law enforcement officials before Anslinger’s campaigns, but the fear of these users had not been widespread. In fact, most Americans had never encountered the drug at all, but through the FBN’s campaigns, they were “subjected to a vicarious familiarity through the medium of hysteria-provoking stories that marijuana was a ‘killer drug’ which inspired crimes of violence, acts of sexual excess, impotency, insanity, and moral degeneracy” and could be spread like a contagious disease by those already addicted.<sup>91</sup> Anslinger’s campaign brought these preexisting perceptions to the national stage.

Anslinger’s use of racial, gendered, and class based language to denounce marijuana usage can be seen in statements made during his many speeches, testimony to Congress, writings in support of the Marihuana Tax Act, and use of FBN propaganda to influence public officials. Throughout his campaigns, Anslinger continually invoked notions of race and criminality to

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<sup>88</sup> “Roosevelt Asks Narcotic War Aid,” *New York Times*, March 22, 1935.

<sup>89</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 665.

<sup>90</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 665-666.

<sup>91</sup> Michael Schaller, “The Federal Prohibition of Marihuana,” *Journal Of Social History* 4, no. 1 (Fall 1970): 62.

portray the marijuana user as degenerate. In his testimony before Congress between April 27<sup>th</sup> and May 4, 1937, Anslinger forged a direct link between marijuana and criminality, claiming that the drug was “dangerous to the mind and body, and particularly dangerous to the criminal type, because it releases all of the inhibitions.”<sup>92</sup> Marijuana was therefore, in Anslinger’s discourse, a danger due to its supposed ability to provoke criminal behavior, and the association with marginalized social groups only solidified this idea. It had the power to unleash the criminal inclinations thought to be inherent in blacks and Hispanics, as well as the working class.<sup>93</sup> Its regulation was therefore a public safety concern and justified in order to contain the perceived threat that use by such groups posed.

As part of his evidence presented to Congress, Anslinger submitted a number of testimonials from prohibition advocates. In one such testament, the editor of a Colorado newspaper expressed anxiety over how “a small marihuana cigarette” was causing criminal behavior among the “degenerate Spanish-speaking residents.”<sup>94</sup> Anslinger later alleged that “there are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos and entertainers,” and asserted that the “the primary reason to outlaw marijuana is its effect on the degenerate races.”<sup>95</sup> With this testimony, Anslinger again cast marijuana use as an activity that must be eliminated due to its supposed exacerbation of the “degeneracy” present in the populations with which he associated it, but also because it may *cause* criminal behavior, which situates it categorically in the realm of law enforcement.

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<sup>92</sup> House Committee on Ways and Means, *Taxation of Marihuana*, 75<sup>th</sup> Cong., 1<sup>st</sup> sess., 1937, 21.

<sup>93</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 156.

<sup>94</sup> House Committee on Ways and Means, *Taxation of Marihuana*, 75<sup>th</sup> Cong., 1<sup>st</sup> sess., 1937, 32.

<sup>95</sup> Media Awareness Project, “US: Marijuana's Illegal Status Attained Through Racism, Fraud,” *The Pueblo Chieftain*, <http://www.mapinc.org/drugnews/v10/n201/a01.html> (accessed April 3, 2013).

The FBN's wide reaching campaign also spread the notion that marijuana's presence in the country was tied to Mexican immigration in the Southwest. In 1937, Mrs. Hamilton Wright, a representative from the FBN, gave a lecture to the National Congress of Parents and Teachers in Richmond, Virginia in which she "characterized marihuana as "the most pernicious' of drugs" and alleged that "it was introduced into the country ten years ago by Mexican peddlers" who profited from its sale.<sup>96</sup> In another instance, the Commissioner of Education of New York, Mrs. William Sporborg, after having met with Anslinger, incorrectly postulated that the "weed derives its name from the Mexican equivalent of the names Mary and John, a fact which...suggests its universal appeal to boys and girls."<sup>97</sup> The specter of nefarious foreigners peddling narcotics to innocents helped cement the idea of marijuana as a means through which undesirable elements of society threatened the vitality of the nation.

Along with stoking anxieties about how marijuana would affect racial minorities, Anslinger also invoked the deep seated fears of racial mixing and loose sexuality, claiming that "this marijuana causes white women to seek sexual relations with Negroes, entertainers and any others."<sup>98</sup> He did not simply claim that marijuana led to interracial sexual relations, but insisted that the use of marijuana made a woman seek to have relations with anyone, building on preexisting notions that the use of intoxicants caused sexual promiscuity. Anslinger often relayed tales of young white girls being raped by "degenerate" criminals under the influence of marijuana.<sup>99</sup> Such a notion struck at yet another salient anxiety in the 1930s, that of the transgressions of gender norms. The use of intoxicants by women threatened traditional bourgeois norms regarding

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<sup>96</sup> "War on Marihuana Urged on Parents," *New York Times*, May 4, 1937.

<sup>97</sup> "Campaign Battles Marihuana Weed," *New York Times*, January 3, 1937.

<sup>98</sup> Media Awareness Project, "US: Marijuana's Illegal Status Attained Through Racism, Fraud," *The Pueblo Chieftain*, <http://www.mapinc.org/drugnews/v10/n201/a01.html> (accessed April 3, 2013).

<sup>99</sup> Harry J. Anslinger and C.F. Cooper, "Marihuana: Assassin of Youth," *American Magazine* 124 (July 1937): n.p.

gender and sexuality, “undermining the values of thrift, self-denial, and future orientation.”<sup>100</sup>

This triple invocation of normative concepts of race, class and gender and their sensationalized association with marijuana created the image of the marijuana user as a truly reprehensible other. Thus, Anslinger was able to convince the public and the Federal government that marijuana use was not only “a crisis but a widespread and national crisis recently grown to major proportions” even though there was little no evidence to confirm it.<sup>101</sup>

Anslinger’s 1937 article in *The American Magazine*, “Marihuana: Assassin of Youth,” is exemplary of how he crafted an anti-marijuana discourse characterized by hyperbole and fear mongering. The article begins with a horrific scene of the dangers of marijuana: “Not long ago the body of a young girl lay crushed on the sidewalk after a plunge from a Chicago apartment window. Everyone called it suicide, but actually it was murder. The killer was a narcotic known to America as marijuana, and to history as hashish.”<sup>102</sup> Anslinger goes on to provide other horrific examples of marijuana-induced crimes and deviancy, among them the sexual assault of a young girl, the murder of a policeman, and an incident where a young boy brutally murdered his family while supposedly under the influence. As usual he evoked racial and gender anxieties in his accounts of marijuana induced degeneracy. He speaks of the “the shabby apartments of women who provided the cigarettes and rooms where boys and girls might smoke them” and that “A girl of 15 ran away from home and was picked up with five young men in a marijuana den in Detroit.” He explicitly blames the spread of marijuana on Mexican immigrants in the Southwest and says that musicians “brought the habit northward with the surge of ‘hot’ music demanding players of exceptional ability,” a thinly veiled reference to black jazz players.

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<sup>100</sup> Ferraiolo, “From Killer Weed to Popular Medicine,” 156.

<sup>101</sup> John F. Galliher and Allyn Walker, “The Puzzle of Social Origins of the Marihuana Tax of 1937,” *Social Problems* 24, no. 3 (February 1977): 371.

<sup>102</sup> Harry J. Anslinger, “Marihuana – Assassin of Youth,” Shaffer Library of Drug Policy, accessed February 8, 2017, <http://druglibrary.org/schaffer/history/e1930/mjassassinrd.htm>

Other than these sordid accounts, Anslinger provided almost no real information on marijuana. Instead, he repeatedly referenced its enigmatic unpredictability, making it all the more menacing. “Marijuana is the unknown quantity among narcotics,” he argues, “No one knows, when he smokes it, whether he will become a philosopher, a joyous reveler, a mad insensate, or a murderer.” By eschewing any scientific claims of marijuana’s effects, Anslinger and the FBN were able to avoid the burden of evidence, and therefore successfully portray marijuana as a pernicious drug through anecdote and exaggeration.

Besides Anslinger’s public information campaigns, films portraying the marijuana user as fundamentally degenerate and criminal emerged during the late 1930s. No discussion of marijuana sensationalism would be complete without mention of the infamous 1936 film *Reefer Madness*, directed by Louis J. Gasnier. The film “portrayed marijuana as a ‘killer weed’ that drove its users to insanity or caused them to commit horrible violent acts” and was endorsed by Anslinger.<sup>103</sup> *Reefer Madness* and other films, such as the equally sensational 1942 film *Devil’s Harvest*, relied on exaggerated story lines to portray marijuana use as a grave social ill. A sample of the dialogue from *Reefer Madness* is particularly exemplary:

“Bureau Official: Here is an example: A fifteen-year-old lad apprehended in the act of staging a holdup - fifteen years old and a marijuana addict. Here is a most tragic case.

Dr. Carroll: Yes. I remember. Just a young boy... under the influence of drugs... who killed his entire family with an axe.”<sup>104</sup>

Marijuana is again portrayed as being able to excite violence in even the most innocent of users, resulting in the commission of heinous as a consequence of its total erasure of inhibition.

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<sup>103</sup> John C. McWilliams, "Drug Use in American History," *OAH Magazine Of History* 6, no. 2 (September 1991): 4

<sup>104</sup> IMBD, “Reefer Madness (1936).

Furthermore, the film suggests that marijuana addiction is acquired “through association with certain undesirable people,”<sup>105</sup>

Movie posters for “Reefer Madness” similarly used exaggerated words and imagery that played upon societal concerns. The poster depicted a woman, presumably high on marijuana, in a sexually suggestive pose, along with the phrase “women cry for it...men will die for it” [Figure 5]. The association between marijuana, transgressive sexuality, and the depiction of hopeless addiction created a caricature of the user as a fundamentally subversive figure, devoid of reserve and inclined to violate standards of self-restraint. The poster for “Devil’s Harvest” similarly showed a young white girl, marijuana cigarette hanging from her lips, in the close embrace of a devilish, dark skinned figure with the words “sin,” “degradation,” “debauchery,” and “vice” surrounding the pair, along with a caption that reads “a vicious racket with its arms around your children” [Figure 4]. The implication was clearly that marijuana use by women, especially young white women, would lead to sexual deviancy, and possibly miscegenation.<sup>106</sup> Such symbolism embodied the combination of gender norms with racially and sexually charged imagery to target cultural anxieties over racial mixing and female promiscuity. The imagery in these films and their promotional materials embody the blending of normative cultural symbolism with wildly exaggerated fiction to portray the marijuana user as fundamentally removed from mainstream standards of acceptability.

## **Policing the Marijuana Discourse**

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<sup>105</sup> IMBD, “Reefer Madness (1936).”

<sup>106</sup> Ferraiolo, “From Killer Weed to Popular Medicine,” 156.

Although the anti-marijuana viewpoints expressed by Anslinger would shape the public's imagination of marijuana users for decades to come, such viewpoints were not without their detractors. The FBN responded to criticism and disagreement by attempting to discredit, marginalize, or outright suppress any material that did not align with official position of the Bureau. Anslinger had familiarity with and experience in the intelligence community, and was well versed in using political harassment to proficiently control the flow of information surrounding marijuana and other drugs.<sup>107</sup> The FBN kept files on various reporters, media outlets, and authors whose work was deemed threatening to the coercive approach it favored.<sup>108</sup> Those treating drug use as a national scourge and supporting a punitive approach received the cooperation and assistance of the Bureau while those favoring a more lenient approach were aggressively ostracized.<sup>109</sup> The FBN was heavily invested in policing the discourse surrounding drugs and addiction because by marginalizing critics of their viewpoints and assisting those with more favorable views, the FBN was essentially able to maintain a portfolio of writers and reporters to promote its official views on drugs and addiction.

Troubled by the FBN's allegations that the use of marijuana was widespread, New York Mayor Fiorello La Guardia commissioned the New York Academy of Medicine to investigate the extent of the problem in 1939.<sup>110</sup> After several years of examination, the Committee published its report in 1944. The report found that the effects of marijuana were trivial, that there was no organized traffic of marijuana in the city, and concluded that it posed to no social or medical danger.<sup>111</sup> It explicitly challenged Anslinger's contention that marijuana could turn a man into a monster, finding that "Under the influence of marihuana the basic personality structure of the individual

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<sup>107</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 666.

<sup>108</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 665.

<sup>109</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 665.

<sup>110</sup> Schaller, "The Federal Prohibition of Marihuana," 62.

<sup>111</sup> Schaller, "The Federal Prohibition of Marihuana," 63.



does not change,” and “neither the ingestion of marihuana nor the smoking of marihuana cigarettes affects the basic outlook of the individual.”<sup>112</sup> In 1945, Anslinger struck back with a letter to the editors of the *Journal of the American Medical Association* in which he discounted the La Guardia Committee’s findings, using a study in the *Indian Journal of Medical Research* that allegedly proved that marijuana produced insanity and criminal behavior.<sup>113</sup> He even offered to mail a free copy of the study to anyone who wrote to the FBN requesting it.<sup>114</sup>

The most striking example of the FBN’s determination to marginalize detractors, however, was the campaign against Alfred R. Lindesmith that spanned the 1940s and continued into the 50s. Trained at the University of Chicago, Lindesmith was a social psychologist who received his PhD in 1937, the same year the Marihuana Tax Act was enacted.<sup>115</sup> His research largely focused on the role of the self in human interaction, and his dissertation and later works were based on individual’s self-interpretation, especially in the context of addiction.<sup>116</sup> From this concept, Lindesmith’s major contribution was differentiating physical addiction from psychological addiction.<sup>117</sup> He contended that addiction could be a psychological ailment brought on by the user’s understanding of their own withdrawal; addicts were not fiends or degenerate monsters, they were troubled people in need of treatment, not penalization.<sup>118</sup> In his 1938 dissertation, “A Sociological Theory of Drug Addiction,” he argues that it is “easy and cheap to designate as ‘inferior’ or ‘weak’ or ‘psychopathic’ persons whose vices are different from our own and whom we consequently do not understand.” and that drug users should not be classified as socially

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<sup>112</sup> “La Guardia Committee Report on Marijuana,” ProCon, accessed April 1, 2017, <http://medicalmarijuana.procon.org/sourcefiles/laguardia.pdf>

<sup>113</sup> Harry J. Anslinger, “More on Marihuana and Mayor La Guardia’s Committee Report, *Journal of the American Medical Association*, 128, no. 16, (1945): 1187.

<sup>114</sup> Anslinger, “More on Marihuana,” 1187.

<sup>115</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 662.

<sup>116</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 663.

<sup>117</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 663.

<sup>118</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 664.

atypical.<sup>119</sup> During and after Anslinger's anti-marijuana campaigns, Lindesmith argued that drug users were victims of an over-exaggerated government mythology that unfairly portrayed them as abnormal as opposed to normal human beings and justified their punishment rather than rehabilitation.<sup>120</sup>

Lindesmith's dissent from FBN's views prompted a campaign on the part of Anslinger and the FBN to silence him. In 1939, soon after Lindesmith published his dissertation, Anslinger requested that the FBN District Supervisor in Chicago contact Indiana University, where Lindesmith worked, to inform them that a "drug addict" and a "collection of racketeers" were sponsoring an organization that Lindesmith publically supported, the World Narcotics Research Foundation.<sup>121</sup> In 1940, Lindesmith published an article titled "Dope Fiend Mythology" in the *American Journal of Sociology* that criticized the stereotype of the "dope-crazed killer" or sexual deviant.<sup>122</sup> In response, an angry Anslinger recruited San Francisco Circuit Judge Twain Michelson to write a response, entitled "Lindesmith's Mythology" in the same journal Lindesmith had published his piece.

Michelson's reply sought to link drug use to everything from Japanese imperialism to robbery and murder, disparaging addicts as social misfits and alleging in conclusion that Lindesmith practiced pseudoscience. He called drug users "mental deviates" and "the most subversive and anti-social groups in the country," in opposition to Lindesmith's view of addicts as regular persons in need of medical and psychological assistance.<sup>123</sup> He refutes Lindesmith's support of treating of drug addicts' withdrawal with pharmaceutical drugs by invoking the recent Japanese

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<sup>119</sup> Alfred R. Lindesmith, "A Sociological Theory of Drug Addiction," *American Journal of Sociology*, 43, no. 4 (1938): 596.

<sup>120</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 664.

<sup>121</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 667.

<sup>122</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 668.

<sup>123</sup> Twain Michelson, "Lindesmith's Mythology," *Journal of Criminal Law and Criminology*, 31, no. 2, (1940), 375.

invasion of China: “what of the impoverished and dying Chinese who suddenly have found themselves decimated by the strong urge of Japanese narcotic invasion?”<sup>124</sup> This implied that drug use could be used as a weapon in the sinister plots of foreign governments, and that any toleration of drug use, even as a treatment for addiction, endangers the security of the nation.

Further attacking Lindesmith’s research, Michaelson discounted the psychological explanation of addiction by arguing that “a ‘dope fiend’ is a dope fiend, whatever the source of his addiction may be.”<sup>125</sup> This suggests that, regardless of circumstances or accounting for individual differences, drug users are universally fiendish, and all forms of use are reduced to that image.

He presented accounts of drug fueled violence and quotes from members of law enforcement and medical professions, such as this statement by former New York City Police Commissioner Arthur Woods from his 1930 book, *Dangerous Drugs*: “By chemistry [drugs] add a further instability to those who are already by nature unstable. They induce a state of irresponsibility which can readily suggest acts dangerous to society.”<sup>126</sup> In this rebuttal of Lindesmith’s theories, Michaelson echoes the FBN and Anslinger’s ideology: drug users are universally delinquent, probably already “unstable,” by nature prone to degeneracy, and thus drug use must be ruthlessly prohibited to maintain the safety and stability of the nation.

Besides targeting Lindesmith’s scholarship, the FBN used its power to marginalize other forms of discourse that ran counter to its own doctrine. A 1946 documentary film produced by the Canadian Film Board to train law enforcement and medical professionals, *Drug Addict*, became the object of the FBN’s ire almost immediately after its release.<sup>127</sup> The film contained seven major themes that put it at odds with Anslinger and the FBN’s message: addicts and peddlers

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<sup>124</sup> Michelson, “Lindesmith’s Mythology,” 386.

<sup>125</sup> Michelson, “Lindesmith’s Mythology,” 375

<sup>126</sup> Michelson, “Lindesmith’s Mythology,” 383.

<sup>127</sup> Galliher, Keys, and Elsner, “Lindesmith v. Anslinger,” 670.

were of all races and classes, top-level traffickers are mostly white, law enforcement efforts are generally only aimed at low-level dealers, addiction is a sickness (not an abnormality), the legality of a substance has little bearing on its addictiveness, cocaine is not necessarily addictive, and that controlling the use and sale of drugs through law enforcement is virtually impossible.<sup>128</sup>

Anslinger must have known that the release of the film in the U.S. would have undermined his get-tough approach to drugs. In February of 1950 he wrote to the President of the Motion Picture Association of America, Eric Johnson, claiming that releasing the film “would do incalculable damage in the way of spreading drug addiction.”<sup>129</sup> When Lindesmith voiced his support of the film and questioned Anslinger’s ability to single-handedly ban the film, recruiting help from his congressman in the process, Anslinger replied by claiming that the film had been banned because it violated the code of the motion picture producers and directors. When asked about this, the Motion Picture Association of America denied having suppressed the film.<sup>130</sup> 676 Lindesmith appealed to Secretary of State Dean Acheson and asked him to lift the ban on the film. The Department of State’s reply demonstrated the degree to which the FBN was involved in suppressing the film.

“At Mr. Anslinger’s request, the Department [of State] informed the Canadian Department of External Affairs that the Commissioner of Narcotics objected strongly to showing the film anywhere in the United States because the position it takes concerning the handling of the problem of drug addiction is contrary to the long-established policy of the United States... The Public Health Service concurred in the attitude of the Commissioner of Narcotics.”<sup>131</sup>

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<sup>128</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 670-671.

<sup>129</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 673.

<sup>130</sup> Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 676.

<sup>131</sup> Letter from Otis E. Mulliken to Alfred R. Lindesmith (June 30, 1949), as cited in Galliher, Keys, and Elsner, "Lindesmith v. Anslinger," 676.

However, in a letter to Lindesmith, the Acting Administrator of the Federal Security Agency of the Public Health Service indicated that the Public Health Service had no part in discouraging the film's release. Thus, the origin of the pressure to not release the film was Anslinger and the FBN alone.

The actions of the FBN in silencing opposition represent the maintenance of what Foucault referred to as a "regime of truth."<sup>132</sup> Truth is not "the ensemble of truths which is to be governed and given acceptance," but "the ensemble of rules according to which true and false are separated and specific effects of power attached to the true."<sup>133</sup> The "truth" therefore functions as a form of power rather than an empirical fact, as the FBN's ability to suppress dissenting information allowed them to be taken seriously even while propagating untrue information. Truth is therefore "not separated from power, rather it is one of the important vehicles and expressions of power; power is exercised through the production and dissemination of truth."<sup>134</sup> Anslinger was more than just a moral crusader; he was an enforcer of his particular moral schema and a particular outlook on drug use. He and the FBN crafted and legitimized a specific interpretation of drug use that remained dominant by virtue of its monopolization. With the ability to control the flow of information concerning marijuana by either legitimating or suppressing it, Anslinger provided a prime example of the workings of discursive power, a power that established and defined what the use of marijuana meant from both a legal and social standpoint. The FBN's "truth" about marijuana would remain dominant throughout the post-war period because of their regulation of what could be known about its use and effects.

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<sup>132</sup> Alan Hunt and Gary Wickham, *Foucault and Law: Towards a Sociology of Law as Governance*. (London: Pluto Press, 1994), 11; Foucault, *Discipline and Punish*, 30, 23.

<sup>133</sup> Hunt and Wickham, *Foucault and the Law*, 11.

<sup>134</sup> Hunt and Wickham, *Foucault and the Law*, 11.

## Entrenchment

The influence of the FBN's threatening portrayal of the marijuana user and their near total control of information on the subject continued to manifest itself throughout the 1940s and 1950s. During World War II and throughout the Cold War, the FBN spread the idea that enemy governments were using narcotics as a weapon to weaken America. Upon U.S. entry into World War II, Anslinger claimed that Japan was using opiates to weaken the U.S. war effort and "poison the blood of the American people."<sup>135</sup> At the outset of the cold war in the early 1950s, with Americans "consumed by fears of soviet aggression and subversion" the FBN propagated the same allegations.<sup>136</sup> He would later level these attacks at the Soviet Union and communist China, which he referred to as "the dope-vending dragon of the East."<sup>137</sup> While much of this rhetoric referred to opium, the FBN's discourse often reduced all drug use into a single category that though its vagueness encompassed any illicit substance. The drug threat was often simply referred to as the "the dope menace" or the "narcotics evil."<sup>138</sup> Anslinger had already insisted, in spite of any scientific evidence, that marijuana was at least as dangerous, if not more so, than opiates, claiming in "Opium has all the good of Dr. Jekyll and all the evil of Mr. Hyde. This drug [marijuana] is entirely the monster Hyde, the harmful effect of which cannot be measured."<sup>139</sup> Such statements served to lay the groundwork for the idea of marijuana as indistinguishable from harder narcotics, therefore obfuscating any objective science on the subject.

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<sup>135</sup> Harry J. Anslinger and William F. Tompkins, *The Traffic in Narcotics*, Schaffer Library of Drug Policy, accessed April 9, 2017, 9–11. <http://www.druglibrary.org/schaffer/people/anslinger/traffic/>

<sup>136</sup> Bertram, *Drug War Politics*, 84.

<sup>137</sup> Pembleton, "Voice of the Bureau," 123; Harry J. Anslinger and William Oursler, *The Murderers: The Story of the Narcotics Gangs* (New York: Farrar, Straud, and Cudahy, 1961), 226.

<sup>138</sup> Pembleton, "Voice of the Bureau," 123.

<sup>139</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 155.

Marijuana, then, occupied a position in the broad descriptive framework of a drug problem that minimalized its differences from other drugs and highlighted its supposed dangers. Through the production of production and reinforcement of a drug-crime association, a drug war narrative, and the delegitimizing of dissenting information, the dominant knowledge of marijuana maintained the idea of the user as part of a subversive, threatening element of society.

Marijuana continued to be discussed as a catalyst for criminality and deviance. New York Congressman Jacob K. Javits went before Congress on February 27, 1950 to discuss the threat, claiming that “an alarming number of crimes in various sections of the United States have been committed by young people who have been under the influence of marijuana...murder, robbery, and other equally shocking crimes.”<sup>140</sup> Similar accounts continued to appear in the media. For example, in 1950, *The Austin American-Statesman* published a front page story of Sandra Peterson, who stood accused of murdering a hitchhiker. Peterson claimed that she had been intoxicated on marijuana prior to the killing and could not remember whether or not she had actually committed the murder.<sup>141</sup> In February of 1951, *TIME* magazine warned that “some boys become thieves and holdup artists” to acquire drugs and that “many a teen-age girl has turned to prostitution.”<sup>142</sup> Whether or not this was the case, the fact that Peterson pled innocent because of her marijuana use, and the media’s association of use and crime, demonstrates the acceptance of the idea of the drug’s ability to provoke criminal acts. It worked to reinforce the idea that marijuana caused one to lose control. A person may not be criminally inclined or have a criminal record, but with the addition of drugs they might become thieves, prostitutes, even murderers.

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<sup>140</sup> Representative Jacob K. Javits, “Marihuana Makes Youthful Criminals,” February 27, 1950, *Appendix to the Congressional Record*, 81<sup>st</sup> Congress, 2<sup>nd</sup> Session, 96:A1521.

<sup>141</sup> “Sandra Speaks in Own Defense,” *The Austin American-Statesman*, January 20, 1950.

<sup>142</sup> “Youth: High and Light,” *Time*, February 26, 1951.

According to media outlets, this was the result of pernicious drug peddlers marketing their wares to unsuspecting young people in order to make them addicts. A 1950 *New York Times* article described the “definite effort on the part of peddlers to contact teenagers.”<sup>143</sup> Another *Times* column in March of 1951 quoted an FBN report that describes drug dealers desire “to start [youth] on the road to addiction.”<sup>144</sup> Framed in this manner, the traffic of drugs was nothing less than an attempt to turn the nation’s youth into criminals and addicts. Thus, to combat the crime resulting from drug use, an increased effort must be made to stifle and eradicate drug use itself.

In the context of a continuing cold war against communism, Anslinger’s claims of foreign drug schemes and the characterization of drugs and drug dealers as an enemy which must be combated laid the groundwork for the concept of a national “war” on drugs. As he stated in the foreword to Frederic Sondern’s *Brotherhood of Evil*, “We are engaged in a war against organized crime which involves the whole nation” against “an army of subtle and defiant men” whose goal was nothing less than to “poison our children and create thousands of victims.”<sup>145</sup> In his 1961 book *The Murderers: The Story of the Narcotics Gangs*, Anslinger describes the battle against drugs as “a war fought on unsuspecting battlefields, unseen and unrecognized in the midst of average, everyday communities.”<sup>146</sup> The framing of drug control as a “war” supplied the public and politicians with a language to discuss drugs as an evil that could be conquered. “a ready forum in which the United States could reassert its identity as a defender of freedom and a force of moral good in a troubled world.”<sup>147</sup> The war on drugs narrative, in concert with the characterization of users as deviant, normalized a broadly defined, continuous struggle against the “dope-menace” that influenced the course of drug control for decades. It provided a symbolic

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<sup>143</sup> “Youth Narcotic Use Growing,” *The New York Times*, November 5, 1950.

<sup>144</sup> “Narcotics Unit Cites Lure to Teen-Agers,” *The New York Times*, March 2, 1951.

<sup>145</sup> Frederic Sondern, *Brotherhood of Evil* (New York: Farrar, Straud, and Cudahy, 1961), ix.

<sup>146</sup> Anslinger, *The Murderers*, 3.

<sup>147</sup> Pembleton, “Voice of the Bureau,” 114.



way of speaking about drug use as a homogenous menace, a representation of contemporary fears that had a lasting influence on how drug use was discussed.

Furthermore, marijuana's conflation with other drugs and the allegation that it led to heroin popularized a particularly influential notion, that of marijuana as a "gateway drug." Anslinger had repeatedly made this claim through the late 1930s, and continued to popularize it in the media. When interviewed by a *U.S. News and World Report* journalist, Anslinger stated that users "start on marijuana, then graduate to heroin," and that therefore marijuana was "dangerous because it leads to a desire for a greater kick."<sup>148</sup> That same year, the chairman of the Special Committee to Investigate Organized Crime in Interstate Commerce, Democratic Senator Estes Kefauver, repeated Anslinger's argument. Kefauver contended that youth drug use started smoking 'reefers' or marihuana cigarettes (sometimes starting at the age of 13 or 14), then sniffing or 'snorting' heroin, finally injecting it directly into the vein."<sup>149</sup> Because of this association, marijuana became linked to heroin, a link that would persist for decades to come. As historians Richard Bonnie and Charles Whitebread noted, "under the stepping-stone rationale, marihuana no longer had its own identity," and because of its association with heroin addiction, "became inextricably bound to the opiates from a political and legal standpoint as well."<sup>150</sup> The gateway or stepping-stone theory discursively conflated marijuana with more serious drugs, and provided the justification for including marijuana in the harsh anti-drug laws passed in the early 1950s at the federal, state, and local levels.

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<sup>148</sup> "Teen-age Dope Addicts: New Problem?" *U.S. News and World Report*, June 29, 1951.

<sup>149</sup> Phil Nicholas and Andrew Churchill, "Federal Bureau of Narcotics, the States, and the Origins of Modern Drug Enforcement in the United States, 1950-1962," *Contemporary Drug Problems* no. 4 (2012): 614.

<sup>150</sup> Richard Bonnie and Charles Whitebread, "The Forbidden fruit and the tree of knowledge: An inquiry into the legal history of American marijuana prohibition," *Virginia Law Review*, 56, (1970): 214.

From a legislative standpoint, the FBN under Anslinger was a crucial actor supporting mandatory minimum sentencing for drug crimes on both a state and federal level in the 1950s, a testament to the influence of its rhetoric. The political atmosphere of the era, characterized by fears of organized crime and communist subversion, provided a Congress willing to acquiesce to the FBN's proposals.<sup>151</sup> Anslinger had long argued for substantially increased penalties as a means of deterring use, and testified before Congress that higher fines and longer jail sentences were the only effective means of reducing addiction.<sup>152</sup> The FBN's pressure on policymakers resulted in the 1951 Boggs Act and the 1956 Narcotic Control Act, which imposed harsh minimum sentences for the possession of marijuana and other drugs.<sup>153</sup> First-time possession of marijuana was punishable by two to ten years in prison and a fine of up to \$20,000. Anslinger and FBN also lobbied state legislatures to impose longer sentences for drug offenders, using the Boggs Act as a template for state legislation.<sup>154</sup> Many of these statutes were even more severe than the federal legislation.

### **Into the 1960s: Continuity and Change**

The image of the marijuana fiend that Anslinger was able to create via the exploitation of anxieties is undeniably significant, dominating and defining what marijuana use meant for decades and leaving an influence that is still felt today. Discourse is never monolithic, however, and although Anslinger's mythology was pervasive, it had its limits. Anslinger retired from the FBN in 1962, and his successor Henry Giordano was not nearly as zealous as his predecessor in

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<sup>151</sup> Bertram, *Drug War Politics*, 84.

<sup>152</sup> J. Erlen and J. F. Spillane. *Federal Drug Control: The Evolution of Policy & Practice* (Boca Raton: CRC Press, 2004), 83, 85.

<sup>153</sup> Rathge, "Pondering Pot," 34.

<sup>154</sup> Nicholas and Churchill, "Federal Bureau of Narcotics," 614.

propagating anti-marijuana information.<sup>155</sup> At the same time, the FBN's near total control of information regarding marijuana and other drug use began to erode. By the early sixties, many medical professionals in a rapidly expanding health care bureaucracy increasingly began to embrace a theory of drug use and addiction similar to Lindesmith, in which dependence was considered a health issue.<sup>156</sup> As more Americans became familiar with marijuana, the image of the murderous dope fiend became much less potent.

The evolution of U.S. policy towards marijuana and mechanisms deployed to condemn its use demonstrate how the growth of the prohibition apparatus was dependent on the monopoly anti-drug crusaders had on the dialogue concerning marijuana. This discursive schema placed the user in a category of social unacceptability that justified surveillance and punishment of the user.

What happened, however, when marijuana use skyrocketed, and suddenly it became laughable to speak of devilish marijuana fiends with a thirst for crime? When the philosophical underpinnings and assumptions of prohibition were challenged, not just by a handful of scientific and medical professionals, but by a sizeable portion of the nation? When users were upper-middle class white college students instead of working-class Mexican immigrants or black jazz musicians?

As a result of a dramatically expanded health care bureaucracy after World War II and an increase in federal funding, coupled with a growing interest in studying drug use and addiction on the part of medical researchers and mental health professionals, marijuana and other drug use were increasingly viewed as a public health issue.<sup>157</sup> These efforts emphasized prevention in combating these problems, as well as the social environments they took place in. Besides in addition to addressing mental health, the public health agenda in the 1960s expanded to confront

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<sup>155</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 157.

<sup>156</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 157.

<sup>157</sup> Bertram, *Drug War Politics*, 193.

health problems whose immediate causes were choices made by individuals to engage in pleasurable but risky and addictive behaviors.”<sup>158</sup> The idea of the influence of environmental factors was applied, as “public health advocates argued that these risky choices were made in social contexts that encouraged such activities.”<sup>159</sup> Prevention efforts were therefore focused on social contexts thought to accept or promote behavior deemed dangerous, development that helped cement the idea of an emerging “drug culture” in the 1960s.<sup>160</sup>

The rapid growth of marijuana’s popularity during the 1960s, and its association with the counterculture, prompted two main reconfigurations in how it was known of and spoken about: it became symbolic of the youthful rebellion against normalized social conventions, and prompted a shift in the propagation of government-sponsored knowledge. Government agencies could no longer rely on the specter of crazed racial minorities, of transgressive women and unbridled criminality of the lowest socioeconomic classes, to paint marijuana use as detrimental, at least not overtly. Such characterizations had, for the most part, lost their legitimacy, and although the insinuation that use of drugs was related to suspect populations remained, it experienced a reconfiguration in the late 1960s.

As the following chapters demonstrate, the dialogue on marijuana became less focused on overt hyperbole and the specter of degradation. Rather, it transformed as use became more popular, becoming a symbol of the 1960s rebellion. Still, this discourse placed the user in a category outside the bounds of social acceptability, just as Anslinger’s had done. The same was true of government efforts to educate the public. Although Anslinger’s brand of sensationalism was

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<sup>158</sup> Bertram, *Drug War Politics*, 194.

<sup>159</sup> Bertram, *Drug War Politics*, 194.

<sup>160</sup> Bertram, *Drug War Politics*, 194, 195.

mostly abandoned for a more “scientific” approach, educational efforts were still dependent on the idea of the marijuana user as a transgressive social other.

## CHAPTER II

### **Marijuana in the Media**

“Hippies are quite a problem for the city. People are screaming, ranting, and raving to do something about it. We’re doing it...It’s part of a moral breakdown. These kids have gotten to the point where there is no discipline...When we lock up their children, it makes parents aware of what their sons and daughters are up to. A lot of parents come up here and thank us for locking up their children.”<sup>161</sup>

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<sup>161</sup> Carl Bernstein, "Hippie-Busting by the Narcotics Squad" *New Republic* 158, no. 8 (February 24, 1968): 19.

This was how a Narcotics Squad sergeant justified a raid in early 1968, when over 20 officers belonging to Washington D.C.'s Metropolitan Police Department Narcotics Squad descended on a local psychedelic shop in Georgetown without a search warrant and arrested 37 people.<sup>162</sup> Thirty of the arrestees were juveniles under the age of 18 charged with violating a rarely enforced juvenile anti-loitering law; over half of these were arrested for simply entering the shop while the raid was in progress. Using the violation of this statute as a justification for searching them, police found that three of the youth were in possession of marijuana. Although participating officers later acknowledged that "we had no evidence that they had anything to with drugs," all 30 were taken into custody. Indeed, in a national survey taken a year later in 1969, 42 percent of American parents indicated they would report their own children to the police for using illicit drugs.<sup>163</sup> The rhetoric of this policeman demonstrates prevalent concerns over drug use and drug users expressed by many Americans during the late 1960s, one that discursively joined drugs, the counterculture, and a lack of morality and discipline.

In the latter half of the 1960s, marijuana became more politicized than before and drug use and its associated perceptions expanded from marginalized minorities to white, middle-class youth who often publically celebrated marijuana use. The sudden visibility of marijuana in the media provided a symbolic target for critics who saw marijuana use and the permissive attitude towards drugs among many youth as a threatening part of the counterculture and leftist activism.<sup>164</sup>

Conservatives saw marijuana use as contagious and criminal, a threat to the authority of parents, the state, and the law.<sup>165</sup> Many critics associated marijuana with the anti-Vietnam War and civil rights protests and therefore a lack of patriotism and a threat to American security and social

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<sup>162</sup> Bernstein, "Hippie-Busting by the Narcotics Squad," 19.

<sup>163</sup> Peter Goldberg and Erik Meyers, "The Influence of Public Understanding and Attitudes on Drug Education and Prevention," in *The Facts About Drug Abuse* (New York: MacMillan, 1980), 126.

<sup>164</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 157, 158.

<sup>165</sup> Bertram, *Drug War Politics*, 98.

order.<sup>166</sup> Furthermore, marijuana became symbolic of the permissive sexuality and transgression of gender norms associated with the counterculture.<sup>167</sup>

In order to understand how marijuana was framed in the late 1960s and early 1970s, it is necessary to analyze dominant national-level discourses concerning marijuana use during this time. Many critics, among them President Richard Nixon and other conservatives, framed marijuana use as a dangerous aspect of the New Left's political activism and the permissive nature of the counterculture as well as an issue of national security and morality. Knowledge of marijuana and its effects were distributed and normalized through print and media outlets, speeches of politicians and other anti-drug crusaders. This dialogue underwrote the beliefs and practices inherent in enforcement efforts through select local and state laws aimed punishing users or anyone associated with marijuana and shaped the character of educational programs.

As demonstrated in the previous chapter, the discourse on marijuana from the early 20<sup>th</sup> century to the early 1960s was overwhelmingly characterized by the specter of the marijuana user as a hyperbolized fiend, abnormal and prone to criminality. This image depended on racial, gendered, and class anxieties. Prior to the 1960s, the vast majority Americans had no experience whatsoever with the drug. As available statistics demonstrate, however, there was an explosion of marijuana use in the late 1960s, especially among college-age youth. When survey data was first collected on marijuana use in 1967 by Gallup, 5% of college students reported trying it at some point in their lifetime; in 1969, 22% reported use.<sup>168</sup> In late 1970, in another Gallup Poll of college students, 43% had tried it, 39% had used it within the past year, and 28% had used it

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<sup>166</sup> Bertram, *Drug War Politics*, 98.

<sup>167</sup> Bertram, *Drug War Politics*, 98.

<sup>168</sup> Lana Harrison, Michael Backenheimer and James A. Inciardi, "Cannabis Use in the United States: Implications for Policy, in Peter Cohen & Arjan Sas (Eds) (Cannabisbeleid in Duitsland, Frankrijk en de Verenigde Staten, Amsterdam, Centrum voor Drugsonderzoek, Universiteit van Amsterdam, (1996): n.p., <http://www.cedro-uva.org/lib/harrison.cannabis.03.html>

within the last month. A year later in 1971, these figures rose to 51%, 41%, and 30% respectively.<sup>169</sup> This rapid rise in marijuana and other drug use brought the issue to the forefront of national concern.

During the 1960s and 1970s the punitive approach to drug use, built on the assumption that all drug use was criminally dangerous, was challenged (although not halted) in several ways. One such challenge came from advocates of drug addiction treatment and those who favored decriminalization, who resisted the idea that drug users should be punished and advocated for changes in prohibitive legislation.<sup>170</sup> Like Alfred Lindesmith, they argued for treating addiction as a public health issue rather than a criminal one.<sup>171</sup>

Another challenge to popular perceptions of drug use came from the “rebranding” of drugs by members of the counterculture, for whom drug use constituted a flaunting of state authority and social standards. As historian Robert Fuller notes, drug use for the counterculture was part of “attempting to stand back and undo one’s social conditioning and reassessing the value of almost everything.”<sup>172</sup> By using drugs in spite of their illegality and social stigma, they “felt they were challenging the materialism and rigid social norms of the dominant culture.”<sup>173</sup> Thus, in the 1960s, the counterculture’s reappraisal of the meanings of drug use represented a direct challenge to the idea that drug use was criminal, deviant, and dangerous and should be punished.

The race and class of many marijuana users was also undoubtedly key to the growth of pressures to reform drug laws. During the late 1960s many, if not most, counterculture drug users were educated, middle class, and white, but had they been mostly “poor urban blacks and Hispanics,”

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<sup>169</sup> Harrison, Backenheimer and Inciardi, “Cannabis Use in the United States,” n.p.

<sup>170</sup> Bertram, *Drug War Politics*, 85, 92, 94, 96.

<sup>171</sup> Bertram, *Drug War Politics*, 92; Ferraiolo, “From Killer Weed to Popular Medicine,” 158.

<sup>172</sup> Robert C. Fuller, “Drugs and the Baby Boomers’ Quest for Metaphysical Illumination,” *Nova Religio: The Journal of Alternative and Emergent Religions* 3, no. 1 (October 1999): 108.

<sup>173</sup> Bertram, *Drug War Politics*, 94.



the reframing of drug use would perhaps have been significantly less influential.<sup>174</sup> Since these drug users did not conform to the image of drug users that had been cultivated in prior decades, their use served to delegitimize and reorganize this image. Thus, the counterculture's reappraisal of the meanings of drug use presented a direct challenge to the previous anti-marijuana rhetoric dominant until this point.

### **Media Depictions of Marijuana and the “Drug Problem”**

Marijuana and other drugs' portrayal in the media was a significantly influential point from which a marginalizing discourse emanated. As scholars have argued, the media has a substantial influence on whether or not the public views an issue as important and what particular attributes of that issue are perceived as such.<sup>175</sup> Studies have suggested that drug use is a topic that the general public learned of mostly through media coverage rather than direct experience.<sup>176</sup> Because of this influence, media coverage of the “drug problem” and marijuana use in particular is useful in examining the character of the discourse surrounding drugs.

The swift rise in the rate of marijuana use and the demographic changes in its users therefore prompted a reconfiguration of the anti-marijuana discourse. Unable to use the myth of the killer weed myth any longer, anti-marijuana critics reshaped their arguments with modernized anti-drug symbols: “the college crash pad was equated with the opium den of the past, and the passive and unproductive “hippie” replaced earlier images of black, Chinese, and Mexicans in the drug

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<sup>174</sup> Bertram, *Drug War Politics*, 94.

<sup>175</sup> Thomas J. Johnson and Wayne Wanta, “Influence Dealers: A Path Analysis Model of Agenda Building during Richard Nixon's War on Drugs,” *Journalism & Mass Communication Quarterly* 73, no. 1,(1996): 183.

<sup>176</sup> Johnson and Wanta, “Influence Dealers,” 182, 183.

debate.”<sup>177</sup> Rather than causing horrific crimes, madness, life-long addiction, marijuana increasingly was cast as a catalyst for social disintegration. A 1967 *San Antonio Express* column noted that “opponents of marijuana legalization were “shifting their opposition from the grounds that it may harm the smoker to the position that its widespread use might be detrimental to society.”<sup>178</sup> The perceived threat of marijuana to society was therefore no longer based on its ability to turn a person into a fiendish monster, but because it was believed that a person who used it would no longer be an obedient, productive member of society. With the conflict in Vietnam escalating and the emergence of a cultural ideology that held pleasure over productivity, this allegation was particularly salient.

A *Tucson Daily Citizen* article in 1968 demonstrates this reconfiguration of arguments. It quotes Dr. Robert Cutis, director of the Southern Arizona Medical health center, who conceded that marijuana was not addictive, but was nonetheless dangerous. Invoking the gateway-drug theory, Cutis said that “marijuana may or may not be habit forming, but it leads to the use of stronger drugs.” To be a marijuana user, Cutis said, “you have to become part of the criminal subculture.”<sup>179</sup> Similarly, a *San Antonio Express* column quoted former University of Chicago Dean of Students Warner Wick as saying “I think the principle danger in marijuana itself is that it tends to generate a subculture...Physically, it’s no more of a problem than alcohol. It’s this alien subculture that is most dangerous.”<sup>180</sup> Wick, like Cutis, feared that marijuana would lead to people “dropping out of society” and “abandoning traditional feelings of responsibility.” These critics feared that marijuana, although perhaps not as harmful as had been previously thought, was nonetheless harmful because of the people who used it. To use marijuana was to identify

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<sup>177</sup> Bertram, *Drug War Politics*, 98.

<sup>178</sup> Van Gorton Sauter, “Widespread Use, Changing Views Make it A Serious Problem,” *San Antonio Express*, September 7, 1967.

<sup>179</sup> *Tucson Daily Citizen*, “Marijuana ‘Growing, Not Major Problem,’ Panelist Says,” January 18 1968.

<sup>180</sup> *San Antonio Express*, September 7, 1967.

oneself with a “subculture,” outside the bounds of normal society. As a 1972 *San Antonio Times* column argued, “it causes the person to associate with people who will not help him to be a fine and useful member of society.”<sup>181</sup>

The alien subculture Dr. Cutis and Mr. Wick were referring to was the leftist counterculture, revealing the obsession with scrutinizing and controlling the behavior of this population. The counterculture’s embrace of marijuana use embodied the rejection of traditional conventions of morality and personal development, and was therefore threatening to dominant social structures that emphasized personal responsibility and public order. The author of a 1969 *Time* article titled “Pop Drugs: The High as a Way of Life,” wrote that “drugs challenge the whole structure of adult values” and represent a “persistent unwillingness of youth to accept the straight world.”<sup>182</sup> For the first time," says California Psychopharmacologist Dr. Leo Hollister, "pot is entrenched in our society, with untold millions using the drug. We have passed the point of no return." Thus, drug use was part of the larger counterculture’s “alienation from the values” of the adult world. An *Independent Star News* columnist reported that drug use was “a massive repudiation of the mores and morality of our society...against the grey-flannel suit corporation mind; against what they see as a grossly materialistic and hypocritical society.”<sup>183</sup> Marijuana use, then, was not simply associated with the 1960s counterculture, it became symbolic of the counterculture’s ideology that questioned, and directly challenged, the structures of power present in American society, a non-conformist, threatening identity.

Marijuana was also repeatedly cast as damaging one’s moral compass. The 1968 *Tucson Daily Citizen* column quoted earlier also quotes Court of Appeals Judge John F. Molloy, who, besides

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<sup>181</sup> *The Los Angeles Times*, November 17, 1972.

<sup>182</sup> "Pop Drugs: The High as a Way of Life," *Time* 94, no. 13 (September 26, 1969): n.p

<sup>183</sup>“KNXT Special: ‘The Hippies,’” *Independent Star News*, May 14, 1967.

claiming that drugs were a cause of “sexual relations and illegitimate children” among the nation’s youth, explained his main objection to “psychedelic drugs” was the “attempt to tear down moral standards that set up the laws in the first place.”<sup>184</sup> In this schema, marijuana use and the growing support of its legalization represented a deterioration of morality as enforced through law. Marijuana, it was thought, would cause even the most straight-laced of people to lose their moral bearing. The law, by prohibiting marijuana, acts simultaneously as a guard against immorality and an enforcer of moral conformity. Legalization, or even taking a stance that was not wholly against marijuana, was seen as removing this guard.

Similarly, a 1970 *Chicago Tribune* article published a story of a Denver doctor, Dr. Gerald Starkey, who gave marijuana to ten “straight adults” who had never used the substance before. He had his subjects smoke ten joints in less than an hour. The effect (unsurprisingly), according to the doctor, was that “everybody lost their cool...reserved businessmen were patting the nurses and the ministers thought this was very funny.” Starkey said he arranged the “experiment” to show that although marijuana may not be physically harmful or addictive, it acted as a “euphoric moral tranquilizer.”<sup>185</sup> A 1973 *Indianapolis Star* columns attempted to caution people against smoking marijuana by drawing from the Senate testimony of Dr. Orlav Braenden, Director of the United Nations Narcotics Laboratory. The author says that marijuana is linked with a variety of psychological disorders, and quotes Braenden as crediting marijuana with “ego impairment with marked sexual promiscuity” among young people.<sup>186</sup> Like Anslinger’s mythology, these examples demonstrate the link forged between marijuana use and deviant sexuality. However, unlike Anslinger, who most often cautioned that its use would lead to miscegenation, these

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<sup>184</sup> *Tuscon Daily Citizen*, January 18, 1968.

<sup>185</sup> *Chicago Tribune*, August 23, 1970.

<sup>186</sup> *The Indianapolis Star*, June 26, 1973.

arguments imply a loss of sexual restraint, a concept heavily associated with the leftist counterculture. This reconfiguration of the anti-marijuana discourse simultaneously borrowed from the “reefer madness” campaign of the 1930s and shifted its object of concern with a more politically salient, though still marginalized, group.

The analysis of many critics was less cryptic, and demonstrated more clearly that were in fact not so concerned with marijuana’s dangers, but the type of people who might have been using it, specifically “hippies.” The Chief of Police in Council Bluffs, Iowa was quoted in a 1969 *Los Angeles Times* column as arguing that “Even if pot smoking was not dangerous, which I don’t believe, the kind of people who smoke pot are not the kind we want here.”<sup>187</sup> The Chief lamented the fact that “long-hair types” in “vehicles with flowers and peace signs on them” would be drawn to the state by rumors of marijuana growing wild. Marijuana, then, was not really even the issue, it was the people with which it was associated and the desire to marginalize and control those people. More significant is the prejudice on the part of law enforcement and other “respectable” officials towards “hippies,” or, “the kind of people who smoke pot” that repeatedly appear in media coverage of the issue. This is both a clear indication that marijuana and social non-conformity were inextricably linked and that the illegality of marijuana gave law enforcement a justification and a means of policing these people.

The association of counterculture “hippies” and marijuana use could occasionally be seen in media accounts of law enforcement activities. A particularly demonstrative example can be found in a 1968 *New Republic* article “Hippie-busting by the Narcotics Squad” written by Carl Bernstein, who would later become known for his original coverage of the Watergate scandal. The piece (quoted at the beginning of this chapter) details the activities of the narcotics control

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<sup>187</sup> *The Los Angeles Times*, November 4, 1969.

branch of Washington D.C.'s Metropolitan Police Department and includes interviews with officers. Bernstein notes that "hardly a fortnight has passed in the last year without the arrest of anywhere from 10 to 40 youngsters at a time, in what are called 'major narcotics raids.'"<sup>188</sup>

These were not the average juvenile delinquents, however: they were hippies. Bernstein quotes the chief of the Narcotics Squad as proudly declaring that "We're spending 70 percent of our investigation time on hippies. We're going to clean this mess up."<sup>189</sup> Bernstein notes that although heroin trafficking and addiction rates were growing in the D.C area, three out of four arrests by the squad were for marijuana or hallucinogenic drugs. In what is described as a typical raid, an undercover narcotics officer "acknowledged in court that he spent four months posing as a homosexual in a house shared by a dozen young men, most of them transvestites."<sup>190</sup> Although none of the men were major suppliers or distributors, all were in some way criminally charged. Four were charged with marijuana possession, one was charged with "maintaining a common nuisance," two others with "being present in an illegal establishment," and one other for "possession of obscene pictures."<sup>191</sup>

This example makes clear that concerns over marijuana had more to do with how users were perceived than with use itself. It is telling that the object of a four month undercover investigation wasn't a high level distributor, a heroin dealer, or any variety of dangerous criminal. It was a group of gay, countercultural youth in a communal living arrangement. As the chief's remarks illustrate, the target of the Narcotics Squad wasn't even necessarily narcotics; it was hippies, the source of a "moral breakdown." It is situations like this that the imbrication of the discursive power of the marijuana discourse and the coercive power of the law is elucidated.

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<sup>188</sup> Bernstein, "Hippie-Busting by the Narcotics Squad," 19.

<sup>189</sup> Bernstein, "Hippie-Busting by the Narcotics Squad," 19.

<sup>190</sup> Bernstein, "Hippie-Busting by the Narcotics Squad," 19.

<sup>191</sup> Bernstein, "Hippie-Busting by the Narcotics Squad," 19, 20.

Marijuana was discussed as both symptom and cause of societal, moral disintegration, which provided the basis for its continued illegality. Its illegality, in turn, provided the basis for the state to target non-conforming social groups.

When writers did admit that marijuana might not be as harmful as claimed, it was followed by suggestions that it still may pose a danger. A 1972 article by the editors of *The Cincinnati Enquirer* conceded that the horror stories of marijuana being a killer drug were ridiculously inaccurate and that marijuana's dangers had been exaggerated, and that there is no evidence of brain or chromosomal damage from marijuana, yet immediately afterward suggested that "the potential for very great damage is definitely there."<sup>192</sup> Rather than being a major departure from earlier characterizations, this ambiguity is reminiscent of Anslinger's tendency to portray marijuana as an enigmatic danger while providing very little hard evidence of its effects.

Through vagueness, it obfuscates marijuana's uniqueness and allowed critics to connect it to harder drugs like heroin and label it a "gateway drug." Indeed, while the authors say there is no inherent property in marijuana that would lead one to harder drugs, they claim that "the social milieu of a pot party is the usual site where young people are induced to try heavier drugs for a better kick."<sup>193</sup> Marijuana itself may not be particularly dangerous, but the "social milieu" of users could lead one to harder drugs and the horrors of addiction.

Professional opinions were often juxtaposed with that of legalization advocates in descriptions of the arguments over marijuana's effects and legal status. Take, for example, the way a 1968 *Corpus Christi Caller Times* article described each side of the debate. It refers to legalization efforts as "the campaigns of some hippies, students, and others."<sup>194</sup> Meanwhile, the bulk of the

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<sup>192</sup> *Cincinnati Enquirer*, March 12, 1972.

<sup>193</sup> *Cincinnati Enquirer*, March 12, 1972.

<sup>194</sup> "Marijuana Legalization Opposed by U.N. Panel," *Corpus Christi Caller Times*, May 24, 1968.

piece detailed the resolution of The Economic and Social Council of the United Nations that warned against legalization on the grounds that marijuana caused “unpredictable behavior, violence and adverse effects on health.”<sup>195</sup> Similarly, a 1968 *Time* article called the contention of legalization advocates that marijuana was no worse than alcohol “one of the soothing and glibly repeated clichés of the day.”<sup>196</sup> The article went on to describe the anti-legalization position of the American Medical association for the remainder of its length, saying that “it is known [marijuana users] run the risk of lessened intellectual activity,” and “any relaxation of anti-marijuana laws would encourage an even heavier traffic.”<sup>197</sup> It concludes with the opinion of the AMA that ““additional research is needed to determine more about the effects of marijuana’ before anyone should make up his mind about it.”<sup>198</sup>

Thus, despite the abundance of negative depictions, marijuana was not universally maligned in the press. However, it is important not take these sources at face value as evidence of a widespread legalization movement or a real softening of attitudes towards marijuana and its users. Contemporary polling suggests that Americans in the early 70s were overwhelmingly opposed to legalization, with over 80% against it in both 1969 and 1972.<sup>199</sup> The discursive framing of marijuana as in some way dangerous and necessitating prohibition continued to be the dominant form in which it was portrayed and perceived.

### **“Public Enemy Number One”**

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<sup>195</sup> “Marijuana Legalization Opposed by U.N. Panel,” *Corpus Christi Caller Times*, May 24, 1968.

<sup>196</sup> James L. Goddard, “Marijuana Warning,” *Time*, June 28, 68.

<sup>197</sup> Goddard, “Marijuana Warning,” 68.

<sup>198</sup> Goddard, “Marijuana Warning,” 68.

<sup>199</sup> *Cincinnati Enquirer*, March 26, 1972.



Perhaps the most public and vociferous voice against marijuana and other drug use at this time was the president himself. Richard Nixon's public opposition to drugs is well known. After all, he is generally credited with popularizing the idea of a "war on drugs."<sup>200</sup> In a 1969 message to Congress, Nixon framed drugs as a "growing menace to the general welfare of the United States" and a "serious national threat to the personal health and safety of millions of Americans." Drug use was therefore not simply a domestic issue to address; it was a national emergency, something that threatened the very survival and vitality of the nation.

Nixon was also influential in referring to drug use as something that must be combatted, invoking the language of war and casting drugs as an enemy that must be fought. As he said in a 1971 speech, "America's public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive."<sup>201</sup> It is worth noting that this statement came at a moment when the Nixon administration was escalating its bombing campaign in Vietnam and less than a year after the U.S. military's incursion into Cambodia. The framing of the effort to control drug use as an "all-out offensive" against the "enemy" conflates the fight against Communism in Vietnam with the drug control effort at home. While the student protest movements, the counterculture, and civil rights movements all opposed the war, Nixon's "silent majority" of conservative Americans supported military intervention to contain communism. The framing of drug users as the "enemy" contributed to their marginalization, justifying punitive measures to control them for the security of the country.

While his public opposition to drugs is well known, Nixon's privately recorded Oval Office conversations give insight into his personal views of drugs and drug users. These conversations

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<sup>200</sup> Johnson and Wanta, "Influence Dealers," 182.

<sup>201</sup> John T. Woolley and Gerhard Peters, "Nixon, R. Remarks about and intensified program for Drug Prevention and Control," The American Presidency Project, 1971 [online]. Accessed November 19, 2015. <http://www.presidency.ucsb.edu/ws/?pid=3047>

are exemplary of the anti-marijuana discourse linking its use to social and moral decay and depicting the laws against it as a safeguard for traditional morality. In a conversation with cabinet members John Ehrlichman and H. R. Haldeman, Nixon made his views on marijuana quite clear. “You see,” he said, “homosexuality, dope, immorality in general: These are the enemies of strong societies. That's why the Communists and the left-wingers are pushing the stuff, they're trying to destroy us.” When confronted with the idea that many people thought marijuana might not be harmful enough to prohibit, Nixon was unmoved. “I'm against legalizing marijuana,” he said. “I know all the arguments about, well, marijuana is no worse than whiskey, or etc. etc. etc. But the point is, once you cross that line, from the straight society to the drug society -- marijuana, then speed, then it's LSD, then it's heroin, etc. then you're done.”<sup>202</sup>

Nixon's conversations about marijuana are directly in line with anti-marijuana screeds that appeared in the media at this time. Nixon, like many others, saw society as being fundamentally bifurcated – a “straight society” and a “drug society.” The former must be defended from the later, thus marijuana must be kept illegal in order to maintain standards of social morality. Nixon's association of marijuana with homosexuality and “immorality in general” clearly show that the president was opposed to marijuana not because of any evidence of its harm to the user or others, but because it represented, to him, a violation of his moral code. Furthermore, his suggestion that marijuana would destroy American society mirrors the popular anti-marijuana theme found in media coverage of the “drug problem,” that any toleration of marijuana or other drugs would lead to the disintegration of a productive and moral citizenry by appearing to be permissive of the ideology marijuana was associated with.

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<sup>202</sup> “Conversation 498-5-- meeting with Nixon, Haldeman and Ehrlichman,” Common Sense for Drug Policy, May 13, 1971, <http://www.csdp.org/research/nixonpot.txt>.

The Nixon Administration's effort to curb drug use relied heavily on their ability to influence media coverage. Nixon recognized the importance of the media in framing the drug issue, and thus attempted to manipulate the press into promoting his views to the public.<sup>203</sup> Part of his strategy relied on the avoidance of the working press, instead "staging a series of well-rehearsed media events" to encourage television broadcasters to promote the anti-drug message.<sup>204</sup> For instance, the administration gathered television executives for an event in which police officers demonstrated how German Shepherds detected drugs in mail packages, followed by an hour and a half of "shocking" films about drug abuse.<sup>205</sup> The administration also directed advertisers to use their influence to convince TV producers to aid the anti-drug cause.<sup>206</sup>

The Nixon administration's manipulation of the media proved effective in promoting the anti-drug agenda. Television stations and their advertising sponsors provided approximately \$37 million worth of air time by 1971, and nearly twenty different programs committed to having at least one episode containing an anti-drug message.<sup>207</sup> Administration polling revealed that many Americans considered drug abuse as a serious threat to their safety, even in cities that had low rates of use, and Gallup polls showed increasing concern throughout the first few years of the 1970s.<sup>208</sup> The effects of Nixon's media strategy demonstrate the operation of discursive power as well as multiplicity of sources from which this discourse was produced. The government, the public, and press both influenced and were influenced by one another.<sup>209</sup> Each had a mutually reinforcing effect on the other.

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<sup>203</sup> Johnson and Wanta, "Influence Dealers," 182.

<sup>204</sup> Johnson and Wanta, "Influence Dealers," 184.

<sup>205</sup> Edward J. Epstein, *Agency of Fear: Opiates and Political Power in America* (Brooklyn: Verso, 1990), 170-171.

<sup>206</sup> Johnson and Wanta, "Influence Dealers," 185.

<sup>207</sup> Johnson and Wanta, "Influence Dealers," 185.

<sup>208</sup> Johnson and Wanta, "Influence Dealers," 182, 185.

<sup>209</sup> Johnson and Wanta, "Influence Dealers," 182.

Nixon also had no qualms about pressuring his own administration to maintain a tough stance on drug use, lest he be perceived as weak on the subject. On March 21, 1972, President Nixon met with Raymond Shafer, the chairman of the most comprehensive federal study of drug use up to that point, the National Commission on Marijuana and Drug Abuse, which would publish its findings on marijuana a year later. Shafer presented Nixon with a short summary of the Commission's findings. Nixon emphasized that Shafer must "be sure that we don't give approval, the approval of society." He later concluded the conversation by advising Shafer to "Keep your commission in line."<sup>210</sup> After Schafer had left, Nixon conferred with Ehrlichman about the report.

"President Nixon: What is your feeling about this damned report, this thing?"

John D. Ehrlichman: A lousy report.

President Nixon: Can we give an inch on this?

Ehrlichman: No, sir. No, sir."<sup>211</sup>

In another conversation with Ehrlichman and Haldeman, Nixon demands the firing of the director of the National Institute of Mental Health, Bertram Brown, who apparently had deviated from the zero-tolerance attitude of the administration. "Did you see this statement by Brown, the National Institute of Mental Health this morning?" Nixon asks. "He should be out. I mean, today, today. If he's a presidential appointee [unintelligible] do is fire the son of a bitch, and I mean today! Get the son of a bitch out of here." Nixon as therefore interested not only in taking a strong stance against marijuana use, but also to police that discourse. It is an illustration of the

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<sup>210</sup> "Nixon Transcript 2," National Organization for the Reform of Marijuana Laws, accessed November 19, 2015 [http://norml.org/pdf\\_files/Nixon\\_Transcript\\_2.pdf](http://norml.org/pdf_files/Nixon_Transcript_2.pdf)

<sup>211</sup> "Nixon Transcript 2."

workings of power through the control of what can be known about marijuana which was executed through the subjugation of some information and the propagation of another.

In the same conversation, while discussing ways to solidify popular support for the all-out offensive on drugs, a statement made by Haldeman belied the probable reason why marijuana continued to be the object of government prohibition. "That's what you worry about, you're not worried about addicts," Haldeman says. "Nobody knows an addict, but everybody knows a kid who's been smoking marijuana." Nixon agreed. "You've got to scare them," he said. This seems to constitute an admission that marijuana was more of political tool than it was an object of genuine concern for the president and his cabinet. Since marijuana was widely used, it was useful as a symbol of the drug-taking culture, the "dope society," to use Mr. Nixon's words. Since it was so visible during the late 1960s, marijuana use could be presented as evidence of a society on the verge of collapse, with only a tough stance and a "law and order" approach to save it from inevitable disintegration. Furthermore, the association between marijuana and the countercultural left meant it could be used as a weapon to delegitimize leftist activism, a form of political power that shaped the public's perception of these groups.

Nixon's statements here, like the negative media portrayals of marijuana, provide an illustrative example, not only of the anti-marijuana discourse but the perceived need to ensure this discourse portrayed marijuana use as unacceptable. It lends insight into Nixon's idea of governance and shows that he was aware of the power words had in shaping marijuana policy. Since the basis of prohibition was that marijuana was in some way harmful, therefore it was important that his administration police what was said about it. The official "truth" that marijuana was harmful – if not to the users themselves, then to society – must be maintained and guarded against dissent. Any divergence from this stance eroded the legitimacy of its prohibition.

## **Controlled Substances Act of 1970**

Pressures to “do something” about rising rates of drug use from a legislative standpoint culminated in the Controlled Substances Act of 1970. The act was intended to regulate hallucinogens, narcotics, depressant and stimulants, categorizing drugs into five “schedules” based on their “potential for abuse, status in international treaties, and any medical benefits they may provide.”<sup>212</sup> Marijuana was placed in Schedule 1, the group containing the “most harmful” substances with no medical value, where it remains today. For comparison, such powerful narcotics as cocaine and morphine were placed in Schedule 2. The fact that marijuana was placed in the most severe category demonstrates not only the anxiety surrounding it during this time, but also shows the government’s belief that the containment of its use was a top priority.

The act is also significant in how it defined addiction. It defined a drug addict as follows: “The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.”<sup>213</sup> The codification and defining and of addiction in these terms is significant for several reasons. First, it gave no way to quantify or measure the extent of “addiction.” Rather, the addict is simply a habitual user of a drug, and therefore labels anyone who used drugs regularly. Moreover, the inclusion of the notion of self-control is significant. Critics of the behavior of countercultural youth, such as the policeman quoted at the beginning of this chapter, often asserted that they lacked self-discipline.

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<sup>212</sup> “The Controlled Substances Act (CSA): Overview,” FindLaw, accessed March 15, 2017, <http://criminal.findlaw.com/criminal-charges/controlled-substances-act-csa-overview.html>

<sup>213</sup> “Scheduling of Drugs under the Controlled Substances Act,” Food and Drug Administration, accessed April 3, 2017, <https://www.fda.gov/NewsEvents/Testimony/ucm115087.htm>

In the news media, this was alleged to be both a cause and a symptom of drug use. Second, the definition makes no clear distinction between drugs. The report admits that marijuana is not physically addictive, yet seems to suggest that a regular user of marijuana would be considered an “addict.” Second, it explicitly situates drug use as a danger to the morality, health, and safety of the nation. It produced a way of knowing about addiction as dangerous to society as opposed to solely the individual. This definition of addiction therefore implicitly justifies disciplining and punishing drug use as a means of social control, since users cannot control themselves. This concept of addiction would be integral in the formation of drug education materials that sought to combat the problem of addiction, but served to conflate the use of any drug with an addiction to that drug.

The power of police in the area of drug enforcement was dramatically increased through the Controlled Substances Act. The bill permitted federal narcotics personnel to break into the homes of suspected violators, without warning, in order to prevent the destruction of evidence. Specifically, it enabled officers to “make arrests without warrant for any offense against the United States committed in his presence” or “if he has probable cause to believe that the person to be arrested has committed or is committing a felony.”<sup>214</sup> It also expanded the power of the federal government to seize the property of violators. Real estate, vehicles, and monetary assets connected to the distribution of prohibited substances could be confiscated and either used by federal narcotics agents or sold to fund their operations.<sup>215</sup> Furthermore, persons who “knowingly open, lease, rent, use, or maintain any place, whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any controlled substance” were subject to

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<sup>214</sup> “Title 21 United States Code (USC) Controlled Substances Act,” U.S. Department of Justice, Drug Enforcement Agency, accessed March 25, 2017, <https://www.deadiversion.usdoj.gov/21cfr/21usc/878.htm>

<sup>215</sup> “Title 21 United States Code (USC) Controlled Substances Act,” U.S. Department of Justice, Drug Enforcement Agency, accessed March 25, 2017, <https://www.deadiversion.usdoj.gov/21cfr/21usc/881.htm>

a sentence of up to 20 years in prison and a \$500,000 fine in addition to the seizure of their property and assets.<sup>216</sup> Consequently, even a loose association with a suspected violator could possibly violate federal law.

These provisions demonstrate the significance of the anti-drug discourse's influence in shaping and justifying the state's use of coercive power on those involved with prohibited drugs. A popular discourse portraying drug use as a national crisis that required an "all-out offensive" defined the issue as serious enough to warrant the violation of privacy and property. The act's placement of marijuana in the most restrictive legal category and expanded police power sanctioned the surveillance and punishment of users. Finally, because marijuana was so heavily associated with a counterculture whose very existence was often portrayed as a danger to society at large, the act enabled the state to discipline a dissident population through their suspected link to an illicit activity. This development suggests that, although the Controlled Substances Act ended harsh mandatory minimum prison sentences for marijuana use and distribution, it hardly represented a liberalization of policy. On the contrary, it represented the expansion of the ability of the federal government to surveil and apprehend not only drug distributors, but those alleged to have a tangential connection to them.

The act is also significant in that it sought to remedy the government's lack of scientific and statistical knowledge concerning marijuana in particular. Importantly, the legislation established the Commission on Marihuana and Drug Abuse. The Commission would be tasked with investigating and making policy recommendations based on the following:

" (A) the extent of use of marihuana in the United States to include its various sources of users, number of arrests, number of convictions, amount of marihuana

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<sup>216</sup> "Title 21 United States Code (USC) Controlled Substances Act," U.S. Department of Justice, Drug Enforcement Agency, accessed March 25, 2017, <https://www.deadiversion.usdoj.gov/21cfr/21usc/856.htm>



seized, type of user, nature of use; (B) an evaluation of the efficacy of existing marihuana laws;

(C) a study of the pharmacology of marihuana and its immediate and long-term effects, both physiological and psychological;

(D) the relationship of marihuana use to aggressive behavior and crime;

(E) the relationship between marihuana and the use of other drugs; and

(F) the international control of marihuana.”

In March of 1972, the Commission published its findings. Marijuana was not physically addictive, the report confirmed, but some heavy, habitual users showed signs of psychological dependence.<sup>217</sup> The Commission found no link whatsoever between marijuana use and violence or crime. Rather, the authors stated, marijuana “generally serves to inhibit the expressions of such behavior.” The Commission also refuted other marijuana myths. It found no evidence that marijuana caused birth defects, brain damage or insanity. In regard to the popular association that marijuana was responsible for youth “dropping out,” the report stated that although “chronic, heavy use of marijuana” *may* effect the social and economic integration of young people, it found the number of such persons to be negligible. Neither did the Commission find any evidence for the assertion that marijuana led to the use of harder drugs. Rather, it emphasized the fact that the vast majority of marijuana users do not later become addicted to drugs such as heroin. The report concluded that “neither the marijuana user nor the drug itself can be said to constitute a danger to public safety.”

The Commission also made specific policy recommendations for both the federal and state level. The authors unanimously agreed that “marijuana use is not such a grave problem that individuals that smoke marijuana, and possess it for that purpose, should be subject to criminal procedures,”

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<sup>217</sup> *The Minneapolis Star*, March 22, 1972.

although they rejected the legalization of marijuana on the grounds that “it would institutionalize availability of [the] drug.” At the federal level, they recommended that private marijuana use, as well as its “casual” distribution, should no longer be an offense, and that only public use of the substance should be subject to “seizure and forfeiture.” At the state level, the Commission made similar recommendations. Possession of less than one ounce of marijuana would not be a punishable crime, and possession of more than one ounce would only result in a \$100 fine.<sup>218</sup>

The fact that the Commission rejected legalization and recommended that public use, distribution for profit, and operating a vehicle while intoxicated should still be acts punishable by a felony, show not only the political influence of Nixon and other conservatives, but the persistent unwillingness to reject the idea that there was something wrong with using it. Yet, it is significant that it suggested that private use not be a crime. By recommending this and debunking many of the myths associated with marijuana, the report undercut the rationale that marijuana prohibition supposedly depended on. If marijuana did not cause the ailments or violent crime that prohibitionists alleged it did, there would be little reason to spend law enforcement resources targeting its users. The reason it must remain illegal, and laws against its sale or public possession must remain in place, was that it provided a basis for control of a population that was deemed threatening to the social order. It would not only “institutionalize” the drug’s availability, it would institutionalize its acceptance its use as a legitimate behavior rather than one that must be contained. By extension, it would legitimize the “subculture” with which it was so heavily associated.

Yet, despite the recommendations of the committee, it had little effect on either policy or the ways in which the public viewed marijuana. At the federal level, the Nixon administration

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<sup>218</sup> *The Minneapolis Star*, March 22, 1972.

categorically rejected the Commission's suggestions for changes to federal laws. Although 11 states decriminalized the possession of small amounts of marijuana in the 1970s, arrest rates continued to rise. In 1965, approximately 18,000 people were arrested for marijuana-related violations; by 1970, this number had increased to 188,000, and by 1975 it was over 400,000.<sup>219</sup> Public opinion polling showed that, although support for legalization had grown, it was still minimal. A 1969 Gallup Poll reported only 12% of Americans supported marijuana legalization, and by 1972 it had only increased to 15%, while 81% opposed it and 4% were undecided.<sup>220</sup> Two out of three adults felt that penalties for marijuana use or possession were already too lenient, compared to 30% who said they were too strict.

What is significant here is not the quibbling over the science on marijuana: it's scientifically observed effects, harms, or possible benefits. What is intriguing and significant to this research is the almost ubiquitous appearance of value judgements, a reoccurring theme present in anti-marijuana arguments or even more ambivalent contentions. Those favoring a punitive approach to marijuana law and opposing its legalization or decriminalization rarely bolstered their arguments with much scientific evidence of marijuana's harms. Rather, they opposed it because it represented, to them, a threat to a traditional society, inextricable bound to the turmoil and social upheaval of the era. Marijuana use must be controlled, not because of the physical harm it may inflict on the user, but because it represented a permissive subculture that stood at odds with conservative morality. As the Council Bluffs, Iowa police chief stated, it wasn't the marijuana itself that was an issue, it was the people who were thought to use it. Even the executive director of the Commission of Marijuana and Dangerous Drugs, Michael Sonnenreich, seemed to think

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<sup>219</sup> Bertram, *Drug War Politics*, 97; "Annual Marijuana Arrests in the US," *National Organization for the Reform of Marijuana Laws*, Accessed November 15, 2015, <http://marijuana-arrests.com/US-arrests.html>.

<sup>220</sup> Seth Motel, "6 Facts About Marijuana," Pew Research Center, accessed January 29, 2016. <http://www.pewresearch.org/fact-tank/2015/04/14/6-facts-about-marijuana/>; *The Cincinnati Enquirer*, March 26, 1972.

that the possibility of actual physical harms were not particularly important in gauging the level of danger it represented. “[Physical harm] isn’t the criterion of a danger,” Sonnenreich said in 1971 interview, “The danger is social impact.”<sup>221</sup>

Thus, anti-marijuana rhetoric in the late 1960s and early 1970s represents both a continuation of and a departure from the dialogue that had previously characterized discussions of marijuana. The user was still considered an aberration, a social outsider with questionable morals. While few still adhered to Anslinger’s sensational mythology, and people generally accepted that marijuana would not cause instant insanity, it was still routinely cast as a threat to the social stability of the nation, a threat that necessitated control of its use for the good of society. It was a case of “useful delinquency” in that marijuana had powerful political symbolism that could be deployed as a threat from which society must be defended through both the coercive power of the law and the power of the knowledge of what exactly marijuana represented.

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<sup>221</sup> *The Los Angeles Times*, September 23, 1971.

## CHAPTER III

### Drug Education and the Formation of a Discursive “Truth”

Misinformation and contradictory information presented to both adults and youngsters has led to a widening of the communications gap. Facts must replace misinformation so that the communications gap may be replaced by open dialogue and discussion. By presenting the facts without resorting to scare techniques or exaggeration, in the language of the audience and via appropriate media, it is possible to help combat the problem of drug abuse.<sup>222</sup>

Public anxiety over the popularity of illicit drugs like marijuana, coupled with an expanding drug-control bureaucracy, provided the impetus for government agencies at the local, state, and federal level to institute educational programs as part of the attempt to curb drug use. Public officials started to view “drug education” and “prevention” as panaceas to the drug problem; drug use would surely decrease if the public was made aware of the dangers, and education functioned as political appeasement, working to satisfy critics of prohibition while reinforcing the prohibitionist narrative. Due to the concern over the rise in illicit drug use, among the nation’s youth in particular, school-based education was a top priority for lawmakers responding to rising public concerns over the activities of countercultural adolescents.<sup>223</sup> Other educational efforts were aimed at the general public, such as advertisements. Although there was a considerable dearth of scientific evidence concerning the effects of many substances, and especially marijuana, the federal government along with many state legislatures approved

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<sup>222</sup> National Institute of Mental Health, *A Guide to Drug Abuse Education and Information Materials*, 2.

<sup>223</sup> Peter Goldberg and Erik J. Meyers, “The Influence of Public Attitudes and Understanding on Drug Education and Prevention,” in *The Facts about Drug Abuse*, The Drug Abuse Council (Washington D.C.), (New York: MacMillan, 1980), 127.

legislation mandating drug education in the nation's schools, signaling the absorption of drug abuse content into the regular public education curriculum.<sup>224</sup>

The influence of the public opinion on drug education programs and the themes present in these programs show how such materials constituted the propagation of a discursive “truth” that exerted a power to categorize and subjugate the drug user by creating a field of legitimized knowledge through which to interpret drug use. Government-funded drug education programs, as an extension of state power to regulate knowledge, reinforced the social and legal marginalization of users by legitimizing the idea that such behavior posed a danger to society. Popular anti-drug sentiments both shaped and were reproduced in the educational discourse, the characterization of the drug user as potentially unpredictable, even violent, and beginning in the early 1970s, the seemingly more benign suggestion that users of any drug, marijuana or otherwise, were socially and psychologically aberrant and an unproductive and possibly detrimental element of society. These discursive characterizations informed and reinforced the apparatuses, both coercive (law enforcement) and discursive (drug education) which constituted the bulk of anti-drug efforts during this time. As elements of widespread educational dialogue, they normalized a disciplinary stance towards marijuana at multiple levels of society, reinforcing the punitive paradigm and further marginalizing users.

The ways drug use in general was described in school-based guides, films, and other educational materials are critical to understanding how they functioned characterize and marginalize marijuana and other drug use. Marijuana, as a topic of drug education, was heavily influenced by the overall way in which any substance use in general was discussed. The discursive categories of “drug abuse” versus “drug use,” as defined in the educational literature, had a profound effect

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<sup>224</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 127.

on the way people perceived drug use. I will then examine the discussion of marijuana specifically in educational materials, demonstrating how they constituted the creation of a discursive truth to bolster the anti-marijuana effort and form a dominant consensus regarding its use.

The chapter will address both school-based educational materials as well as more generalized efforts aimed at the public at large. To analyze school-based drug education programs as fully as possible without being exhaustive or repetitive, this chapter uses educational guides and training manuals distributed at the local, state, and federal levels that were intended to instruct educators how to approach the topic of drugs. Drug prevention films marketed to educators will also be employed. Law enforcement training manuals intended to instruct officers on how to publicly explicate their knowledge of drugs as “experts” on the topic will be discussed, again using materials from the local, state, and federal levels to demonstrate both the general homogeneity and the multiple points from which the educational discourse emanated. Finally, it will examine government efforts, through Advertising Council and other media agencies, to provide content to educate the public on the dangers of marijuana and other drugs. The intent is to use materials that are exemplary of drug education content in this time, materials that contain oft-repeated, seemingly self-evident information, and analyze the discursive power these materials exerted through close reading.

## **History of Drug Education**

Formal school-based education can be traced back to the late 1800s with the emergence of temperance education, led by Mary H. Hunt and the Woman's Christian Temperance Union (WCTU). Largely as a response to the WCTU's urgings, the federal government issued a mandate in 1886 requiring this education in all federally controlled schools.<sup>225</sup> In the attempt to dissuade children from using alcohol and narcotics, the WCTU often resorted to what can be termed "scare tactics," using graphic and sensationalized portrayals of the dangers of intoxicants in the hopes that it would scare pupils away from experimenting with such substances.<sup>226</sup> Critics charged that these tactics ignored scientific evidence and were biased.<sup>227</sup> Hunt and the WCTU retorted that the critics themselves were biased and that narcotics, and alcohol in particular, were just as dangerous as their educational materials made them seem. Both sides repeatedly justified their arguments with the latest "scientific" findings.

This represents one of the most prevalent themes in the history of drug education efforts, one that is especially central to this research and manifests itself in contemporary debates: the struggle over ownership of the "truth." To educate is to provide information, and these early debates preceded a larger debate that would occur in the 1960s over what sort of information to provide. For the WTC, the purpose of education was to discourage use. However, to discourage drug through educational requires that the "truth" being disseminated portray the consequences of use as negative, something that scientific findings didn't always validate or produce a clear conclusion on. Thus, science was useful to anti-drug efforts only insofar as it confirmed the

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<sup>225</sup> Beck, "100 Years of 'Just Say No,'" 18.

<sup>226</sup> Beck, "100 Years of 'Just Say No,'" 19.

<sup>227</sup> Beck, "100 Years of 'Just Say No,'" 22-23.



negative view of drug use they sought to promote. Drug education was “little more than a frantic search for persuading youth to abstain.”<sup>228</sup>

The repeal of Prohibition signaled the end of widespread temperance instruction in the classroom, although it continued sporadically in some locations.<sup>229</sup> At the same time as temperance instruction was waning, fears over drug use and addiction were growing. Initially, the increasing demonization of marijuana and other drugs in the 1920s and 1930s was accompanied by educational efforts intended to make the public aware of the dangers of drugs.<sup>230</sup> A primary example was the founding of the International Narcotic Education Association by Richard P. Hobson. The organization created international Narcotics Education Weeks for students as well as the general public from the mid-1920s to the early 1930s. However, popular support and funding for these programs quickly waned partially because of widespread opposition on the part of government officials and other influential actors. These individuals generally held the view that narcotics control was best left to law enforcement, and that education would have the undesired effect of advertising drugs.<sup>231</sup> One of the most vocal critics of the school-based drug education was Harry J. Anslinger, newly appointed head of the Federal Bureau of Narcotics. Anslinger, like many other critics, felt that an informational approach to drug education in public schools would only serve to pique the interest of students instead of discouraging them from using drugs. Through Anslinger’s efforts, drug education would remain generally characterized by the distribution of sensationalized horror stories through the media

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<sup>228</sup> Beck, “100 Years of ‘Just Say No,’” 33.

<sup>229</sup> Beck, “100 Years of ‘Just Say No,’” 24.

<sup>230</sup> Beck, “100 Years of ‘Just Say No,’” 25.

<sup>231</sup> Beck, “100 Years of ‘Just Say No,’” 26.

and the “avoidance, repression, or minimalization [sic]” of empirical evidence and standards until the late 1960s.<sup>232</sup>

With the visible increase in drug use in the 1960s came increased pressure on the government to do something about it.<sup>233</sup> The conclusions of the “Advisory Committee on Narcotic and Drug Abuse” appointed by President Kennedy in 1963 represented a resurgence of drug abuse education.<sup>234</sup> Rejecting the “just say nothing” approach to school-based education favored by Anslinger, the committee advocated intensive drug education in public schools designed to make students aware of the dangerous effects of drugs. Widening concern throughout the late 1960s moved drug prevention methods into the spotlight of political policy by 1970.<sup>235</sup> The Nixon administration, as a facet of its “War on Drugs,” mandated that all students receive drug education, drastically increased funding for educational programs, and created new agencies, such as the National Institute on Drug Abuse (NIDA) to spearhead educational efforts.<sup>236</sup> While the earliest drug education programs were characterized by the same sensationalist rhetoric reminiscent of Anslinger’s reefer madness campaigns of the 1930s, by the early 1970s drug educators increasingly sought to provide a level-headed, “factual” description of the dangers of drugs.<sup>237</sup> Early films and presentations had focused on a “blood and guts” style scare-tactics meant to make drug use appear so terrifying as to dissuade use, but new programs were intended to be less hyperbolic.

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<sup>232</sup> L. Wallack, “Mass Media and Drinking, Smoking, and Drug Taking,” *Contemporary Drug Problems*, 9, no. 1 (1980), 57.

<sup>233</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 127.

<sup>234</sup> Beck, “100 Years of ‘Just Say No,’” 27-28.

<sup>235</sup> Bertram, *Drug War Politics*, 90.

<sup>236</sup> Beck, “100 Years of ‘Just Say No,’” 28.

<sup>237</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 129.

Throughout the early-to-mid 1970s, the overarching goal of drug education centered on providing a “fact-based” in contrast to the “fear-based” content of many educational programs in the mid and late 1960s.<sup>238</sup> With the focus on providing an “objective” approach to drugs, many educational materials began warning educators against using overtly sensationalized horror stories.<sup>239</sup> A 1970 Phoenix guide implored teachers to avoid “sensational accounts or scare techniques...because the teenager’s direct knowledge frequently contradicts them.”<sup>240</sup> These prescriptions are significant for two reasons. First, they constitute an admission that the sensational accounts of marijuana’s harms are contradicted by actual direct experience. The “truth” of marijuana being a killer drug, in other words, clashed with the users own “truth” acquired from experiencing the drug. Furthermore, it illustrates the epistemic anxiety underlying the drug education effort. The questions these guides seem to be trying to answer is, “How can we prove to people that marijuana use is detrimental to their wellbeing when their own experience says otherwise?” The answer to that question was a reconfiguration of drug education materials, but not necessarily a significant shift in the message they conveyed or the purpose for which they were created, which was always to discourage use.

Although some historians argue that these changes represented a monumental shift from fear-based education to an amoral, scientific “harm-reduction” model, it was less of a real alteration than a superficial re-packaging of the moralistic scare-tactics. Jerome Beck’s article “100 Years of ‘Just Say No’ Versus ‘Just Say Know’: Reevaluating Drug Education Goals for the Coming Century” is a useful example of a history of drug education that overestimate the extent to which the character of drug education programs changed in the early 1970s. Beck argues that school-

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<sup>238</sup> Beck, “100 Years of ‘Just Say No,’” 29-30.

<sup>239</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 129.

<sup>240</sup> T.C. Dean, *Procedural Guide for Drug and Narcotic Education, Kindergarten – Eight* (Phoenix: Phoenix Elementary School District, 1970), 39.

based educational programs underwent a fundamental change by abandoning an abstinence-only approach in favor of a more realistic “misuse or abuse prevention” strategy aimed at helping students make “responsible decisions.”<sup>241</sup> This contention, however, obscures more than it reveals and takes drug education reformers of the 1970s at their word. A close reading of drug education materials of the early-to-mid 1970s seems to point more towards a reconfiguration than a real, substantive shift.

Admittedly, drug education manuals do seem to become more pragmatic in their contentions, more level-headed and objective in their content. However, these materials reinforce the same prejudices against drug use, and in particular marijuana use, as the previous sensationalist rhetoric: that users are lazy, irresponsible, socially maladjusted, and potentially dangerous. Moreover, drug education histories like Beck’s imagine that “fear-based” education was never accepted as truth, while educational efforts in the 1970s were legitimately factual. The ways in which drug use was discussed, and especially discourse emanating from legitimized sources such as the federal government, national media, or public schools, always provided the public with ways of knowing about drug use, whether it was sensational or informative in tone. Furthermore, just because drug education in the 1970s became more tempered in its approach does not mean that it didn’t reproduce the same stereotypes and discursive marginalization as earlier efforts. Just because this “new” form of education touted “harm reduction” as opposed to total prevention doesn’t mean that the assumptions underlying both efforts weren’t similar. They both suggest an inherent wrongness in the consumption of drugs.

Although these programs often differed in the depth and clarity of their content, the ostensible effort to provide an “objective” and “informative” portrayal of the dangers of drug use is the

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<sup>241</sup> Beck, “100 Years of ‘Just Say No,’” 29-30.

uniting theme present in nearly all these materials. However, this does not mean they succeeded in their objective. Although drug education was supposed to provide students with the “scientific knowledge” and “basic facts” which should, ideally, “encourage the student to abstain from any form of drug abuse or misuse” and “abate curiosity and temptation,” this approach met with immediate challenges, and attempts to provide a set of empirical truths backed by objective evidence reveal the epistemic deficit these materials were attempting to mitigate.<sup>242</sup> This was especially the case with marijuana. Compared to use of other drugs, marijuana use showed the largest increase during the late 1960s and early 1970s among youth, and thus attracted a significant amount of attention from educators.<sup>243</sup> The problem was that little research was available, and what was already available did not necessarily support the goals of drug education efforts: the abstinence from marijuana based on irrefutable evidence of its harmfulness.<sup>244</sup> The failure of school-based drug education to provide, much less reach a consensus on a factual approach to marijuana, put it in an immediate disadvantage.<sup>245</sup> The gist of this issue was summarized as follows in a 1972 evaluation of drug education and prevention submitted to the Ford Foundation:

“Most drug education programs are ambivalent. They profess an honest desire to tell the truth-but only up to a point. When known facts run out or become controversial, as they almost always do when the subject [of marijuana] comes up, the approach reverts to imposed value judgements, half-truths, or presumptions that the law is right-devices easily seen through by the skeptical young.”<sup>246</sup>

In 1972 National Coordinating Council on Drug Education initiated an organized evaluation of drug education films in use. Out of 220 films, “one third were rated so

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<sup>242</sup> Dean, *Procedural Guide*, 49.

<sup>243</sup> Gallup, “Decades of Drug Use: Data From the '60s and '70s.”; Goldberg and Meyers, “The Influence of Public Attitudes,” 127, 128.

<sup>244</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 129.

<sup>245</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 129.

<sup>246</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 129.

inaccurate or distorted as to be totally unacceptable and an additional 50 percent were judged to be unsuitable for general audiences.”<sup>247</sup> This uncertainty of what the “facts” actually were points to the desire to assemble a definite statement on drug use but also exposes the presence of an epistemic anxiety, an effort to simultaneously acquire more knowledge and yet at the same time define and control what is known. Moreover, although government reports repeatedly found education and prevention methods ineffective, little was ever done to remedy the flaws described above, and educational methods continued to rely on ambivalence and suggestion.<sup>248</sup>

### **“Drug Abuse”**

The popular terminology used in drug education texts provides a sense of how it functioned as a discursive mechanism that placed marijuana use outside the bounds of acceptable behavior. In the late 1960s and early 1970s, drug education and prevention programs were commonly referred to as “drug abuse education” or “drug abuse prevention.” A seemingly innocuous and taken-for-granted phrase, the term “drug abuse” is significant in that it immediately excludes any possibility of acceptable use. Any use of marijuana could be construed as “drug abuse,” lumped together and for the most part conflated with other drugs as part of what was perceived as a national crisis of addiction. Medical literature generally defined any use of any un-prescribed drug as “abuse.” All drug use, then, is perceived as pathological, an indication of some mental flaw that prevents the user in question from being “normal.”

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<sup>247</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 130.

<sup>248</sup> Bertram, *Drug War Politics*, 116.

For example, a 1970 Colorado State Department of Education booklet defined drug abuse as “the use, by self-administration, of any drug in a manner that deviates from the approved medical or social patterns within a given culture.”<sup>249</sup> The guide contended that “the abuse of any substance, whether it be food, tobacco, alcohol, marijuana, or any other drug is a symptom that things are not right within the abuser.”<sup>250</sup> Drug abuse, then, not only constituted a deviation from medical standards, but from acceptable social and cultural standards as well. Furthermore, the notion that “things are not right” with the “abuser” suggests that drug use symptomatic of some personal defect. Drug use is thus an aberration, not a form of youthful experimentation but an indication that a person was in need of remediation. The defining of use as *abuse* brought the user under the purview of state power as a subject needing correction.

While the term drug abuse was used as a catch-all for the use of any illicit or socially non-approved substance, it was rarely used to describe misuse of prescription drugs, alcohol, or nicotine.<sup>251</sup> The fact that any marijuana use was automatically labeled “abuse” reflects how it, like other illicit substances, was categorically excluded from standards of societal acceptability and portrayed as a problem that necessitated government action. One may responsibly use alcohol or prescription medications, but not marijuana, as its categorization as an illegal drug and the FBN propaganda campaigns of previous decades had placed it outside the bounds of legitimate use. As educational texts too often employed vague terms like drugs, dope, narcotics, etc., the lack of specificity did the same discursive work as the “gateway drug theory” and the popular discourse described in the previous chapter, condensing the complexities of drug use and users into the single category of drug abuse. Specifically, in conflating marijuana use with all

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<sup>249</sup> Robert Gilmore, *Drug Education Handbook*. Denver: Colorado State Dept. of Education, 1970), 7.

<sup>250</sup> Gilmore, *Drug Abuse Handbook*, 7.

<sup>251</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 127.

other drug use, it effectively minimized the argument that marijuana was relatively safe compared to other substances. Thus, although educational programs may have struggled to prove why marijuana was so bad from the perspective of its physiological effects, the blurring of distinctions between drugs and the labeling of marijuana use as “drug abuse” nonetheless allowed them to categorize it a dangerous behavior.

### **The Persistence of Anslinger’s Sensationalism**

Despite the demand for a drug education curriculum free of hyperbole, the link between marijuana and criminal violence remained present in the late 1960s and the early 1970s. A 1967 California State Education booklet states that the user “is apt to experience a false sense of courage which may induce irresponsible and dangerous behavior.”<sup>252</sup> Although the authors admit that little research had been done connecting marijuana to crime, they note that “it is assumed, however, with respect to ‘marihuana crimes’ and other aberrant behavior associated with marihuana use, that marihuana, through the relaxing of inhibitions, frees the individual to act out preexisting urges which normally would be suppressed.”<sup>253</sup> The authors seem to imply that marijuana had the capability to cause a person to lose control and give into whatever criminal “urges” they may have. Again, in a “Conclusions about Marihuana” section, the authors charge that “a person under [marijuana’s] influence is irresponsible, and there is considerable possibility that he may inflict harm upon himself or others.”<sup>254</sup> The 1970 Colorado publication warns that “marijuana may remove the last and final barrier of constraint and allow acting out of sexual

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<sup>252</sup> Angela Kitzinger and Patricia Hill, *Drug Abuse, A Sourcebook and Guide for Teachers* (Sacramento: California State Department of Education, 1967), 26.

<sup>253</sup> Kitzinger and Hill, *Drug Abuse*, 27.

<sup>254</sup> Kitzinger and Hill, *Drug Abuse*, 31.



urges, aggressive or criminal behavior, reckless driving practices, etc.”<sup>255</sup> In these descriptions, marijuana supposedly removes self-control, making a person capable of actions they usually would not do. It must therefore be abstained from, not because of any physical harm it may cause, but because it makes a person uncontrollable.

As late as 1973, after numerous agencies had recommended that accusation of drug-induced violence be minimized or entirely removed from drug education curriculum, the association continues to appear. The 1973 Dade County booklet suggests that marijuana is “unpredictable and dangerous,” may cause the user to “lose his self-control” and therefore may cause him “harm himself as well as others.”<sup>256</sup> This does not suggest a shift to a more objective method of education, but rather a repackaging of the sensationalism that goes back to Anslinger’s Reefer Madness as fact. At first glance, these supposedly more objective materials seem a far cry from Anslinger, who claimed that marijuana had the power to turn a child into an axe-wielding murderer or a virtuous woman into a prostitute. However, the assertions that marijuana made one unpredictable and unable to control himself illustrate the lasting effects of Anslinger’s campaigns because they categorize the marijuana user in the same way: a threatening element of society, one which must be controlled for the protection of himself and others.

Another illustrative example of the persistence of the association of marijuana with violent behavior in the same manual is in an account of its history: the legend of the “Assassins.” Purportedly a group of vicious killers based in what is modern-day Iraq and allegedly encountered and described by Marco Polo, the Assassins allegedly consumed marijuana in order to enter into a violent, frenzied state of mind that allowed them to slaughter their enemies

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<sup>255</sup> Gilmore, *Drug Education Handbook*, 98.

<sup>256</sup> Michael Bookman and Mark Safferstone, *Developing Real Understanding and Growth in Students: Affective Approaches to Intermediate Elementary Substance Education. A Program Guide* (Miami: Dade County School System, 1973), 108, 173.

without mercy.<sup>257</sup> Such a description in an educational booklet demonstrate the extent to which previous anti-marijuana campaigns such as Anslinger's continued to affect perceptions of marijuana, even from the perspective of its history. In particular, it demonstrates that racism continued as an aspect of the marijuana discourse. This particular example invokes a racist orientalism that associates marijuana with a savage and violent group of foreigners, their imbibing of the drug being responsible for their supposed atrocities.

Other examples show the continuation of previous racist constructions of marijuana use. For example, the 1970 Dallas ISD educational booklet instructs teachers to make their students aware that "Texas has strict drug laws because of its proximity to Mexico."<sup>258</sup> In tracing marijuana's history in the United States, the authors allege that it was "brought by Mexican laborers," and was a habit predominately "among the lower socio-economic groups of Negroes and Latin-Americans" before spreading to white, middle and upper-class youth in the 1960s.<sup>259</sup> By repeating the race and class-based language characteristic of the FBN and Anslinger, these assumptions were reproduced as factual and disseminated as truth. Furthermore, both this example and the story of the "Assassins" demonstrate how the interpretation of a drug's history can function as a mechanism shaping how it is perceived in later decades.

Although fabricated tales and death and degradation may have subsided, its replacement, the contention that marijuana use resulted in an inability to control criminal urges, does the same discursive work. The apparent shift in educational efforts was from a characterization of marijuana users as dangerous monsters to one that portrayed them as aberrant, yet almost sympathetic figures, less dangerous but nonetheless detrimental to their personal well-being as

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<sup>257</sup> Bookman, *Developing Real Understanding* 108.

<sup>258</sup> *Drug Abuse Education, A Multiple-Approach Curriculum Guide and Resource Materials for Grades K-12* (Dallas: Dallas Independent School District, 1970), 37.

<sup>259</sup> *Drug Abuse Education*, 63.

well as that of society. The main assumption underlying these assertions remained virtually the same. They cast the user as outside the bounds of “normal,” lawful society, an ever-present danger which necessitated education, rehabilitation, and discipline. By promoting the knowledge of marijuana as a habit of unlawful, possibly violent people, these educational texts placed those who did use it in a marginalized social state, and thereby justified their surveillance and sequestration for the good of society.

### **Epistemic Anxieties**

Interestingly, some educational materials actually pointed to the lack of any meaningful scientific evidence, especially on marijuana, to refute the arguments of decriminalization and legalization advocates and further reinforce the idea that prohibition was necessary. As shown by an entry in a 1971 manual distributed in the Albany, New York school district, drug educators were aware of the difficulties of defending drug laws.

Young people delight in pointing out the inconsistencies and hypocrisies in drug legislation and enforcement, and while they should be informed of the penalties of drug possession and use, nothing is to be gained from trying to defend the inconsistencies of drug legislation...with most youths threats make no impressions. They argue that the adult community commits legal transgressions, why shouldn't we.<sup>260</sup>

Yet, intentionally or not, these materials consistently uphold the status quo. “Drug use advocates frequently use the scarcity of scientifically reliable information as a basis for arguing marijuana and other drugs are harmless,” the California State Department of Education manual suggests, but insists that “the absence of complete agreement based on

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<sup>260</sup> J. T. Dunigan, *Drug Abusers: Resource Guide for Educators* (Albany: Capital District Regional Supplementary Educational Center, 1971), 100.

reliable evidence that a substance is harmful does not demonstrate its harmlessness.”<sup>261</sup>

The authors simply suggest that marijuana *could* be harmful; it couldn’t be proved perhaps, but neither could it be disproved.

The 1970 Colorado State Department of Education manual quotes Dr. Louis J. West, a well-respected psychiatrist in the field of drug and alcohol abuse, to make the argument that “current proponents of marijuana are severely handicapped by lack of sufficient information about the long-term effect of tetrahydro-cannabinol (the principal active component of cannabis) upon the brain.”<sup>262</sup> West provided some advice on how to talk to youth unconvinced by the assertions of educators and the validity of marijuana prohibition. “Just because the present law is absurd,” he contends, ‘marijuana shouldn’t necessarily be uncontrolled by law,’ and just because you’ve been lied to about its dangers, marijuana isn’t necessarily harmless.”<sup>263</sup> This is a fascinating contention: West admits that present laws are overly harsh and that the public has been misinformed about marijuana’s harms, and yet legitimizes the authority of the state to control its use and suggests that marijuana could be in some way dangerous. It reveals the informational deficit present in educational materials concerning marijuana, yet reinforces its own contention that marijuana is legitimately harmful. It accomplishes this through its vagueness, not in spite of it, because in not making a definitive claim as to marijuana’s danger, it leaves intact the legitimacy of state control over its use while relieving itself of the burden of evidence.

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<sup>261</sup> Kitzinger and Hill, *Drug Abuse*, 38.

<sup>262</sup> Gilmore, *Drug Education Handbook*, 7.

<sup>263</sup> Gilmore, *Drug Education Handbook*, 7.

Critics of the punitive treatment of marijuana use often argued that marijuana caused less harm than legal substances such as tobacco and alcohol. Consequently, drug abuse educators often wove in rebuttals to this contention in their discussions of marijuana. The 1970 guide in use in the Phoenix school district argued that the “Use of tobacco does not intoxicate the user, make him violent, change his sensory perception, reduce his ability to function normally, cause hallucinations, reduce his inhibitions, or make him a dangerous driver...marijuana may have any one, or a combination, of all these effects.”<sup>264</sup> The question of alcohol versus marijuana received the same treatment: alcohol may be harmful, but there just isn’t enough evidence to say marijuana isn’t more harmful. The Colorado Department of Education guide argued that “This sort of argument is useless and often nothing more than an exercise in sloppy semantics, fraught with generalizations and undefined terms” a description, ironically, that many government reports would use to label drug education efforts.<sup>265</sup> The 1970 Dallas School District education guide suggested that “marijuana makes a person drunk in much the same way that alcohol does,” but “may be more dangerous” because the user is “less likely to be aware of the extent of his intoxication” and may be more “suggestible.”<sup>266</sup> The efforts of these programs to counter dissent and address the deficiencies of their claims show how this discourse functioned. Marijuana’s listed effects, although they often lacked any scientific backing, were “true” because of they originated from “expert” knowledge, while critics’ arguments were portrayed as fringe opinions and logical gymnastics.

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<sup>264</sup> Dean, *Procedural Guide*, 18.

<sup>265</sup> Gilmore, *Drug Abuse Handbook*, 7.

<sup>266</sup> *Drug Abuse Education*, 72.

## “Changes in Values”

In the context of the countercultural youths’ transgressions against conventional social and cultural standards, guides generally approached drug use among young people as it was popularly portrayed and perceived: constituting a withdrawal from mainstream society. Some clearly saw the use of drugs as resulting from an abandonment of traditional values. A 1970 booklet distributed in the Chapel Hill, North Carolina (a location with a large population of college students) school district explains that, due to “changes in values,” including the lessened primacy of the church, “the youth are turning to drugs.”<sup>267</sup> Specifically speaking of marijuana, the book lists “introduction to the world of ‘kicks,’” a veiled reference to the drug-using counterculture, as a danger of using marijuana.<sup>268</sup> Marijuana is therefore not necessarily dangerous from a physiological standpoint, but because it may introduce one to a culture that does not share the values of broader society.

The association of drug use with countercultural youth, and the ways in which educational literature advised educators to approach drug use, again exemplify how use was framed as a fundamentally anti-social activity, an activity that placed the user outside of the bounds of social acceptability regardless of his choice of drugs or the frequency of their use. As the authors of one manual argue, “if [youth] are to improve the society of which they are critical, they can only do so by remaining a part of it rather than by chemically ‘copping out.’”<sup>269</sup> These statements create a false dichotomy in which drug use and societal advancement are opposing choices; one cannot indulge in drugs and still work to better the society in which they live, or even remain a legitimate component of that society. The Dade County booklet even went so far as to say that

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<sup>267</sup> *A Drug Education Program*, Chapel Hill: Chapel Hill City Schools, 1970, 20.

<sup>268</sup> *A Drug Education Program*, 27.

<sup>269</sup> Dean, *Procedural Guide*, 43.

“[Marijuana] was used by the ancient Aztecs of Mexico to excite their people so that they were not in complete control of all their doings,” suggesting to youth that marijuana, instead of representing rebellion, was really another way in which they could be controlled.<sup>270</sup> Besides being another example of racism in the educational discourse, this statement implies that a drug user cannot *really* be a functional affective agent of change in their society, as use removes one from it and forfeits one’s power to change it. The association between drug use and the social upheaval of this era, as part of a popular public discourse, constitutes one of the major themes of this literature.

Educational materials often asserted that marijuana caused what was sometimes termed “amotivational syndrome,” or else insinuated that its use caused a loss of work ethic typified by utter lethargy and rejection of social responsibility. All drug use, including marijuana, was cast as being absolutely opposed to the achievement of personal or professional success. The Colorado guide listed “laziness, indifference, and carelessness,” and “withdrawal from responsibilities and normal social contacts” as symptoms of marijuana use.<sup>271</sup> In giving suggested topics for discussion, it asks educators to discuss “how experimentation hinders a teenager in achieving life goals,” and “why some people use ‘crutches’ such as drugs rather than face and try to solve their problems.”<sup>272</sup> Use is cast as incompatible with social belonging and advancement, this time in the context of socioeconomic achievement and contribution. These examples therefore justify the regulation of behavior, and are regulators themselves. By defining what can be known about drugs and attempting to influence people’s actions concerning them, they reflect a biopolitical mechanism of discursive power.

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<sup>270</sup> Bookman, *Developing Real Understanding* 108.

<sup>271</sup> Dean, *Procedural Guide*, 18.

<sup>272</sup> Dean, *Procedural Guide*, 69.

Again, this places the user in a state of social incompatibility: any form of drug use is incompatible with achieving personal goals, solving personal problems, and becoming a productive member of society. Although virtually no scientific evidence ever supported a link between marijuana and a complete loss of motivation, the assertion drew heavily on the association of marijuana with public perceptions of activists, hippies, and juvenile delinquents.<sup>273</sup> Since these groups were often perceived as encouraging nonconformity, lacking discipline, and striving to create a way of living outside the bounds of mainstream society, it was not difficult to bolster the assumption that marijuana was connected to what were popularly perceived as “drop-out” symptoms. “The youngster who is unable to find his palace in some orthodox group sometimes turns to drug use as a means of finding a kind of group acceptance,” one manual reads.<sup>274</sup> The implication here is that a drug user is probably not already member of an “orthodox” social group; thus, drug users come from the margins of social belonging. “To be effective,” one guide advised, “prevention ultimately must be based upon each student’s decision not to use drugs because they are incompatible with his personal goals.”<sup>275</sup> Drug use is therefore implicitly defined in such a way that it becomes the antithesis of personal success.

As part of the overall public educational effort, materials also often relied on public pronouncements from law enforcement officers, who were considered experts in the field, and schools routinely invited officers to speak to youth. These officials often tended to portray drug use in the same moralistic terms these efforts were ostensibly trying to avoid, and saw their role in drug education as protecting minimum standards of public morality.<sup>276</sup> One officer called “marijuana experimentation a “deviant practice” and claimed that “only fringe students are likely

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<sup>273</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 127.

<sup>274</sup> Dean, *Procedural Guide*, 6.

<sup>275</sup> Plunkett, T. G. *Drug Abuse: A Guide for Parents and Teachers* (Pontiac: Office of Prosecuting Attorney, 1969), 87.

<sup>276</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 142.



to be involved.”<sup>277</sup> Another officer in Seattle called counterculture “drug users ‘repulsive’ and ‘abnormal.’”<sup>278</sup> A leading criminology textbook for training officers characterized marijuana as leading to “crime, violence, death and disorientation.” These examples again illustrate the discursive construction, influenced by public dialogue and understanding of the issue, of the association between marijuana and crime. It also again demonstrates the embeddedness of the characterization of marijuana users as social others, “fringe” elements that were outside the bounds of a normal society and must be disciplined for engaging in a deviant, abnormal behavior.

The education materials used to train officers for public speaking on drugs demonstrate how such “expert” testimonies served to bolster the anti-marijuana themes present in the drug education literature of this era. In 1970, the U.S Government Printing Office published a pamphlet titled *Public Speaking on Drug Abuse Prevention; A Handbook for the Law Enforcement Officer* that was intended to instruct officers on how to approach drugs when speaking to public. This pamphlet exemplifies the common discursive themes found in other drug educational materials and is representative of educational efforts by law enforcement during this time. In telling officers how to instruct parents on how to deal with their children in the event they are caught using marijuana, the booklet suggests that “the threat of punishment must be severe enough to be meaningful” Specifically, it advises parents to “threaten to bring a son or daughter home from out-of-town college, cut-off funds and force him to leave the house and support himself, commit him to hospitalization, or have him arrested for illegal possession of drugs.”<sup>279</sup> This statement associates marijuana use with the source of the majority of public anxiety concerning drug use,

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<sup>277</sup> Bernard Gavzer, “Campus Kicks on LSD, ‘Grass’,” *Oakland Tribune*, June 5, 1966.

<sup>278</sup> Bernstein, “Hippie-Busting by the Narcotics Squad,” 19.

<sup>279</sup> N.A., *Public Speaking on Drug Abuse Prevention; A Handbook for the Law Enforcement Officer* (Washington D.C.: United States Department of Justice Bureau of Narcotics and Dangerous Drugs), 38.

white, middle-class counterculture youth. It assumes the user is in college, yet does not provide for him or herself and is fully supported financially. It shows the growth of a carceral apparatus within medical system that categorizes and claims jurisdiction over personal behavior.

Furthermore, it demonstrates the operation of discursive power in imbricated conjunction with the coercive force of the state. Thus, this “expert” testimony serves to produce a system scrutiny and discipline through its advice to parents, while simultaneously legitimizes the governmental corrective system to halt a behavior deemed unacceptable.

### **Why Do You Think They Call It Dope?**

Another area aiding in the construction of a discursive “truth” was television and radio advertising. In 1969, at the same time as new school-based educational efforts were proliferating, the federal government co-opted the help of major advertising agencies in dissuading its citizens from using drugs.<sup>280</sup> Partially funded by government agencies and with the personal support of the president himself, the anti-drug advertising campaign of the early seventies was mainly aimed at youth, but also featured content aimed at an adult audience.<sup>281</sup> Like school-based education, these ads were intended to avoid sensationalism and provide a “factual” portrayal to discourage teen drug use and the efforts of the federal government to educate the public at large on the dangers of drugs through manipulation of the Advertising Council contain many of the themes present in other educational efforts on drugs and further illustrate how the media functioned as a major propagator of anti-drug education.

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<sup>280</sup> Ian Brailsford, "Madison Avenue Takes on the Teenage Hop Heads: The Advertising Council's Campaign Against Drugs in the Nixon Era," *Australasian Journal of American Studies*, 18, no. 2 (1999), 43, 46.

<sup>281</sup> Brailsford, "Madison Avenue Takes on the Teenage Hop Heads," 46, 47.

Like school-based programs, advertisers almost immediately ran into difficulty trying to discourage marijuana and explicate its dangers while adhering to a “factual” approach. A good example of the ambiguity of the AC’s educational efforts is perhaps their most popular creation, the 1970 ad bearing the slogan “Why do you think they call it dope?” According to advertisers’ focus groups, youth were thought to be receptive of the double entendre linking vaguely defined substance abuse and stupidity. The ad featured a magician-like peddler producing a variety of drugs in front of a group of schoolchildren, one of whom continuously warns of each drug’s dangers. “Grass: anything wrong with pot?” asks the pusher. “They’re not sure yet, they just started studying about it,” the kid replies.<sup>282</sup> At the end, the young man asks “everything you got there can hurt you, can’t it?” The dealer replies: “Sure kid, why do you think they call it dope?”<sup>283</sup> In this ad, “dope” functioned as a catch-all term intended to represent all drugs and drug culture.<sup>284</sup> Like other drug education efforts, it was designed to make those who avoided drugs feel positive about their choice and ridicule those who didn’t. Furthermore, like the categories invented through the educational discourse, it collapsed all drugs into a single category, “dope,” and thus defined any illegal drug use as being either the habit of the ignorant or causing a loss of intellect. Although it doesn’t specifically say marijuana is dangerous, it implies that there could be dangers yet unknown. However, marijuana is presented with all the other drugs (airplane glue, pills, LSD), combined into the single category of dope which, collectively, “can hurt you.”<sup>285</sup>

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<sup>282</sup> “Why Do You Think They Call it Dope TV Commercial 1970,” YouTube, accessed April 6, 2017, [https://www.youtube.com/watch?v=E9\\_33Y\\_hlsI](https://www.youtube.com/watch?v=E9_33Y_hlsI)

<sup>283</sup> “Why Do You Think They Call it Dope TV Commercial 1970.”

<sup>284</sup> Brailsford, “Madison Avenue Takes on the Teenage Hop Heads,” 50.

<sup>285</sup> “Curious Alice,” YouTube, accessed April 7, 2017, [https://www.youtube.com/watch?v=E9\\_33Y\\_hlsI](https://www.youtube.com/watch?v=E9_33Y_hlsI)

## **Educational Films**

Informational films on drugs provide another way of examining the educational anti-drug effort. One such film, released in 1967 and entitled *Narcotics: Pit of Despair* depicted a young, clean cut man being introduced to marijuana by a disheveled, criminal-looking drug dealer. The opening scene as well as the poster for the movie depicts a cobra poised to strike at the viewer, symbolizing the grave danger of drugs [Figure 6]. Viewers are introduced to John, a young man with a promising future. Tired of studying one night, John decides to go to a party, where a seductive woman introduces him to marijuana. John “surrenders his dignity and lays his future upon the chopping block,” trying his first hit of marijuana. If he stopped to think he would see the stupidity of it all,” the narrator says, “now, he’s too involved to think...he’s having kicks.” The next day, John fails a test at school, argues with his parents, and gets a traffic ticket. He now needs more kicks, says the narrator. He continues to smoke marijuana. He “knows marijuana isn’t physically addictive, but he doesn’t know he’s become psychologically dependent.” Soon, John has rejected his parents, school, even the church. Now he wants a bigger kick. His “caution, intelligence, and normal defenses go up in pot smoke.” John soon begins shooting heroin, becoming a completely helpless addict because of his experimentation. He sells all of his possessions, eventually getting arrested and forced to get clean. The film ends with him considering a quick visit to the abode of his junkie friends. The ending card reads: “There is NO END.”

*Narcotics* depicts marijuana as a stupefying agent, removing intelligence and responsibility while obliterating reverence for education, parental control and religion. The desire for “kicks,” first satiated with marijuana, leads the user on a path straight to heroin addiction. The film, like educational texts, constructs a framework of knowledge in which the consequence of marijuana

is its ability to usher one into the world of drugs where “kicks” are all that matter and from which they may never return. The user is ignorant, suggestible, unpredictable, disrespectful, irresponsible, and has little self-control. By presented this portrayal as truth, these depictions helped form the basis of a discourse that placed the drug user in a marginalized state, as one who must be disciplined, a threat that must be removed from regular society so that he may be rehabilitated back into normalcy.

Similarly, the 1971 film *Curious Alice* created by the National Institute of Mental Health for use in schools supported the idea that experimentation with marijuana would inevitably lead to use of and inescapable addiction to harder drugs. The film adopts the same basic form as the film *Alice in Wonderland*, except that “Wonderland” functions as a metaphor for drug use. As Alice follows the white rabbit down the rabbit hole, she decides to “stay until I find out where I am.” As she begins her journey, she meets a coughing, stuttering caterpillar, who is smoking marijuana. He offers some to her, but she refuses, saying “No, I guess don’t wanna be that kind of high, why do you?” “What kind of question is that?” the caterpillar asks incredulously. “Why does it makes you angry, don’t you know why you do it?” Alice asks. “I’m not angry” the caterpillar says repeatedly in a delirious voice as he starts to crawl away. Alice follows. “I’ll just stay a little longer,” she says. The next thing she sees is the King of Hearts, who symbolizes heroin, and has imprisoned a number of playing cards who can’t leave due to their addiction. She makes her way to the Mad Hatter’s tea party, where each character symbolizes a different drug: amphetamine, barbiturates, LSD. All the previous characters form a spinning collage, saying “you may blow your mind completely, but won’t you take the chance?” When she wishes to go home, they shout in unison “It’s too late, it’s too late, it’s too late!” “No! It’s not too late!” Alice

cries before waking up where she had fallen asleep in the grass, a horrified look on her face. It was all just a dream.

Just like *Narcotics*, *Curious Alice* portrays marijuana as a gateway into the world of harder, more addictive drugs, with the main character eventually moving towards heroin, barbiturates, and amphetamines. A curiosity about drugs (in both films it is marijuana) eventually leads to the horrors of addiction. With the assumption that marijuana will always lead to harder drugs, it loses its individuality, and becomes just another type of collective “dope.” Similar to *Narcotics*, marijuana is the introductory mechanism to a new culture of people, people who shirk responsibility, are virtually mad, and care only for the hedonistic pleasures of getting high. These depictions mirror media discourse on the counterculture’s use of drugs as a representation of their threat to social order. Thus, these films are warning against a drug culture as much as they are a warning against drugs themselves.

For all the efforts to provide a factual basis for marijuana prohibition and the overall anti-drug struggle, drug education in this era was almost entirely ineffective at achieving its professed goal of helping the public learn the facts about drugs. Public opinion polling confirmed that the popular mythology of the harms of marijuana remained undiminished. In 1972, 60% of Americans believed marijuana to be physically addicting.<sup>286</sup> In 1974 an astounding 76% of respondents believed that a person could not use marijuana without becoming addicted to it; only 62% of respondents believed prescription methadone was addictive. Sixty-two percent of respondents believed that marijuana was a gateway drug that would inevitably lead users to heroin or other, more dangerous drugs.<sup>287</sup>

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<sup>286</sup> Gallup, “Decades of Drug Use: Data From the '60s and '70s.”

<sup>287</sup> Goldberg and Meyers, “The Influence of Public Attitudes,” 137.

These examples of the anti-drug educational discourse demonstrate the overall shift in character of education programs during the early 1970s. Instead of making a person into a fiendish monster, marijuana would lead them to heroin. Instead of causing irreparable brain damage, marijuana made the user lazy and useless to society. Instead of being characterized as a drug of sexualized minorities and lower classes, marijuana was the drug of the “wrong crowd.” These changes may at first appear innocuous, an improvement even, over the sensational and factually incorrect scare tactics used before, but they essentially reinforce the same social marginalization of the user. The refined educational approach accomplished the same fundamental discursive work, but this era represents a critical period in its evolution because of their institutionalization into school curriculum.

If one considers the disciplinary power of a popular discourse, it becomes clear that the educational material of this era was at least as, if not more, effective as its preceding forms at alienating the user and justifying punishment of use. A person making that choice must have something wrong with them, something that necessitates you being scrutinized by a counselor or psychiatrist, something that your parents must speak to you about to make sure you don't end up as a caricature of the delinquent drug user. In short, this discourse, although tame compared to earlier iterations, still marked the user with the stamp of the other. Moreover, it created a field of knowledge in which the user, whether of marijuana or heroin, must be scrutinized, categorized, and brought into the purview of governmental agencies. It functioned as site where the struggle of power over the “truth” played out, where the drug prevention apparatus exerted its influence to define and regulate drug use. It legitimized and cemented, at the most fundamental levels of society, systems of knowing which places the use of certain substances in the category of the abnormal and the criminal.

The effect of education as a form of discursive power has significant implications regarding the function of this power. It shows how discursive mechanisms are never static. They may appear different: the horror stories prior to the 1960s seem quite different from the more measured tone of manuals in 1970. Yet the assumptions underlying both are always present, reproducing and reinforcing themselves by determining what it is possible to know. Beyond the coercive power of the law, this discursive power worked to separate, categorize, and subjugate those who engage in the use of drugs, including marijuana. Although this dialogue exerts its influence on drug use in general, marijuana use in particular is significant due to its disputed nature, as embodied in the long campaign for its decriminalization, and because of the extreme popularity of its use. It is also incredibly relevant; drug education is still today a facet of the public school system, and a variety of organization, government and otherwise, continue to produce an array of educational materials aimed at all audiences. Acknowledging the discursive work done by this education is therefore critical to any real understanding of the drug enforcement system, whether it be 40 years ago or today.

## CONCLUSION

“Good people don’t smoke marijuana.”<sup>288</sup>

### **The Parents’ Movement**

In the summer of 1976, Marsha “Keith” and Ronald Schuchard threw their 13-year-old daughter a birthday party. What was meant to be a celebratory occasion soon turned into a nightmare for

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<sup>288</sup> Christopher Ingraham, “Trump’s Pick for Attorney General: ‘Good People Don’t Smoke Marijuana,’” *Washington Post*, November 18, 2016. [https://www.washingtonpost.com/news/wonk/wp/2016/11/18/trumps-pick-for-attorney-general-good-people-dont-smoke-marijuana/?utm\\_term=.08de57b616f7](https://www.washingtonpost.com/news/wonk/wp/2016/11/18/trumps-pick-for-attorney-general-good-people-dont-smoke-marijuana/?utm_term=.08de57b616f7)



the parents. As their daughter's young friends stumbled in and out of the house or huddled in groups in the darkness of the yard, they began to worry. Searching the yard with flashlights in the middle of the night after the party, Keith and Ronald found proof of their greatest fears: marijuana "roaches."<sup>289</sup> Their anxiety over their daughters drug use led Keith and Ronald to start a social movement that would influence the course of the "war on drugs" for the next three decades.

Originally a small gathering of concerned parents based in the Schuchard's living room, the movement gained national traction. Spearheaded by organizations like the National Families in Action (NFA) (formed by Keith's friend, Sue Rusche in 1978) and the Parents' Resource Institute on Drug Education (PRIDE) (created by the Schuchards and Buddy Gleaton in 1977), the parents' movement evolved into a network of thousands of individual parents' organizations across the country.<sup>290</sup> The parent's movement condemned drug use through the specter of its effects on youth, an argument similar to that of the anti-drug discourse that permeated the late 1960s and early 1970s. They especially targeted what they considered the "glorification" of marijuana and other drug use from the late sixties until then and the permissive attitude of the counterculture.

The parent's movement had significant influence on both drug policy and drug education from the late 1970s onward. This parent's movement exerted pressure on prevention policy and practice, effectively halting any real revision of educational materials.<sup>291</sup> The movement collaborated with government and professional agencies in the substance abuse field as they reviewed and revised educational materials, ensuring that these materials reinforce a "zero

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<sup>289</sup> Emily Dufton, "The War On Drugs: The Parent Movement and Zero Tolerance," *The Atlantic*, March 29, 2012.

<sup>290</sup> Dufton, "The War On Drugs."

<sup>291</sup> Beck, "100 Years of 'Just Say No,'" 31.

tolerance” stance and didn’t appear “soft” on drug use. They petitioned legislators to adopt a similar policy in support of new anti-drug measures and in opposition to any attempt at decriminalization. In doing so, they worked to entrench the punitive paradigm both as a form of discourse and as a legal framework. They were both an outgrowth of the changes in drug discourse and a factor influencing its future direction.

### **The 1980s: DARE to Just Say No**

The 1980s and 1990s saw a renewed emphasis on law enforcement and punishment as the means to eradicate drug use. Funding for drug law enforcement increased dramatically over the decade, from \$855 million in 1981 to \$7.8 billion in 1993.<sup>292</sup> By 1990, 33 people were being arrested for marijuana every hour.<sup>293</sup> Ronald Reagan made the war on drugs a top priority of his administration, bringing the CIA, other federal intelligence groups, and the U.S. military into the war on drugs through executive order.<sup>294</sup> He also employed the power of the media to influence public opinion on the matter. In his 1983 State of the Union Address, Reagan pledged to “make our cities safe again...this administration hereby declares an all-out war on big-time organized crime and the drug racketeers who are poisoning our young people.”<sup>295</sup> The media aided Reagan’s efforts, broadcasting news and documentary programs that told of drug epidemics and the use by schoolchildren, all of it meant to alarm the public. Reagan’s successor, George Bush Sr., followed a similar path. “All of us agree that the gravest domestic threat facing our nation today is drugs” he said in his 1989 Inaugural Address. Urging “an assault on every front,” Bush

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<sup>292</sup> Ferraiolo, “From Killer Weed to Popular Medicine,”160.

<sup>293</sup> “Arrest Charts,” National Organization for the Reform of Marijuana Laws, accessed March 3, 2017, [http://norml.org/library/arrest-reports/item/arrest-charts?category\\_id=584](http://norml.org/library/arrest-reports/item/arrest-charts?category_id=584)

<sup>294</sup> Bertram, *Drug War Politics*, 112.

<sup>295</sup> Bertram, *Drug War Politics*, 113.

confirmed that “victory over drugs is our cause, a just cause.”<sup>296</sup> Like Reagan, he used executive orders and administrative regulation to lengthen the reach of the prohibition apparatus, among which was blocking federal benefits to people who had committed drug violations.

Anti-drug educational efforts became more thoroughly entrenched in American society as well. An outgrowth of the parents’ movement, Nancy Regan’s “Just Say No” campaign focused on the effects of drug use on youth and anti-drug educational efforts aimed at a young demographic. As the name suggested, the goal of the program was not harm-reduction but total and complete abstinence from any illicit drug. Reagan’s campaign was attractive to parent’s groups concerned with drug use in schools, but also represented a “powerful symbolic attack on the left, the counterculture, and permissive liberal humanism.”<sup>297</sup> The widely known anti-drug education program DARE (Drug Abuse Resistance Education) also came to dominate school-based drug education efforts. Formed in 1983 in Los Angeles by members of the LAPD, by the late 1990s DARE would reach over 30 million schoolchildren worldwide.

DARE relied exclusively on law enforcement for the informational basis of the program. Students were instructed on how to avoid drug use through “decision making” education and given rewards, such as t-shirts and bumper stickers for conforming to the zero-use message. The absolute insistence on abstinence, however, ensured that “decisions” had been “firmly predetermined in advance for the target population.”<sup>298</sup> Therefore, what was marketed as a program to teach youth to make healthy, responsible decisions was in reality a mechanism through which they were conditioned to believe all drug use, and by extension the user was wrong, and rewarded for their acquiescence to these beliefs.

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<sup>296</sup> Bertram, *Drug War Politics*, 114.

<sup>297</sup> Bertram, *Drug War Politics*, 111.

<sup>298</sup> Beck, “100 Years of ‘Just Say No,’” 31-32.

It is quite clear that the institutionalization of drug education and prevention efforts in the early 1970s were the catalyst for later efforts. Furthermore, this era defined the opposition of those to whom the permissive attitude of the 60s counterculture was a ready scapegoat for American's drug use. William J. Bennett, the first director of the Office of National Drug Control Policy (the position is colloquially known as the "Drug Czar") railed against what he said was "this tradition of freedom and liberty, which gets distorted into license and 'do your own thing' and the gospel of the sixties."<sup>299</sup> However, the severity of anti-drug efforts in the 1980s was less of a backlash as the continued growth of previous drug control efforts. In the late 1960s and 1970s, media coverage and education programs both perpetuated and were influenced by constructions of drug use as a deviant behavior, a discourse which underwrote the simultaneous marginalization of users legally, politically, and socially. This punitive archetype of drug enforcement persisted largely because the majority of the public, policymakers, and professionals in the field of drug abuse have either help anchor or failed to dislodge anti-drug attitudes. Although this construction was challenged almost constantly from its very beginnings, dissenting arguments and evidence were di, either overtly through active stifling of alternative evidence or, more commonly, through the presentation of that construction as indisputable fact.

The federal government's reaction to the rise of the medical marijuana movement in the 1990s demonstrated their interest in ensuring the movement would not threaten to topple the federal drug control apparatus. In 1998, Congress passed legislation legally requiring the Office of National Drug Control Policy to act to suppress any information that dissented from the official view that marijuana was a harmful substance with no medical value. Specifically, the legislation instructed the agency to

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<sup>299</sup> Ferraiolo, "From Killer Weed to Popular Medicine," 161.

“ensure that no Federal funds appropriated to the Office of National Drug Control Policy shall be expended for any study or contract relating to the legalization (for a medical use or any other use) of a substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812) and take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that—

A. is listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812); and

B. has not been approved for use for medical purposes by the Food and Drug Administration”<sup>300</sup>

By passing such a measure, the federal government practically guaranteed that it would oppose any attempts to soften penalties for marijuana as well any information that went against its position on marijuana. The law is a prominent example of how the government continued to actively work to suppress and police the discourse surrounding marijuana and control what could be known about it.

### **Where Are We Now?**

To look at the current state of marijuana in the United States over the past two decades, one could be forgiven for believing that this is uncharted territory, and that things have changed for the better. In 2012, Colorado citizens approved Amendment 64, making the recreational use of marijuana legal and regulating its sale. As of 2017, Alaska, California, Maine, Massachusetts, Oregon, Nevada, Washington, and the District of Columbia have all legalized marijuana for recreational use. [Polls supporting leg) Yet, approximately every 60 seconds a person is arrested for marijuana in the United States. Of the 8.2 million marijuana arrests between 2001 and 2010,

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<sup>300</sup> “21 U.S. Code § 1703 - Appointment and duties of Director and Deputy Directors,” Cornell University Law School, accessed March 15, 2017, <https://www.law.cornell.edu/uscode/text/21/1703>

88% were for simply having marijuana.<sup>301</sup> A 2016 study found that marijuana arrests account for more incarcerations than all violent crime combined. The newly appointed Attorney General of the United States, Jeff Sessions, has publically stated that “good people don’t smoke marijuana.”<sup>302</sup> Even with unprecedented legal victories for legalization advocates, could anyone really say this a period of liberalization? The punitive paradigm, and the epistemic framework that supports it, still has significant influence.

We are left with a paradox. Numerous studies have confirmed marijuana’s medicinal applications as well as its comparatively benign health effects compared to legal intoxicants like cigarettes and alcohol, yet it remains a scheduled one substance under federal law.<sup>303</sup> A majority of Americans support legalizing marijuana, yet hundreds of thousands are arrested for its possession and sale each year.<sup>304</sup> Very few people today would believe that marijuana would make a person a violent killer or a mindless lunatic, for instance, and yet billions of dollars are still spent to contain its use and punish its users.<sup>305</sup> How can this be explained?

### **The Importance of Discursive Power in the Historiography of Drugs**

Instead of focusing solely on the law as alternating, cyclical periods of liberalism followed by a conservative backlash, or of the binary conservative/liberal tone of the marijuana discourse, we

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<sup>301</sup> “Marijuana Arrests by the Numbers,” American Civil Liberties Union, accessed March 15, 2017, <https://www.aclu.org/gallery/marijuana-arrests-numbers>

<sup>302</sup> Ingraham, “Trump’s Pick for Attorney General: ‘Good People Don’t Smoke Marijuana.’”

<sup>303</sup> Paul Armentano, “Updated and Expanded: NORML’s Emerging Clinical Applications for Cannabis & Cannabinoids,” National organization for Reforming Marijuana Laws, accessed February 7, 2017, <http://blog.norml.org/tag/studies/>

<sup>304</sup> “Marijuana Arrests by the Numbers,” American Civil Liberties Union.

<sup>305</sup> Ezekiel Edwards and Rebecca McCray, “Hundreds of Economists: Marijuana Prohibition Costs Billions, Legalization Would Earn Billions,” American Civil Liberties Union, April 26, 2012, accessed March 15, 2017, <https://www.aclu.org/blog/hundreds-economists-marijuana-prohibition-costs-billions-legalization-would-earn-billions>

must look at how people came to accept and believe that marijuana prohibition was justified. The “truth” of marijuana was indeed constantly being rewoven and reconfigured, from anxieties over marijuana use by racial others, to fears of communism, to worries over youth culture and changing social norms. This is not to say that its fundamental character shifted at any one point, nor was it constant throughout the 20<sup>th</sup> century. What could be known about marijuana, the “facts,” may have changed ostensibly, but a constant theme present in the discourse surrounding it is that marijuana use is *not normal*, thus any use is construed to be indicative of some sort of problem with the user. It pathologizes the user, casting them as in need of discipline and/or counseling to remedy the problems they must have.

This is the importance of analyzing this discourse through a Foucauldian lens. It allows us to see media campaigns and drug education as a form of governmentality that configured habits and beliefs, what a person ought to do. In the early 1970s, these materials presented the belief that marijuana was harmful to society as factual and promoted total abstinence from drugs as the ideal behavior. This discourse shaped and determined what could legitimately be known about marijuana, its effects, and those who used it, and placed those who used in a category of social unacceptability. These beliefs were then reproduced over and over through mass media and bolstered by the coercive power of the law. Of course, it was impossible to regulate the behavior of every individual in minute detail. Discursive power, however, operates at a distance. It constructs a set of standards “so that people, following their own self-interest, will do as they ought.”<sup>306</sup> Coercive persuasion can still be applied in an attempt to gain consent. However, with discursive power people are not necessarily aware that their behavior is being shaped, and thus the question of consenting does not arise.

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<sup>306</sup> Tania Murray Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham: Duke University Press, 2007), 275.

The media campaigns and educational material that emerged in the 1970s was at least as, if not more, effective as its preceding forms at alienating the user and justifying punishment of use as prior demonizations and scare tactics. A person making the choice to do drugs must have something wrong with them, something that necessitates them being scrutinized by a counselor or psychiatrist, something that their parents must speak to you about to make sure you don't end up as a caricature of the delinquent drug user. In short, this discourse, although tame compared to earlier iterations, still marked the user with the stamp of the other. Moreover, it created a field of knowledge in which the user, whether of marijuana or heroin, must be scrutinized, categorized, and brought into the purview of governmental agencies. It functioned as site where the struggle of power over the "truth" played out, where the drug prevention apparatus exerted its influence to define and regulate drug use. It legitimized and cemented, at the most fundamental levels of society, systems of knowing which places the use of certain substances in the category of the abnormal and the criminal.

The effect of media and education as a form of discursive power has significant implications regarding the function of this power. It shows how discursive mechanisms are never static. They may appear different: the horror stories prior to the 1960s seem quite different from the more measured tone of media reports and educational manuals in 1970. Yet the assumptions underlying both are always present, reproducing and reinforcing themselves by determining what it is possible to know. Beyond the coercive power of the law, this discursive power worked to separate, categorize, and subjugate those who engage in the use of drugs, including marijuana. Although this discourse exerts its influence on drug use in general, marijuana use in particular is significant due to its disputed nature, as embodied in the long campaign for its decriminalization, and because of the extreme popularity of its use. It is also incredibly relevant; drug education is



still today a facet of the public school system, and a variety of organization, government and otherwise, continue to produce an array of educational materials aimed at all audiences.

Acknowledging the discursive work done by this education is therefore critical to any real understanding of the drug enforcement system, whether it be 40 years ago or today.

The implications of this Foucauldian framework are significant to the historiography of drug policy and marijuana policy in particular. When viewed in this theoretical framework the supposed shift toward an increased tolerance of marijuana appears to be more of an integration of its social stigma. They suggest that, rather than representing a waning of the punitive paradigm, they represented the systematic institutionalization of the fundamentals of themes that place the user in a criminal category. By creating a discursive “truth” about drug use that justified the identification, surveillance, and control of users, the discourse on marijuana users mirrors Foucault’s concept of “useful delinquency.” The production of a discourse on marijuana at multiple points that associated its use with marginalized social groups, crime, poverty, and deviance allowed the enforcement of social boundaries and norms as well as a ready scapegoat for the social ills duly associated with both marijuana and these marginalized groups. The coercive power of the law and the Foucauldian power of discourse are not separate mechanisms; rather, they are fundamentally imbricated, reinforcing each other through matrices of dialogue.

Examining the origins of the federal effort to eliminate marijuana use in the early 1970s and the discourse surrounding it is not only vital to understanding the history of drug prohibition in America, it is central to understanding the underlying causes of contemporary debates over the legal status of marijuana and its users. Proponents of legalization and decriminalization have gained momentum over the last decade, yet hundreds of thousands of Americans are still surveilled, searched, and arrested each year in the name of public safety. As more states move to

defy federal law by relaxing or removing penalties for marijuana use, research of this sort becomes more and more relevant. The discursive elements underlying marijuana prohibition have remained largely unchanged over the decades, and current arguments favoring the punitive approach to marijuana use often mirror those made 40 years ago. Analyzing the discourse around marijuana in the early 1970s provides a useful framework through which we can better interpret the dialogue produced today.

The continuation and escalation of marijuana prohibition, was, and is, just as much a product of this discourse as it was a product of the law itself because the two are fundamentally enmeshed. The law is productive as it creates a discursive framework through which we interpret the rightness or wrongness of an action, and discourse influences the law by producing categories of knowledge upon which the law rests. We must move beyond a policy-centered approach and look at discourse as a form of disciplinary power that can regulate and define citizen bodies and actions, and direct our attention to the ways this discourse itself is policed in order to understand how the systems of power that support prohibition were maintained.

While the law may be an important aspect of how human behavior is regulated in a coercive sense, discourse exerts a power to regulate something equally important: how people think and what they can know. Efforts to change marijuana policy have sporadically enjoyed success in terms, but what they haven't succeeded in doing is fundamentally reshaping the framework through which we interpret the harms and/or benefits, the "rights and wrongs," of drug use and especially marijuana use. In order to ever have a hope of truly reforming drug laws or ending the drug war, it is to these discursive frameworks that we must direct our attention and efforts.

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## **ANNEX**

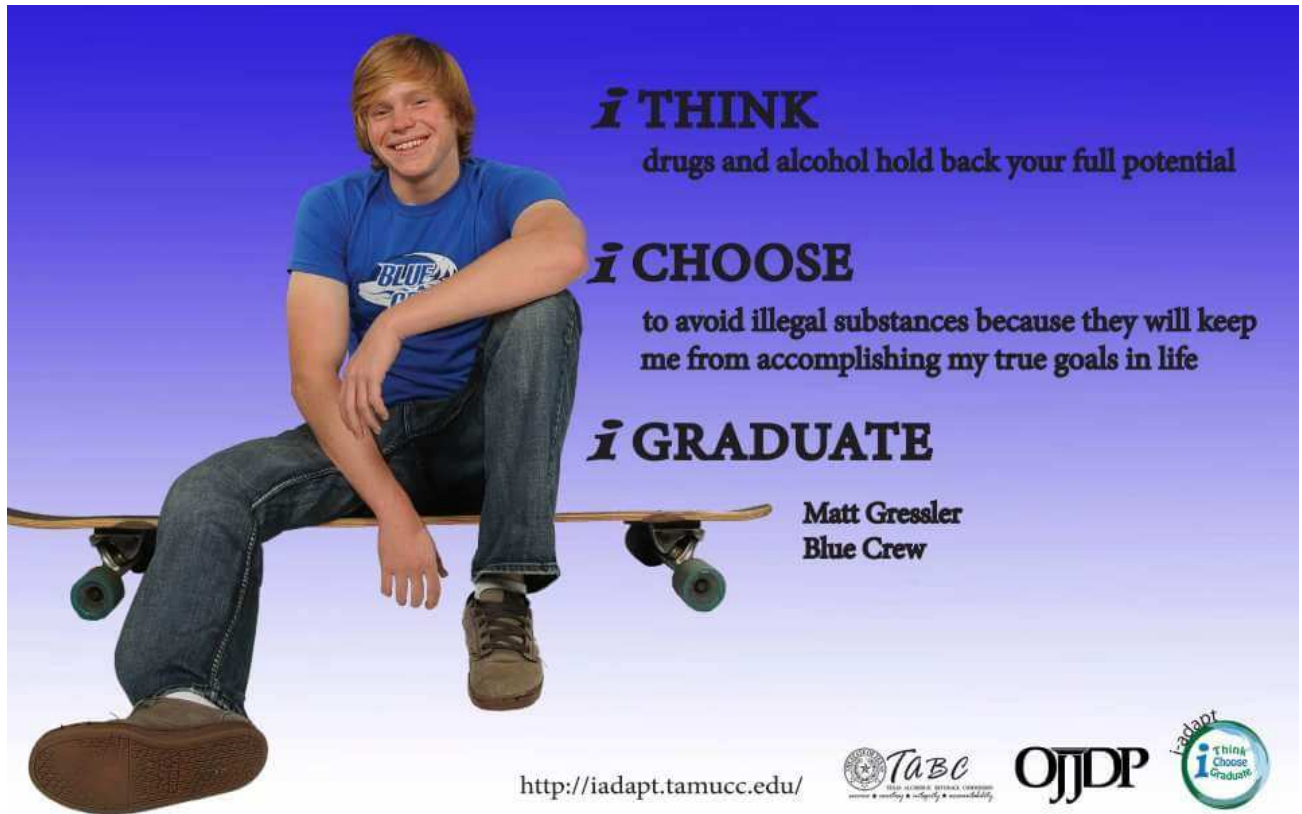


Figure 1: I-ADAPT Poster 1. Photo from TAMUCC I-ADAPT.  
<https://www.facebook.com/iadaptTAMUCC/photos/a.10150786038802065.459207.190763767064/10151344829787065/?type=3&theater> (accessed April 10, 2017)

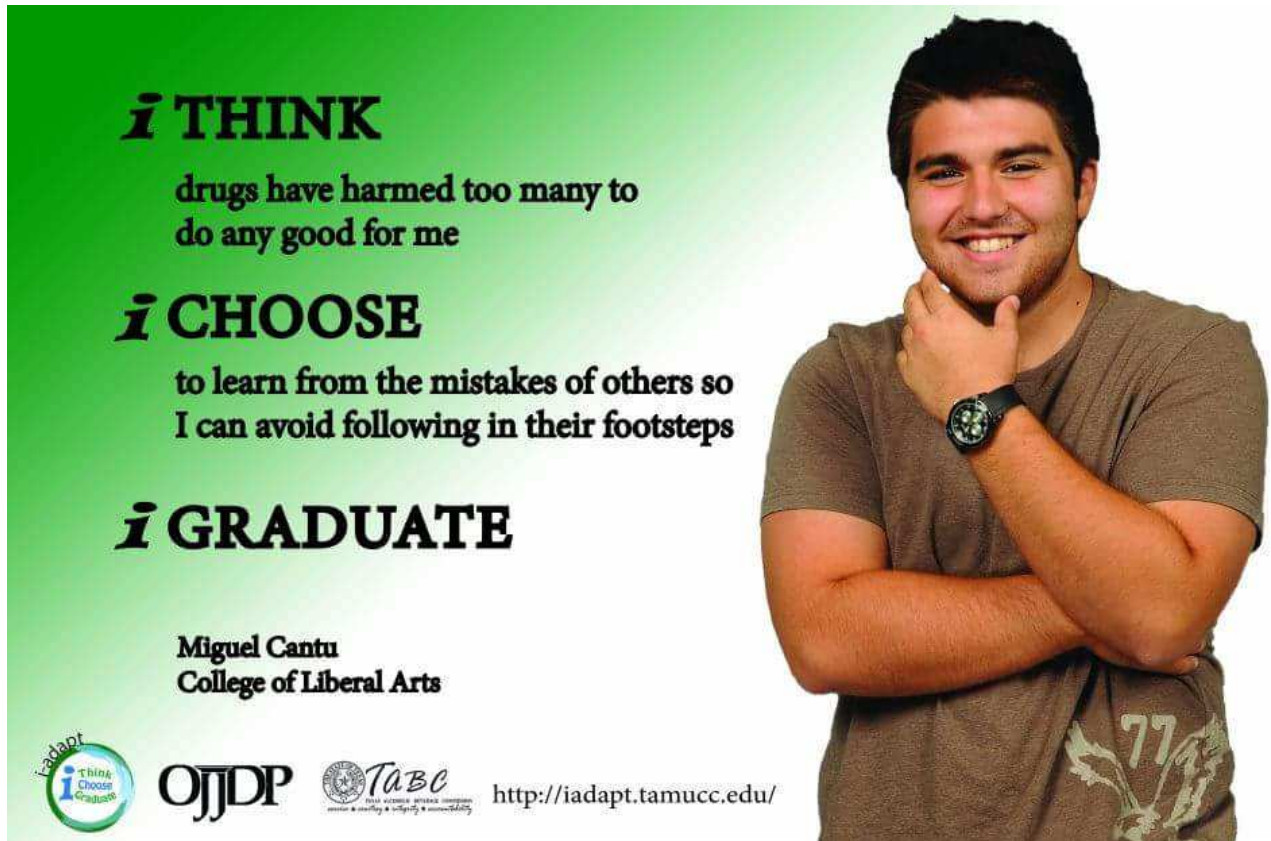


Figure 2: I-ADAPT Poster 2. Photograph from TAMUCC I-ADAPT.

<https://www.facebook.com/iadaptTAMUCC/photos/a.10150359656967065.393242.190763767064/10150716156767065/?type=3&theater> (accessed April 10, 2017)





## ***i* THINK**

hard work and dedication is  
the engine to success

## ***i* CHOOSE**

to live free from drugs to motivate  
myself and others

## ***i* GRADUATE**

Evan Paret  
College of Science and Engineering

<http://iadapt.tamucc.edu/>



Figure 3. I-ADAPT Poster 3. Photograph from TAMUCC I-ADAPT.

<https://www.facebook.com/iadaptTAMUCC/photos/a.10150359656967065.393242.190763767064/10150716152337065/?type=3&theater> (accessed April 10, 2017)





Figure 4. Movie poster for film *Devil's Harvest* (1942). Photograph from Internet Movie Database. [http://www.imdb.com.manowar.tamucc.edu/title/tt0157533/?ref=fn\\_al\\_tt\\_2](http://www.imdb.com/manowar.tamucc.edu/title/tt0157533/?ref=fn_al_tt_2) (accessed April 3, 2017)



Figure 5. Movie poster from film *Reefer Madness* (1936). Photograph from Internet Movie Database. [http://www.imdb.com.manowar.tamucc.edu/title/tt0028346/?ref\\_=sr\\_1](http://www.imdb.com/manowar.tamucc.edu/title/tt0028346/?ref_=sr_1) (accessed April 3, 2017).

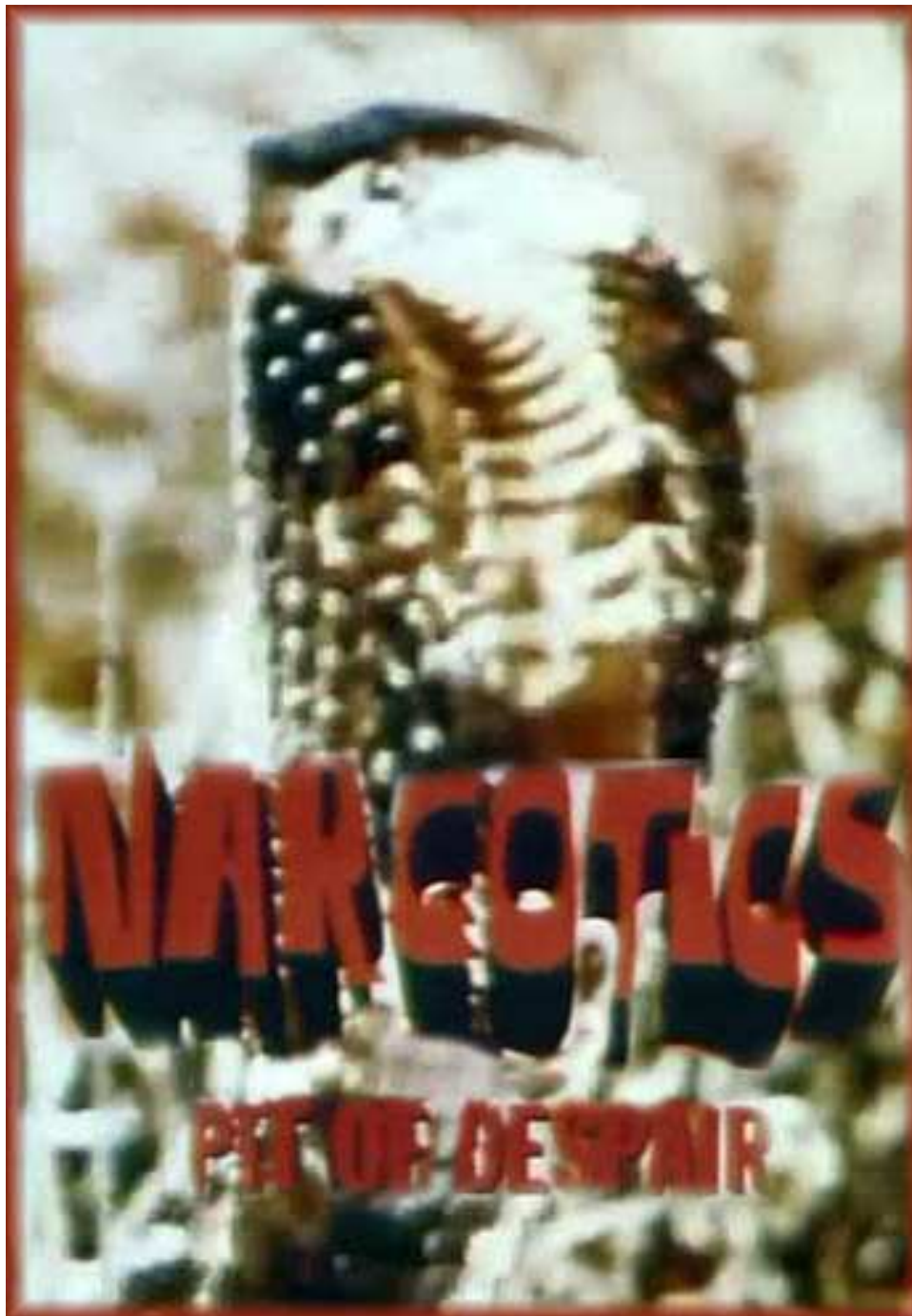


Figure 6. Movie Poster for film *Narcotics: Pit of Despair* (1967). Photograph from Filmous.com.

[http://www.filmous.com/narcotics\\_pit\\_of\\_despair/](http://www.filmous.com/narcotics_pit_of_despair/) (accessed April 3, 2017).