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An Ethnography of Marijuana Policy Reform Groups and Marijuana Culture

A dissertation presented

by

Keith C. Saunders

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and Marijuana Culture

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ABSTRACT OF DISSERTATION

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ABSTRACT

The policy of marijuana prohibition among the jurisdictions of the United States since Louisiana in 1911, and federally from 1937-1969 and 1970-present, has produced unintended social and cultural consequences. This ethnographic study of marijuana policy reform groups (MPRG’s) and marijuana culture is an investigation of what has happened on “the other side” of prohibition. A history of bourgeois pleasure buffered by professional and state control over the body in the case of cannabis drugs and the narcotics is offered to explain why marijuana use became of concern in the late 19th century. It is argued that marijuana prohibition created the social and cultural conditions that made possible the formation of the marijuana-user identity. During the 1960’s, when marijuana-users rapidly grew in number and began to come from nearly all demographic groups, the old discourse of prohibition that had demonized marijuana-users in accordance with racial and social class stereotypes, was cast aside and replaced with the pseudo-medical criteria of the 1970 Controlled Substances Act, which prohibits marijuana due to its high “abuse” potential.

MPRG’s originated with LEMAR in 1964, which branched into AMORPHIA in the later 1960’s, which merged with the National Organization for the Reform of Marijuana Laws (NORML) in 1974. Former NORML Board members have founded a half-dozen other MPRG’s at the national and regional levels, since the 1980’s. Since its beginnings, NORML has been offering a tripartite discourse in favor of changing marijuana laws that focuses on the following: 1. Recreational marijuana use; 2. Medical marijuana use; and 3. Hemp
as a commodity. MPRG’s are also actively engaged in the collective stigma management of the marijuana-user identity. The author takes the position that marijuana prohibition efforts are, in part, a cultural censorship campaign; one which MPRG’s struggle against as they try to hold rallies, petition and lobby to change marijuana laws.

The continued prohibition of marijuana has resulted in the development of “affective alliances” (Grossberg 1984) that involve more than the production, distribution and consumption of marijuana; these alliances have produced a material and aesthetic “marijuana culture,” a space where the objects, signs, symbols and messages reflect the conditions under which marijuana-users empower themselves. This ethnographic study began with marijuana policy reform groups themselves, with a focus on NORML and a selection of NORML-affiliated state chapters. It is, in the words of one subject, “The stoners’ side of the story.”
ACKNOWLEDGMENT

There would be nothing without the Big Social first. It produced us, we reproduce it, and it will reproduce us—as discourse and dead labor. Of the more than 6 billion of us around right now, special attention is deserved by the following:

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DEDICATION

To
Burton Schair and Gladys Bartlett,
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## TABLE OF CONTENTS

Abstract ii
Acknowledgment v
Dedication x
Table of Contents xi
List of Abbreviations xiii

### Chapter 1. Introduction
The Social Problem of Marijuana Prohibition 1
Significance of the Study 8
Overview of the Dissertation 13

### Chapter 2. Theories of Marijuana, Prohibition and Culture
Cannabis 17
Cannabis Encounters the Bourgeois Society 19
The Creation of the Drug-User Identity 20
Cannabis Becomes Marijuana 22
Marijuana Prohibition 27
The Synthesis of a Cultural Dialectic: Harry Anslinger, Allen Ginsberg and the Popularization of Marijuana 31
Marijuana Prohibition Redux 36
Prohibition and Social Sentiment 40
Marijuana Prohibition and the Formation of Marijuana Culture 49

### Chapter 3. Ethnography and Content Analysis
The Theory-Method of Sociopharmacology 58
Writing Drugs 60
A Critical Ethnography of Marijuana Culture 67
Gaining Access to the Field 71
In The Field 75
Content Analysis 82

### Chapter 4. The Marijuana Policy Reform Movement in the US
Marijuana Policy Reform Groups 93
Marijuana Policy Reform and Stigma Management 98
Marijuana Prohibition and Marijuana Policy Reform 115
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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</thead>
<tbody>
<tr>
<td>ACLU</td>
<td>American Civil Liberties Union</td>
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<tr>
<td>BACH</td>
<td>Business Alliance for Commercial Hemp</td>
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<td>BPG</td>
<td>Berkeley Patients Group</td>
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<tr>
<td>CBC</td>
<td>Cannabis Buyers Cooperative</td>
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<td>CSA</td>
<td>The Uniform Controlled Substances Act</td>
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<td>CSDP</td>
<td>Common Sense for Drug Policy</td>
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<tr>
<td>DARE</td>
<td>Drug Abuse Resistance Education</td>
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<tr>
<td>DEA</td>
<td>Drug Enforcement Administration</td>
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<tr>
<td>DIY</td>
<td>Do It Yourself</td>
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<tr>
<td>DOJ</td>
<td>United States Department of Justice</td>
</tr>
<tr>
<td>FDA</td>
<td>Food and Drug Administration</td>
</tr>
<tr>
<td>HIA</td>
<td>Hemp Industries Association</td>
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<tr>
<td>IND</td>
<td>Compassionate Investigative New Drug Program</td>
</tr>
<tr>
<td>LEMAR</td>
<td>Legalize Marijuana</td>
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<tr>
<td>MADD</td>
<td>Mothers Against Drunk Driving</td>
</tr>
<tr>
<td>MAMA</td>
<td>Mothers Against Misuse and Abuse</td>
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<tr>
<td>MassCann</td>
<td>Massachusetts Cannabis Reform Coalition</td>
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<tr>
<td>MDMA</td>
<td>Methyleneoxyxymethamphetamine (&quot;ecstasy&quot;)</td>
</tr>
<tr>
<td>MPP</td>
<td>The Marijuana Policy Project</td>
</tr>
<tr>
<td>MPRG</td>
<td>Marijuana Policy Reform Group</td>
</tr>
<tr>
<td>NORML</td>
<td>The National Organization for the Reform of Marijuana Laws</td>
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<tr>
<td>OCBC</td>
<td>Oakland Cannabis Buyers Cooperative</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>OMMNI</td>
<td>Oregon Medical Marijuana Network, Inc.</td>
</tr>
<tr>
<td>ONDCP</td>
<td>Office of National Drug Control Policy</td>
</tr>
<tr>
<td>PF DFA</td>
<td>The Partnership For a Drug-Free America</td>
</tr>
<tr>
<td>SADD</td>
<td>Students Against Driving Drunk</td>
</tr>
<tr>
<td>SAMHSA</td>
<td>Substance Abuse and Mental Health Services Agency</td>
</tr>
<tr>
<td>SSDP</td>
<td>Students for a Sensible Drug Policy</td>
</tr>
<tr>
<td>THC</td>
<td>Δ-9-Tetrahydrocannabinol</td>
</tr>
<tr>
<td>TLC-DPF</td>
<td>The Lindesmith Center-Drug Policy Foundation</td>
</tr>
</tbody>
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Chapter 1: Introduction

RN: "Now this is one thing I want. I want a Goddamn strong statement on marijuana. Can I get that out of this sonofabitching thing, uh Domestic Council?"

HRH: "Sure."

RN: "I mean one on marijuana that tears the ass out of them. I see another thing in the news summary this morning about it. You know it's a funny thing, every one of the bastards that are out for legalizing marijuana is Jewish. What the Christ is the matter with the Jews, Bob, what is the matter with them? I suppose it's because most of them are psychiatrists, you know, there's so many, all the greatest psychiatrists are Jewish. By God we are going to hit the marijuana thing, and I want to hit it right square in the puss, I want to find a way of putting more on that. More [unintelligible] work with somebody else with this."

HRH: "Mm hmm, yep."

RN: "I want to hit it, against legalizing and all that sort of thing."

May 26, 1971, Time: 10:03 am – 11:35 am—Oval Office
Conversation: 505-4—Meeting with Richard Nixon and HR 'Bob' Haldeman.¹

The Social Problem of Marijuana Prohibition

This dissertation is an ethnography of marijuana policy reform groups and marijuana culture, it is the author's intent that this study will move the discussion of the place of marijuana in the United States forward, away from the impasses of 65 years of federal prohibition, other absolutist drug policies at the federal and state levels and private practices that have produced far more harm, individually and socially, than cannabis ever could. The policy of marijuana prohibition, it will be argued, has resulted in the development of a new identity group: the marijuana-users, who, in practice, have been quite different than the images of

marijuana users (no hyphen)\(^2\) that were promoted to justify the enactment and enforcement of marijuana prohibition, from its origins, and, significantly, since the popularization of the use of the substance since the middle of the 1960’s. Marijuana users were created in potential by the worst fears of the prohibitionists, who imagined hordes of “Negroes” and “Mexicans” pushing marijuana to ply white teens to slough off the respectability of “pure” racial intercourse, thus contaminating the racial caste system of the first half of the 20\(^{th}\) century in the US. Marijuana use purportedly led to this and other sorts of despicable acts such as murder, rape and self-induced insanity (Bonnie and Whitebread 1974; Herer 1991; Mann 2000).

Historically, marijuana-users and the marijuana culture as a whole have been, for the most part, ahead of the remainder of the US in regards to liberalizing relations between races, social classes and other forms of identity. From the juke joints and tea pads of the first half of the 20\(^{th}\) century that featured the newer forms of music: jazz and blues; to the bunkers of Viet Nam and the open fields of the Woodstock Festival where the offspring of jazz and blues, electric rock and roll played; to the cars and clubs of the present where hip-hop, the pastiche of funk, rap, electric rock and sampling, is the background music, marijuana culture has provided an opportunity for the transmission of aesthetic appreciation across race, ethnicity, social class and (to a lesser degree) gender identities. Further, the meshing of encounters, interactions and associations since prohibition, has

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\(^2\) The distinction is made throughout this dissertation that “marijuana users” are a construction of the prohibitionists, while “marijuana-users” are the reflexive actors who use marijuana under the condition of its prohibition.
resulted, because of shared stigma management strategies and a shared location vis-à-vis the policy, in the formation of a collective identification of marijuana-users. The marijuana-users have come to recognize themselves as a discernable identity group, not entirely unlike that imagined by those who first promoted marijuana prohibition, a self-selected, self-referencing collection of people who enjoy using marijuana, and some of them have taken as their charge to end its prohibition.

The origins of the marijuana-user identity seem to come from the intentions of those who sought to eliminate the smoking of cannabis among the working class racial minority males living in the rural South and West. It was those who perceived marijuana use to be a problem who eagerly employed the racist levers of the 19th and early 20th centuries to create a separation between the group of people who smoked marijuana as a subcultural practice and all others who did not (although they may have used cannabis in tincture, as medicine). Were marijuana use, as a practice, to have remained within the extant racial and ethnic identity groups from which most early 20th century users were drawn, perhaps the efforts of the proto-prohibitionists would have succeeded throughout the 20th century. However, the discursive formation of the drug-using margin in the first half of the 20th century only could succeed to the degree that the qualities of the marginalized were associated with existing prejudice against ascribed characteristics, and only to the extent that the prejudice against the ascribed

---

3 The marijuana-user identity is discussed in detail in Chapter 2.
4 To a large degree, the moral shift towards what was once called “liberalism,” or “progressivism,” or today “political correctness” in regard to how we are to properly address and treat people
characteristics that marked the typical marijuana user could be maintained. New entrants to the specific category of the marginalized could be readily incorporated in the discourse, provided that they did not differ much from the other referents of the marginalized, be it by race, ethnicity, gender, criminality, or drug use. However, when new entrants bring other referents to the identity, even when the status of the ascribed characteristics is otherwise unchanged, there must be some meeting of these new members with the older discourse of marginalization.

When a marginalized, achieved identity that has been traditionally equated with marginalized, ascribed identities experiences an large influx of new members from the more privileged statuses, there need be a renegotiation of the place of the marginalization and the means by which it will be continued or dismissed. When the educated, white middle class began to commonly use marijuana, the models that had been so successful in demonizing and therefore justifying the prohibition of marijuana and the criminalization of the marijuana-user had to be dismantled. It simply would not do to have the adult children of the middle and upper classes spending ten, twenty, or a lifetime of years behind bars for merely possessing a joint or two. The ruling powers at the time were not themselves inclined to

balances on the distinction between those identity characteristics known to be ascribed versus those known to be achieved. If one has little or no degree of choice in matters of identity it is considered to be somewhere between impolite and illegal to recognize that such a person may hold a lesser social status; on the other hand, those matters of identity where it is thought that the individual (and/or group) has acted to create their status, recognition of all sorts is fair. For example, as Goode (1993), Musto (1987) and many others have noted, our drug laws and their enforcement have a history of targeting racial and ethnic groups overtly or indirectly, from the 1876 Anti-Opium Den law in California that applied to the Chinese immigrants who would congregate to smoke opium, but not to those who consumed opium or other opiates in any other manner, to the 1986 crack and powder cocaine 10:1 sentencing disparities and the practice of drug courier profiling by race.
question marijuana prohibition, though they needed relatively little incentive to do so, once it became clear that their children could likely be users.  

6 The scope of this research is limited to the political boundaries of the United States—understood as both “domestic” and, in so much as the US globalizes its war on drugs and leverages entry for military exercises, inside other nation-states and on international waters. This capitulation to policy can present problems, and framing the analysis of the presence of the various drugs in societies that starts with the assumption that drug policies themselves are the expression of some truth about the human relationships to the substances may further the hegemony of the state. Yet we talk about drugs in the sense that they are policy-ridden objects—and it is not only the academics, the entire marijuana policy reform group (MPRG) movement is composed of people who relate to marijuana-the-object as a thing that has political qualities as much as a thing that can be used by people to get high. Drug policies are issued by the various governmental institutions the world over, we recognize that the sovereignties allow for a variety of means for enacting and exercising drug policies, that the current policies are a reflection of the interactions among nation-states, and that in the US drug policies are enacted and enforced via the legislatures, police and courts.

6 The reduction in the state and federal level penalties for simple possession of marijuana took place in less than half the time it took to enact those severe laws. The first state level marijuana prohibition was in Louisiana in 1911, the first federal prohibition in 1937. The lessening of the penalties for possession began in the late 1960’s (when Tim Leary successfully challenged the 1937 prohibition in the Supreme Court) and had spread throughout almost all states by the end of the 1970’s, with full decriminalization in 11 of them.
This recognizes a legitimacy of the nation-state that is at best tenuous, if not outright incorrect. Those who use the variety of prohibited substances are operating in arenas where the state exists in potential, and not typically in practice. Drug prohibition policies show that the state is incapable of achieving much more than sporadic, temporary, additional abstinence, when policies are inclined to violently demand full abstinence. Alcohol prohibition, which never targeted the individual who produced alcohol for private consumption (as marijuana prohibition enforcement has), led to a reduction in per capita alcohol consumption and cirrhosis during the 1920’s but also altered the way people related to each other in regard to alcohol, leading to the consumption of a greater proportion of distilled spirits as well as the prohibited alcohol distributors’ invention of the drive-by shooting (Hanson and Venturelli 1995). Heroin has been prohibited since the 1920’s and we have seen the use rates of that drug rise and fall within a small user population. Tobacco abstinence increased dramatically between the middle of the 1960’s and the early 1980’s, while that substance was undergoing a most mild form of official discouragement. The popularity of hallucinogen use has risen and fallen and risen again since they were

7 The US had (and has) a federal tobacco policy that simultaneously supports the production and export of tobacco, while requiring manufacturers to print a warning on domestic packaging and in ads. By the time tobacco ads were pulled from television in the early 1970’s there had already been a consistent reduction in tobacco use for the previous seven years. Since the newer, sterner warnings and all the anti-smoking legislation we have not seen the same degree of reduction in use we witnessed from the mid-1960’s to the mid-1980’s. The reduction in use rates from more than 55% of adults in the mid-sixties to less than 30% today was the result of the most successful abstinence program in US history. It was successful because the public education messages presented were consistent with what people experienced, smoking tobacco has deleterious effects on one’s health and every adult knows someone who has suffered chronic or lethal cardiovascular damage that can be reasonably associated with long-term tobacco smoking. It was well known that regular tobacco users have difficulty initiating and continuing abstention; perhaps more so now than during the 1960’s and 70’s, before they were reminded of that proposition by every smoking cessation program and product available.
placed under federal “control.” And marijuana use rates remained relatively steady and dormant for 28 years from the day of that drug’s first federal prohibition, and then exploded in popularity over the decades to follow.

Why do we give the benefit of the doubt to policies, as if they are a prime determinant of the meanings of a drug? I chose MPRG’s because I assumed that the policy is what drives the condition of marijuana today, as do the MPRG members. In my own writing on the topic of drugs I have constructed arguments to show that policy was the source for the political and physical condition of drugs and their use. More than once I explained to students that high quality marijuana was more abundant than in previous years because of the “iron rule of prohibition,” and proceeded to illustrate how interdiction efforts gave incentive for those people who had decided to grow marijuana to do so indoors, under optimum climate conditions. Every microgram of Δ-9-tetrahydrocannabinol⁸ (THC) in that killer kind bud was packed with the history of marijuana prohibition; potency was a product of the policies.

But this idea is incomplete; the producer’s motivations are not necessarily informed by policy. Of course the producer must know that the act of growing is considered a crime and take measures to reduce the risk of detection, and he may be motivated by the profit that is possible for the relatively easy labor of constructing an indoor garden, monitoring it regularly and addressing its needs for

⁸ THC has been identified as the primary psychoactive compound in marijuana, though there are 60 different cannabinoids in marijuana, and anecdotal evidence suggests that the variation in the acute effects between two or more strains of marijuana with similar potency is due to the various levels of the cannabinoids besides Δ-9-THC. In marijuana culture there is knowledge of how different strains produce different highs; this is well documented in High Times’ reporting of the Cannabis Cup, where Dutch growers show off their latest hybrids to a delighted, mostly American group of “judges.”
3-4 months per crop. The producer can only produce for profit because there is a market for marijuana. This marijuana market is not driven by policy, it is not driven by addicts' daily decisions to use and/or be sick, nor is it driven by people who desire to break the law simply for the sake of rebellion or delinquency. The market is formed by the 20 million annual users of marijuana in the US, it is a relatively secret market, its commerce almost always done in person, among persons who know each other. One can imagine webs of interlocking associations among these 20 million people, scattered across the US. At many points the webs would overlap, among circles of friends and associates who all know of each other and who occasionally or regularly use marijuana together. Other parts of the web may be strands that are incidental, the isolated, occasional user, tied in with no other aspect of the marijuana market than that one encounter where the marijuana was provided by a stranger, at a concert perhaps. Nevertheless, with the exception of persons who produce their own for themselves only, who are secret about their consumption and who consume only that which they produce, great pockets of those 20 million people can be assumed to have some historical and traceable connection to each other. Finding these specific connections is of much concern to prohibition enforcers, though for the wrong reasons. They have yet to realize that the formation of an identity group of marijuana-users whose

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9 While the prices (and profits) of marijuana are greatly inflated because of prohibition, and this may provide incentive for people to enter the market as producers and sellers, the high prices should also provide disincentive for people to enter the market as purchasers. Regardless, there is no profit without an exchange and the marijuana market is clearly consumer-driven. The myth of the drug pusher, the producer/distributor that drove the drug market is patently false; the only other option is to believe that drug users (even addicts) make choices, how else were people able to quit smoking tobacco before there were nicotine gum, patches, or Selective Serotonin Reuptake Inhibitors (SSRI's) to mitigate withdrawal symptoms?
networks they seek to disrupt, whose culture they are working to marginalize,
and whose members they persecute, imprison and occasionally kill, was made
possible because of prohibition. They enforce prohibition in the name of national
security, public health, and a morality of “protection,” all the while producing the
conditions for an “affective alliance” (see Chapter 2) among marijuana users that
the epistemology of prohibition can only contextualize as an effect of the drug
itself. Marijuana-the-object cannot independently produce the social
circumstances that would support the development of common interests, sign
systems, aesthetics, patois, and ephemera among users. The prohibition of
marijuana could, though.

Significance of the Study

Marijuana (those parts and preparations of the cannabis plant that render
the THC for ingestion at psychoactive levels) has been the object of grave
concerns in the US during the past 90 years. Since 1911, when Louisiana
criminally prohibited the non-medicinal use of marijuana, the states and federal
government, and many members of the professional class and large-capital
bourgeoisie have engaged in a moral campaign that demanded abstinence from
marijuana, backed by the considerable force of their private authority, and
ultimately, the controls of the criminal justice system. As a public policy,
marijuana prohibition has failed to achieve the goals of reducing use rates,
reducing the costs of use, and increasing lifetime abstainers. Despite repeated
findings by multidisciplinary, government-funded committees in favor of
terminating the criminal prohibition of marijuana (LaGuardia Commission 1944;
Shafer Commission 1972), and the popularization of use among older adolescents and young adults of all social classes since the 1960’s, the budget for the enforcement of marijuana prohibition has grown into the tens of billions of dollars per year; totaling hundreds of billions since 1972, alone (Mann 2000). Despite the tremendous efforts expended by federal and local law enforcement to eradicate the presence of marijuana in the US and to disrupt distribution networks, marijuana can be found in all geographic regions and is “easy” to obtain (SAMHSA, “The NHSDA Report,” Aug. 31, 2001). There are more than 76 million American adults who have used marijuana at least once in their lives, and there are near 20 million annual users (SAMHSA 2001). Since the early 1990’s there have been more than 500,000 arrests involving a marijuana charge, annually (FBI, UCR 1999: 211-212). In 2000 there were 734,498 arrests that involved a marijuana charge (NORML 2001).

Neither marijuana prohibition nor marijuana use is gliding through history on inertia, the collection of practices necessary for both are constantly modified by the other’s. In material terms, the necessary condition for the struggle over the place of marijuana is the existence of marijuana-the-object. Efforts to eradicate marijuana from the US, to commit a national genocide of the cannabis plant while preventing the importation of fertile seeds, cannot succeed without a committed population of abstainers. The difference between abstinence and absence, the former being the refusal to knowingly consume marijuana, the goal

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10 This includes not only chopping and burning cultivated marijuana, but hundreds of millions of “feral hemp” plants scattered throughout the states, the ecological legacy of those times when hemp was far too valuable to prohibit.
of Drug Abuse Resistance Education (DARE) programs, the latter indicating
the lack of an option, the goal of the Drug Enforcement Administration (DEA).
In this regard we discover the contradiction where all of that money has
disappeared: If one educates about marijuana (even negatively), one can never be
rid of it; if one is rid of marijuana, there will remain those who are educated about
it. To ensure a society rid of marijuana it is necessary that those who hold
marijuana-knowledge lack the knowledge of any positive value that can be
attributed to the plant. History must be denied, the values derived in the present
must be deferred to the future under the rubric of “not enough studies have been
done...,” and we must keep incarcerating people, doing more damage to them and
their families, to ourselves and our communities, than marijuana-users have by
their use of marijuana.

The problem is the “marijuana problem” that has been portrayed as
coming from marijuana-users truly originated within the sentiments of marijuana
(and other drug) prohibitionists. Marijuana-users did not create the propaganda
and prohibitions that created them, as a discernable identity group. When that
propaganda aged from the grotesque to the comedic it was replaced with the
gateway hypothesis, allegations of chromosomal damage, and concerns about
amotivation among the new group of users, the Baby Boomers. Marijuana use
began to explode in popularity among older adolescents and young adults, the
number of initiates and annual users rising each year from the middle of the
1960’s through 1979. At the same time the marijuana-user identity group began
to vigorously advocate for itself, its members gathering to form MPRG’s at the
local, state and national levels. MPRG's recognize positive qualities and advocate various uses of the cannabis plant, and they manage the stigma of the marijuana-user through public education. Marijuana-users in general, and MPRG's, have contributed to the formation of a marijuana culture in the US and other nations. Marijuana-users as an identity group, MPRG's, and marijuana culture are all by-products of marijuana prohibition; they are the embodiment of the "other side" of a collective concentration that seeks to create total marijuana abstinence and eradication.

In the zeal to censor positive messages about illegal drugs, there have been significant restrictions placed on researchers who wish to study the effects of marijuana when used acutely or chronically, medicinally or recreationally, in the US. Similarly, in the field of the social sciences, there is much federal funding available to those who wish to develop or measure the effectiveness of marijuana abstinence or treatment programs, or who otherwise seek to produce a study that would provide results that can be used as ammunition in the argument for continued prohibition. If we are to understand the presence of marijuana-the-object in our society we must be willing to engage all points of view and all practices, and suspend our tendency to immediately dismiss those who find pleasure in their use of marijuana, for whatever reasons. Since the end of the Carter Administration, federal and state agencies have been forced to modify their research sponsorships to conform to the "National Party Line" (Hoffman 1987). The war on drugs has always had an element of censorship attached to it, its most fundamental anti-democratic principle; it eliminates the prospect of choosing
between a number of options, not the least of which is the choice to act in ways that pose no endemic risk to others. A cursory examination of the recent federal election system reveals that the enforced reduction of choices does not need harm the illusion of having a full set. The Just Say No approach does provide two options: 1. Do not talk about, investigate, or use illegal drugs at all; 2. Talk about, investigate, or use illegal drugs, but do not ever say (or find) anything positive about them (and stop using before mentioning one’s use).

The MPRG’s and members of marijuana culture, allied in response to marijuana prohibition, offer a different setting than that of most ethnographic studies of illegal drug users. The majority of marijuana users are middle class, educated, and live otherwise unremarkable lives, outside of their discrete participation in marijuana distribution networks. Some of them say that their participation in marijuana distribution networks is as unremarkable as the rest of their behaviors, that it is only in the eyes of prohibition advocates and supporters that there is anything special about them at all. In part this ethnography offers, in the words of one of my subjects, “The stoners’ side of the story” (T. K. 4/20/01).

Overview of the Dissertation

Chapter 2, “Theories of Marijuana, Prohibition and Culture” introduces the history of marijuana policies in the US, the means by which cannabis became commonly known as marijuana, and its consumers as marijuana-users. The initial

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11 The identification of people by initials is subject to a random assignments, see Chapter 2, footnote 26, for a full description of how initials were assigned to subjects. A portion of Chapter 3 explains why some subjects are identified by name.
prohibitions at the state and federal level are recognized as attempts at preserving and perpetuating racial caste and social class inequalities, ones that failed with the rise in popular marijuana use among the middle class. The modification of prohibition through the 1970 Uniform Controlled Substance Act (CSA) and the pseudo-medical criteria used to place marijuana and other drugs into schedule I is critiqued. The author proposes the concept of “social sentiment” to explain why both marijuana prohibition and the identity group of marijuana-users have persisted through the last half of the 20th century and beyond. The concluding portion of the chapter concerns the “affective alliances” (Grossberg 1984) that are recognized among those who have chosen to violate marijuana prohibition. These alliances, it is argued, make possible the formation of a unique and identifiable marijuana culture (the main topic of Chapter 6).

Chapter 3, “Ethnography and Content Analysis” outlines the main research methodologies employed in the investigation of MPRG’s and marijuana culture. It contains a literature review of recent themes in the investigation of drugs and society in general and regarding marijuana and marijuana-users in particular. The process of gaining access and researching in the field is discussed in detail, and the chapter concludes with a discussion of doing a content analysis of marijuana culture and MPRG’s. It is argued that qualitative approaches to understanding marijuana use in the time of prohibition will serve our understanding of the cultural dynamics of prohibition better than any quantitative method could.
Chapter 4, "The Marijuana Policy Reform Movement in the US" begins with brief histories of LEMAR and AMORPHIA's efforts prior to the formation of the National Organization for the Reform of Marijuana Laws (NORML), as well as a history of that organization and the half dozen other MPRG's that have been founded by former NORML members. There is a lengthy discussion of the stigma management that has been engaged in by MPRG's since their inception, as well as an analysis of Becker's (1963) findings regarding what he termed the "controls" on the use of marijuana among the subcultural population he studied in the 1950's. The rise and fall and resurgence in marijuana policy reform activism during the 1970's through the 1990's is addressed, and it is noted that a marijuana policy reform movement was able to survive because they had long made the argument to change marijuana laws in a tripartite manner: recreational marijuana use, medicinal marijuana use, and commercial hemp use. When recreational advocacy was thoroughly marginalized and essentially silenced, it was the hemp and later the medical marijuana advocacies that kept marijuana policy reform sentiments alive.

Chapter 5, "The Marijuana Rally as Public Pedagogy" examines the institutionalized practice of MPRG's staging outdoor festivals where musicians, vendors, MPRG's and the interested public may participate in a public discourse regarding marijuana policies. The New Hampshire Freedom Festival, The Seattle Hempfest, and The Boston Freedom Rally, all held in 2001, were selected as observation sites. The conclusion is drawn that it is the pedagogy against
marijuana prohibition that is the reason for police and elected officials’ repeated efforts to thwart most MPRG’s that seek to host a rally.

Chapter 6, “Marijuana Culture” restates a position initially put forth in Chapter 2, namely that marijuana-users and members of marijuana culture share an “affective alliance” (Grossberg 1984) that is made obvious and strengthened by prohibition. Marijuana temperance movements, the Office of National Drug Control Policy (ONDCP), “Stoner Films,” the signs, symbols and artifacts of marijuana culture (especially paraphernalia), High Times, and entrepreneurialism are all discussed at some length.

Chapter 7, “Conclusion,” includes findings, notes limitations of this study, lists directions for future research and a recommendation that we end the criminal prohibition of marijuana immediately, commute the incarcerations, paroles and probations on marijuana sentences, and allow marijuana culture to disappear gently, back into the mundanity of everyday life.
Chapter 2: Theories of Marijuana, Prohibition, and Culture

I use the word "cannabis" in preference to the word "marijuana," because cannabis is the correct term for describing the plant and its products. The word "marijuana" is a mongrel word that has crept into this country over the Mexican border and has no general meaning, except as it relates to the use of cannabis preparations for smoking. It is not recognized in medicine and hardly recognized even in the Treasury Department. Marijuana is not the correct term. It was the use of the term "marijuana" rather than the term "cannabis" or the use of the term "Indian hemp" that was responsible, as you realized, probably, a day or two ago, for the failure of the dealers in Indian hempseed to connect up this bill with their business until rather late in the day...I say the medical use of cannabis had nothing to do with cannabis or marijuana addiction. In all that you have heard here thus far, no mention has been made of excessive use by any doctor or its excessive distribution by any pharmacist. And yet the burden of this bill is placed heavily on the doctors and pharmacists of the country; and I may say very heavily, most heavily, possibly of all, on the farmers of this country.

...We object to the imposing of an additional tax on physicians, pharmacists and others, catering to the sick; to require that they register and reregister; that they have special order forms to be used for this particular drug, while the matter can just as well be covered by an amendment to the Harrison Narcotics Act—Dr. William C. Woodward, Counsel to the American Medical Association, in testimony given in the Hearings on the Marijuana Tax Act before the House Committee on Ways and Means, 75th Congress, 1937.

Cannabis

Marijuana¹ use as a cultural practice among Americans in the 21st century is another expression of the historical human relationship with the cannabis plant.

Cannabis sativa L. is indigenous to central Asia (U. S. Dept. of Agriculture 1914; Haney and Kutschied 1975), it was cultivated in China 5,000 years ago

¹ The term marijuana refers to the parts and preparations of the cannabis plant that render its cannabinoids for human consumption at psychoactive levels. In the United States, this typically has consisted of the buds and leaves with high concentrations of trichomes. Hashish and kif, though these preparations are less commonly consumed in the US, would also be included in the vernacular marijuana, although they may be referenced specifically from time to time.
The practice of cultivating cannabis\(^2\) had spread to Europe prior to transatlantic crossings and was harvested in the New England colonies beginning in 1629 (Maisto, et al. 1995: 314). Cannabis was valued for its strong fibers, used to make paper, rope and cloth; its \(\Delta-9\)-Tetrahydrocannabinol (THC) was also prepared as medicament.

The THC of the "Indian hemp" plant had been utilized as medicine by the Chinese and Sumatrans since at least 3,000 B.C. (Russo, 2001). The medical properties of the plant were studied by Irish physician W. B. O'Shaughnessey, while he was working at the University of Calcutta. In 1839 O'Shaughnessey published what is believed to be the first scientific medicinal investigation of the effects of consuming cannabis; soon after, western physicians began to use cannabis in the treatment of patients. By the middle of the 1850s cannabis was listed in the United States *Dispensatory* (Grinspoon and Bakalar 1993: 4).

The practice of using cannabis to treat headaches, spasms, nausea or other maladies over the past 5,000 years is certainly confirmable and necessarily cultural. There are no properties in the cannabis plant that direct people to prepare it in ways that allow for the THC to enter the bloodstream, these actions must be discovered and taught. Similarly, the use of cannabis for pleasure is also a cultural practice:

The hemp plant was present in Jamaica at least as early as the late eighteenth century, but there is strong circumstantial evidence that its therapeutic and psychoactive uses were only introduced in the mid-nineteenth century by indentured workers who were brought to the West Indies from India after the abolition

\(^2\)The term *cannabis* refers to the plants *cannabis sativa*, *cannabis indica*, and (the uncommon in the US) *cannabis ruderalis* and all of their parts.
of slavery. Between 1845 and 1917, about 36,000 Indians came to Jamaica and it is estimated that about 18,000 remained when indenture ended. There is no mention made of its use in the pre-emancipation period and African names for cannabis such as Kif or Dagga are not in folk use in Jamaica. On the other hand there are striking similarities between Jamaican and Indian cultural beliefs about ganja, methods of preparation and use of the drug. Hindu names like ganja, kali, and chilam, are all in common use among working-class Jamaicans (Beaubrun 1983: 71-2).

Cannabis Encounters the Bourgeois Society

In this era we see the encounter of cannabis and a developing bourgeois culture, and we find the plant broken into its constituent parts, isolated and thus decontextualized from "a plant of many uses" to a plant of many pieces. Each piece commodified by the appearance of discriminate use-values: the retted fiber, the hurd, the seed and its oil, the cola and leaf (US Department of Agriculture 1914; House Committee on Ways and Means 1937; NORML 1971; Marx and Engels 1990; Herer 1992; HIA 2000; OMMNI 2001; Hempcar 2001). Those use-values expended in their own ways, we see a change in how the consumption of the THC was understood. The bourgeois body, freed from having to labor, was condemned to be defined by what it consumed. The leaves and flowers of the cannabis plant were discovered to have a new use-value at the time the Western body became sensual, a use-value that was always there but needed the metaphoric constructions of the bourgeois to find expression.³

³ This is similar to the "Set" of Zinberg's (1984) Drug, Set, and Setting, the intentions and expectations of users, writ large on culture. Bourgeois culture allowed for the construction of drug use for pleasure in a way that would not have been conceivable before the body and the material world were run through an ontological revolution inseparable from that class' revolution of the means of production.
In 1846 Théophile Gautier published *Le Club des Hachichins*, a participatory observation of the North African practice of eating “hachich” (actually candied kif) which spread the idea that cannabis could be used for bourgeois pleasure (McKim 2000: 301).

The Creation of the Drug-User Identity

During the 19th century the cultural episteme of the drug-user identity began to be forced upon the bodies of those people whose earlier consumption of (or abstention from) various substances was always less than, always contingent upon, other elements of their biographical narratives. With the advent of the scientific medicinal “gaze” we see the formation of the unregulated drug-user as a case, of the cases of unregulated drug use as a category of disease, and the disease being returned to the social body as its dictum. The social disease of drug use and its manifestation in the cases of drug-users demand the same treatment of the drug-user as all other patients under this new, modern discourse of control.

Following an autonomous movement, the medical gaze circles within an enclosed space in which it is controlled only by itself; in sovereign fashion, it distributes to daily experience the knowledge that it has borrowed from afar and of which it has made itself both the point of concentration and the centre of diffusion.

In that experience, medical space can coincide with social space, or, rather, traverse it and wholly penetrate it. One began to conceive of a generalized presence of doctors whose intersecting gazes form a network and exercise at every point in space, and at every moment in time, a constant, mobile, differentiated supervision. The problem of the settling of doctors in the countryside was raised...And since the question of the settling of doctors was not enough, the consciousness of each individual must be altered; every citizen must be informed of what medical knowledge is necessary and possible. And each practitioner must supplement his supervisory activity with teaching, for the best way of avoiding the propagation of disease is to spread medical
knowledge. The locus in which knowledge is formed is no longer the pathological garden where God distributed the species, but a generalized medical consciousness, diffused in space and time, open and mobile, linked to each individual existence, as well as to the collective life of the nation, ever alert to the endless domain in which illness betrays, in its various aspects, its great, solid form (Foucault 1994: 30-1).

In 1785 Dr. Benjamin Rush was the first to suggest that distilled spirits were addictive objects and that those who consumed them were best treated by his physician-prescribed abstinence (Levine 1983:188).

The earliest treatment of the cannabis user as an identity group in the West is entwined in the symbolic order of racial and ethnic identity in the late 19th and early 20th centuries. Bonnie and Whitebread (1974) provide a thorough documentation of how the discursive identity of the cannabis user became attached to Mexican immigrants in the western states and Blacks in Texas and Louisiana during the early twentieth century, at the same time that the cannabis-object was being labeled a “narcotic.” As physicians were simultaneously writing a history of their patients being treated with cannabis, those who would use cannabis on their own for other purposes would also become subjects of the gaze.

Alongside the medical history of the cannabis user we find the writing of the statutory history. The nation-state produces its own gaze and its own history; its methods of treatment are support and discipline. The creation of marijuana (and other drug) statutes can be read as a history of the nation-state realizing itself upon the bodies of its population. It was in the Progressive Era that we see the individual states and then the federal government begin to adopt statutes and create enforcement mechanisms that would chisel off parts of the populous to be
disciplined, the strikes aligned parallel to the established identities of gender, race and social class.\(^4\) In that era the only strike to skew from this tangent was the Pure Food and Drug Act of 1906, which held the producers of patent medicines and other ingestibles to bear the onus of responsibility for false packaging.\(^5\)

Between the Opium Den Act in California in 1874 and the Volstead Act that federally prohibited alcohol in 1918 we find a pattern of the state conspiring with the practitioners of scientific medicine to create professional controls over access to and use of “legal” drugs, and to place the producers and consumers of “illegal” drugs under the control of the state. Thus the identity of the drug-user becomes ensconced in the medical and state literatures, to live out a history that would allow only submission or resistance, and where resistance itself signals the need for control.

**Cannabis Becomes Marihuana**

The first attempts to place cannabis under the control of the law occurred in the 1910’s, Louisiana enacted anti-narcotics legislation in 1911 that prohibited refills of cannabis prescriptions (Bonnie and Whitebread in Kelleher, et al. 1988: 263). The Harrison Narcotics Act of 1914 granted physicians and pharmacists a monopoly control over the legal dispensation of opiates and cocaine; cannabis and

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\(^4\) As Wagner (1996) notes, the middle class temperance movements of the Progressive Era targeted female prostitution, alcohol consumption and masturbation. Hiring prostitutes and drinking alcohol in pubs and saloons were male-dominated activities, the concern over masturbation assumed the masturbators to be males, boys particularly. The disciplining was across the working and middle classes, though the working class is perceived to be and treated as more prone to vice.

\(^5\) Here we find a distinction being made between large- and small-capital, in regard to the distribution of drugs. As Musto (1987) illustrates, the patent medicine producers were smaller in scale and marketed their wares in ways sympathetic to the mystical episteme of proto-scientific medicine; patent medicines were literal potions. At the same time, a global pharmaceutical industry was emerging that subscribed to scientific approaches, including the establishment of taxonomy and the practice of disclosure as a means of control.
chloral hydrate were originally covered by the regulation, but were removed from the bill in 1913 (Musto 1987: 59-68). Cannabis use was uncommon outside of the South and West, and the regional concerns over its use and users did not spread to the federal regulation (see Bonnie and Whitebread 1974). The Harrison Act, like the Pure Food and Drug Act, and that Act’s 1909 Amendment, did not establish criminal penalties for the possession or use of drugs, per se. From the position of the state the Harrison Act concerned the taxation of “narcotics,” those who violated the Harrison Act in its early years were considered tax evaders. US Supreme Court decisions from the Webb case in 1919, through the 1920s, recognized the Act’s revenue-based origins but also granted it broader parameters, such as in those cases where physicians were held criminally responsible for providing doses of opiates for the purpose of addiction maintenance, then for dispensing doses that exceeded a given addict’s daily use.

This step toward greater government and professional controls over drugs was maintained in spirit by those individual states that would prohibit the use of marijuana in the years between 1911 and 1933.

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6 “VINSON: When was it brought to your attention as being a menace among our own people?/ ANSLINGER: About ten years ago./ VINSON: Why did you wait until 1937 to bring in a recommendation of this kind?/ ANSLINGER: Ten years ago we only heard about it throughout the Southwest. It is only in the last few years that it has become a national menace” (Transcript of testimony before the House Ways and Means Committee, 75th Congress, First Session on H. R. 6385, April 27-30, May 4, 1937 in Herer 1991: 124).

7 The current juridical understanding of “narcotics” includes cocaine, which is a stimulant, as well as hallucinogens and marijuana. This is offered in support of Bonnie and Whitebread’s (1974) contention (to follow) that it is the sign “narcotic” that has been effectively demonized. Those drugs that are subjects of prohibition debates are inevitably referred to as “narcotic” by those in favor of prohibiting them, regardless of the objective properties of the substances, i.e., MDMA.

During the "local" phase of marihuana prohibition, lasting roughly from 1914 to 1931, twenty-nine states, including seventeen west of the Mississippi, prohibited use of the drug for nonmedical purposes. (Four more states did so in 1933).

The most important feature of this initial prohibitory phase is that marijuana was inevitably viewed as a "narcotic" drug, thereby invoking the broad consensus underlying the nation's recently enunciated antinarcotics policy. The classification emerged primarily from the drug's alien character. Although use of some drugs—alcohol and tobacco—was indigenous to American life, the use of "narcotics" for pleasure was not. Evidently, drugs associated with ethnic minorities and with otherwise "immoral" populations were automatically viewed as "narcotics." The scientific community shared this social bias and therefore had little interest in scientific accuracy (Bonnie and Whitebread 1974, in Kelleher, et al. 1988: 265).

The narcotics and alcohol "prohibitions" of the Harrison and Volstead Acts differed from the practices of the present day, under the schedule I requirements of the 1970 Uniform Controlled Substances Act (CSA). Currently, drug prohibition is an absolute condition, where chemical compounds are imbued with a special quality that is only found in the prohibited: there is the absence of state regulation and/or taxation of the substance; in its place is put the presence of an indiscriminate criminality.9 The prohibited substance of the present day makes criminals out of all who encounter it. The older form of state-sanctioned prohibitions, under the federal Harrison and Volstead Acts and under the state

9 A drug "regulation" includes state policies designed to monitor the production, distribution and/or consumption of a substance, such as through licensing, specific taxation, and non-criminal controls over distribution such as designated places and hours/dates of sale. A "partial prohibition" includes state policies designed to criminalize the production, distribution and/or consumption of a substance in certain circumstances. Drugs in FDA schedules II-IV are prohibited for production without registration and consumption without prescription. The criminalization of public intoxication and the creation of specific legal penalties for acts performed "under the influence" are also forms of partial prohibition. The term "total prohibition" denotes those state policies that criminalize the production, distribution and consumption of a substance in all instances, and that promise to potentially (though never practically) eliminate the presence of the substance in society. This is the case with schedule I substances, and is why this dissertation does not take as a central concern the presence of schedule II THC (Dronabinol).
prohibitions of marijuana, allowed for the medicinal use of the substances, under the supervision of the class of professional physicians.

The Heroin Act of 1924 was the first of the absolute prohibitions. The Marijuana Tax Act of 1937 allowed the hypothetically-legal possession of medical cannabis, but was designed, as Dr. William Woodward suspected in his testimony before Congress at the Hearings on the Marijuana Tax Act, to place an untenable degree of taxation upon the substance, thus practically guaranteeing that any marijuana discovered would prove the possessor to be a criminal.

The creation of "marijuana" as a concept was the expression of sentiment, a collective, subjective organizing of feelings. The expression of sentiment is at the will and to the degree possible, the power of individual actors. "Social movement" is the name we have given to those circumstances when sentiment manifests a regular cast of actors and a discernable history of allegiances. Sentiment, as a concept, does not presume that the subjective state need be expressed; actors may strategically withhold all demonstration of support. This is similar to what Goffman (1986) found in the complexities of identity management in the encounters of normals and the stigmatized. But the management of sentiment includes and extends beyond the immediate encounter.

That drugs could enter an ideological market where a moral entrepreneurship (Becker 1963) could be exercised required the coordination of sentiments that was facilitated by the state and professional classes, but that also must have been present among empowered actors prior to the implementation of legal controls, to provide such controls an existent legitimacy. At its origins the
movement to control drugs did not confront any popular sentiment in
resistance.\footnote{There is little in the drug policy literature that indicates the presence of a coordinated resistance to state and professional regulatory control of drugs in the US. Prohibition, both partial and absolute, had been debated in theory prior to the occasions when the Volstead and Heroin Acts made such debates arguments in praxis. There was a coordinated resistance to the Volstead Act prior to its enforcement, but none on record against the Heroin Act.} There remains widespread agreement that there should be state and professional controls over the presence and use of drugs in the US. The near-absence of opposition to the idea that people should have to go to specified, licensed others for permission to consume drugs is evidence of the surrendering of a freedom that \textit{existed} prior to 1914 but, apparently, was never \textit{held}.\footnote{We were once asked in a song, "Don't it always seem to go that you don't know what you got 'til it's gone?" but in the case of free access to drugs, the loss did not spur such sentiment among the recorded classes.} The return to a free market in drugs has been advocated by Szasz (1992); his radical economic libertarian position forged in response to the near-century of increasing state and professional interventions.

The early part of the 20\textsuperscript{th} century marked the beginning of the federal government's attempts to control the presence of drugs in the U. S. There was a progressive shift from the consumer protection regulation of the Pure Food and Drug Act of 1906, to the granting of control over some drugs to professionals and their organizations with the Harrison Act in 1914, to the Volstead Act in 1919 that recast the consumption of alcohol as a potentially criminal activity. In thirteen years, the philosophy of federal drug policy had changed from protecting consumers from careless marketers to targeting consumers as threats to the security and well being of the state.
Marijuana Prohibition

As the federal government had moved to regulate, control, then prohibit the use of the various substances, the states enacted similar (and often more vigorous) degrees of control. Marijuana was partially prohibited in the majority of states by the early 1930's; most states allowed for the medicinal use of cannabis. Meanwhile, cannabis had been falling out of favor with the scientific medicinal community, for the tendency of practitioners to prefer singular substances as well as the generally assumed superior capacity for synthetic substances to treat specific ailments.

Mr. Anslinger: …In June of this year, at Geneva, an international committee of experts in going over the reports received form all over the world said that the reports thus far indicate that the medical value of the cannabis derivatives is very doubtful. There is another report here from Dr. Paul Nicholas Leech—

Senator Brown: That is, to make it perfectly clear, its medical value is not very great, and there are many other drugs that may be used in place of it that are fully as good if not better?

Mr. Anslinger: Yes, sir; it is not indispensable.

Senator Brown: I think some medical men say that if we had no such drug at all the medical profession would not be very greatly handicapped. That is, medical science would not be very greatly handicapped.

Mr. Anslinger: I think they are pretty generally in agreement that its use could be abandoned without any suffering (Hearing Before a Subcommittee of the Committee on Finance, United States Senate, 75th Congress, First session on H.R. 6906, July 12, 1937).

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

As cannabis drugs lost favor in the scientific medicinal community and the non-medical users were racial minorities, the substance was open for demonization. The term “marijuana” was brought into the political discourse in the 1910’s, taken from the patois of users. As the drug-user became discernable, the symbolic exchanges of drug-users became indicators of a discriminate identity group. We give pleasures many names and when these pleasures are turned to vices, these alternative names (and new ones) become codes and identifiers of membership in the stigmatized group of those who indulge in the pleasure/vice (Goffman 1986).

William Randolph Hearst’s newspapers were publishing anti-cannabis stories in the 1910’s and 20’s, at once demonizing the drug and its users. This vein of articles also attributed deleterious effects to tobacco, including claims that tobacco caused depravity, sex crimes and murder (Herer 1991).

The sentiments that had made the practice of state and professional control of drugs legitimate, and that had seen no retort save for the case of the prohibition of alcohol, were applied to cannabis. The idea that the state could have a practical control over the presence of cannabis was questioned only as a matter of degrees, determined by the manner of enforcement. In the testimony before the House Ways and Means Committee (1937) there is discussion of the extent of marihuana

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12 Klein (1993) shows that the demonization of tobacco has its own history. Concerns about tobacco use arose in Europe when that substance was introduced across the continent, giving rise to several inevitably short-lived attempts at total prohibition.
consumption as a problem, who the users were, and what measures had been taken to control marihuana use. The Chief of Narcotics in the Bureau of Narcotics and Dangerous Drugs (BNDD), Harry Anslinger, formerly the federal Administrator in charge of alcohol prohibition, had put great effort into propagating the message of the marihuana addict as a member of existing “dangerous classes” (Becker 1963; Herer 1992; Sloman 1998). In keeping with the spirit of the Harrison Act, the BNDD was under the aegis of the Department of the Treasury. Anslinger and his consort, Clinton Hester, Assistant General Counsel for the Department of the Treasury, supplied a testimony before the Committee in support of the passage of the Marihuana Tax Act.

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

[CONGRESSMAN] McCORMACK: Is it used by the criminal class?

ANSLINGER: Yes, it is. It is dangerous to the mind and body, and particularly dangerous to the criminal type, because it releases all of the inhibitions (Transcript of testimony before the House Committee on Ways and Means, 75th Congress, First session on H.R. 6385 April 27-30, May 4, 1937, in Herer 1992: 124).

While there is no consensus as to why marijuana was prohibited, there is no doubt as to how it happened. In 1937 the Marihuana Tax Act was passed and the

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13 This is a contended topic among MPRG members, and they take a number of valences in explanation, though most are variations of the class-, race- and bureaucracy-centered arguments summarized in Elsner (1994). The concern about origins reflects the instrumentalism of MPRG
production, distribution and consumption of cannabis was prohibited outside of the tax structure.  

There was concern about hempseed, which was commonly sold as bird food, but the manufacturers voluntarily agreed to sterilize the seed (Hearing before the Subcommittee of the Committee on Finance, U. S. Senate, 75th Congress, 1st Session, on H. R. 6906, July 13, 1937: 14).

The only testimony offered in opposition to the Act was that of Dr. William C. Woodward, who objected to the notion that medicinal cannabis use needed government intervention, as well as the idea that a federal prohibition would be effective in stemming the use of the substance. But the sentiment that marijuana was a dangerous narcotic, its users prone to violence and mayhem, and the usefulness of prohibition as a policy was stronger. There had been organized resistance to prohibition policies as they had been applied to alcohol. Alcohol prohibition may have reduced the social costs of the presence of alcohol, in terms of the ramifications of drunken behavior, alcoholism, and alcohol-induced disease, but the cultural costs of a white, male middle class that was subject to the basest of state disciplining and a capital class watching criminal enterprises make incursions into their customer pool proved too great to bear. The rejection of alcohol prohibition was a rejection of the prohibition of alcohol, not the policy of prohibition itself.  

As long as the drug-user identity ran parallel with other activists on the whole (see Chapter 5), and the nagging feeling that if they could just figure out why marijuana was prohibited they would be able to undo it.

14 "Sec. 12 Any person who is convicted of a violation of any provision of this Act shall be fined not more than $2,000 or imprisoned not more than five years, or both, at the discretion of the court." The Marihuana Tax Act, enacted June 14, 1937.

15 There are advocates, other than Szasz, who challenge the idea of any state interventions, but they are at the margins of drug policy discussions. "Legitimacy" in public debate requires the
identifiers of membership in the dangerous classes there would be no question that criminal sanctions for drug use would be necessary.  

The Synthesis of a Cultural Dialectic: Harry Anslinger, Allen Ginsberg, and the Popularization of Marijuana

At the time of its federal prohibition, marijuana use was a subcultural practice. Becker’s (1963) study of marijuana users did not explore the history of cannabis use and prohibition; it was not his objective to situate his subjects within a social movement of resistance. The prohibited status of marijuana forced people in the northern and midwestern urban areas in the 1940’s and 50’s to acquire specialized knowledge of distribution networks if they were to ever become “marijuana users.” Becker also demonstrated that the effects of marijuana were contingent upon the immediate setting and the knowledge held and shared by users. The isolation of the jazz musician/marijuana user subculture from the middle class “mainstream” was in its last days by the time Outsiders was published, and that previously subcultural knowledge would exceed its boundaries, first as a trickle then building to a deluge. The prohibition of marijuana (or any drug) as a policy has never been able to effectively halt the propagation of the knowledge of its existence, how to use and what it is to be effected by it. Prohibition effectively codes such knowledge as “illicit,” and thus bestows it a quality that cannot exist when there is no such ranking.

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16 This applies to this day, note the sentencing disparities for crack and powder cocaine: 5g crack equals 500g powder, in terms of mandatory minimum prison sentence (5 years) at the federal level. Crack’s association with poor, urban racial minorities in the mass media and in popular sentiment explain part of the 100:1 disparity (see Reinarman and Levine 1997).
It is not uncommon, it is perhaps the rule, that cigarette smoking begins under the sign of the illicit. Since moralists no less than doctors have disapproved of tobacco from its introduction, its use constitutes a form of defiance of authority, to the laws of man and God. Laforgue, smoking, thumbs his nose at the immortals. Revolutionaries repeatedly arise to defy tyrants and dictators who have sought to repress smoking and constrain its easy commerce. [In Italo Svevo’s novel *La coscienza di Zeno*] Zeno understands very well that beginning to smoke is frequently, may always be, an Oedipal transgression; but unlike Freud, he considers that fact to be totally irrelevant to effecting a cure (Klein 1993: 86).

Similarly, I argue that the creation of categories of illicit knowledge supposes a curative method to be applied to those who have known that strikes at the source of the desire to have known at all. The problem is not one of the status of the knowledge but of the existence of the knowledge itself. Such problems would then be best addressed by the removal of such knowledge and a vigilant censorship to deter its rediscovery. 17 “There was at the time [the mid-1950’s]—not unknown to the present with its leftover vibrations of police state paranoia cultivated by Narcotics Bureaus—a very heavy implicit thought-form, or assumption: that if you talked about ‘tea’ (much less Junk) on the bus or subway, you might be arrested—even if you were only discussing a change in the law. It was just about illegal to talk about dope.” (Ginsberg in Burroughs 1977: vii).

Among the urban hipsters who turned on to “mezz,” “tea,” “weed,” or “grass” during the 1940’s and 50’s were the Beat writers, Ginsberg, Corso,

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17 This is discussed in further detail in Chapter 4, as it applies to the suppression of the Shafer Commission’s 1972 report “Marijuana: A Signal of Misunderstanding” by the Nixon administration and the Reagan/Bush I administration’s efforts to segregate youth from their drug-using elder relatives and indoctrinate them with a “Just Say No” curriculum via the DARE program, as well as more recent efforts through “Anti-Amphetamine Proliferation” bills that have been proposed at the turn of the 21st century that would make it a crime to publish information about how to produce or use illegal substances.
Kerouac, and Burroughs. Undoubtedly a large part of the appeal of marijuana to these men was drawn from the placement of marijuana-knowledge within the illicit. The portrayal of marijuana as exotic comes from its earliest American incarnation as “Indian hemp,” when its typical users were categorized as “Hindoos” (Bearman 2001). The marginalization of marijuana in the 1900’s through its association with blacks, Mexicans and other racial minorities did nothing to dispel the notion that the substance was foreign to that which was American, white, and protestant in culture. Part of the acceptance of marijuana by the Beats and later the Yippies must have come from an exotic appeal, for these groups tinted their lives with exoticism, intentionally exploring that which was considered not to be American, white and protestant. Burroughs’ (1977) narco-analysis *Junky*, an autobiography first published in 1953 as pulp fiction under the nom de plume Bill Lee, is a detailed tracing of his opiate use from its origins, but the author fails to do the same in the instance of his use of marijuana. Marijuana is part of the background of his experiences in the junk that commands his attention and the junk culture he begins to travel in: a roach in an ashtray, a means to raise cash to buy junk, or a curative for junk-sickness.

Narcotics authorities claim it is a habit-forming drug, that its use is injurious to mind and body, and that it causes the people who use it to commit crimes. Here are the facts: Weed is positively not habit-forming. You can smoke weed for years and you will experience no discomfort if your supply is suddenly cut off. I have seen tea heads in jail and none of them showed any withdrawal symptoms. I have smoked weed myself off and on for fifteen years [*author’s note: c. 1937*] and never missed it when I ran out. There is less habit to weed than there is to tobacco. Weed does not harm the general health. In fact, most users claim that gives you an appetite and acts as a tonic to the...
I do not know of any other agent that gives as definite a boot to the appetite. I can smoke a stick of tea and enjoy a glass of sherry and a hash house meal.

I once kicked a junk habit with weed. The second day off junk I sat down and ate a full meal. Ordinarily, I can’t eat for eight days after kicking a habit.

Weed does not inspire anyone to commit crimes. I have never seen anyone get nasty under the influence of weed. Tea heads are a sociable lot. Too sociable for my liking (Burroughs 1977: 18).

Ginsberg’s perspective was quite different, however. While Ginsberg and Burroughs traveled in overlapping circles and swapped stories of their experiences with opiates, alcohol, stimulants, hallucinogens and marijuana, Ginsberg was more inclined to use substances for the purpose of exploring consciousness, for the purpose of liberation:

Drugs seemed to be a method of achieving an approximation of the expanded consciousness [Ginsberg] had glimpsed with his Blake vision. His experiences with LSD, ayahuasca, and various other hallucinogens convinced him that drugs were possible means of altering public consciousness, a way of introducing ideas of a lifestyle closer to the Beat ideals of spontaneity, sexual openness, literary honesty, and spiritual liberation. He lobbied extensively for the legalization of marijuana and gave much thought to methods of introducing psychedelics to the general population. (Miles 1989: 274).

In New York City, in 1964, Ginsberg and a handful of associates formed a chapter of LEMAR (short for “LEgalize MARijuana”), the first group to publicly advocate for marijuana policy reform (NORML 1980; Miles 1989; Stroup 2001). Between the formation of LEMAR in 1964 and NORML in 1971, marijuana use was in the first stage of its 15-year explosion in popularity, where

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18 San Francisco attorney James R. White, III, organized the first LEMAR chapter in that city in the fall of 1964. See Chapter 4 “The Marijuana Policy Reform Movement in the U.S.” for further discussion of LEMAR.
annual national use initiation numbers would climb from 553,000 (1965) to
more than 2,500,000 annually (1970-1980, inclusive). At the same time, the
mean age of initiation dropped from 20.4 (1965) to between 17.9 and 19.2 (1969
through 1980, inclusive) (SAMHSA 2001). While marijuana became more
popular, the first-time marijuana user became younger, since 1972 there have
consistently been greater numbers of initiates who are 12-17 years of age than 18-
25 years old, an inversion of the case in the years prior to 1972 (SAMHSA 2001).
A first-time marijuana user between the ages 12 and 17 in 1972 was born between
1955 and 1960; a first-time user between the ages of 18 and 25 in 1972 was born
between 1947 and 1954. In the 1960’s marijuana use was publicly advocated by a
few of those born in the 1930’s and 1940’s; it was popularized by the adolescents
and young adults of the working and middle classes, born since 1945.

There may be as many hypotheses offered to explain the rapid
popularization of marijuana use in the 1960’s as there are hypotheses explaining
its prohibition in 1937. Prohibition advocates seem less concerned with the
proposition that divining the origins of marijuana populism would serve any
purpose; their charge, instead, is to marginalize this history. Perhaps there was a
reduction in class anxiety (Wagner 1996) among the children of the middle class,
or the increase in marijuana use was an update of the institutions of youth culture,
or it was a symbolic practice that captured and communicated a more general

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19 Annual initiation numbers remained below 2.5 million from 1981 until 1996.
Medical Marijuana Use” in Journal of Drug Issues 29(1): 121-134, for an explanation of the
relative weight granted history in arguments made by prohibitionists and marijuana policy
reformers.
rejection of the mores and politics of an older generation (Lenson 1994). For whatever reasons, marijuana use became an indelible feature of the youth culture of the United States in the 1970’s, and has been perceived as a problem from its origins.

**Marijuana Prohibition Redux**

The choice to criminally prohibit marijuana at the federal level in the US was made twice, first with the 1937 Marijuana Tax Act and again in 1970 with the CSA. The point may be reasonably made that there was a third movement in the vein of reinforcing criminal prohibition during the 1980’s and beyond, when the handful of state-level decriminalization policies became the target of federal pressure to bring them back into alignment with the CSA, and with the current targeting of Cannabis Buyers Cooperatives (CBC’s) which supply state-legal medical marijuana to patients in California, Oregon and elsewhere. A closer look is needed to understand why this substance would be the target of repeated prohibitions. It is not enough to think that the substance was prohibited because of its objective properties, for the historical circumstances where the prohibition of marijuana would be practical were variable, and each era involved marijuana use by divergent groups in the population, all having unique motivations.

The political power of marijuana users in the 1910’s through the 1950’s was limited; they were typically working class men of color. By the time the Marijuana Tax Act was passed marijuana users were already at the cultural margin, and the racist scare tactics and propaganda provided a convenient synergy
for maintaining both the caste separation of racial stratification and social class inequality.

The decision to re-prohibit marijuana in 1970 under the CSA was a recreation of the legal status that had been established in 1937. But by 1970 the typical marijuana user was quite different than his historical predecessors; he was much more likely to be white and middle class. While prior legitimacy for marijuana prohibition may have been established merely through the targeting and demonization of the working class and racial minority users in the 1930's, the legitimacy of marijuana prohibition in 1970 needed other support. Where Black and Mexican-American marijuana users did not have much political power in the early 20th century, there was no need to insulate the prohibition of the substance from a popular challenge; marijuana was prohibited because it was a danger itself, it was a key that unlocked the savagery of colored people or that would impair the otherwise reasonable judgment of those unfortunate white youths who would be seduced by the lies of the reefer man [see Anslinger 1938; *Reefer Madness* (1936); Sloman 1999: 58-64].

In 1970, the Nixon administration, concerned about the high degree of criminality found among heroin addicts from the working class as well as reports of widespread opiate use among US soldiers stationed in Southeast Asia, reconstructed federal drug policy (Musto 1978; Massing 1998). The 1970 CSA was an attempt to create a more uniform federal drug policy, establishing one agency [the Food and Drug Administration (FDA)] as the authority that would
determine the value and proper use of all drugs, using one standard of measurement. The two criteria for determining a given drug’s schedule (thus legal status and availability) are “medicinal value” and “potential for abuse” (Liska 1997). The first criteria is left to pharmaceutical corporations and medical professionals to determine, the second has at times been unilaterally decided by an outside agency, the Drug Enforcement Agency (DEA), when drugs are criminally prohibited.

Prohibition under the CSA is insulated from popular pressures for internal reform by a conspiracy of state and professional interests, the only discernable challenge to the CSA, en toto, is proffered by Szasz (1992) and the radical economic libertarians. Practitioners of scientific medicine and licensed pharmaceutical manufacturers have successfully established themselves as the prescriptors and providers of all legal “drugs” except alcohol, nicotine and caffeine (the only three drugs not uniformly held to the criteria of the CSA). The state has provided pharmaceutical manufacturers with a unique set of patent laws and allows safety and effectiveness testing to be conducted privately by the manufacturers. Meanwhile, the state, under the authority of the Office of the Administrator of the DEA, has the final say as to the placement of a drug in schedule I. The “potential for abuse” is a concept that cannot be contained within the rubric of scientific medicinal determination. Drug abuse is the social

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21 There are a number of exceptions to the “Uniform”-ity of the CSA, see below.
22 See the discussion of NORML’s 1972 suit to reschedule marijuana and Judge Young’s ruling, as well as the US v. OCBC 2001 Supreme Court ruling in Chapter 6.
23 The opportunity to fudge data when seeking approval by the FDA has been taken on occasion, sometimes with lethal results (Bian 1987).
condition where the consumption of a drug or drugs violates the values of a group which has the power to assert its understanding of the proper use of drugs and exerts influence upon those perceived as drug abusers. Drug abuse is a concept, not a discrete practice, it is assembled by measuring knowledge of use, weighed by other indicators such as age, gender, race, and social class, against the perceptible effects of use and then forcing the result through a moral screening. The moral filter makes the drug abusers appear, whether they abuse by violating behavioral, ideological, economic and/or legal expectations. The last case the source of the tautological "legal definition of abuse" that "contributes" to the proof that marijuana has a high potential for abuse; if marijuana is illegal and all illegal drug use is drug abuse, then the popularity of marijuana is proof that it has a high potential for abuse and need be prohibited. Placement in schedule I has created barriers to conducting the research that would be necessary to demonstrate that a prohibited drug has any medicinal value, ensuring the endurance of its prohibition.

The re-prohibition was insulated because the quality of race relations had changed significantly in the preceding 33 years. At the end of the 1960’s a typical user was middle class, white, and had graduated or was in the process of

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24 The notion that one can abuse marijuana is present among people active in MPRG’s (i.e., NORML 2001. "The Principles of Responsible Marijuana Use") as well as Vivian McPeak’s comments from the main stage at the Seattle Hempfest, “Some people should not even smoke pot; pot’s not for everybody. Pot’s not harmless, man, you can blow it on pot, you can spend your kid’s diaper money on it, you can flunk school, you know, you can do all kinds of things” (8/19/01).

25 Grinspoon and Bakalar (1993) detail the obstacles placed in the path of medical marijuana research, even the Compassionate Investigative New Drug program for medical marijuana, begun in 1976, allowed only 13 people over 20 years to obtain federal government-supplied medical marijuana.
graduating high school, and use was more widespread than it had ever been.

The re-prohibition was achieved by focusing on the “potential for abuse” that marijuana was thought to have. By 1970 it was no longer sufficient that marijuana’s properties be grossly manipulated to instill fear in a population, indeed such manipulations were being blown up all over as more people gained first- or second-hand experience with the substance (C. B. 6/13/01; H. H. 6/13/01; A. F. 9/7/01; G. H. 9/15/01; I. D. 11/17/01).\textsuperscript{26} The new strategy was to use the pseudo-medical criteria of the CSA to prohibit it, and after having prohibited it, using its status to build justification for its prohibition.

Prohibition and Social Sentiment

Without a way of designating being, there would be no language at all; but without language, there would be no verb to be, which is only one part of language. This simple word is the representation of being in language—that which, by enabling language to affirm what is says, renders it susceptible to truth or error. In this respect it is different from all the signs that may or may not be consistent with, faithful to, or well adapted to, what they designate, but that are never true or false. Language is, wholly and entirely, discourse; and it is so by virtue of this singular power of a word to leap across the system of signs towards the being of that which is signified (Foucault 1994: 94).

This dissertation takes, as its prolegomenon the existence of social sentiments related to the presence of marijuana in the United States. “Sentiment” is feeling, and I argue that the conflicts regarding marijuana have their roots in feelings, the affections and revulsions people experience in relation to the social

\textsuperscript{26} Initials have been assigned by taking the second and fourth call letters of Boston-area TV and radio broadcasters in all cases of identification by initials. Each instance is treated as unique; although some individuals have been cited more than once, they may be identified by a different combination at different times in the text.
and/or immediate presence of the substance. The sentimental is present prior to its expression and need never answer to objectivity or logic, thus it appears as a useful concept to address the presence of marijuana in the U.S., where appeals to objective measurement and logic have thus far been ignored or denied by prohibition advocates.

Here it is necessary that this cultural concept of sentiment be made identifiable and unique from the psychological and sociological, so to prevent misunderstandings that could lead to worsening the relationship among marijuana-users and marijuana prohibitors. The psychological “sentiment” is individual and subordinate to that person’s biography and social identity. The social psychological “sentiment” is predicated on the formation of discernable groups in their presents. The sentiment that I offer is historical, material, political, and cultural. It is where the past meets the present, there the direction of feeling is expressed in the actions and attitudes of people. It is not a question of how people behave in groups, since one can express sentiment by oneself, however it is impossible to express sentiment without contributing to it.

This particular instance of sentiment involves the consumption of marijuana, which regularly causes users to experience a change (or changes) in how they feel. However, it is not the experience of being high itself that causes

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27 Both the willingness and desire to have a feeling toward some specific object, practice, belief or person are historical and conditioned by both the biography of the person who feels as well as the society and culture that allows the person to feel. We can assume that we have all had feelings prior to our socialization, but we did not name them ourselves, nor did we categorize them as a psychological state. When we look at occasions where people express feelings (and then think of all those feelings that are never expressed) we find that most of them are culturally specific responses.
the development of a pro-marijuana policy reform sentiment. It would also be
an error to qualitatively homogenize the marijuana high as a discrete and
repeatable reordering of *quanta*. But the experience of being high in the US in the
present day is simultaneously one of internal examination and public expression.

It is the condition of the public expression through getting high that makes the
experience of being a marijuana-user historically contiguous with all others who
used marijuana since 1937. The public expression through getting high is a
declaration of sentiment, of taking a side in a struggle. The struggle has material
and corporal reality, it is not merely or in the first instance ideological. The
politics of the prior era have formed the setting in which the present-day
marijuana-users use marijuana. Marijuana lacks any inherent property that would
cause its consumers to become political actors. The quality of illegality that has
been applied to marijuana forces all consumption to be contextualized as an act of
resistance to marijuana prohibition, on the part of both prohibitionists and
marijuana policy reformers.

The question of why people use marijuana must be separated from the
presumed necessity of resistance-posture, though. The use of marijuana was
present prior to the activity being placed in opposition to an unspoken, but
expected sentiment of proper drug taking behavior. It is in the origins of
prohibition as a practice that we find the original feelings of repulsion, and among
the oldest prohibitions practiced the *raison d'etre* was repulsion, the sentiment of
the tribe. By the time we reach the modern form of prohibition we had forgotten
that it was repulsion that drove us to the desire for eradication and genocide, preferring to explain the policy as for the betterment of public health.

The question of why people have prohibited marijuana remains important; it is their actions that have graced marijuana with a special quality, and marijuana users with a special stigma.\textsuperscript{28} The sentiments against marijuana (and its users and their using) have grown from an era of overt, violent racism and the development of a powerful, disciplinary federalism. Marijuana prohibition is the rebirth of the spirit and the afterbirth of the application of alcohol prohibition. The re-creation of marijuana prohibition under the CSA was aided by its growing presence among civil rights, anti-war and countercultural activists, as well as its growing popularity among adolescents. Since this time we see the development of local and (inter-)national communities of marijuana-users. These communities gain their sustenance from the actions of those who produce marijuana prohibition and those who produce marijuana. The sentiment and affective alliances held by marijuana-users exist because of the sentiments of those who have believed that prohibition is (the best/ a good/ a necessary) policy for marijuana. It would be erroneous to frame the analysis of the presence of marijuana in the US as if it were in despite of prohibition. It is more proper to start with the notion that there is a prohibition of marijuana in the US despite the presence of marijuana, for it is the presence of marijuana and its use that drives the potential for prohibition, and not the other way. And it is the prohibition of marijuana that has given rise to the

\textsuperscript{28} See Chapter 4, "The Marijuana Policy Reform Movement in the U.S." for a discussion of MPRG’s and collective stigma management.
organizations, institutions, networks, alliances, allegiances and many of the artifacts of marijuana culture.

While some marijuana use has been for the expressed purpose of civil disobedience, and when marijuana use is found among marginalized individuals or groups it is assumed to be corroborating evidence supporting their location on the margin, most marijuana use today is of no overt resistance to any sentiment other than that of marijuana prohibition. People use marijuana for every reason one could imagine, and it is recognized that the marijuana high is most susceptible to the user’s imagination.

Faced with the question of why we have marijuana prohibition we must develop a theoretical framework for the purposes of understanding what caused marijuana prohibition to develop and why it persists. We need not problematize marijuana use at all, since the setting of marijuana use in the US since 1937 has altered its significance, and with the abrogation of marijuana prohibition the entirety of the use of marijuana will certainly change. If we would problematize marijuana use in the US it would not be a useful model for understanding it under any circumstances other than those of prohibition. Prior to the developing stages of marijuana prohibition there was no need to document, to measure, to treat marijuana use as an important activity. Prohibition brought marijuana and its users into scrutiny and subjected them to penalization; it is easy to understand why the substance and its use would then become hidden, and why marijuana-specific actions would be forced to assume new meanings, under the threat of
direct bodily control by the state (and since the 1980’s, the bourgeois corporation).

Were marijuana not prohibited, it would not have had any special cache to the counterculture. Of the hundreds of books, articles, diaries, and other documentations of drug use among the counterculture of the 1960’s into the 1970’s we find paeans to the wonders of grass and the hallucinogens, there are testimonials to the experiences of using opiates, amphetamine, cocaine, and pharmaceuticals to alter consciousness and bring the status quo into question. There are few, or no, mentions of the metaphysical properties of alcohol, tobacco or caffeine. The challenges proffered were against the sentiment of the “straight life,” not a life without drug use, but of a life spent in tacit agreement that the bifurcation of the world into apparently intractable categories of male/female, white/black, free world/communism, success/failure was necessary and proper.

Marijuana prohibition is an exercise in power, but whose? It was created and is reinforced by state and private entities (employers, families, religious organizations). The immediate reaction is to therefore place marijuana prohibition within existing theories of the exercise of power over bodies by states, corporations, religious authority and the family. The presence of marijuana prohibition can be readily accommodated and interpreted by any social theory that conceptualizes power as a relationship between two or more entities, where the interests and will of one entity is exerted at the potential expense and suffering of others. Marijuana prohibition is moral, economic, bureaucratic and gendered. It
is the claiming of authority to name a group and the transmission of that
authority to name to an authority to act on, symbiotically supported across
divisions of morality, social class, institutional location and gender by appeals to
sentiment in support of marijuana prohibition.

The guiding sentiment of marijuana prohibition then is a sentiment of
control. When the desire to feel that control is being exerted upon others, there is
a willingness to accept and advance positions that justify such control. When
such control is exercised against a group, there is often a rejection by members of
the moral positions that justify the control as well as the formation of a morality
that allows for the group’s actions. To use marijuana in the age of prohibition is
to challenge the practices and ideals of the groups that seek to control, and to find
that they cannot make good on any of their promises about the effects of using
marijuana, save for the legal penalties. To the rudimentary prohibitionist,
demonstrating that drug users are violating prohibition to any degree, including
equally the *intent* to violate, proves the concept of their being out of control.

The moral arguments made for the sake of establishing, reinforcing or
escalating the control of a population via prohibition are built on broad categories
of allegiance: the state, patriotism and nationalism; business and markets; health
and well being; families and communities; religious groups; ageism and
traditional forms of authority over children. The breadth of these categories
allows for their adoption by those who challenge marijuana prohibition.

According to various MPRG’s, marijuana can strengthen the state by added tax
revenues from legal sales. They consider marijuana use to be patriotic because it is an expression of personal liberty and freedom that was guaranteed in the spirit of the Constitution. They argue that it is better for the nation not to treat citizens whose actions are harmless to others as criminals; it is better to cease the intrusive actions the government has chosen in its war on marijuana. Some say the prohibition of marijuana is an artificial restriction on the free practices of the capitalist marketplace, it has stifled the healthy growth and development of small and large business that would profit from the legal trade of cannabis as medicine, sacrament, recreational substance, food, fuel and fiber. Marijuana has medicinal values, they argue, and the greatest health costs related to marijuana come from putting marijuana users into jails and prisons. Families and communities suffer from marijuana prohibition because they are forced to throw themselves against each other, to treat family members and neighbors as enemies. Marijuana prohibition causes families and communities to lose regular contact and support from those people sentenced to incarceration for marijuana offenses. They add that marijuana had been used as religious sacrament for centuries predating the drafting of the first amendment, which should protect the religious use of marijuana, but does not.

The final broad area of moral argument is in the realm of ageism and the authority adults have over adolescents; this is challenged by the youthful users themselves. They may offer a moral position that negates the need to protect teens from the harms of marijuana, though there are no publications testifying to such, and verbal assertions by adolescents of their moral right to use marijuana
are lost to the tautology of the moral authority that adults assert. The adolescent marijuana users do indeed challenge the age-authority hierarchy, as did their predecessors in the late 1960's and early 1970's. They have not developed a public message (few public messages by teens or children that challenge adults’ authority over them are given any propagation in the adult-controlled media), but as the marijuana-user of any age protests prohibition through the mere choice to use marijuana, so do adolescents protest the age-authority hierarchy as well, at once, in the same action. The concessions made by those who challenge marijuana prohibition include age restrictions (NORML 2001) on the proposed legal possession of marijuana, but would treat 18 year-olds as full-fledged adults (unlike we currently do with alcohol). Those who publicly advocate for a change in marijuana policies away from prohibition share a belief that when a large enough proportion of the adult population will have used marijuana in their lifetimes, the desire to control marijuana users as a special category of the population will ebb as a bi-product of their rise in the age-authority hierarchy. This is a debatable point, and rather than address the future of marijuana-users and marijuana legislation, it is more important that we discuss how marijuana became the centering point for the development of a social

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29 The age-authority hierarchy involves upward and potential downward mobility over the course of a lifetime. Generally, children and the disabled elderly have very little authority in the hierarchy. Men and women who can claim responsibility for the care of children and the elderly, and the society in general, in habit the upper portion of the hierarchy. Social status markers such as education level, class, race, gender, and occupation also have an effect on the degrees of moral authority that can be exercised by the individual actor. In the case of marijuana prohibition, its staunchest advocates since 1937 have been middle aged (40-65) and the elderly (65 and up). Among those who seek marijuana policy reform, they were predominately under the age of 40 at the time the movement went national (c. 1970). Today, the leaders of all national and most local MPRG’s are in their 40’s and beyond.
Marijuana Prohibition and the Formation of Marijuana Culture

Lawrence Grossberg (1984) examined rock and roll as a cultural movement and built a theory of rock and roll as a set of:

...practices of strategic empowerment rather than of signification. Rock and roll structures the space within which desire is invested and pleasures produced. It is thus immediately implicated in relations of power and a politics of pleasure. I am concerned with the ways in which rock and roll provides strategies of survival and pleasure for its fans, with ways in which rock and roll is empowered by and empowers particular audiences in particular contexts. Rock and roll becomes visible only when it is placed within the context of the production of a network of empowerment. Such a network may be described as an “affective alliance”: an organization of concrete material practices and events, cultural forms and social experience which both opens up and structures the space of our affective investment in the world. My aim then is to describe the parameters of rock and roll’s empowering effects in terms of the production of affective alliances...(Grossberg in Gelder and Thornton 1997: 478).

While marijuana and all other drug prohibitions can be understood as a playing out of social class struggles, and much has been written on the subject [see Sinclair (1972); Hoffman (1987); Bourgois (1995); Wagner (1997); Reinarman and Levine (1997)], there has been little concern regarding the affective struggles that forge networks of those who enjoy marijuana. The pleasures, desires and stigmas that are shared among this group have been in negotiation since the onset of prohibition, and in 1964 a small group of users brought the struggle into a public discourse.
When Becker (1963) studied "marihuana users" he used participant observation methods and interviews to form a theory of identity formation through small-group interaction. What Becker found has been termed a "subculture," it was a self-referential group of people who established a value and identity system in conjunction with their discovery and use of marihuana. Half of the marihuana users he studied were also jazz musicians, and their marihuana use was to a degree complementary to their occupational identity. There has been at least one attempt to replicate Becker's methodology (Hirsch, et al. in Inciardi and McElrath 1995: 34-41), however, little has been offered in terms of studying how the identity of the marijuana-user has been altered, as that identity bled and then surged beyond what the concept of subculture can bear. Beginning in the late 1960's recreational marijuana use became a popular activity; by the later 1970's marijuana-the-object was thoroughly ensconced in the economy and culture of the US.

In the chapter "Marihuana Use and Social Control," Becker describes the controls on marihuana use, noting that there were three progressive degrees, and that the breaching of the first, supply, was the most difficult to overcome.

However, as marijuana use has become persistently common, we can see that there have been significant changes in the circumstances of being a marijuana-user:

Marihuana use is limited, in the first instance, by laws making the possession or sale of [the] drug punishable by severe penalties. This confines its distribution to illicit sources not easily available to the ordinary person. In order for a person to begin
marihuana use, he must begin participation in some group through which these sources of supply become available to him, ordinarily a group organized around the values and activities opposing those of the larger society (Becker 1963: 62).

While the possession of marijuana remains a crime in most jurisdictions and sale a crime in all of them (even in states with legal medical marijuana there is no way to legally sell the marijuana to patients), the rest of the passage does not describe the current marijuana culture and marketplace. To the degree that marijuana is used by youth and young adults from the middle and upper classes now, and in so much as their cultural capital (Bourdieu 1984) remains viable, it is clear that the sub- and counter-cultural aspects of the marijuana-users and their markets have waned. There is today a greater conformity to the values and activities of the larger society among the marijuana-users of the 1980’s and beyond than would be found in the earlier incarnations of the marijuana-using population.

Becker’s discussion of the second control, the secrecy of the marihuana user holds true, for the most part. Becker was able to isolate the marihuana user as a concept, which was fully consistent with the population at the time.

Marihuana use is limited also to the extent that individuals actually find it inexpedient or believe that they will find it so. This inexpediency, real or presumed, arises from the fact or belief that if nonusers discover that one uses the drug, sanctions of some important kind will be applied...he expects that his relationships with nonusers will be disturbed and disrupted if they should find out, and limits and controls his behavior to the degree that relationships with outsiders are important to him (Becker 1963: 66-67).
Since the creation of MPRG's, there have been attempts made by marijuana-users to create a position of public advocacy. Indeed, near all of the founders of MPRG's in the 1960's and 1970's were marijuana-users: Allen Ginsberg, Ed Sanders, Michael Aldrich, Blair Newman, John Sinclair, Keith Stroup, Dana Beal, et al. They successfully challenged the "outsiders" by demanding that marijuana use be destigmatized; it was they who saw the potential for policy reform, precisely because of the rising number of users (Sinclair (1972); Stroup 9/7/01; Beal 9/15/01).

It is in the third control, morality, where MPRG's engage in regular discursive struggle. While Becker ranked the strengths of the controls from high to low, supply to morality, the MPRG's have found the weakest of the controls the most difficult to overcome. They smart from the moral argument, for it is the brush by which the old stigmas are retouched and new ones painted. Morality is the borders of marijuana culture, the points where the movement is constrained and turns against itself; it is the breach that has claimed the allegiances of more than a few former users. The prospect of moral control is especially difficult to overcome because one can be a former marijuana-user and agree that the activity is morally negative (many former drug users do).

Conventional notions of morality are another means through which marihuana use is controlled. The basic moral imperatives which operate here are those which require the individual to be responsible for his own welfare, and to be able to control his behavior rationally. The stereotype of the dope fiend portrays a person who violates these imperatives...The person who takes such a stereotype seriously is presented with an obstacle to drug use. He will not begin, maintain, or increase his use of
marihuana unless he can neutralize his sensitivity to the stereotype by accepting an alternative view of the practice (Becker 1963: 72-73).

The widespread availability and the development of public advocacy by and for marijuana-users has not been enough to counter the moral models built in the earlier part of the 20th century against what was then a practice more common among racial minorities and the working class. The growth in the popularity of marijuana required a new interpretation of the substance and its users, however that interpretation has not moved to the creation of a generally accepted moral model of behavior that would accommodate marijuana use, with the patchwork, state-by-state exception of medicinal use. Those who advocate for the continued prohibition of marijuana have been able to effectively continue the marginalization of marijuana users, despite the increase in white middle and upper class users.

The earliest and most persistent discourse under marijuana prohibition has been conducted in a network of secrecy, among a population of users and distributors whose participation confers an identity that only exists because of prohibition. It is the relationship of the users and distributors to each other that builds the intrinsic properties of marijuana culture, it is their collective relationship of their actions to the law that generates the transient, indeterminate identity of the marijuana-user since the 1970’s. Almost all members of marijuana culture have lived as non-users, most are able to identify themselves as users for periods or on occasions in their lives, and most of their lives are spent in a habitat where they are accommodated as both users and non-users.
If the counterculture was perhaps the last manifestation of Modernism, drug users since that time have followed the postmodern pattern of breaking up into enclaves, one of whose determining elements may be choice of drug. A more legitimate use of the term is “cyberculture,” where there is a unified social structure, even if it is balkanized into a hundred thousand little electronic “rooms.”

Yet “drug culture” continues to be demonized as if it actually existed (Lenson 1995: 15-16).

Lenson is, I believe, correct in his analysis in so much as it breaks apart the mythos that there is a unified drug culture. The “hundred thousand little electronic rooms” share the same cellular quality as the hundred thousand little networks of marijuana distribution and the (tens of?) thousands of sites of marijuana production. Marijuana culture grew from de-centralized networks whose members could find in each other an affective alliance and, in doing so, formed an opportunity for the strategic empowerment of marijuana-users. Marijuana culture is a culture of the stigmatized and features a perpetual awareness among members of having to manage that condition, and because the keystone object of the culture is illegal, members of marijuana culture must be able to surreptitiously interact with distribution networks.

The affective alliance shared by marijuana-users is not a necessary determinate of one’s social identity, however. One can be both “straight” and “hip” (or “down”) over the course of one’s life, and even at the same time, though this poses considerable moral problems for members of both groups. The

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30 NORML (2001) estimates there were 76 million living lifetime marijuana users in the US and 20 million annual users in 2000. SAMHSA (2001) data adds up to 74.8 million lifetime users ever in the US as of 1999, thus either NORML’s count is too high, SAMHSA’s count is too low, or they are both correct and no significant number of lifetime marijuana users has died since 1965.
narrative of the narc that becomes attached to the firmament of the drug
cultures through which he is only expected to travel and report from carries the
same moral lesson as the narrative of the countercultural actor who finds himself
unable to fully shed the grasps and vestiges of the mainstream and who finally
gives up the fight. It is seen as a corruption by both sides, and this understanding
of corruption on one hand as a movement from the licit to the illicit and on the
other hand from the illicit to the licit may make it appear as though these sides are
in perfect moral opposition. But both cases are of a corruption of the virtues of
the worlds imagined and held in common, worlds that can be absolutely opposed
in one respect (marijuana use) but not necessarily in any other (economic
philosophy, political party affiliation, American patriotism)\textsuperscript{31} thus they are not
only diametric, but also the same. The positing of these similar acts (use and
abstention) as if they were in opposition is the creation of the anti-drug/pro-drug
discourses in which we engage. There is no necessary opposition between using
and abstaining from drug consumption, in action. One cannot do both at the same
time, it would seem (although, as Lenson [1996] points out, one can use alcohol
while maintaining a cocaine abstention), but one can do both. Therefore the
question of the identity of the user becomes one of the degree to which the use of
the substance is a demonstration of the commitment to an identity. Nonetheless,
the persistence of popular marijuana use, a popularity that arose and has thriven
under absolute prohibition, has resulted in the development of a marijuana culture
that exists in the practices of marijuana consumers and distributors, that has

\textsuperscript{31} See Chapters 4 and 5 regarding the economic and political philosophies subscribed to by MPRG
members, and the tenor of the crowd at the 2001 Boston Freedom Rally, respectively.
emerged as a mass media entertainment genre unto itself, that has formed MPRG's to advocate for its people, and that has thus far resisted recurrent efforts to be silenced and forgotten.

Further discussion of marijuana culture is found in Chapter 5.
Chapter 3: Ethnography and Content Analysis

We live together, we act on, and react to, one another; but always and in all circumstances we are by ourselves. The martyrs go hand in hand into the arena; they are crucified alone. Embraced, the lovers desperately try to fuse their insulated ecstasies into a single self-transcendence; in vain. By its very nature every embodied spirit is doomed to suffer and enjoy in solitude. Sensations, feelings, insights, fancies—all these are private and, except through symbols and at second hand, incommunicable. We can pool information about experiences, but never the experiences themselves. From family to nation, every human group is a society of island universes.

Most island universes are sufficiently like one another to permit of inferential understanding or even of mutual empathy or “feeling into.” Thus, remembering our own bereavements and humiliations, we can condole with others in analogous circumstances, can put ourselves (always, of course, in a slightly Pickwickian sense) in their places. But in certain cases communication between universes is incomplete or even nonexistent... Words are uttered, but fail to enlighten. The things and events to which the symbols refer belong to mutually exclusive realms of experience.

To see ourselves as others see us is a most salutary gift. Hardly less important is the capacity to see others as they see themselves. But what if these others belong to a different species and inhabit a radically alien universe?...[F] or those who theoretically believe what in practice they know to be true—namely, that there is an inside to experience as well as an outside—the problems posed are real problems, all the more grave for being, some completely insoluble, some soluble only in exceptional circumstances and by methods not available to everyone. Thus, it seems virtually certain that I shall never know what it feels like to be Sir John Falstaff or Joe Louis. On the other hand, it had always seemed to me possible that, though hypnosis, or autohypnosis, by means of systematic meditation, or else by taking the appropriate drug, I might so change my ordinary mode of consciousness as to be able to know, from the inside, what the visionary, the medium, even the mystic were talking about (Aldous Huxley 1954. The Doors of Perception. Pp. 12-14).
The Theory-Method of Sociopharmacology

Any modern investigation of drugs that incorporates the social is necessarily a political action; the theory of the place of the drug and drug use, whether explicated or assumed, will dictate the methods. In the case of marijuana in the U.S. the legacy of prohibition has created a contextual line—the theory of marijuana not only leads to the method of studying marijuana in society, it is also an expression of the researcher’s sentiment. Unlike data, which may be collected ad infinitum without the researcher investing the self with a political posture, choosing a theory of marijuana is the researcher reinforcing an historical movement, toward or away from the policy of prohibition. With the extra restrictions placed upon conducting research with marijuana and the other schedule I substances, the search for medicinal values is itself a violation of the absolutist philosophy and tautological reasoning of those who have already decided, in the words of former Drug Czar Gen. Barry McCaffrey, “Smoke is not medicine.”

For those who seek to know only the pharmacological properties of marijuana, who conceive it possible to divorce the biochemical workings of the cannabinoids from their social implications, or who problematize the social in the terms of the pharmacological (i.e., Liska 1997), the treatment of the drug objectively, literally as an object with properties separable from the subjectivity of

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1 For example, this dissertation will be read by people who hold and act on opposing perspectives regarding marijuana prohibition; policy reformers and prohibition enforcers, alike. With the exception of personal interviews and other reflexive interactions I engaged in from April-December 2001, all of the data is/was in the public domain, delivered over the Internet, spoken from the stage at marijuana policy reform rallies, distributed by mail by MPRG’s, available in public libraries, broadcast or published by mass media, or available for purchase. This data, while collected by my choices as a researcher, exists independently from my sentiment or action.
experience, fails to address the place of objects as symbols in sign systems.

The presentation and treatment of the symbol of the seven-fingered marijuana leaf can have more significant physical ramifications than the consumption of THC. The choice to treat the biochemical as a pure form of knowledge obscures the theoretical sympathies this treatment shares with the knowledge/power operation of the scientific medicinal episteme. Reducing drugs to objects, placing them in bodies and then extrapolating the social behaviors (addiction, abuse, medicine) as if they came from the drugs alone reinforces biases of professional and state control. When these drugs have organic origins that predate human society, when archaeologies of the printed word and material culture reveal evidence of the presence and use of these drugs for millennia, the biochemical investigation of drugs appears as an historical oddity. We must accept the reflexivity of the drug experience itself, if we are ever to resolve the impasse of prohibition.

The conundrum faced by “objective” approaches to the study of drugs in society can be summarized as follows: To be human is to experience the world as a confluence of subjectivities, and the inter-subjectivity of human social life is perched upon and linked through two phenomena, language and perception; drugs can affect both language and perception, perhaps more directly than any other objects (thus the preponderance of instrumental drug use—for the purpose of treating symptoms, getting high, or as sacrament). Those who advocate for objectivist approaches to understanding drugs and, by inference, their “proper” place in society, are silencing the chorus of users (and by proxy the social identity-group of marijuana-users) with the modernist muting through accusations
of mysticism. At the same time, those who investigate drug “abuse,” are employing a counter-subjectivity; the idea that “drug abusers” display a series of symptoms through symbolic representations that are thought to arise from the ingestion of the substances themselves (for example, “denial” or “covering”). Thus the corpus of pharmacological investigations of the social presence of drugs will not become of much concern for the marijuana-user, since the marijuana-user locates himself in a presence of a prohibition that, he will find early in the present-day socialization process, is historical. Similarly, the discursive struggle that occurs over the application of the label of marijuana abuser depends on the ability of the user to contextualize his use of marijuana as “normal,” within an affective alliance that is challenged at all points by scientific-medicinal and state defined “normality.”

The following is a sampling of how we have written about marijuana and other drugs, in the broad discipline of “drugs and society.”

Writing Drugs

The treatment of drugs as an area of sociological and cultural inquiry has thus far been in the veins of:

1. Examining the history of the presence of various substances as objects, and the policies that have been created to manage them. This is what Musto

2 “The bourgeoisie, wherever it has gotten the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his ‘natural superiors,’ and has left remaining no other nexus between man and man than naked self-interest, than callous ‘cash payment.’ It has drowned the most heavenly ecstasies of religious fervor, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless indefensible chartered freedoms, has set up that single, unconscionable freedom—free trade (Marx and Engels 1987: 19).
(1987) did in *The American Disease*, what Goode (1993) did in *Drugs and American Society*, and Inciardi (1992) has done in *The War on Drugs II*. It is also the perspective most commonly found in introductory college textbooks, ranging from Hanson and Venturelli’s (1995) *Drug and Society*, which slants toward a harm reduction perspective, to Fishbein and Pease’s (1996) *The Dynamics of Drug Abuse*, where the authors state:

> Understanding drug use, abuse, and addiction is such a complex undertaking that it is difficult to simply formulate the questions requiring address. What constitutes drug abuse? The question has been asked for centuries, but even today the answers are not consistent or clear... The arguments are numerous and frequently based on moral beliefs, upbringing and emotional reactions, rather than on facts and well-informed opinions. Although emotional arguments can be considered superfluous or misleading, popular sentiments about drug abuse are largely a function of gut level, personal feelings because we lack stringent criteria and standards by which to categorize the drug user. As a consequence of our confusion, we are not able to present a definitive position on the issue. Nevertheless, through our discussion of the controversy and introduction of those facts that we have accumulated, the reader will be able to develop and informed opinion of what constitutes drug abuse (Fishbein and Pease 1996: 2).

The authors state that existence of drug abuse is perceptible at the “gut level,” I offer that drug abuse is the name given to the affective states experienced by an observation of drug-related actions that is interpreted through a moral construction. Since the authors do not conceptualize of a social world where the actions would exist but the moral construction/affective state relationship would never form a connection between the actions of the user and the drug, they are incapable of presenting the collegiate reader with more than fodder for an opinion that assumes that drug abuse exists in its practice. The case of “marijuana abuse”
is made especially problematic when marijuana use does not result in the behaviors or outcomes that are the indicators of drug abuse, when there is no broken families, no injury to self or others, no interruption of normal social interaction, and when users are able to regularly mask the acute subjective effects (Becker 1963). Where is there a problem, if, with experience, users are able to construct and de-construct the subjective high at will?³

³ One challenge facing the enforcement of marijuana prohibition, as demonstrated in the training of police and other law enforcement personnel to find objective indicators of marijuana use in the smell of its smoke, paraphernalia or the presence of the substance itself, is how easily the subjective effects can be made to disappear. This phenomenon is acknowledged by the critical query, “If marijuana were legalized, could an objective test be created that would determine marijuana-caused impairment, such as a Breathalyzer, for determining if a driver is a danger to others?” If the field sobriety tests that seem effective means for police to determine a driver’s impairment via the consumption of alcohol or other substances cannot detect marijuana use, the reasoning goes, we must find some way of finding the (assumed!) impairment caused by THC.

³ There is a bias to be found in such writings, namely that they focus on the creation, implementation and modification of drug policies, at the expense of the users and their experiences. They make the history of the drug experience the history of drug policy, and although there is considerable merit to this perspective—there appear to be relationships between the creation of modern drug policies and the forms of drug use and the users’ formation of identities—we lose the insider-perspective of the users. Has it been the case that drug policy makers were active users of the substances prohibited? It is possible, but as was learned from the case of Dr. Peter Bourne, allegations of being a user suffice to disqualify one from an appointed public office.⁴ In the time of prohibition it is

⁴ The most democratic of drug policymaking would include input from empowered, active users, but this is precisely what is refused by the logic and enforcement of marijuana prohibition. The costs of public disclosure (in print, in court transcripts, and on stage at rallies) among the MPRG members I observed varied from “Nothing” (W. Z. 6/13/01) to state Social Services taking custody of one family’s young teenaged daughter because one parent had successfully used a medical marijuana defense in an out-of-state case (Donlin 9/12/01; Bunn 9/15/01). No one had
imperative that we incorporate a detailed user perspective in our examination of policies, and that we as researchers empathize (or sympathize) with the populations we study.

2. The second vein of the sociological examination of drugs involve social constructionist-informed approaches that focus on the moral and cultural treatment of drug use, including Klein’s (1993) *Cigarettes Are Sublime*, Wagner’s (1997) *The New Temperance*, and to a minor degree, Lenson’s (1995) *On Drugs*. Drug policies are treated as political expressions of elite and popular concerns. All three focus on the creation of prohibitions and restrictions on the consumption of drugs. Only Klein is able to take a step toward acknowledging the identity-formation of the drug user as unanchored from preceding identity structures. Klein sees in the history of tobacco use in Europe and the West the adoption of the smoking practice as a cross-class (and caste) phenomenon that challenges the old orders of identity. In taking this approach, Klein, unlike the others, is able to imagine a culture engaging in a discursive struggle where participants are not constrained by the ontological “sub-“ and have historically been able to overcome resistance to their identity-cum-practices. Klein shows that the populism of tobacco is a political expression itself, and not the effect of a runaway addiction.\(^5\)

\(^5\) Anti-tabagists searching this footnote for disclaimer or apologia will not find it; addiction is a choice. The biological determinists too often neglect this. Indeed, it is agricultural surplus that makes addiction possible, and thus the appearance of addiction is social and historical, not simply biological. Monkeys and rats cannot make nicotine, cocaine, or heroin, nor would they seek these substances without the most overt drug pushers inducing them to use, there is never consent in any human sense. Regardless, once, for a brief period, more than half of adults in the U.S. were regular tobacco users (“addicted” in the present vernacular), we find that the percentage of adult users is about one-half what it was in the early 1960’s (Hanson and Venturelli 1995).
and that the tobacco users have been able to weather the attempts to prohibit or restrict access to the drug, no matter how large or well-coordinated their opposition.

3. The third vein consists of examination of the pharmacological properties of the various substances and (the most important) placement of them in the *logos* of culture. Lenson (1995) chooses this as the mien of *On Drugs*, but it can be divined in socio-literary works by Huxley (1954; 1998: *The Doors of Perception*; *Brave New World*), Sinclair (1972: *Guitar Army*), Wolfe (1999: *The Electric Kool-Aid Acid Test*), Thompson (1998: *Fear and Loathing in Las Vegas*), and Castaneda (1985: *The Teachings of Don Juan*). It was played with by Lewis Carroll in the stories of Alice, as well as appearing as metaphor in Baum’s (2000) *The Wizard of Oz*. This is also where I would locate a quite different piece than those found above, Zinberg’s (1984) *Drug, Set and Setting*, where the pharmacological could meet the *logos* in any number of ways.

4. Ethnographies and “subcultural” studies of drug users and traffickers, including Becker (1963: *Outsiders*), Young (1971: *The Drug-Takers*), Padilla (1993: *The Gang as an American Enterprise*), Bourgois (1995: *In Search of Respect*), and Thornton (1996: *Club Cultures*). These works focus on the immediate interactions among members of subcultures, Young’s efforts are the only ones that attempt to examine the subcultural values as representing a macrosocial struggle over the legitimacy of attitudes. Young examines the undifferentiated “drug-taker” as an identity cast in opposition to bourgeois values,
and it is in this premise that we find, after only a cursory look, that propping up the "drug-taker" subculture as if it were against the bourgeois produces the illusion that the bourgeois cannot be drug-takers themselves. Drug-taking, in this specific case, marijuana use, is portrayed as a resistance to laboring. For the proletariat, its use is a political expression against the demand to be a producer; such political expression through marijuana use is not possible for the bourgeoisie, as they are the ones making the demand. The oppositional location of marijuana consumers vis-à-vis their respective class positions must be explained if we are to understand why the bourgeois and the proletariat would ally against their own, in the form of a cross-class marijuana policy reform movement.  


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6 For whatever cultural hegemonic value may be drawn from prohibition as a practice (its facile disciplining of the working class, poor, and racial minorities in the post-civil rights, post-Cold War era to expect intrusions by the state and the bourgeois is rivaled only by the educational system), the "cultural contradictions" detailed by Reinarman and Levine (1997) throw a portion of the bourgeoisie against itself; the value of the hegemony is undercut by the prime directive of capitalism: to exploit all resources. The proletarian marijuana policy reform activist sees a freedom from this set of intrusions from the state and their bosses. "A big part of the reason [people are reluctant to join a MPRG] is that marijuana users just want to be left alone" (F. T. 6/13/01).
of these books will be obsolete within a decade of their initial publication, their relevance lost as the nexus of referents that their cases are built upon are dispersed and overcome by new points of argument, contexts of drug use and policy, and legal precedents. However, as collections of recent findings they are an excellent source of detailed information regarding their respective topics.

6. Political economy analyses of drug policies such as those done by Nadelmann (1989) “The Political Economy of Drug Prohibition,” Bonnie and Whitebread’s (1974) *The Marijuana Conviction*, and Bian’s (1997) *The Drug Lords*. These examinations of international interdiction efforts, the creation of marijuana prohibition and the establishment and practice of corporate control over the dispensation of pharmaceuticals step back from the cultural experience so far as to lose the ability to explain the foundations of recreational or medicinal drug use in the reflexive activities of those groups that have assembled as self-advocating drug users. Most marijuana-users do not publicly advocate for policy reform, they choose a strategic anonymity in the time of prohibition. Their resistance is in the action itself, their regular or occasional use of marijuana maintains distribution networks and supports growers. Their ability to be traced through the cultural nexus is constrained by the shared strategy of controlled revelations of the first-person marijuana transactions in which they are involved.  

They embody what is, in large part, a transient identity-population. Most marijuana-users are in their teens and twenties, and they do not continue use

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7 A transaction is understood here to include sharing marijuana as well as exchanges of marijuana for other items of value in cash or barter form.
beyond a period of a few years. They are a population that was constantly and almost entirely replaced from the late 1960's, through the present.

There is one other “category” of writing about drugs that does not fit in the list, and is treated here as data rather than a genre of critical concern: that writing produced by the MPRG’s, marijuana policy reform activists, the anonymous, Internetworked marijuana cyberculture, and the state and private prohibition advocates. This material contains the anchors of both marijuana prohibition policy and its reform, and the ephemera of the respective public information campaigns.

A Critical Ethnography in Marijuana Culture

As noted in Chapter 2, Becker’s study of marihuana users predated the popularization of the practice, and he did not situate his subjects in the historical struggle of resistance to prohibition. Since the 1960’s we have seen marijuana users develop an acute consciousness of their use as political action. The contextualization of marijuana use as resistance led to the creation of strategies to end marijuana prohibition, beyond simply overwhelming, and thus demonstrating the ineffectiveness of the efforts of, prohibitionists through using. The question today does not concern how one becomes a marihuana user, but how marijuana-users have formed a discernable public culture, and in what ways the criminal prohibition of marijuana has influenced the sign systems, affiliations, organizations and discursive constructions in marijuana culture.

The selection of methodology was made in accordance with my conception of the phenomenon of popular marijuana use as evidence of the
historical creation of identities in resistance to the politics of a given era.

Unlike those academics who have studied marijuana (or other drug) users from afar, counting them, finding correlations between their use and a host of negative social indicators, or, in that handful of qualitative, interactive studies, choosing to focus on the small-group, I made the decision to enter and examine the field of marijuana culture at multiple levels, and to look at its discursive, political and material products. I began by engaging national and state level MPRG’s as institutions, and spent time in the field attending MPRG meetings and events attended by marijuana policy reform activists from all regions of the US. These people are one small part of marijuana culture, but are the most vocal and active supporters of all sorts of marijuana policy reform.

I discovered a culture that, to my understanding, has a history that is inseparable from the roiling tones of marijuana prohibition; the affective alliances of marijuana-users, especially where they converge to form public advocacies, are a bi-product of the enforcement of criminal prohibition. MPRG’s and popular marijuana use did not sprout from the conceptualization of marijuana as a prohibitable substance, but coalesced instead alongside and against the criminal prohibition of the pleasure of using marijuana.

Thomas (1993) writes:

At its most general, conventional ethnography refers to the tradition of cultural description and analysis that displays meanings by interpreting meanings. Critical ethnography refers to the reflective process of choosing between conceptual alternatives and making value-laden judgments of meaning and method to challenge research, policy and other forms of human activity (Thomas & O’Maolchatha, 1989, p. 147). Conventional
ethnography describes what is; critical ethnography asks what could be (Thomas 1993: 4).

I did not consider myself a member of any of the MPRG’s I observed, though I am sympathetic with most of the goals of these groups. I attempted to understand the struggle over marijuana policy from the perspective of those inside marijuana culture, first. Therefore, although the prohibition of marijuana is the raison d’être for the existence of MPRG’s, the discursive content of pro-prohibition advocacies is understood to be secondary to the discourse in resistance to it. Prohibition has been a given in the experience of every marijuana user in the U.S. since the 1960’s, the variation only by a matter of the degrees of punishment and rigor of enforcement. The messages that discourage marijuana use did not stick with these people and they have taken on those who go beyond a moral discouragement of use to the advocacy of treating users as universal abusers or as criminals. MPRG members understand that they cannot compete with the mainstream media access and financial resources of the anti-marijuana advocates, and do not take special concern regarding the content of each wave of anti-marijuana propaganda.

Keith Saunders: The anti-drug propaganda in 1970, before 1970, up through the present, has risen and fallen in different times. You

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8 By virtue of paying the registration fee at the NORML conference I was enrolled as a member, and while this provided access to two current copies of “The Leaflet” and some promotional materials between April and December 2001, I did not consider myself to be a member. On the first day of my field research I learned of disagreements in strategies that had led to legal struggles between MPRG’s, and I believed that while joining a specific group would have provided greater depth of understanding the interactions of a given organization, I would also be required to take a position on any internal disagreements. There was one circumstance in my field observations where a strong disagreement in tactics resulted in acute tensions among members of one MPRG, and two of its board members resigning; this spilled into that group’s relationship with other MPRG’s when they were expected to take a position regarding the tactical decision made by the first group.
have the Nixon era with the Shafer Commission, and all of a sudden [when the report was released, White House officials said], “No, we can’t release that information...

Keith Stroup: [Laughs].

Saunders: it’s not for you to know.” Um, really a censorship. And the drug war in the Reagan era—Just Say No!—the most fundamental form of censorship there is: we will not talk about this, you’re not allowed to express any interest.

Stroup: It’s like being unpatriotic, almost, to talk about it.

Saunders: Yeah. And come the 1990’s, the Clinton era, the Partnership [for a Drug-Free America] and the ONDCP, their new “The Anti-Drug” campaign...

Stroup: Yeah.

Saunders: and all that stuff that’s out there. Given these changes in public opinion, um given these initiatives, um now medical and maybe some decrim...

Stroup: Mm-hmm.

Saunders: and so forth, what do you anticipate to be the response by the ONDCP?

Stroup: I think that they are like most large institutions, they can’t change, they don’t adapt very well. They, sort of like the FBI only seems to know one way to respond: they shoot to kill. Well I think the ONDCP and the DEA and all the federal agencies that get involved in the propaganda campaign, that’s all they know how to do. Um so I don’t expect to see any change on their part, I think what you’ll see is their efforts become less and less effective because their credibility keeps going down and down and down, even in the public. There’s no question about that. When people have personal knowledge about a subject that conflicts with what the government’s telling them, they’re not gonna believe the government. They know their own eyes and they know their own experience. It used to be that marijuana was a foreign subject, so they tended to believe reefer madness…So propaganda doesn’t worry me much anymore. They will always say for medical use, “We don’t have enough research.” It doesn’t matter how much research you’d do, they’d say that. They will always say, the real
opponents of recreational use, that it destroys your brain, or whatever they want to say, even though there was research again, out yesterday, showing the fact that if you get a brain trauma, probably the best thing you can do is get a massive injection of THC right into your brain...

Saunders: Have you seen the DEA’s Advisory to Police Chiefs Debating Medical Marijuana? It’s on their website.

Stroup: Yeah, I haven’t seen it directly. It’s a second-generation document; I saw some talk on it. They had one uh three or four years ago that actually said, “How to compete with legalizers in a debate,” or something.

Saunders: Yeah, yeah.

Stroup: This is the second-generation document, I’m told...

Saunders: The reason these numbers [in support of marijuana policy reform] have changed, according to them, is that the public is confused.

Stroup: [Loud laughs] Well, that’s always the way we look at it; when the public is with us they’re wise, and when they’re against us they’ve been duped by our opponents.

Saunders: Yes, exactly.

Stroup: If you remember that was in all the medical use in the states, somehow we duped the public.

Saunders: Yes.

Stroup: Now when they go in and spend a lot of money on a, you know, on an initiative, that’s fine, but when we do it, we’re duping the public [laughs] (Interview 9/7/01).

Gaining Access to the Field

My experience in the sociological study of drugs goes back to a T.A. position I held in 1994, at Northeastern University, with professor Maureen Kelleher. I would T.A. several other sections of the course in the ensuing two
years with professor Tom Shapiro, and in 1995 I began teaching my own
sections of the course at Northeastern’s University College and its College of Arts
and Sciences. I was teaching my 14th section of the course (and had been a T.A.
in five) before I began field research.

I soon became frustrated with the tone and rigidity of introductory drug
and society textbooks that addressed the topic as if drugs were things used by
others, rather than acknowledging students’ knowledge (especially their alcohol-
tobacco- and marijuana-knowledge), in the winter of 1997-98 I wrote a general,
critical introductory piece for students taking the course and included it in the
course packet. The packet was supplemented by one or two monographs
(1997), Szasz (1992), and Grinspoon and Bakalar (1993)] and a reader,
Reinarman and Levine’s (1997) Crack in America. There was a changing attitude
about marijuana use in the late 1990’s and as an instructor who welcomed the
sharing of marijuana-knowledge, I was able to observe the shifting sentiments of
my students.9 Since “Drugs and Society” is a required course for majors outside
sociology, including students in the Colleges of Nursing and Criminal Justice,

9 As part of the curriculum an anonymous survey of student drug use was administered in the
second week of class. Students responded to a list of drugs ranging from prohibited substances
(marijuana, heroin, hallucinogens) to licitly or illicitly consumed pharmaceuticals (prescription or
over-the-counter) to regulated substances (alcohol, nicotine) and caffeine. Respondents were
asked to indicate if they had never used a given substance, or, if they had used it whether such use
occurred in the past 30 days, the past year, or at some other time in their lives. Lifetime and
current (30-day) use rates consistently resulted in the following rank order: #1 caffeine, #2 licit
prescription and OTC use, #3 alcohol, #4 tobacco, #5 marijuana. Marijuana use rates ranged from
60-75% lifetime, 40-60% current, with the lower rates in the years prior to 1998, and higher rates
from 1998-2001. While enrollments in a Drugs and Society course are largely self-selected and
these data cannot be applied to any population other than students enrolled in the course sections
that I taught, there was anecdotal evidence that marijuana use among students was the norm. Also
during the late 1990’s there was a spike in reported MDMA use, from less than 10% lifetime to
more than 15% current between the years 1996-2001.
there were always students who were training in the scientific-medicinal and law enforcement approaches to drugs. They did not consider the marijuana-users among themselves and their peers to be especially deviant, found their elementary school DARE programs to be “a joke,” and accepted the presence of marijuana in society as if it was inevitable. My class preparations and research in the field of drugs in general provided the academic foundation for my inquiries about the human relations in a world of drugs.

Since my early adolescence I have had personal relationships with people I have known to use marijuana; family, friends and classmates in the early years, coworkers, teammates, roommates, professors, students, lovers, neighbors and acquaintances in my adulthood. I suspect that my familiarity with marijuana-users is not the exception for someone who was born in the late 1960’s, grew up in suburbia, lived in student housing while at college, and has been, for the most part, living in urban areas since 1990.

Entering the field would prove to be a relatively simple process, since my personal and professional experiences had allowed me to prepare to interact with marijuana-users and marijuana policy reformers alike. My position as a researcher was seldom an obstacle and on more than one occasion granted me

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10 Near the midpoint of my field research, when I asked a MPRG attorney to be a participant in the study and proffered the Consent Form that I had composed in accordance with the Northeastern Office of Institutional Compliance, he scoffed at the notion that anyone other than physicians, attorneys or clergy could “guarantee confidentiality” under law. He informed me that presenting subjects a Consent Form that implied that I and/or Northeastern could offer them legal confidentiality was fraudulent. He refused to sign the Consent Form and walked away, though we later talked about his involvement in the marijuana policy reform movement. In the course of my research I was offered some advice as to how I should go about protecting my subjects’ confidentiality. Since I never asked about illegal activities or otherwise prompted people to disclose potentially incriminating information, it is unlikely that I caused people to put themselves
ready access to the “behind the scenes” operations of MPRG’s and the “back places” where marijuana-users create social spaces that is marijuana prohibition in counter-praxis. I seldom had to adapt my behaviors to fit in comfortably with the marijuana policy reformers, the speakers and performers at rallies, or the crowds assembled in Manchester NH, Seattle and Boston.

In the I carried a notebook where I entered my observations either during MPRG meetings, immediately after encounters, or during the rallies, at relatively quiet locations within the parks. I also carried a digital audio recorder for formal interviews outside of rallies and for recording on-stage speakers and performers and informal conversations with attendees of all sorts. Digital audio was converted to WAV files and these were burned as audio into compact discs for storage and transcriptions. The presence of a participant-observer taking notes at risk. The problem of guaranteeing confidentiality is being remediated in the text of this dissertation, I have adopted an ethos of marijuana culture: in discussion of marijuana use or distribution I will not identify individual subjects to those who do not already know them as marijuana-users. When applicable, I will identify those marijuana policy reformers who have consciously and openly made public statements in support of changing marijuana laws. A caveat: MPRG membership and/or marijuana policy reform advocacy is not an indicator of individual marijuana use.

11 Identifying myself as “a sociologist doing dissertation research on marijuana policy reform groups” and engaging in informed discussion of MPRG advocacies and strategies helped me gain access to national- and state-level MPRG members and some of those groups’ internal documents, as well as an All-Areas Access Pass at the Seattle Hempfest from a “core member” of the Seattle Hempfest that enabled me to move freely throughout the backstage areas. This was an invaluable opportunity for access to speakers, performers, presenters and core Hempfest activists. By providing me with that pass, one of my subjects performed an action that significantly affected the content of my research and my thinking about the affective alliances that form under prohibition.

12 When possible, I transferred the WAV files back to the digital audio recorder for transcription. I used a Samsung yepp®, which enabled me to record close to five hours without running out of memory and saving on the expense of cassette tapes. Unfortunately the designers assigned two functions to one rewind button: a tap resets the player to the beginning of the file, while holding the button down allows the user to fast-reverse within the file. A slip of the finger sent me back to the beginning of a given file, an annoyance when I was more than a few minutes from the start and had to hold the fast-forward button down for a minute or longer to get back to where I was before the slip. I resolved this problem by breaking the WAV files into 4- to 7-minute sections when I would download them into the yepp®. While the hand controls of the recorder are not necessarily
in the back places would have disrupted the comfortable interaction of those present, and could have resulted in my being excluded from them, so I chose to leave my notebook in my shoulder bag at such times. I adopted the philosophy of "When at NORML events, be NORML, when at the Hempfest, do as the Hempfesters, and when at the Freedom Rally, maintain my freedom".

**In the Field**

I started by looking at MPRG’s, doing participant-observation at the NORML national conference in April 2001. I made contact with dozens of marijuana policy reform advocates, I attended almost all presentations, collected materials related to NORML and other MPRG’s, and artifacts and ephemera of what I would later come to term “marijuana culture.” I was surprised to discover the panorama of political philosophies that activists and attendees described themselves as holding: Libertarian, Fiscal Conservative, Objectivist, Liberal, Socialist, Democrat, Republican—amiably coexisting because of a shared interest in marijuana as a drug and as a natural resource. Aside from those in attendance who were videotaping the event for anti-marijuana organizations, there was as efficient for transcription as pedal controls, there was the benefit of not having to worry about tapes stretching, breaking, getting “eaten” or degrading from repeated play.

13 With the exception, perhaps, of the milder hallucinogens, there is no drug high that is more susceptible to user construction than the marijuana high. It is common for newer users to be unable to identify the onset of the high (Becker 1963; Hoffman 1985; Lenson 1995), and it is possible for experienced users to achieve a concerted ignorance of the effects. Marijuana may impair short-term rote memory but not totally, and it has little effect on other ways of remembering. After all, if marijuana caused people to suffer a total disruption in forming memories then no one would remember if they liked the experience, and all marijuana-users do. I would suggest that researchers who anticipate having to conduct observations in settings where all are expected to engage in marijuana use to have more than a few experiences using the substance, however, since learning to ignore effects takes some practice.

14 On 9/7/01 I viewed a videotape produced by an anti-reform group that was distributed in Idaho that contained a few seconds of tape of what appeared to be a former NORML Director speaking at the 2001 conference.
uniform agreement that the laws prohibiting marijuana and hemp should be revoked. They articulated three positions: marijuana is a legitimate medicine; recreational marijuana use is not a criminal activity; and hemp is a source of food, fuel and fiber. These positions were formed into a tripartite discourse when combined with strategies to achieve the liberalization of marijuana policy.\textsuperscript{15} Strategies involved building MPRG's, petitioning and placing referenda on ballots, lobbying elected officials, producing artifacts and events to raise funds for their organizations, documenting the history of cannabis in the US and the world, researching the plant and its effects when taken into the body or utilized as fuel or fiber, creating advertising and public awareness campaigns about their positions, debunking stereotypes of marijuana users and demythologizing the plant, providing expert witness testimony, writing amices briefs and offering legal aid.

The conference was held in Washington DC, and there were more attendees from the East Coast states than from any other area, although a number of people came from California, and there were those in attendance from the states of Washington, Alaska, Oregon, South Dakota, Minnesota, Iowa, Texas, Indiana, and Missouri.\textsuperscript{16} At the conference I met a member of a New England-area MPRG, who put me in touch with their board of directors, who welcomed me to their meetings. I began attending meetings and their "office hours," both held monthly. I engaged in discussions with more than a dozen core members about the workings of their organization, their experiences in the group and in marijuana

\textsuperscript{15} See Chapter 2, "Theories of Marijuana, Prohibition and Culture," for dissection of the legalization-regulation-decriminalization spectrum of policy reform.

\textsuperscript{16} Field notes: April18-21, 2001.
policy reform activities, and their thoughts about marijuana policy reform. I became involved in board discussions about their annual events and other activities scheduled for the fall of 2001. I learned how the group operated as a volunteer organization, and how they addressed the challenges they encountered in their advocacy of marijuana policy reform.

In July I attended the first of three marijuana policy reform rallies, public events staged by MPRG's where the tripartite discourse of marijuana policy reform and other political positions are advocated. The First Annual NHORML Freedom Festival was organized in the space of a few weeks to hold an event in concert with the New Hampshire arrival of another MPRG's promotional vehicle, the Hempcar. The Hempcar organization is a hemp policy and environmental awareness project that converted a Mercedes-Benz diesel station wagon to run on biodiesel made from hempseed. Keith Stroup, the executive director of NORML-national was in attendance and we became reacquainted, I made an appointment to interview him and visit the NORML office in DC.

In August I attended the Seattle Hempfest, a stoner's theme park where it is "four-twenty-twenty-four-seven." In the span of little more than a month I attended both one of the smallest and the largest rallies of 2001. Seattle featured a

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17 See Chapter 5, "The Marijuana Rally as Public Pedagogy," for further discussion of the public pedagogy that takes place.
18 The conversion consisted of replacing rubber hoses in the engine with synthetics—biodiesel corrodes rubber. There is more on the Hemp Car in Chapter 5, "The Marijuana Rally as Public Pedagogy."
19 "Four-twenty" indicates the use of marijuana, being high, or the presence of marijuana, in the marijuana patois (see Chapter 6 "Marijuana Culture" and Appendix A). "Twenty-four-seven" became a popular expression in the 1990's, it means "all the time" (24 hours a day, 7 days a week). The expression quoted above is from Chola's "We're All Waiting," in performance 8/19/01.
Who's Who of marijuana policy reform activists, it was like stepping into High Times magazine, all of these people that I had been reading about (in regard to the content analysis of MPRG's advocacies and marijuana culture, I was in the process of building close to a complete collection of all issues published since January 1996) were popping up all over. I had met Steve Bloom and Steve Wishnia (both Senior Editors of the magazine) at the NORML conference in April. Steve Bloom and I talked while at the “420 Celebration of Freedom” event co-sponsored by NORML and High Times, he told me about his experiences in the magazine and its relationship with NORML. At Hempfest I met and talked with Callum Francis, Senior Editor, and Kyle Kushman, Cultivation Editor. I also had a lengthy discussion with Allen St. Pierre, the Communication Director of NORML; we arranged for a formal interview when I would be in DC.

Seattle was a turning point in my research, it is where I was forced to consider the entrepreneurial aspects of marijuana policy reformers and how marijuana as an object and as the subject of social policy was being effected by this vestige of capitalist free enterprise. I also was confronted with the enormity of artifacts that were the product of a culture of marijuana users: clothing, music, smokeware, food, fashions, items with statements on them in the marijuana patois and/or in favor of marijuana policy reform (buttons, t-shirts, hats, bumper stickers, etc.). While the MPRG members were concerned with how they were going to get enough public support to change the laws I became concerned with the vast numbers of people who have constantly violated marijuana prohibition since its inception (and again since 1970), and the vigor with which it has
occurred since the late 1960’s. What captured my attention was that there could be a Hempfest at all, that there is a marijuana policy reform movement that has survived despite the intensification of the drug war and the political failures they suffered from 1980 through 1995. Marijuana policy reform groups have been reinvigorated since the middle of the 1990s, when medical marijuana referenda found public approval in a handful of states. As MPRG’s were being washed over by the discursive tide of drug war prohibition and the public advocacy of recreational marijuana use became untenable, the practice of using marijuana continued. The question I faced was how to capture and interpret the storage of the potential energies of a nexus of personal affiliations among people who had surreptitiously kept marijuana the most popularly used illegal drug through the Reagan/Bush era. The energy that was available in the middle of the 1990’s to bring MPRG’s back to the point where they mattered was drawn from the past and continued popularity of marijuana use, the advent of the Internet as a site for public advocacy (by name or anonymously) and organizing, and a cultural movement of marijuana-users.

In September I went to Washington DC to meet with the folks at NORML, I conducted interviews and they were kind enough to give me access to their files which were a rich source of information about the history of the organization and marijuana policy reform efforts since the middle of the 1960’s. I also delved into

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20 It was clear that the measurement of use rates alone serves little purpose in making an argument why the laws should be changed; so what if there are 20 million annual users and 76 million lifetime users (NORML 2001)? Both of those numbers (derived from SAMHSA and other national surveys), I have come to suspect, are lower than the actual rates—otherwise more than 3.5% of annual marijuana users are arrested in a given year (there were more than 734,000 marijuana-related arrests in 2000: NORML), and more than 0.5% of all annual marijuana users (more than 1 of 200) was in attendance at Hempfest 2001.
several early editions (from the 1970's and 80's) of *High Times* that they had in their library. I learned that NORML's history, especially during the Reagan/Bush era, was mottled with in-fighting on the board, economic meltdown, declining membership, and an audit by the IRS. National-level MPRG's and drug policy reform groups in general are in competition for a limited amount of sponsorship. NORML, MPP, TLC-DPF and other drug policy reform groups have received their largest donations from wealthy entrepreneurs and their foundations: Hugh Hefner, Tom Forçade, Richard Guinness, George Zimmer, George Soros, Bruce McKinney and John Gilmore, to name a few.

Four days after visiting the NORML office, while I was sitting at home transcribing my interviews, I received a phone call from my partner, telling me that they were evacuating the university she teaches at and that I should turn on the TV.

The Boston Freedom Rally was held as scheduled, four days after that (September 15, 2001), the turnout was about half of what it had been in the prior three years. The Freedom Rally afforded me the opportunity to spend more time with members of the sponsoring MPRG and the two national-level marijuana policy reform activists who made the trip to Boston: Keith Stroup and John Sinclair. I also had conversations with Carla Howell and Michael Cloud, perennial Libertarian Party candidates in Massachusetts. Held in the aftermath of September 11, the Freedom Rally contained some of the most overt patriotic
spinning of the marijuana policy reform messages that I had observed.\textsuperscript{21}

Marijuana use in the 1960's may have been an emblem of opposition to the straight life and the industrial war machine that demanded it, but the marijuana use on the Common that day was among a group that simmered with jingoism and vendetta, and who loudly cheered when Osama bin Laden was burned in effigy by members of one band. Had the Army set up a recruiting table they would have found many prospects.\textsuperscript{22} It confirmed that the political sentiments that were held by those who helped birth popular marijuana use were no longer the sentiments of marijuana-users. The marijuana-user can no longer be assumed to subscribe to political liberalism, pacifism, or countercultural attitudes; the disenfranchisement of the adolescents and young adults who are the majority of marijuana-users is a significant barrier to reforming marijuana laws. At the NORML conference in April 2001 Congressman Barney Frank advised attendees that he and other members of the House pay close attention to letters from people who represent groups of like-minded constituents "who have a record of voting in primaries," and that letters can be more important than referenda.\textsuperscript{23} While most of the leaders of the various MPRG's I met were middle class and over the age of 30, the

\begin{itemize}
\item Patriotic displays at marijuana reform rallies included the American flag flown atop the Hempfest stage, Magic Black Ferguson's stars-and-stripes sequined baseball hat and jacket (as well as other attendees adorned in red, white and blue), Tim Pate opening the second day of the Hempfest with an acoustic performance of the national anthem, and the performance of the same at the opening of the Boston Freedom Rally. Marijuana policy reformers urge marijuana-users and sympathetic others in attendance to exercise their right to vote and petition their representatives to change marijuana laws.
\item The history of marijuana use by U.S. soldiers is addressed by Bonnie and Whitebread (1974); Musto (1987); and Lenson (1995), use was common along the Mexican border in the early 20\textsuperscript{th} century and in Southeast Asia during the 1960's and 70's.
\item He also advised against marches and other public protests, stating that such demonstration do not work, "nobody cares how many people are out on the Mall," and remarking that "marijuana is still a badge of the counterculture" as one reason why policy reform is opposed (4/21/01).
\end{itemize}
attendees at the rallies were too young to vote, or if they were over 18, most likely did not own real estate or have an established career, nor would their letter register outside the negative stereotype of pothead kids to a Congressional aide recording and answering mail.

A large part of marijuana policy reformers’ struggles involve making marijuana-the-object and marijuana use appear as mundane, to put its history of exoticism away, and to break from the hippie/revolutionary stereotype that had to be (rightfully) forged during the 1960’s, and nurtured in the 1970’s. Marijuana use as a popular practice is nearing its fifth decade, its veterans are late middle aged and elderly, and still using. There have been more than a million annual initiates in the U.S. every year since the late 1960’s, even the lean ones during the height of the Reagan/Bush drug war.

Content Analysis

The study of culture is an exercise in the perception of the confluence and contents of subjectivities, as they are expressed in unique and identifiable ways. Language is the most overt demonstration of the ontological and epistemological bearings of subjectivities, the products of language such as the utterance, the sign and later the printed record, are the ticking measures of our past. Each new act of language sets culture and becomes part of the medium through which the future possibilities of culture are arranged. Through language we build history, through history we cognize our presents and recognize our potential. The relationship between the subjective field of culture and the objective expressions of cognition
via our modes of production and our media of expression has been an open
contest since the advent of the bourgeois era.

The historical assembly of bourgeois culture, in the form of the nation-
state, as a product of the synthetic movements of language, mode of production
and media is the focus of Benedict Anderson’s (1991) *Imagined Communities.*
Anderson examines the ways in which "print-capitalism" provided the material
and epistemological foundations for a consciousness of the nation-state and
membership in it that has emerged over the past three hundred years.

The idea of a sociological organism moving calendrically
through homogeneous, empty time is a precise analogue of the idea
of the nation, which also is conceived as a solid community
moving steadily down (or up) history. An American will never
meet, or even know the names of more than a handful of his
240,000-odd [sic] fellow Americans. He has no idea of what they
are up to at any one time. But he has complete confidence in their
steady, anonymous, simultaneous activity (Anderson 1991: 26).

Anderson complements his detailed archaeology of the linguistic struggles
of the movement from religious community to dynastic realm to nation-state with
a materialist interpretation of the effects the mode of production have upon
culture. The author does not surrender entirely to a material determinism, though,
noting that the presence of the product in commodity form has not been sufficient
for the utilization of that commodity (i.e., paper) in ways that would necessarily
alter the relations of production toward a future form. 24 Thus Anderson’s

24 "What, in a positive sense, made the new communities imaginable was a half-fortuitous, but
explosive, interaction between a system of production and productive relations (capitalism), a
technology of communications (print), and the fatality of linguistic human diversity [Footnote: It
was not the first ‘accident’ of its kind. Febvre and Martin note that while a visible bourgeoisie
already existed in Europe by the late thirteenth century, paper did not come into general use until
the end of the fourteenth. Only paper’s smooth plane surface made the mass reproduction of texts
and pictures possible—and this did not occur for still another seventy-five years. But paper was
treatment of the development of nationalism examines not only the content of
the documents that reflect in their dialect, syntax and form the emergence of the
nation-state, but the cultural and social influence of the print-languages
themselves upon the possibility of imagining a physically dispersed and unified
community.

My investigation of marijuana culture in its historical process of becoming
relies upon a similar treatment of the content of that culture. The formation of a
"marijuana movement" was predated by print-capitalism by several centuries,
and has regularly utilized print media (its own or independent) to advocate a
shared sense of situation among marijuana-users. This sense of situation is built
from the shared stigmas of choosing to be a marijuana-user in the time of
prohibition. Beyond print-capitalism, however, perhaps more significant than the
magazines and newsletters published by MPRG's, is the popular availability of
Internet access in the U.S. The first part of the content analysis of marijuana
culture begins with High Times magazine, the most widely accessible periodical
dedicated to the legalization of marijuana and the documenting of marijuana-users
and policy reformers. The tripartite advocacy of the MPRG's is outlined in both
High Times and the documents these groups produce themselves; more
significantly, the decision on the part of MPRG's to generalize or to concentrate
on one or two veins of discursive struggle informs us of the cohesion and/or
dispersion of interests among member-groups of the culture. The final section of

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25 A term independently referenced by J. N. 4/18/01; A. F. 4/20/01; U. B. 8/18/01; E. S. 9/15/01,
and regularly found in policy reform literature.

not a European invention. It floated in from another history—China's—through the Islamic
content analysis focuses on MPRG’s use of the Internet as a space where the affective alliances of marijuana culture have the privilege of a near-open and anonymous field for the promotion of their strategies and goals.

I looked to *High Times* for its coverage of MPRG’s and marijuana culture; I was able to cobble together most of the issues since 1994, and all but a handful since January 1996. I have discussed in Chapter 2 Goffman’s interpretation of the magazine within the community of stigmatized marijuana users, and in later chapters I will discuss the place of the magazine in the history of marijuana policy reform, its complementary relationship with NORML, its mission to promote the legalization of marijuana and the presentation of marijuana as a fetish object. The marijuana photography is provocative and voyeuristic. There are extreme close-ups of hyper-glandular boutique buds, panoramas of hemp fields, step-by-step sequences that illustrate building and maintaining grow spaces and readers’ DIY shots of their crops, smoking devices and themselves (their faces masked, obscured by plants, erased with a pencil or, increasingly, digitally altered). It speaks to the existence of people who share a common knowledge of the desires and pleasures of marijuana.

The second level of content analysis was applied to MPRG and marijuana policy reformers’ websites. Since the late 1990’s we have seen the development of hundreds of personal, organizational and commercial websites dedicated to marijuana policy reform advocacy. I began intensive data collection from websites in the late winter 2001. When possible I subscribed to MPRG listservs, including those of NORML, TLC-DPF and MPP, and received regular updates.
regarding those organizations' events and efforts, recent developments in local and national policies and court cases, and items of general interest to marijuana policy reform activists. I began my website research by entering the term “marijuana policy reform” in the search engines of Netscape, Excite, Internet Explorer, America On Line, and Google; each provided links to the national-level MPRG's as well as local NORML chapters, The November Coalition (an anti-drug war/pro-prisoners’ rights organization), High Times, and non-commercial, non-organizational websites. The relationship between the rise in popular Internet access and changes in marijuana policy from the middle of the 1990's may be more than coincidental. The Internet provides members of marijuana culture a venue where they may express their positions with minimal risks to themselves. It is also an efficient means of addressing recent events related to marijuana, marijuana culture and policy reform.

Keith Stroup: A lot of the benefit of having support in a publication like High Times is, on a regular monthly basis, they put the name of the organization before your natural constituents. And so there's this sense that NORML's out there representing us. If that were to go away uh most people, that's where they get their information. They don't read our newsletter or send money to us.

Keith Saunders: What about the Internet?

Stroup: That's true, by the way, the Internet has made it possible for all of us, to some degree, to get around the media, you know, to communicate directly with the American people. And to communicate also with media in all parts of the country that we wouldn't get to, otherwise. I think that in particular issues like

26 The competition between MPRG's for attention and sponsorship is evident when one enters the term “NORML” on any of the major search engines, the first listing is for MPP due to that organization's decision to pay fees to be listed above NORML, even when the query is more specifically phrased “norml.org.” Both queries produce links to NORML national and NORML state chapters, as well.
drug law reform, where people are paranoid and reticent to identify publicly, for legitimate reasons, they might all of a sudden find themselves up for drug testing at work, or their neighbors might no longer want their kids to play with your kids 'cause you’re a druggie or whatever. There, there are lots of social pressures that come into bear that encourage people to stay in the closet, and I understand that. The Internet kind of allows individuals to become socially active, politically active, without giving up their anonymity.

Saunders: Yeah.

Stroup: And so, you know, you can write all the letters you want to your elected officials, and your neighbors never know it. You can post all kinds of things on listservs and bulletin boards; so the Internet has become a terribly important tool for us. We are right now spending, we have a budget of $25,000, and that’s not even enough, we’re gonna have to budget more... We are also one of the, I think, few groups that actually make money on the Internet. Most organizations will tell you that they get contributions, but most of the contributions do not necessarily cover the costs of the Internet stuff; it’s still worth it because they still communicate. That’s not true with us at all, we make money every single week, some weeks we only make a thousand bucks or something, and some weeks we’ll have a couple of twenty-five hundred dollar contributions. We literally get people who contribute two thousand, five hundred dollars to buy a lifetime membership—never met them, never talked to them, never heard from ‘em—going through the website late at night... They’re not on our mailing list, so there’s no way for us to send them a direct-mail solicitation; in addition, just the ability to communicate, you know the Leaflet’s we put out, we just put one out yesterday, taking a shot at this Michigan situation [the deaths of Tom Crosslin and Rolland Rohm at the hands of the FBI].

Saunders: Yeah.

Stroup: It used to be the only way you could try to get your message out was to send out a press release and Christ, I mean, how many people can you send it to? How long’s your list? Is it current, have they changed their numbers? Well, with the Internet all of a suddent, my goodness, you can communicate with millions of people in the matter of a day or two because it goes out and lost of other lists pick it up and reproduce it, et cetera. And it’s almost cost-free.
Saunders: Yeah.

Stroup: Once you pay the basic costs of your site there’s no cost in sending something out. We have an e-mail sign up list on our website that we have over 26,000 people now signed up, and frankly, it’ll just keep growing, I don’t see any end to it...It is the most valuable political resource you could have in today’s world. It used to be the mailing list was your most important thing, but that’s a very expensive way to communicate, and uh people, because of paranoia and other reasons, a lot of them do not want to be on a list, they don’t want you to have their home address, they’re even nervous about you knowing what state they’re from. We didn’t used to ask what state; we now ask what state, we ask for their e-mail address and what state only because we want to make our legislative alerts state-specific. I don’t want to bore people by sending somebody in Montana a notice about something happening in Texas. You start doing that very often and you start getting Unsubscribe messages.

Saunders: Mm-hmm.

Stroup: So now we spend quite a bit, about $12,000 per year for a software program that you can go on our website...and you enter your ZIP code and it tells you who your state elected officials are and your federal officials, whether there is any legislation pending; if there is marijuana legislation pending, [there is] a draft letter they can send, that they can edit if they prefer to put in something personal or change it a little bit. Send it off, it doesn’t cost them a dime and it’s right on the spot. A combination of that technology with the growing list of e-mails, where you can in fact target states specifically, you start having a real impact on a bill.

Saunders: Mm-hmm.

Stroup: Where you never could. You couldn’t react fast enough with a mailing list, you couldn’t afford to do it very often. I mean, you gotta mail to 50,000 people, well that’s a $50,000 expenditure right there. With the Internet it might cost us $50 in staff time or something to do these.

Saunders: Yeah.

Stroup: But that’s all.
Saunders: Mm-hmm.

Stroup: So, I think the Internet is not only the most important new development, it is providing us with the most powerful political resource that any of us have now, and it's something that five years ago, none of us had. We didn't even know what the hell it was. So it's amazing how it's transformed this work. All to the good of it.

Saunders: Yeah. I was, I was wondering if that was part of the coincidence of 1996, sort of as...

Stroup: Well that's a good question; I had never thought about that. I uh there's no question that by '96 the mood of the country has begun to swing in our direction as we have demonstrated by all the initiatives. But you can also do it by the polling. The polling was beginning to show that people were fed up by the war on drugs, and that there was more tolerance, and that marijuana didn't seem so dangerous, why were we overreacting?...I wouldn't be a bit surprised that some of the reason that you're seeing those numbers go up, and some of the reason that our own polling reflects the public's attitude is far more sympathetic is because people no longer rely on only traditional media channels for their information. It used to be they got most of their information from the government and some of it from the national media. Most Americans now know that the government can't be trusted on drug information, that they exaggerate and they've got their own, you know, that they protect alcohol and tobacco, et cetera. And most Americans have gotten away from watching the evening news and reading a daily newspaper; now lots of us still do, but it's a far lower number than before. You don't have to. They go on their goddamn PC and they get the news or whatever. So, yes, I suspect that's a valid point that the rise of the Internet may well have been a factor in the rise in support we're seeing (Interview 9/7/01).

The Internet provides NORML and other MPRG's the opportunity to stay in regular contact with members—most MPRG's have "update lists" where information is sent to subscribers via e-mail. The typical MPRG website includes: the name of the organization and its motto and/or mission statement; prominently featured news updates; schedules of that and other MPRG's' events;
access to chat rooms and bulletin boards; links to other MPRG’s, marijuana-related sites, High Times’ website, and “write your Representatives” sites that provide drafted letters to elected representatives that visitors may access just by entering their ZIP codes and which they can simply click and send; photographs of marijuana; and the means to join the group, to subscribe to their electronic publications, to donate money, and/or to purchase items from themselves or their advertisers.

The Internet has allowed a stigmatized group to find itself in ways that were not possible before the middle of the 1990’s. Since it is relatively anonymous, people are able to retrieve information and post their opinions with little risk to the self they present to the world. Since the subject is marijuana, and it is the source of a pleasure that has been prohibited, the proliferation of a marijuana consumer presence on the Internet is not unusual. One of my research subjects suggested that it is like pornography, that there were people who were generally interested in it but who were not buying it because they could be seen and possibly identified. When the Internet arose as a public medium, the hassles involved with gaining access to most pornography dropped by the wayside. To a degree, he has a point, the important difference between marijuana and pornography can be found in the simple fact that one cannot obtain the same satisfaction by looking at marijuana or advocating policy reform as one does from consuming marijuana. Pornography, on the other hand, stimulates desires in its own terms.
The proliferation of marijuana images on the Internet speaks to the appeal of *High Times* in the pre-world wide web era; whereas the magazine once held the monopoly on the “bud of the month” shot, this can no longer be claimed. *High Times* is a fetish magazine—like *Road and Track*, *Guns and Ammo*, *Glamour*, or *Playboy*, *High Times* is a single-topic specialty magazine that presents to its readers the images of their desire in glossy photographs, with descriptive details that appeal to the nuanced observer, in a jargon that speaks to the desire itself, and the most extreme representation of each readership’s fetishes, be they $500,000 Ferraris, .50-calibre machine guns, 50-pound weight loss, a 50-inch bustline, or a 5-ounce center cola of sinsemilla.

The 1st Amendment has helped the marijuana policy reform movement to preserve itself, as well as to advance the discussion of marijuana policy reform. The Internet has been effectively employed by MPRG’s to take their cases to the people, and for the people to speak out in a political environment where the admission that one uses marijuana can have severe repercussions. Most MPRG bulletin board and discussion groups contain open admissions of marijuana use by members and visitors, as well as references to celebrities who have talked about their use of marijuana (or who have been busted on marijuana charges). Indeed, this has not gone unnoticed by those who seek to rid the nation of the scourge of illegal drugs—the Anti-Amphetamine Proliferation Act, a piece of legislation that

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27 The centerfold of *High Times* was a thematic jest on *Playboy*'s; the founders of both magazines, Tom Forcade and Hugh Hefner, were early supporters of NORML.

28 While it is rare that a public admission of having smoked marijuana leads to arrest, there has been at least one case where a letter to the editor of a local newspaper led to a sheriff ordering searches of the author’s curbside trash where (weeks later) cannabis stems and seeds were found. These were submitted to obtain search and arrest warrants (St. Pierre Interview 9/7/01).
has been trotted out by members of Congress for the past few years, has a provision that would prohibit the publication of information about the production or procurement of illegal substances. If such legislation should pass, many of the MPRG websites would contain illegal content, and we could expect the persecution of those who publicly discuss their use of illegal substances. In the present, however, it appears that the public discussion of personal marijuana use remains a relatively safe course of action. It has been to the benefit of the MPRG’s that the marijuana users are able to talk about their use, it certainly provides the “role models” that social movements involving stigmatized behaviors need to build membership.

Marijuana Policy Reform Groups

Marijuana policy reform groups (MPRGs) are voluntary organizations that seek to change marijuana policies in ways that would end the criminal prohibition of the substance THC in its organic form. The policies advocated and the degrees of liberation sought vary among groups, the variance is predicated on jurisdictional organization. Since marijuana policy is formed, enacted and

1. See Appendix B for the article on its history.
2. Synthetic THC (Drubasinhel) is a legal, scheduled II substance.
Chapter 4: The Marijuana Policy Reform Movement in the U.S.


1977: A loud cheer arose from the crowd as Stroup ceded the mike to the M.C., who was from High Times magazine. “Okay, the next person is someone who many of us would probably envy. He’s the only person in this country who is allowed to legally possess grass for his own use. His name is Bob Randall, and he has a disease called glaucoma that grass relieves, and he’s been given a prescription and a supply from the government to save his sight.”

Randall stepped up, a pleasant, almost wispy young man. He turned down the offer of a joint. “No, thanks, I get my own from the government,” he said, and clutched the mike—The Fourth of July smoke-in, Washington, DC, 1977 (Sloman 1979: 6-7).

2001: The American public are increasingly with us on this issue. They have been moving since about 1996. The latest survey show 3 out of 4 Americans favor the medical use of marijuana, 6 out of 10 Americans say, “Stop sending marijuana smokers to jail.” So we are winning the hearts and minds of the American people, but we are not yet winning the hearts and minds of our elected officials. Most of them fear they are gonna be deemed soft on drugs and they’re gonna be defeated at the next election. The reason they think that is that we have largely been invisible. We must bring our culture out of the closet—Keith Stroup, at the Boston Freedom Rally (9/15/01).

Marijuana Policy Reform Groups

Marijuana policy reform groups (MPRG’s) are voluntary organizations that seek to change marijuana policies in ways that would end the criminal prohibition of the substance THC in its organic form. The policies advocated and the degrees of liberation sought vary among groups, the variance is predicated on jurisdictional organization. Since marijuana policy is formed, enacted and

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1 See Appendix B for the article in its entirety.
2 Synthetic THC (Dronabinol) is a legal, schedule II substance.
enforced by the federal government, the various states, and by counties and municipalities, MPRG’s petition, lobby and organize themselves more or less in accordance with the geography of the political system. MPRG members recognize the state as an institution, and have professed faith in democratic principles. At the same time they believe that “The Government is Lying!” and actively engage in sharing and publicizing information about the history of marijuana as a medicine, hemp as a source of food, fuel and fiber, and the history of marijuana policies. They understand marijuana prohibition to be a violation of individual freedom and open markets; they believe prohibition to be a repressive, violent action of “the government” against marijuana users, and they argue that it is a costly and wasteful policy.

The majority of MPRG members I encountered would be considered current (within 30 days) marijuana users, at the time(s) of my encounter(s) with them. Their reasons for advocating policy reform include the personal benefits they would derive from the liberation of marijuana and hemp; they also share a strong sense of commitment to a variety of philosophical principles. These principles range from political and economic libertarianism to conservatism to socialism to environmentalism to Rastafarianism; the MPRG’s are able to accommodate diversity in the predicates of members’ philosophies and their political affiliations. 

3 Printed on a sticker distributed by L. I. of TX NORML 4/20/01; the same phrase also found on other items available at the Mothers Against Misuse and Abuse (MAMA) table at the Seattle Hempfest 8/19/01.

4 Since many of my contacts were made at the NORML 2001 conference, Seattle Hempfest and the Boston Freedom Rally, three settings where marijuana use may be more likely to occur than on other days, I relied on spontaneous self-reports of regular (weekly or more often) marijuana use in support of this assertion.
The unspoken agreement to focus on the one issue of marijuana policy reform has provided for relative calm in regard to what might otherwise be conflicting philosophies that would impede cooperation. In one circumstance (4/21/01) I observed the heads of two state-level MPRG’s have a tête-à-tête over the disruption of the International Monetary Fund (IMF) meetings in Quebec, one in support of the IMF, the other in support of the protestors. The exchange was defused by a third person making a reference to the fact that people were assembled to discuss marijuana policy reform, whereupon they immediately recognized common interest. The commitment to that belief was at that time superior to either’s willingness to argue macroeconomic policy, despite the strength of their respective beliefs in the principles of libertarianism and socialism.

MPRG’s have existed in the U. S. since the later months of 1964, when James R. White, III, a San Francisco-area attorney, organized LEMAR (“LEgalize MARijuana”). LEMAR distributed excerpts of the LaGuardia Commission Report and staged public demonstrations in Union Square during early December (NORML 1980). In New York, Allen Ginsberg, Ed Sanders, Randy Wicker and Peter Orlovsky and a few sympathetic others assembled a New York chapter of LEMAR. Their first public demonstration was held outside of the Federal Welfare Offices in Manhattan’s Lower East Side, protesting the prohibition of

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5 MPRG’s have a history of conflict in regard to goals (what they seek to achieve as policy and practice) and strategies (how to achieve their goals). Such conflict has resulted in the splintering of MPRG’s from NORML, and among regional groups. Any conflicts over larger philosophical principles are either resolved through the formation of new MPRG’s or through consent that ending marijuana prohibition is a shared interest, better served by cooperation.
marijuana and calling for its legalization (NORML 1980; Miles 1989).

Distribution networks, which had existed in the New York City area since the beginning of prohibition, had begun growing as more people tried grass. Like many of the large-scale, 1960’s-era alterations in cultural mores, the familiarity with and use of marijuana crossed lines of social class, race, ethnicity and gender.

The expanding popularity of marijuana use among the young (under age 30) during the 1960’s altered the cultural location of the identity of the marijuana user. No longer is it possible to talk of the marijuana user as an “other,” from the perspective of the middle or upper classes, or whites’. Becker’s (1963) study of marijuana users occurred in the setting of the last stages of subcultural marijuana use, the changes in the distribution, availability and knowledge of marijuana would invert Becker’s ranking of the controls on marijuana use. Whereas Becker identifies limitations on access as the first control, and notes that access depends upon association with small, self-referential user networks, we find that by the 1970’s the user-distributor networks were established in- and outside of cities in all states. Marijuana is now available in all regions, and in rural, exurban, suburban and urban areas within those regions [High Times (2000-2001); DOJ, DEA (2000); SAMHSA (2001a)]. Indoor marijuana grow operations have

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6 The distribution network, as it exists for marijuana under prohibition, is quite different than what is created in the formal economy, where veritably nothing is given away without the promise of some return. The marijuana distribution network has always been cellular, more so under prohibition: the points of production are scattered by the acre, backyard and porch outdoors, and by the growrooms and closets indoors, around the globe. For the sake of the sentiment in favor of marijuana policy reform developed through experience with the substance, one need not be a participant in the enterprise of small-time marijuana dealing to be involved in the distribution network. This is commonly the case with irregular users, people who will use when others are using and providing. Being a member of a “distribution network” would also apply in the circumstance of a person who grows his or her own for personal use, for he or she had to obtain at least a seed or a clone (and marijuana-users readily dispose of seeds).

7 See Chapter 2 for further discussion of the controls on marijuana use.
expanded to the degree that the DEA created a strategy to corral the practice, called Operation Green Merchant, that seized customer information from indoor gardening supply companies, as well as attempted to gain the subscriber list of *High Times* (*High Times* No. 289 Sep 1999: 42). The strongest, perhaps last remaining control, is moral, what Becker had identified as the weakest in the late 1950’s and early 60’s. The moral control is discursive at its root, and the treatment of marijuana by the general public, MPRG’s, the state and professionals during the past forty years has been an engagement over the moral situation of marijuana use.

The popularization of marijuana is especially problematic for advocates of marijuana prohibition. It is at once evidence that prohibition does not uniformly or reliably reduce or sustain the levels of consumption of prohibited items, and it calls into question the justifications for the prohibition of marijuana, which are now perceived to have racist and/or classist origins (Bonnie and Whitebread 1974; Musto 1987; Wagner 1997) or that mark a conspiracy of professionals and the state (Szasz 1992; Grinspoon and Bakalar 1993; Bian 1997). The hegemony of the construction of marijuana prohibition blown open, the threat to the status quo becomes one of mentis, of seeing through “democratic” policies to their discursive formations. In the late 1960’s a common point offered in support of ending marijuana prohibition was made with the syllogistic reasoning that the criminalization of a relatively harmless action will bring the legitimacy of all laws into question, after a person participates in the criminal action and finds that the
promised negative effects and associations do not follow there is the
opportunity for the individual to learn to question the propriety of all laws.

Marijuana Policy Reform and Stigma Management

The stigma of marijuana use, applied culturally and legally, has produced
the characteristics of the marijuana user and the MPRG. Since the status of the
marijuana user is achieved, it fits the third type identified by Goffman in *Stigma*:

...there are blemishes of individual character perceived as weak
will, domineering or unnatural passions, treacherous and rigid
beliefs, and dishonesty, these being inferred from a known record
of, for examples, mental disorder, imprisonment, addiction,
alcoholism, homosexuality, unemployment, suicidal attempts and
radical political behavior (Goffman 1986: 4).

Among the enlightened today who understand that marijuana does not share the
addictive qualities of opiates or alcohol—the propensity to cause physical
withdrawal syndromes in most long-term, regular users who abstain—there yet
remains a grave concern about the “abuse potential” of marijuana. Drug abuse is
treated as an issue of the will, unnatural passions (an appetite for drugs),
treacherous beliefs (denial) and dishonesty (“covering” as symptom).

As marijuana users share the stigma and conditions for achieving
acceptance (ibid. 8), they experience a connection vis-à-vis their shared desire for
acceptance as normal, employing the array of management strategies described in
the pages that follow. Many MPRG members have publicly disclosed themselves
as marijuana users; as Goffman indicates later, this marks action in a different
stage of the moral career of the deviant. MPRG members seek the normalization

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*The normal and the stigmatized are not persons but rather perspectives* (Goffman 1986: 138).
of marijuana users through those strategies identified by Goffman: publications, 
speakers, professional advocacies, etc.

In some cases it will be possible for him to make a direct attempt 
to correct what he sees as the objective basis for his failing...The 
stigmatized individual can also attempt to correct his condition 
indirectly by devoting much private effort to the mastery of areas 
of activity ordinarily felt to be closed to one with his 
shortcoming...Finally, the person with a shameful differentness 
can break with what is called reality and obstinately attempt to 
employ an unconventional interpretation of the character of his 
social identity (Goffman 1986: 9-10).

While Goffman seems to concentrate on ascribed stigmas and the 
compensations made for them, the break made by hallucinogen users (Ken Kesey 
and the Acid Tests; Leary and Alpert at Millbrook) and, by association and 
overlap, marijuana-users in the 1960's [the Freaks (or “Freeks,” Sinclair 1972)] 
were a mass movement of persons with “shameful differentness.” Since Goffman 
indicated that his investigation of stigma was to focus on and apply to the case of 
the self and personal interaction more than to groups and collective interaction, it is understandable that he would list “break from reality” last. The focus on the 
individual draws attention away from that which the individual finds cannot be 
reasonably expected, such as the ability to single-handedly create and apply an 
alternative status ranking that places the stigmatized supra the normal. However, 
when a stigma is achieved through choice there must already be a willingness to 
accept the stigmatized identity, to take on the perfunctory duties of managing the 
achieved stigma, and the inclination to form sympathies with those who also have 
chosen.

8 “The normal and the stigmatized are not persons but rather perspectives” (Goffman 1986: 138).
In the sociological study of stigmatized persons, one is usually concerned with the kind of corporate life, if any, that is sustained by those of a particular category. Certainly here one finds a fairly full catalogue of types of group formation and types of group function... Often these associations are the culmination of years of effort on the part of variously situated persons and groups, providing exemplary objects of study as social movements... there are national networks of acquainted individuals (or acquainted once-removed) to which some criminals and some homosexuals seem to belong. There are also milieux containing a nucleus of service institutions which provide a territorial base for prostitutes, drug addicts, homosexuals, alcoholics, and other shamed groups, these establishments being sometimes shared by outcasts of different kinds, sometimes not (Goffman 1986: 22-3).

Directly, this applies to the distribution networks for marijuana in the U.S. The MPRG’s have been assembled by people who have been part of the corpus of marijuana distribution networks (Sinclair 1972; NORML 1980; Miles 1989).

What one does find is that the members of a particular stigma category will have a tendency to come together into small social groups whose members all derive from the category, these groups themselves being subject to overarching organization to varying degrees. And one also finds that when one member of the category happens to come into contact with another, both may be disposed to modify their treatment of the other by virtue of believing that they each belong to the same ‘group.” Further, in being a member of the category, an individual may have an increased probability of coming into contact with any other member, and even forming a relationship with him as a result. A category, then, can function to dispose its members to group-formation and relationships, but its total membership does not thereby constitute a group (Goffman 1986: 23-4).

Again, for both distribution networks and the marijuana policy reform activists, there is the contingency of membership among the stigma category of the marijuana user. Especially as it regards MPRG’s and the difficulty they find in recruiting members from what they presume to be a user population of tens of thousands in every medium-sized metropolitan area, and tens of millions
nationally. There is certainly different treatment of marijuana-users by marijuana-users than that practiced by the general population. The relationships that are formed among users are expressions of the affective allegiances formed by virtue of membership in the stigmatized group.

Whether or not those with a particular stigma provide the recruitment base for a community that is ecologically consolidated in some way, they are likely to support agents and agencies who represent them...Members may, for example, have an office or lobby to push their case with the Press or Government, differing here in terms of whether they can have a man of their own kind, a ‘native’ who really knows, as do the deaf, the blind, the alcoholic, and Jews, or someone from the other side, as do ex-cons and the mentally defective. (Action groups which serve the same category of stigmatized person may sometimes be in slight opposition to each other, and this opposition will often reflect a difference between management by natives and management by normals.)

A characteristic task of these representatives is to convince the public to use a softer social label for the category in question...Another of their tasks is to appear as ‘speakers’ before various audiences of normals and the stigmatized; they present the case for the stigmatized and, when they themselves are natives of the group, provide a living model of fully-normal achievement, being heroes of adjustment who are subject to public awards for proving that an individual of this kind can be a good person.

Often those with a particular stigma sponsor a publication of some kind which gives voice to shared feelings, consolidating and stabilizing for the reader his sense of the realness of ‘his’ group and his attachment to it. Here the ideology of the members is formulated—their complaints, their aspirations, their politics (Goffman 1986: 24-5).

The above-mentioned are the elements of my data: LEMAR, AMORPHIA, NORML, and other MPRG’s and their tripartite advocacies, rallies and publications; High Times and other marijuana-centered magazines; the

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9 See Chapter 3 regarding marijuana use and gaining access as an ethnographer.
10 See the case of hemp policy reform in the 1990’s and beyond (addressed later in this chapter, as well as in Chapter 5), where we see an emerging distinction between hemp reform activists with a history in marijuana policy reform and their organizations versus hemp reform activists sponsored by large-capital and their efforts to separate hemp and marijuana policy reforms.
Decriminalization, Regulation and Legalization policy arguments; NORML’s “Principles of Responsible Marijuana Use;” marijuana celebrities such as Will Foster, Chris Conrad and Mikki Norris, Jack Herer, Keith Stroup and Elvy Musikka, and celebrity marijuana-users such as Tommy Chong, Woody Harrelson, Willie Nelson, and Snoop Dogg; and testimonials from “natives” and “the other side.”

The relationship of the stigmatized individual to the informal community and formal organizations of his own kind, then, is crucial. This relationship will, for example, mark a great difference between those whose differentness provides them with very little of a new ‘we,’ and those, such as minority group members, who find themselves a part of a well-organized community with longstanding traditions—a community that makes appreciable claims on loyalty and income, defining the member as someone who should take pride in his illness and not seek to get well. In any case, whether the stigmatized group is an established one or not, it is largely in relation to this own-group that it is possible to discuss the natural history and the moral character of the stigmatized individual (Goffman 1986: 38, emphasis added).

That Goffman should see stigma as not simply akin to, but within the metaphor of disease indicates that in his presentation the stigma management of the marijuana user is itself historically inseparable from the scientific medicinal creation of the drug-user as a category of disease (see Chapter 2). Marijuana policy reformers have been addressing the problems that have resulted from the prohibition of marijuana; and echoing that marijuana once was legal is a pillar in the foundation of policy reform advocacy. Yet it is more often in the distribution and consumption networks that one would find the discussion of the management of the stigma at the level of the individual, since most distributors and consumers are

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11 This is precisely the term used by Keith Stroup to describe Drug War advocates (9/7/01).
at an earlier stage of moral development, as will be addressed. MPRG's have taken as their task the recasting of the identity of the marijuana user from that of a criminal to something less different than the normals.

As a movement of the stigmatized as a whole is concerned, Goffman neglects to address the aging process of the community; there is no history of how the new groups become well organized, or if there is a historical development of the stigmatized identity at all. There is a critique to be offered here, and it applies to the theory in general: the author fails to address the development of the status of the stigmatized. The indication that there is "newness" to some stigmatized groups tells us that there is a source of stigma that is invented. The question of who invents it and how is never approached. Within the scripture of the theory we may find the inventors of the stigma categories to be solely in the perspective of the normals themselves, utilizing stigmatization as an instrument. However, the historical creation of the marijuana user in the West belies the notion that normals in the pre-1960's eras could have colluded to forge the conditions of the stigmatized marijuana-user in the present. At the time marijuana use became a practice, albeit subcultural, the substance cannabis was also used as medicament. Bonnie and Whitebread (1974), Musto (1978), Hoffman (1987), Goode (1993), Reinarman and Levine (1997) and others argue the legal creation of the marijuana user identity was built upon and buttressed by association with existent racial, ethnic and class stigmas in the first part of the 20th century. As marijuana use became popularized and MPRG's coalesced, the stigma of the marijuana user was removed from its original nexus of racial-, ethnic- and class-themed demonization
and recast as a resistance to the “mainstream” society, an unhealthy and potentially dangerous practice that would lead to other drug use, and as an intrinsic problem of the middle class.

Since marijuana use is an achieved stigma (and a relatively easily disguised one, even when experiencing acute effects) we would be better served to examine the formation of the marijuana user stigmas as an historical process that creates the categories of the stigmatized and the normal via the actions of both. Goffman may have erred in his grounding assumption that people seek approval, and that there is more approval in treating oneself and being treated as normal than treating oneself in the hopes of being stigmatized. There are the cases of those who seek to be treated as the stigmatized, who invent discrediting behaviors or name themselves as discredited, regardless of the approval of the co-stigmatized. The case of minority groups and the “pride” that challenges the construction of normalcy itself is not simply the case of a response to having suffered from a history of stigma, it can be found from the very origins of movements (i.e., punks).12 Surely the coordination of social institutions that scapegoat and punish on the grounds of identities, that create criminality or enslavement, must have effects on the strategies the stigmatized develop, both in the historical and the immediate.

The marijuana user stigma underwent radical transformations between the 1910’s and the 1970’s and, to a lesser extent, between the 1970’s and today. As marijuana use became a popular practice and as distributor/consumer networks

spread to seemingly everywhere: from working class racial minorities to middle and upper class whites, from farms and factories to office suites and country clubs, from jazz and blues to rock and roll and pop musicians, from civilian society to the military and prisons (and vice-versa), from tea pads and bohemian clubs to high schools and universities. The struggle of marijuana policy reform was, to LEMAR, about changing laws that had been enacted to target a subculture of minorities and were placing restrictions upon the ways to perceive and understand the world (NORML 1980; Miles 1989); to NORML, it was about “mainstream” U.S. society and culture accommodating the practices of middle class users (NORML 1973), and today there is the focus on the persistence of marijuana use despite prohibition, and attempts to appeal to the sentiments of the large numbers of lifetime users.

As marijuana use has become more common than Goffman or Becker would have imagined in the early 1960’s, there has been a re-placement of the stigmatized marijuana user, nearer the “normal” center, relative to users of other illicit substances. One of the more salient methodological issues I have encountered in studying MPRG’s is the preponderance of professionals in the organizational histories. In 1973 NORML’s Advisory Board counted Howard Becker, Erich Goode and Norman Zinberg, sociologists all, as members (NORML

13 “Center” in this case akin to the conceptual model of sexuality—“the charmed circle” vs. “the outer limits”—offered by G. S. Rubin (1984, 1992) “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.” Drug use is like sex, with certain forms of use more consistent with the idealized “licit,” such as drugs taken under a doctor’s supervision, for the purpose of treating a medically diagnosed condition, in perfect compliance with prescription, which is terminated in accordance with the physician’s directive. Similarly, Rubin identifies “vanilla sex,” penile-vaginal intercourse between two married partners, in private, without pornography or objects, for the purpose of conception, as the only form of sexuality that is suspended from criticism or marginalization.
1973). This dissertation is built on their and others’ academic work and examines outcomes at both the organizational and cultural levels that are, in part, the products of their actions.\footnote{The rest of the 1973 Advisory Board: Neil L. Chayet, Esq.; The Rev. Canon Walter D. Dennis, MA, STB; John Finlator; Joel Fort, MD; Charles E. Goodell, Esq.; Lester Grinspoon, MD; Samuel Irwin, PhD; Burton Joseph, Esq.; Tod H. Mikuriya, MD; Aryeh Neier, Esq.; Joseph S. Oteri, Esq.; Edwin Schur, PhD; David E. Smith, MD; Roger C. Smith, D. Crim.; Benjamin Spock, MD; Margery Tabankin; Andrew T. Weil, MD; Dorothy V. Whipple, MD; and Leon Wormser, MD. Although Advisory Boards are largely symbolic, the advice of Zinberg and Weil was specifically cited by Keith Stroup as coming at a fundamental stage in the organization of NORML (Interview 9/7/01).}

Keeping in mind the inability for Goffman’s theory to inform us of the specific cultural and historical origins of stigmas, a task since assumed by Foucault (almost all of it) and Barthes (1973: \textit{Mythologies}) in general, and Lenson (1995) in the specific circumstance of drugs, we need to locate the case of the marijuana user stigma in a dynamic metaphor. Goffman’s and other interactionist/constructionist’s theories of deviance focus on the encounter, both of the deviant actor individually with others, and in the persistent otherness of the deviant in everyday life [see G. H. Mead (1934), Goffman (1959; 1963), Becker (1963), Garfinkel (1967), Hirschi (1969), Anderson (1990), Wagner (1997), Sutherland and Cressey (2000)]. The attention paid to the interactive process of deviance demands that this approach be attenuated to the subjectivity of actors, this provides the interactionist-constructionist approach an appearance of being intensely dynamic (and it is, in comparison to all other professionally recognized sociological discourses on the topic of ourselves), but there is a tendency to assume a consistency of cultural-psychological currency.
Bourdieu's (1984) concept of cultural capital brought our attention to the idea-form as having a recognizable value, one that, like all value in capitalism, must circulate, and change. Thornton (1996) identifies “hipness,” the timeliness of “being in the know,” as a principle feature of the club scene in Britain in the 1980’s and 90’s. She considers hipness a form of subcultural capital, building on Bourdieu’s concept, and granting it a dynamism that could be appreciated at the level of the immediate encounter within the “subculture.”

Subcultural capital confers status on its owner in the eyes of the relevant beholder. In many ways it affects the standing of the young like its adult equivalent. Subcultural capital can be objectified or embodied. Just as books and paintings display cultural capital in the family home, so subcultural capital is objectified in the form of fashionable haircuts and well-assembled record collections... Just as cultural capital is personified in ‘good’ manners and urbane conversation, so subcultural capital is embodied in the form of ‘being in the know,’ using (but not over-using) current slang and looking as if you were born to perform the latest dance styles. Both cultural and subcultural capital put a premium on the ‘second nature’ of their knowledges...

...While subcultural capital may not convert into economic capital with the same ease or financial reward as cultural capital, a variety of occupations and incomes can be gained as a result of ‘hipness.’...within club cultures, people in these professions often enjoy a lot of respect not only because of their high volume of subcultural capital, but also from their role in defining and creating it...

Although it converts into economic capital, subcultural capital is not as class-bound as cultural capital. This is not to say that class is irrelevant, simply that it does not corroborate in any one-to-one way with levels of youthful subcultural capital. In fact, class is willfully obfuscated by subcultural distinctions... Subcultural capitals fuel rebellion against, or rather escape from, the trappings of parental class. This assertion of subcultural distinction relies, in part, on a fantasy of classlessness (Thornton 1996: 11-2).
While the connection between dancing at raves and marijuana use is a comparison of the illicit and the illegal at present, there is value to be drawn from reading Thornton's concept as it historically applied to marijuana use among the Beats and the baby boom in the 1960's. Marijuana-knowledge was 'hip,' the subcultural value of having connections to other marijuana-users translated into the very real and, due to prohibition, potentially lucrative occupations of the marijuana smuggler, producer and distributor.

The civil rights activists marched against the caste separation of the races, the hippies and the Yippies embraced cultural and economic socialisms, the conditions that had produced the present of 1967, for example, allowed for the expression of sentiment in opposition to inequalities that are the historical precursors to the "classlessness" ideated in youth subcultures.

The cycling of members through youth culture is also a characteristic of a postmodern identity, a transient selfhood that is constructed in the moment and that may only be recollected autobiographically, an experience of the individual that need not be empirically available to others. "Youth culture" is a product of the modern era, and despite the perpetual attempts at commodification of the 'hip,' one barrier to the institutional cooptation of youth culture would be the timely exchange of subcultural capital. Youth culture realized itself in the U.S. in some time during the early 20th century; a surprising phenomenon considering that membership terminates at about the time one gains independence from parental and scholastic authority. As youth culture emerged from being in such to fur such we see youth culture adopt the features of a postmodern identity, it is not
only open to everyone, it is also closed to everyone, membership a temporary, ascribed-achieved status that cannot be retained or recreated. It is beyond a rite of passage, in the traditional understanding, since such rites involve the presence of the supra-stage if not physically then in a sympathetic sentiment. It has been theorized that youth cultures often are forged in resistance to the sentiment of adult authority (see Gelder and Thornton 1997).

With Thornton, then, we can see a dynamic of the interactive that can be understood as historical. As one searching for “mezz” or “grass” today would off-put any member of marijuana culture under the age of 30, those over 30 might be confused by a query of “Is Buddha in da house?” (R.B. 4/20/01) posed by younger members. Thus the cultural-psychological currency that is conservative by Goffman’s understanding can at last be given a history and generativity, and the places of prohibition, marijuana and marijuana culture can play out their fluctuating discursive and material exchanges. We will be able to see how the construction of the stigma of the marijuana user led to the prohibition of marijuana, which encountered the popularization of marijuana use, which forced the construction of the marijuana user to encounter the reflexive marijuana-users, which made possible the formation of MPRG’s that have lobbied, organized, demonstrated and advocated their message in the discourse of drug policy at the legislative and popular levels. In doing so they have ensured the continued presence of marijuana culture in the U.S. for the foreseeable future, whether prohibition continues to be enforced or we adopt some other policies regarding marijuana.
Insert marijuana users in the following list of "important stigmas":

First, there are important stigmas, such as the ones that prostitutes, thieves, homosexuals, beggars, and drug addicts have, which require the individual to be carefully secret about his failing to one class of persons, the police, while systematically exposing himself to other classes of persons, namely, clients, fellow-members, connections, fences, and the like (Goffman 1986: 73).

Many MPRG members have access to marijuana. In one instance a new visitor to a MPRG meeting inquired whether it was a "social group," and asked where he could get marijuana. He was informed that the MPRG is a public advocacy group, not a pot smokers' source for making connections, and no one had any idea where to get pot.

Because of the great rewards in being considered normal, all persons who are in a position to pass will do so on some occasion by intent (Goffman 1986: 74).  

The "discreditable" has the unique position of having the potential to control disclosure of the stigma to a degree beyond that of the "discredited," this indicates that there would appear to be more strategies available to the discreditable, in terms of stigma management, than to the discredited.  

If the source of the discredit is the same for both the discreditable and the discredited there still need not be the same moral frame of reference that would apply to the two cases. Each revelation of the discreditable that would result in that person's transformation to the ranks of the discredited will alter the moral landscape, across which the stigma identity is in process. The first marijuana policy reform rally to incorporate the music/political action/policy reform format, now common

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15 See above.
16 There are all the opportunities available to the discredited, pending the revelation of the stigma, as well as all the others available to the discreditable.
to MPRG demonstrations, was the Concert to Free John Sinclair (NORML 1980; Sinclair 1972). Sinclair had been sentenced to "10 years for 2 joints," and the concert had the desired effect of liberating him from confinement as well as providing a demonstration of the popular impetus to change marijuana policy in Michigan in the late 1960's. With growing support for marijuana decriminalization and the establishing of marijuana use as a common practice among middle class youth, we see shifts in the normal-stigmatized relationships as they applied to marijuana.

But in the 1950's and early 1960's marijuana consumers and distributors, in their practices, were what Goffman terms "social deviants":

Those who come together in a sub-community or milieu may be called social deviants, and their corporate life a deviant community. [Footnote: "The term 'deviant community' is not entirely satisfactory because it obscures two issues: whether or not the community is peculiar according to structural standards derived from an analysis of the make-up of ordinary communities; and whether or not the members of the community are social deviants. A one-sexed army post in an unpopulated territory is a deviant community in the first sense, but not necessarily a community of social deviants."] They constitute a special type, but only one type, of deviator.

If there is to be a field of inquiry called 'deviance,' it is social deviants as here defined that would presumably constitute its core. Prostitutes, drug addicts, delinquents, criminals, jazz musicians, bohemians, gypsies, carnival workers, homosexuals, and the urban unrepentant poor—these would be included. These are the folk who are considered to be engaged in some kind of collective denial of the social order. They are perceived as failing to use available opportunity for advancement in the various approved runways of society; they show open disrespect for their betters; they lack piety; they represent failures in the motivational schemes in society (Goffman 1986: 143-4).
Marijuana use was once more readily aligned with the concept of social deviance, now it is hardly common that marijuana use be limited to among those who otherwise live on the margin. While there may be the disrespect of a prohibitionist social order, the violation of that prohibition does not necessitate that one violate any other law, more or folkway. There remains a negative attribution of marijuana users as "failures," the Partnership For a Drug-Free America (PFDF) and the Office of National Drug Control Policy's (ONDCP) ads of the 1980's and beyond have reinforced this bias in TV and print public service announcements (PSA's). The following aired during the late 1980's:

"Eddie and the MJ's"
Two white, working-class men, who appear to be in their late twenties, are in a bedroom, smoking marijuana. In the background we hear a radio from which an announcer is reporting the latest findings that link paranoia and marijuana use. The main character, Eddie, tokes on a joint and says to his friend:

"I'm tired of hearing that marijuana can mess you up. We've been smoking for 15 years, nothing ever happened to me. I didn't get into other drugs. I didn't start stealing, mugging people. It didn't make me do anything different. In fact, I'd say I'm exactly the same as when I smoked my first joint."

From the background we hear Eddie's mother yell out:

"Eddie, did you even look for a job today?"

Eddie replies, "No, ma, I called them this morning..."

A narrator states: "Marijuana can make nothing happen to you, too."

The camera opens to include the entire bedroom, where Eddie is waving the smoke from his marijuana cigarette, as he asks his buddy, "Do me a favor, crack one of the windows for me."

In the final shot, we see printed across the screen: "Nothing Happens with Marijuana." (Baumann and Waterston 1994, in Venturelli 1994).

To the degree that the general population accepts this premise and it remains part of the rationale for continuing marijuana prohibition, perhaps there is
the willing entry into the category of "losers," the desire to join the social deviants as one motivation to initiate and continue marijuana use. However, in the career of most marijuana-users there is either a cessation of use, thus the possibility of dispossessing oneself of the social deviant label, or there is an incorporation of the characteristics of the marijuana-using social deviant into one's everyday life. When the marijuana-user continues using beyond most of his cohort, when annual use rates of his peers dwindle to where the number after the decimal point is as significant as the number before it, there appears to be a great likelihood that the "opportunity of advancement" and entry into the "motivational schemes of the society" have been accepted and utilized in the various fashions available under capitalism, with requisite adjustments made for social class, race, gender, sexuality, education level, geographic region and the host of other influences upon the opportunities and motivational schemes available to people. Among MPRG members I encountered, the leaders of national, state and regional organizations, the regular attendees at meetings, and participants in the staging of rallies, there is an over-representation of people with advanced degrees: JD; MA; MD; PhD, when compared to U.S. society as a whole. As we have seen over thirty years of most marijuana-users being middle class youth and young adults, there is little evidence in support of old myths that marijuana use leads to withdrawing from "mainstream" society.

Social deviants, as defined, flaunt their refusal to accept their place and are temporarily tolerated in this gestural rebellion,

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17 From the 1980'slogan "Users Are Losers. Just Say No!" See Lenson (1995) for his observation that a paradoxical discourse must be offered to justify increased spending in the Drug War. The "losers" must also be portrayed as always winning, to justify more spending.
providing it is restricted within the ecological boundaries of their community. Like ethnic and racial ghettos, these communities constitute a haven of self-defense and a place where the individual deviator can openly take the line that he is at least as good as anyone else. But in addition, social deviants often feel that they are not merely equal to but better than normals, and that the life they lead is better than that lived by the persons they would otherwise be. (Goffman 1986: 145).

This sentiment appears to be much more common in the earlier MPRG messages than those formed since the 1970's. Ginsberg, Kesey, Leary, Woodstock Nation, and the entire hippie and Yippie movements boasted and proclaimed to be more in the know than the straights. There remains the modest rebuttal offered by medical marijuana users, when they cite their improved quality of life from using marijuana.

By the 1970’s public advocacy of marijuana policy reform, or, further, disclosing that one was a marijuana user, did not carry the same penalties it did in previous decades.

A final possibility must now be considered, one that allows the individual to forgo all the others. He can voluntarily disclose himself, thereby radically transforming his situation from that of an individual with information to manage to that of an individual with uneasy social situations to manage, from that of a discreditable person to a discredited one. Once a secretly stigmatized person has given information about himself it becomes possible, of course, for him to engage in any of the adaptive actions previously cited as being available to the known-to-be stigmatized, this accounting in part for his policy of self-disclosure.

One method of disclosure is for the individual voluntarily to wear a stigma symbol, a highly visible sign that advertises his failing wherever he goes...It should be noted that some of these stigma symbols...are not frankly presented as disclosures of stigma, but purportedly attest rather to membership in organizations claims to have no such significance in themselves (Goffman 1986: 100).
The final possibility is the path that has been chosen by the earliest marijuana policy reform advocates as well as many of those who have followed. Sometimes activity in marijuana policy reform is spurred by having been involuntarily disclosed as a marijuana user. The most common stigma symbols worn by marijuana policy reformers include the seven-fingered leaf and other marijuana-themed clothing, jewelry and body design, and those symbols that are part of the patois of marijuana culture such as tie-dyes, rally souvenir or “staff” shirts, or the number 420.¹⁸

**Marijuana Prohibition and Marijuana Policy Reform**

Supporters of marijuana policy reform are most often drawn from the population of current and former users; however, not all policy reform advocates have used marijuana. There are enlightened abstainers, who express their support of marijuana policy reform within a larger context of preserving civil rights, limiting the intrusive powers of government, or fiscal conservatism.

The goals of marijuana policy reform groups are market goals. As much as this movement relies upon the use of marijuana as an engine (thus encountering all the stigmatizing and marginalizing strategies applied to users) the goals of MPRG’s are corralled into a capitalist discourse of trade. The models (or goals) advocated by the various groups in the movement have been drawn from MPRG publications and public statements made by MPRG spokespersons. They may be plotted on a continuum of proposed government oversight of a trade in marijuana, from less to more:

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¹⁸ See Chapter 6 for further discussion of marijuana culture.
Total Legalization—the removal of all government interventions, including taxation, regulatory agencies, criminal prohibition and cannabis-specific legislation. Total legalization has been advocated by LEMAR, AMORPHIA, NORML (in the 1970’s), and *High Times*, as well as part of economic libertarian philosophy. Total legalization is currently disfavored by the general public (PEW 2001), and NORML, MPP, TLC-DPF, CSDP and other large-scale MPRG’s have made other, more conservative policy advocacies their priority. Total legalization has been advocated by hemp policy activists, who have insisted that hemp is different than marijuana in terms of use-value, and thus marijuana laws should not apply to traditionally cultivated cannabis (HIA 2001).

Regulation—a state agency charged with governing the cannabis market which may include specific taxes for production, distribution and/or consumption, authorized distribution channels, age restrictions, designated times and places for licit sale, and other cannabis-specific controls. Regulation has the widest scope of application, its variety of forms range from legal physician-prescribed marijuana only, to the Dutch coffee shop distribution model, to marijuana sales under the equivalents of liquor or tobacco regulations. Regulation advocacies have been made by the Oregon Medical Marijuana Network, Incorporated (OMMNI), the Berkeley Patients Group (BPG), the Green Cross, and other medical-MPRG’s. According to PEW data (2001), most Americans would favor regulating the

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19 The HIA attempted a preventative motion to self-regulate in the autumn of 2001, when they began the “TestPledge” program, a voluntary guarantee offered by its members that all hemp products sold by participating companies would not have amounts of THC sufficient to cause psychoactive effects (list-manager@votehemp.com 9/21/01). The DEA issued a rule in October 2001, effectively prohibiting all ingestible hemp products that have “any detectable level of THC” (Department of Justice, Drug Enforcement Administration 10/9/01).
presence of marijuana, although there is a distinction made between legal medical marijuana use (which is largely favored) and legal recreational marijuana use (which is largely disfavored). There is sentiment in favor of "decriminalization," with over 30% in favor, using that term, in a September 2001 USA Today poll (Stroup 9/7/01). In 2001 Nevada passed a medical marijuana/decriminalization law that provides Nevadans the opportunity to legally use medical marijuana (pending revision of the CSA) and reduced the formerly harsh felony charges for possession of 1 gram or more to the equivalent of a traffic ticket.\textsuperscript{20}

Decriminalization—the removal of criminal penalties for the violation of marijuana prohibition, either altogether or at determined threshold amounts, and/or the potential for licit personal production amounts. Decriminalization is the most conservative of the policy reform advocacies. Most decriminalization proposals allow for the penalization of distributors by negotiating what becomes an arbitrary weight at which a possessor becomes the legal equivalent of a distributor. The most liberal decriminalization laws passed in the U.S., those of Oregon and Alaska, in the late 1970's, allowed for the production of a small number of plants and the personal possession of up to four cultivated ounces in the home. Decriminalization advocates gained some momentum in the wake of the pro-medical marijuana swing in the mid 1990’s. Along with Nevada, other states have annual bills introduced that would decriminalize or significantly

\textsuperscript{20} Much to the benefit of Major League Baseball player Jeremy Giambi, who, according to High Times (No. 320, Apr 2002: 13) had a small amount of marijuana seized from him at the Las Vegas airport, and was issued a fine in December 2001
reduce the criminal penalties applied to marijuana possession (NORML, 2001).\footnote{There need be mention here of the significant changes in the marijuana policies of Western nations in the past generation, since the Dutch Normalization policy was adopted, and in the past decade especially. Switzerland, Germany, and Belgium have decriminalized marijuana possession. Canada now provides legal medical marijuana to patients and there is a sentiment in favor of decriminalization. In parts of London police no longer arrest people found using marijuana. There is legitimate consideration given to modifying the prohibitory approaches, and still remaining inside the spirit of the myriad international drug treaties entered into at the behest of the United States during the 20th century (Musto 1987; St. Pierre 9/7/01).} Decriminalization is the most conservative position of the marijuana policy reform movement, and while there is internal, individual disagreement that “decrim” is a worthwhile goal to pursue, groups will support decrim in the context of a step along the way to what else they hope to achieve. Dana Beal has long held that decrim is a lawyers’ scheme; it does not threaten their business of defending—or prosecuting—people charged with significant marijuana offenses (Beal 9/15/01; Beal in *High Times* No. 22, June 1977: 34-6, 38, 43, 44-5).

Decriminalization has less support among the general public than medical marijuana, though there is more support for decrim than has existed in the past (PEW 2001; Stroup 9/7/01).

MPRG’s address marijuana policies as economic and civil rights policies; the advocacy against marijuana treats the substance as an object in culture. The prohibition is supported by calling attention to the qualities that make the stigma of marijuana use a negative one: carelessness, including a lack of concern for risks to children and public health; rebelliousness and the need to discipline those who break the rules; amotivation that leads to problems with being responsible and productive; immaturity and self-indulgence; being drug-addled and confused about what people are doing to their bodies and minds [U.S. DOJ, DEA, Demand...}
Reduction Section, “A Police Chief’s Guide to the Legalization Issue”

www.dea.gov/demand/policechief.htm. MPRG’s must simultaneously confront the cultural points of argument while making their own:

Allen St. Pierre: The semantics of this are so wonderful; there’s a thing I pulled, a 1972 position paper that this guy wrote for the predecessor of the DEA, the BNDD... He was a professor of philosophy and semantics, and it’s called “The Didactic of Marijuana Policy Reform.” And it was a fascinating, I mean, he really laid it out there, he was like, “You know, we’re gonna lose this because they have control of the language.

Keith Saunders: Mm-hmm.

St. Pierre: They can turn the public because...” and they use, essentially they cited Keith [Stroup] without citing Keith. Keith started to master the terminology of the day about victimhood and... wasted public resources, and um and, and something that is so simple... somewhere in our, in our American psyche, we really believe that, we really believe you shouldn’t punish somebody worse than the crime. Well, okay, great, then let’s get right to it: what should the punishment for marijuana be? What’s the crime?

Saunders: Mmm.

St. Pierre: Because back then, I mean, now we say “victimless crime,” everybody knows what that means now.

Saunders: Yeah.

St. Pierre: That actually was an important policy buzz phrase, just like now um “nonviolent offender,” that’s the buzzword for drug user. Nobody says “drug user,” it’s “nonviolent offender” [laugh].

Saunders: Umm.

St. Pierre: Uh so um but back then, the, the, the key was, and it had a little bit to do with the gay movement, too, saying, “Listen, you know, we’re just two people having sex. Uh this is a...”

Saunders: Yup.
St. Pierre: victimless crime.” That you have the idea that there is [consent] and there’s victimless crime, and so uh back then is, is part of the idea that if there’s no victim, there’s no crime, was pretty powerful...Like if you’re, if this is a 28 year-old guy smoking pot at three in the morning in his house, where’s the victim? And so with that I think that when one gets to make that argument, you know we can win, hands down. But you just don’t hear that argument. The argument actually comes from the Bennett’s of the world who turn around and, and actually explode the individual marijuana use to actually say, “It’s about your genetics.” I mean, I have actually debated people who have said, when you wrestle them down to all the bullshit they’ll say, “You know what? My concern is that your genetics are being altered by it” (Interview 9/7/01).

The oldest continuously run MPRG in the US is the National Organization for the Reform of Marijuana Laws (NORML), which was incorporated in 1971. NORML became attached to the institutional legacy of LEMAR when it merged with AMORPHIA in 1974 (NORML 1980). Former members of the NORML Board of Directors have gone on to found Common Sense for Drug Policy (CSDP), the Green Panthers, and the Marijuana Policy Project (MPP), among other MPRG’s and individual advocacies. Many of the national MPRG’s share a lineage. Crossover with hemp reform organizations has also occurred, as Don Wirtschafter, former NORML Board member was involved with the formation of the Hemp Industries Association (HIA), in the late 1990’s with Chris Conrad, who had founded the Business Alliance for Commercial Hemp (BACH) in the 1980’s.

NORML contextualized marijuana policy reform in a tripartite manner: 1. Recreational use; 2. Commercial hemp; and 3. Medical use (NORML 1973, 1980). Most use of marijuana (at least since it was prohibited) would be
considered recreational. Medical use is common, though at the same time rare, when compared to the use of pharmaceuticals to treat disorders. Commercial hemp advocacy has been relegated to a lower priority, in part because there has developed a concerted hemp reform movement that seeks to distance itself from the scent of "marijuana."

Allen St. Pierre: NORML enjoys the ability to be able to say, like, "Wait a minute." Uh you know, when they’re like, "Marijuana leads to harder drugs." You say, "Excuse me, I’ve used marijuana and I don’t use harder drugs." And you know, I know you should not go from the specific to the universal but it is, it is helpful, uh particularly in a media environment that is so charged by first-person accounts and testimonials.

Keith Saunders: Mm-hmm.

St. Pierre: That means that in some ways, those of us that do that, when we get to the next series of circles and say, "Okay, we all agree we need to change the laws, but we can’t have any people here that will diminish or lower or, or just open us up to attack and to take away from..." So, that’s why, you know, there’ll be these groups of people that do not have, let’s say, somebody who is a bona fide, out front marijuana user. Even...

Saunders: Yes.

St. Pierre: if the people involved are in fact marijuana users. Uh example, the best single example comes from the hemp industry, where the North American Hemp Industrial something...

Saunders: HIA?

St. Pierre: No, the other one, the more, the more rigorous one. See, if you happen to think of it, you get these wonderful intellectual splits: the HIA, which is more the grassroots, hey, we’re the retail

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22 "A national survey five years ago [1996] by the ACLU asked the question, ‘Do you know anyone who has ever used marijuana as a medicine?’ and twenty, I think it was twenty-two percent said yes. Well, that might explain why even though the government, I mean every initiative that’s passed for medical use, almost every state official in that state has come out against it, and yet it didn’t matter a damn bit" (Stroup 9/7/01).
people; we’re the ones that have been making this happen. And then the big money came in, meaning GM, Kimberley-Clark, and they said, “Man, this stuff does have some potential,” and so they go out and hire the former head of the CIA, Admiral Woolsey.

Saunders: No kiddin’?

St. Pierre: Oh, yeah. You didn’t know.

Saunders: No, I didn’t know that.

St. Pierre: So they hire Admiral Woolsey...and so Woolsey comes on and does this purging [of people associated with marijuana policy reform], uh does this for like three or four months in quiet, and then realizes, “It’s now time to get public.” So he goes to the Washington Post, and he says, “I’m a former head of the CIA...

Saunders: Mmm.

St. Pierre: and I’m trying to get a form of marijuana legal.” And so then they, it’s got like a photograph of him and it says something like, “No tie-dye in his closet.” And then it talks about how he purged these people and, and all this kind of stuff, and uh within a week, one of the most strident anti-drug groups, this woman Janette McDougall, writes uh into the Washington Post and attacks Woolsey for being a dupe for the drug law reform people.

Saunders: No kidding.

St. Pierre: Yeah. And he’s [aggravated]. And she writes, “He’d better look in his closet, because those people are just legalizers, it doesn’t matter what they call themselves, they’re just legalizers.” So even somebody who goes and purges will still get attacked (interview 9/7/01).

With the recreational discourse of marijuana policy reform was successfully marginalized in the 1980’s by government and private temperance groups such as the PFDF A, the hemp and medical arguments for changing marijuana policy not only remained, they grew in terms of supporters and acceptance by the general public.
From 1972 to approximately 1986 NORML was "the only game in town," it was the drug policy reform movement's sole lobbying and information clearinghouse. Since the early 1990's MPRG's have been competing for public recognition. Public recognition helps draw members, secure funding and provides an authority that is reinforced when the "other side" responds. There are also problems attendant with holding a monopoly on public recognition, including the inability to address the many intricacies of the drug policy issues, and the risk to the cause if the group should suffer a de-legitimizing episode. In the case of MPRG's the splits in strategy and goals resulted in the formation of new chapters within NORML and the formation of new MPRG's by former NORML members.

Along with being voluntary organizations, MPRG's have long depended upon monetary contributions to sustain themselves. The MPRG's that I observed had memberships that ranged from the thousands (NORML national) to fewer than ten. Each group was run by a dedicated subset of members, who put in more time, effort and money than most dues-paying members. The dedicated members have a reputation within the group that grants them more authority in charting the group's strategies than most members. When a dedicated member's authority is questioned the typical response is an assertion of the amount of effort that has been expended in the name of marijuana policy reform.

Some MPRG members have achieved national prominence, and are identified in *High Times* and other media as the leaders of the movement. They include Keith Stroup, founder and executive director of NORML; Allen St. Pierre, executive director of the NORML Foundation and communications director at
NORML national; Kevin Zeese, former NORML Director and founder of both the Drug Policy Foundation (DPF) and Common Sense for Drug Policy (CSDP); Ethan Nadelmann, director of The Lindesmith Center-Drug Policy Foundation (TLC-DPF);\(^{23}\) Don Wirtschafter, Jack Herer, Chris Conrad and Mikki Norris, hemp activists; Dan Viets, NORML board member and head of Missouri NORML; and Richard Cowan, former NORML director and current operator of THC-TV, an Internet site dedicated to marijuana policy reform the world over.

There are dozens of other who are recognized in the marijuana policy reform community as having earned high status for their efforts, dedication and achievements. Celebrity is granted to medical marijuana users, especially those who were admitted to the Compassionate Investigative New Drug (IND) program and prescribed and provided government-grown marijuana. Certain people who have been busted for growing or distributing marijuana have also been granted celebrity status when their cases receive publicity from the mainstream media, or when their cases are significant milestones in attempts to achieve marijuana policy reform. Currently the organizers of the Oakland Cannabis Buyers Cooperative (OCBC), who lost in the Supreme Court in Spring 2001, and Will Foster, who was sentenced to 93 years for growing marijuana, but was pardoned by Bill Clinton in the last days of his Presidency, make appearances at marijuana policy reform events. Also the cultivation case against Peter McWilliams, Todd

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**Note:** Nadelmann has been the director of The Lindesmith Center since its formation in 1994. In 2001 TLC merged with the Drug Policy Foundation to form TLC-DPF. In 2002 TLC-DPF took the name the Drug Policy Alliance (DPA), but since data collection for MPRG's ended in December 2001 the abbreviation TLC-DPF will be used.
McCormick and Renee Boje has rendered them heroes of a sort: a martyr, a prisoner and an exile, respectively.\textsuperscript{24}

The less-visible, more significant participants in marijuana policy reform involve the thousands of people who maintain annual memberships and the handful of wealthy sponsors who contribute large blocks of capital. NORML was able to establish itself as an organization that could legitimately advocate for marijuana policy reform because it received large contributions in its early years from Hugh Hefner and others. The creation of \textit{High Times} in the middle of the 1970’s helped spread the message about marijuana and other drug policy reform, albeit preaching to the choir in most cases. \textit{High Times} and NORML have the same symbiotic relationship that sports teams have with their local newspapers: each helps to sell the other, while they share an audience.

\textbf{Marijuana Policy Reformer Demographics}

Most of the MPRG members I interacted with were white, male, middle class and middle aged (40-65). There are women and people of color in the groups, but in small numbers, less than 20% combined. There are some members who are working class and are regular attendees at MPRG events, though I suspect that in regard to social class, my sample was skewed. Since I sought to interact with people who seemed to me to be the most committed to the movement and the organizations, I did not have much interaction with members

\textsuperscript{24} Unfortunately, the number of marijuana martyrs is growing. Since September there have been at least two more added: Tom Crosslin and his partner, Rolland Rohm, who refused to abandon the Rainbow Farm in Michigan, which had been seized by the federal government under civil forfeiture laws. See \textit{High Times} (No. 317 Jan. 2002: 66-7, 70-1, 76) for the most detailed report of the happenings on the farm the days prior to an including those when FBI agents shot Crosslin and then Rohm.
who paid dues, but were not in attendance at meetings, fundraisers, or rallies. The commitment to action is obviously subordinate to the opportunity available for action, and it is not surprising that there would be less opportunity among the working class to direct MPRG’s. I encountered a large percentage of members who are attorneys, more physicians than one would expect, and a collection of academics as well as journalists, managers and entrepreneurs. Most members identify themselves as entrepreneurs; the people directing the marijuana policy reform movement are petit bourgeois.25

There is a cohort of MPRG members in their 20’s and 30’s who are active on the board of directors of two state-level NORML chapters I observed. There are also a growing number of college campus chapter MPRG’s that have affiliation with NORML or SSDP. I also had the opportunity to briefly meet the directors of two other state NORML chapters who were also in their 20’s. The future of MPRG’s is not a question of tomorrow’s availability of seasoned leaders, but whether the baby boom generation will be as trusting of generation X-ers with their monetary contributions as the generation preceding the baby boom (that of Hefner and Soros) has been with those who followed them.

Messages

The single feature held in common among the three rallies was the speech given by Keith Stroup. Four times during the course of my data collection I heard him present the same message: It is time the government stop arresting responsible marijuana users. In the past two years NORML has been advocating

25 This includes the directors of all national MPRG’s, a sizeable number of state and regional MPRG members and to a small degree, myself.
the concept of “responsible marijuana use,” outlining the principles in publications and speeches. The first principle is that responsible users must be adults (NORML 2001). It has been created in response to what Stroup and others have referred to as “the parents movement” of the late 1970’s and early 1980’s. The parents movement was a temperance movement that grew from suburban mothers’ concerns about children being harmed by using drugs. The organizations Mothers Against Drunk Driving (MADD) and Students Against Driving Drunk (SADD) were created during this movement, but it was not limited to alcohol consumption, marijuana and other drugs were targeted as well. The idea of legalized marijuana (NORML’s primary point of advocacy in the 1970’s) was demonized as being a threat to children.

Keith Saunders: One of the things that I think happened in the eighties is they really, as you mentioned with alcohol, they took away the idea of recreational drug use.

Keith Stroup: Oh, yeah.

Saunders: They just, they made it absolutely illicit to do that. What happened in the nineties; people started saying, “Well, marijuana has medical value.” Now it’s a medicine.

Stroup: Yes.

Saunders: And the government can’t say, “Don’t use medicine.”

Stroup: That’s right, that’s right.

Saunders: They’re finding it very difficult to do that.

Stroup: That’s, that’s a good point. They, they completely uh managed to do away with the distinction between use and abuse and uh, and of course they did it on purpose. They did one other thing, I think, in terms of using words to uh win their war, they have, especially on the federal level but then it worked out for the
states, they began passing all these laws to get tough on crime. And it was a time when it was rising, especially violent crime, and people were nervous about it, felt unsafe in their neighborhoods, so there was great support for that.

Saunders: Mm-hmm.

Stroup: So they would pass these mandatory penalties, or these uh add-on penalties for violent offenses; and then they turned around and defined violent offenses as crimes involving violence and/or drug offenses. What!? What happened to that? That’s Orwellian.

Saunders: Yeah.

Stroup: It, this is for violent offenses, but now “violent offenses” includes non-violent offenses. So, by doing that, they confused the idea between violent and non-violent, they fuzzed over that distinction, and they fuzzed over the distinction between use and abuse. Well, yeah, if you throw out both those ideas, then any drug use is equated with dangerous drug use, and any drug use is crime (Interview 9/7/01).

MPRG’s all face the same criticism: they ignore public health risks that would be posed should marijuana policy be altered. Most MPRG’s counter this criticism by addressing the costs of prohibition, beyond the costs of law enforcement to include the denial of the medical benefits of marijuana to patients (Mikuriya 4/19/01; Russo 4/19/01). The concerns about an explosion in use are countered by illustrating that marijuana is available to those who want to find it and that it is unlikely that prohibition is effective in reducing use rates (Nadelmann 4/19/01). The hemp issue has been advanced by repeated statements that it is a useful natural resource of “food, fuel and fiber” (Herer 1991; HIA 2001; Rothenberg 2001; McPeak 8/19/01). The Libertarian contingent in the
marijuana policy reform movement\textsuperscript{26} argue that prohibition is a bad social policy because it violates tenets of liberty, namely the right for people to engage in activities that do not harm others, the right to be free from government intervention when there is no evidence of harm and the right to do with one’s private property as one chooses (Howell 9/15/01; Cloud 9/15/01).

Since the government was not going to promote or advance any information that would put the prohibition into question (both the LaGuardia and the Shafer Commissions’ Reports were subjected to squelching by high ranking federal officers) or otherwise aid those who would seek to change marijuana policy, MPRG’s have always practiced a public pedagogy of marijuana prohibition. But MPRG’s have always had far fewer resources than the state and private interests that promote prohibition policies. Whereas the ONDCP/PFDDA were able to command a giant share of PSA’s in electronic and print media since the middle of the 1980’s, the presence of marijuana or other drug policy reform PSA’s in the mass media is nil. There have been paid advertisements taken out in the \textit{New York Times}, \textit{Washington Post}, and \textit{USA Today}, and in \textit{Playboy}, \textit{Rolling Stone}, \textit{The Nation}, and \textit{The Village Voice}. Print campaigns designed for mass transit display have appeared in Washington DC and San Francisco; the Boston mass transit system is involved in legal proceedings over their choice to reject a

\textsuperscript{26} Of the marijuana policy reform activists who disclosed any political party affiliations in my presence, “Libertarian” was the most common. I found self-identified Libertarians at the NORML conference, and among the members of the MPRG’s that hosted the three rallies I attended, as well as among non-member speakers at the rallies. Republican was mentioned by four NORML conference attendees, Governor Gary Johnson, and by two members of one of the MPRG’s I studied. Two NORML conference attendees and Congressman Barney Frank mentioned Democrat. There were a couple of people who identified themselves as socialists, although not in the sense of being registered as such. One was in attendance at the NORML conference, the other a member of a MPRG.
campaign by a local MPRG (Change the Climate). NORML and other
MPRG's have assembled electronic media PSA's, although none of them have
ever been shown on network television.27

NORML and other groups have relied on direct mail campaigns,
information alerts and newsletters to spread their messages about ending
marijuana prohibition. Prior to the 1990's, while Congress was turning the screws
tighter in the drug war, NORML was at a distinct disadvantage. First, the drug
war became a "love it or leave it" proposition for American politicians; they
challenged each other on past illegal drug use, grandstanded about building the
most restrictive drug policies that had the most extreme goals and methods to
achieve them, and generally granted the DEA the reigns to U.S. drug policy. As
legislation was proposed or passed, NORML would include updates in their
newsletter "The Leaflet," but this left their members with gaps of weeks or
months between what happened in Congress or the Courts and their being
informed of it.28 NORML's goal to represent marijuana consumers was restricted
by how rapidly they could convey information about what was happening, to their
members, under the assumption that their members would petition their

27 Forbes and others at salon.com (2000) reported on a new form of collusion between the ONDCP
and television networks, which had been occurring since the late 1990's. The Federal
Communications Commission requires that a certain percent of network airtime be PSA's; to the
networks, this is airtime that fails to produce a profit. The ONDCP made an arrangement with the
networks: if the networks' shows had messages that were akin to the messages the ONDCP
wanted to convey, a portion of their required PSA airtime would be given back, and be available
for sale.

28 The mass media has never been a reliable source for information about how the drug war has
been run. It is entirely the other way around; the mass media are the conduit of the drug warriors
and have been since the early 20th century, when Hearst fueled the marijuana panic. See
Reinarman and Levine (1997) for a dissection of the role of the media in the creation of the drug
scares in the 20th century, and the crack scare of the 1980's, especially.
representatives to challenge the new restrictions and greater penalties that were being applied to marijuana users.

**Interlude: The Reagan/Bush/Clinton Drug War Years**

NORML had another problem in the late 1980's through the early 1990's—the organization almost dissolved. Various board members left to start new drug policy reform groups, the office staff dwindled to three or fewer people, donations were difficult to come by; at one time they went more than a year without being able to pay rent and their phones were once within hours of being disconnected for nonpayment. NORML was also audited by the IRS.

Allen St. Pierre: What makes the nineties so difficult was the lack of board leadership in that period of time, because you'd be like, “All right, we haven't paid rent for eight months. We have numerous liens on our account from private debtors.” Meaning that you couldn't put money in the bank at any time without us going, “Hmm, is it going to be there tomorrow, when we try to draw off of it?” We had the people who had worked there, who now make up the Green Panthers and they worked here at the time, and uh this might be the low ebb of NORML, at this point. They did, they did not pay payroll taxes, they did not do all the kinds of things that every small business in the world gets crucified for if you just don't do it, and they didn't do any of those things. And um they really got caught up in what is now, and it really faded, which was, I call the CAN model, the Cannabis Action Network model, which began really with John Gettman. A little further background: In 1985, '86, um as the war on drugs was really starting to take a major turning point, once the Reagan administration had laid down a number of changes...doing this research that was going to lead to drug testing...the mandatory minimums and all this, “The judges are too liberal,” et cetera. They laid the groundwork over a five-year period to get the Omnibus Crime bills of the 1980’s. And so, uh, NORML’s board at the time had Arnold Treback on it, and Kevin Zeese as the Director of it, and so Arnold was like, “Listen, this drug war is...” and NORML was the only game in town, there was no drug reform organizations...
Keith Saunders: Yes.

St. Pierre: before that, and so, say you had a concern about heroin, or say you had a thing about needle exchange or crack disparities and all this other kind of stuff; and we still were getting those calls from the press, you know? We’re marijuana, you know, why are you calling us about crack and LSD and all this other stuff? But there was nobody else in town and I think that Arnold was very prescient, he realized, and Kevin realized that this needs to go beyond just marijuana. And so they had been with us for fifteen years at that point, uh things were getting worse, not better. And so they’re like, “Why not expand the charter to all drugs?” And the board debated it very hotly and decided not to go that route. And so, basically, Kevin, the Director, and Arnold left with a good chunk of what was the last of the institutional funding; people like um, uh the Soloflex guy...

Saunders: Yup.

St. Pierre: uh they um walked out with Richard Guinness,

Saunders: Mm-hmm.

St. Pierre: who was probably, I think, the single most important funder of this, even in some ways more than Soros, because he was funding when no one else would even think of it, and, and putting up big money...And so they kind of walked out with three or four of the biggest funders, and so Kevin left and then [the Directorship] went to John Gettman...and the wheels started to fall off under his watch because, uh he can’t be blamed to the extent that he’d been working at NORML for a number of years and didn’t have to, the model, I call it chasing nickels and dimes, $25 members rather than getting institutional support or, or a large endowment (Interview 9/7/01).

By the time Supreme Court nominees Douglas Ginsberg and Clarence Thomas were confessing their past marijuana use and Bill Clinton was saying, “I smoked it, but did not inhale,” NORML was almost incapacitated.
Hemp for Victory!

It was during the 1980's, however, that the marijuana policy reform movement had to recast its points of advocacy—focusing on hemp would be the first stage of recovering the discourse. The commercial hemp advocates were able to form an advocacy based on the "environmentally-friendly" qualities of hemp, especially in relation to the use of fossil fuels and synthetic fibers. The inclusion of hemp as an environmental issue helped maintain the viability of marijuana policy reform at a time when all the decriminalization gains of the 1970's were being rescinded and the recreational use advocacy was thoroughly marginalized.

The hemp policy reform groups began to gain a discursive purchase in the late 1980's, following the publication of The Emperor Wears No Clothes, Jack Herer's historical narrative on cannabis. The Emperor is a combination of Herer's polemic and reproductions of hundreds of pages of government documents, hemp industrial data, magazine articles and marijuana policy reform group information. It has been referred to as "the Bible of the marijuana movement" (McPeak 8/19/01), and has remained in print since 1985.

The hemp policy reform movement is predominately constituted by small-capital entrepreneurs. It has undergone its own struggles to create a discourse that would successfully challenge the prohibition of the production of domestic hemp. The hemp reformers have made concerted attempts to distance themselves from the marijuana policy reformers, insisting that the prohibition of hemp is the result of confusing that substance with marijuana. They point out that although hemp
and marijuana are both members of the cannabis family, the growing methods for producing viable hemp products, especially fiber and hempseed oil, serve to diminish the already low THC content of the hemp plant. Whereas marijuana producers desire to grow relatively short plants that have a high proportion of dense, seedless, flowering buds, hemp producers are better served by growing very tall plants that are mostly stalks and stems, and contain fertilized flowers with large amounts of mature seeds. According to US government data:

The average yields per acre for experienced farmers are approximately 2¼ to 2½ tons of air-dry retted hemp stalks; 850 pounds total fiber. Under the Wisconsin machine-milling system the yields may average 450 pounds line fiber and 400 pounds tow fiber; under the Kentucky hand-breaking system they may average 775 pounds Kentucky rough and 75 pounds tow.

If hemp is planted for seed production, the average yield per acre are approximately 15 bushels or 660 pounds, on bottom land, and 12 bushels on uplands (United States Agricultural Research Administration 1943).

Hemp reformers portray the plant as equaling or surpassing other sources of cellulose, vegetable oil, and fiber, and they call attention to the hemp industry that had thrived in the U.S. prior to marijuana prohibition. Today, VoteHemp, Inc. and allied hemp reform organizations are creating a model of what they believe to be a sustainable capitalist market that is necessarily dependent on the production and use of hemp as substitute for non-renewable resources (Rothenberg 2001). The significance of the VoteHemp and HIA positions lies not within the economic models they propose, but within their willingness to embrace capitalism. The hemp reform movement is driven more directly by practicing capitalist entrepreneurs than the marijuana policy reform movement. For every
lawyer that can be found in the marijuana policy reform movement there is a
business operator in the hemp policy reform movement. The HIA has several
dozen members, most of them small-capital operations including retailers, small-
scale manufacturers and wholesalers of hemp products, and consultants. The HIA
lists its purposes and goals as the following:

The purpose of the HIA is to represent the interests of the Hemp Industry and to encourage the research and development of new hemp products. The HIA and HIA members:
• Educate consumers, industry and legislators about the exceptional attributes of hemp products.
• Facilitate the exchange of information and technology between hemp agriculturists, processors, manufacturers, distributors and retailers.
• Maintain and defend the integrity of hemp products.
• Advocate and support socially responsible and environmentally sound business practices (www.thehia.org/about.htm).

Despite their advocacy of bourgeois principles, the hemp reform movement has encountered strong resistance from the DEA, which has sought the continued inclusion of hemp in the prohibition of marijuana. To the DEA, the distinction advocated by hemp reformers is a smokescreen, a shield that would allow for the production and importation of THC in the cloth and oil products of the hemp plant. They have pointed to peoples’ claims that positive results on marijuana screenings are caused by the ingestion of legal hemp products; such claims undercut attempts to instill what Grinspoon (1993) has called “psychopharmacological discipline” over those members of the working class who are subject to drug urinalysis. Instead of challenging the legitimacy of drug
screening, as has been done by the ACLU, the HIA has created a quality-assurance program called TestPledge.

Medical Marijuana

To medical marijuana activists, the policies of the U.S. government in regard to the medical use of marijuana are contradictory. The DEA continues to argue that marijuana has no medicinal value and a high potential for abuse and thus schedules it as a prohibited substance. At the same time, the DEA was forced by the courts to provide patients access to medical marijuana in 1975, when Robert Randall became the first person to be prescribed smokeable medical marijuana produced by the U.S. at its farm at the University of Mississippi. Randall was one of eight patients admitted to the IND program, entry to which was discontinued by the Clinton administration. Similarly, Dronabinol, orally administered, synthetic THC suspended in sesame oil, has been legally available to patients since the late 1980’s as a schedule II substance. There is, in both the hemp and medical THC policies, a bias toward large-capital, in this case pharmaceutical corporations. There is an unspoken distinction made in government policy—the synthetic, patented version of THC is legitimate but the organic version is not.

One of the changes in the discourse of marijuana policy reform occurred in the early 1990’s, when activists were searching for a platform around which they could regroup. Lester Grinspoon, who had written Marihuana Reconsidered in the early 1970’s, joined James Bakalar in writing Marihuana: The Forbidden Medicine, an advocacy of medical marijuana. Grinspoon had been on either
NORML's Advisory Board or the Board of Directors since the organization's first years, and was serving as the Director of NORML at the time the collaboration was written. Within the next two years George Soros would create The Lindesmith Center, naming Ethan Nadelmann the Director of that organization. TLC's expressed goal is to promote the adoption of harm reduction approaches in drug policy; their first efforts included proposing medical marijuana referenda in West Coast states. In 1996, California's Proposition 215, an initiative to allow for the medical use of marijuana, passed; twelve other states have since passed medical marijuana laws.

The response on the part of the DEA was to create a civil case against the proprietors of the Oakland Cannabis Buyers Cooperative (OCBC), for distributing marijuana. While the DEA could have easily constructed a criminal case against the OCBC, it opted not to. Hypothetically, no jury would be found in the County that would be willing to convict, given that the majority of the voters approved of the practice of providing marijuana for medical use. Further, to prosecute it as a criminal case could potentially have opened up the question of the medical efficacy of marijuana, a case the DEA had already lost. The Supreme Court decision on the OCBC went 8-0 in favor of the DEA. It was ruled that a third-party provider could not be protected from federal liability under the California medical marijuana law—saying, in effect, that the only means of ensuring access to medical marijuana is to change the scheduling under the CSA.
Chapter 5: The Marijuana Rally as Public Pedagogy

"It's a losing battle, ignorance still runs deep. Got the air of law enforcement make it tough out on the street. I could get on out of town but this here town's my home, and I ain't hurting nobody so leave my ass alone. 'Cause it's a losing battle now that the truth is out, even the politicians have figured this thing out. You can go ahead and inhale, Pres, it might help you loosen your tie, and legalize the herb and drop all of the lies. It's a losing battle. Wake up!

"Every struggle for freedom will put you to the test, so we'll exercise our rights and put on a Hempfest, and educate the youth who soon will rule the land, 'cause it's just a matter of time and it's time to take a stand. It's a losing battle, one that money can't win, been going on for years, just keeps right on going like the cold war with the Commies, prohibition and the like. You can throw us all in prison but you will not win the fight. It's a losing battle. Hey, mister politician, time to wake up!"—Jim Matthiessen, core group member of the Seattle Hempfest and lead singer of the Herbivores, in performance 8/19/01).

A Brief History of the Marijuana Policy Reform Rally

It has become a common practice for MPRG’s to host public gatherings as a means of gaining media attention to their cause, recruiting new members, and demonstrating that there is public interest in marijuana policy reform. The gatherings typically occur in urban parks and include a stage, an electric sound system, musicians, speakers, vendors, petitions and recruitment booths, and an obvious police presence.

The first public demonstrations in favor of changing marijuana laws were held in San Francisco and New York City in December 1964 (NORML 1980). The first musical event orchestrated for the purpose of protesting the enforcement of marijuana prohibition was the Concert to Free John Sinclair, held in Ann Arbor in December 1971.
Keith Stroup: [John Sinclair] was the primary marijuana martyr during the early years. Right after I started NORML, one of the early things I did was drive out to Ann Arbor, Michigan, in a Volkswagen bus to attend the Free John Sinclair rally the John Lennon had done...

Keith Saunders: Mm-hmm.

Stroup: and Yoko Ono. It was in some big amphitheater stadium at the University of Michigan, and uh people would just, I mean there were counts of marijuana out on the steps and bowls and it was like a totally free zone, and John Lennon had the black Panthers serving as his bodyguards and it was like him and five Panthers, and you know, for most of us, we’d never really seen them. We’d seen, you’d only see them on the news, and these guys with sunglasses, clearly packin’ in the seventies, they were acting like it. You know, their hands were always in their pockets and stuff. And a V-shaped thing I remember behind them, and I’d never seen such a thing. But they were there to protect us, not to...

Saunders: Uh-huh.

Stroup: threaten anyone. And within just a matter of a few weeks after that benefit um the Supreme Court of Michigan found a technical reason to release John Sinclair from prison. It was one of those few times where, I swear to God, don’t tell me that was just a coincidence. Bullshit. This man had been in jail for I don’t know, a couple of years already; he was serving like a ten-year sentence...

Saunders: Ten years...

Stroup: for two joints.

Saunders: for two joints, yeah.

Stroup: What they really didn’t like, he was a poet and a DJ, he still is a poet and a DJ...But he also was a member of a group called the Frugs or something, and they used to get nude and dance in the street [laughs].

Saunders: Yeah.

Stroup: You know, I mean, they were really into sort of anarchy, basically. Um and so they, they didn’t like John for lots of
reasons, he’s, he’s so countercultural, but uh when he came out, they found a way to get him out of jail...When John first got released from prison, he and I and there was one other victim who wasn’t quite as well known as John Sinclair, but known. His name was Lee Otis Johnson and he had become quite a cause celebre, he was a black man who clearly was fucked over ‘cause he was a black man, but they had a couple of marijuana cigarettes and they locked him up...He had managed to get out on some sort of Appellate decision, and John had just gotten out. And so Lee Otis, John Sinclair and I did about a week tour down in the southwest, in Arizona and New Mexico. We went to Arizona, there was some, there was some fund, and some rich guy down there put up some money and has us fly down and we gave a speech in a few different places (Interview 9/7/01).

There were marijuana policy reform rallies in Albany, New York City, Ann Arbor, Washington DC, and Berkeley during the 1970’s. It was in the early 1990’s that the current, major rallies were established as annual institutions.29

Another strategy for assembling people in support of marijuana policy reform follows a model established in 1969, at the Woodstock festival held on Max Yasgur’s farm in Saugerties, New York.30 Marijuana policy reform supporters have allowed people to gather on their property (usually farms) and hold events. These gatherings have been bothersome for the local law enforcement, and since they are located in rural areas the crowds that gather can rapidly outstrip the capacity for the local police to control them. Since these

29 The marijuana policy reform movement received a political resuscitation in 1988, when DEA Administrative Law Judge Francis Young ruled in favor of NORML in the matter of the petition they had filed in 1972 to move marijuana from schedule I. “Marijuana is one of the safest therapeutic substances known to man” is now a mantra among medical marijuana advocates. The DEA Administrator overruled Young’s decision, thus the petition was ultimately quashed.

30 Woodstock was not a marijuana policy reform rally, per se, although the sentiment regarding drug use was towards greater liberation than the laws allowed at the time. The attendees, captured in the documentary by the same name, have been made into archetypes by prohibition advocates. One recent ONDCP print ad suggests “77 Ways to Say No to Weed and Still Be Cool,” number 2 is, “No, what do I look like? A hippie?” and number 52 reads, “What does this look like? Woodstock?” (www.mediacampaign.org /mg/print/ad).
gatherings are held on private property, rather than in a city park, the police lack the immediate ability to patrol the crowd or enter the premises without the permission of the organizer/property owner.

There are mixed opinions among MPRG members as to the effectiveness of staging rallies as a strategy to change marijuana policies. Those who support the rallies believe that they helped to establish and develop the momentum the marijuana policy reform movement has experienced in the past decade. They believe that rallies are the most effective means of bringing the opposition to marijuana prohibition into the mainstream. The rallies serve as points for the recruitment of new members and the development of social networks of people sympathetic to marijuana policy reform that are not members of a MPRG (local small business owners, notably). The rallies provide a public stage and a large audience who are willing to be educated about the movement to end marijuana prohibition. In some instances rallies have been effective means of raising funds for MPRG's. The rallies can also translate into free publicity for the organization and their positions, though the slant of reporting about the rallies in mass media still remains on the conservative, pro-prohibition side. The Boston Freedom Rally, for example, received coverage from both of the city's major dailies, the more liberal reporting the event as straight news, the more conservative condemning the organizers' lack of respect for those who died earlier that week.

Those in the marijuana policy reform movement who criticize the rallies cite the media coverage as being problematic—if the event is large enough that the media is willing to report it there remains the problem of reporter and
editor/producer bias against marijuana policy reform. The reporting of events typically do little to counter the negative stereotype of shortsighted radicals and hedonistic hippies who want to overthrow the status quo to achieve utopia.\textsuperscript{31}

Challenging the recurrent obstacles put forth by elected officials and police diverts energies from other strategies to achieve policy reform. The rallies serve the police as a stage as well. Several MPRG members involved in organizing rallies have indicated that the police seek to arrest younger attendees, reinforcing the stereotype of marijuana as a corruptor of youth and helping portray the average marijuana policy reform activist as being just a bunch of spoiled, immature kids. I was told by organizers of two separate rallies that the police will take a more circuitous route than necessary when they walk an arrestee from the point of apprehension to the detention area; a route that, despite its added length, brings them in front of TV news cameras.

Staging rallies has also grown as a task over the past decade. As the Freedom Rally and Hempfest have grown from a few hundred to tens of thousands of attendees, they have achieved an institutional status. People expect that these events will occur, and the burdens of time and money required to stage them have required in some cases the establishing of unique organizations, solely for the purpose of planning and running the rallies. Also, when a MPRG chapter becomes committed to holding an annual rally that organization can be placed in

\textsuperscript{31} Television news coverage of rallies tends to show teens smoking marijuana, paraphernalia, and those attendees who fit the hippie/freak stereotype. While these shots are legitimate, there is much else that could be chosen for broadcast. The images and symbols depicted are reinforcements of a general cultural positioning of the place of marijuana, a shortcut taken by producers in their task to edit a story to a 30-second length.
financial peril. There has been the expressed concern among members of one MPRG that they are turning into a concert promotion group that supports marijuana policy reform, rather than a MPRG that holds a concert. As with any strategic activity, there is the potential for frictions to arise within the MPRG in regard to its execution and results. Accusations of insider dealing, committee heads exchanging personal favors and frustration over accounting practices were observed in more than one setting.

The Boston Freedom Rally, the Seattle Hempfest, the March for Cannabis Liberation in New York City, and the 4th of July Rally in Washington DC all have histories dating back to at least 1990. As part of my site selection, I chose to observe the Seattle Hempfest and the Boston Freedom Rally, the two annual gatherings that have had the largest regular attendance since 1996. I also observed the First Annual Freedom Festival in Manchester NH.

The Seattle Hempfest

The Seattle Hempfest originated in 1990 (Hempfest 2001). It was begun by a small group of people who held a gathering in Freedom Park, and had a few musicians in attendance to provide entertainment. In the ensuing years the event outgrew the capacities of both that park and Gas Works Park. The event was moved to Myrtle Edwards Park in 1999. The organizers were required to apply for a Special Events permit from the city, and had to cover all of the added liabilities that accrue with staging an event that had grown to near 100,000 in attendance. In 2001 the Hempfest was staged over two days for the first time,

32 See the case of the 2001 Boston Freedom Rally, to follow in this chapter.
well more than 100,000 people attended. The organizers of the event have grown to 100 “core group” members and it requires a thousand volunteers to run it (Seattle Hempfest 2001; 2001a). The organizers regularly reminded the crowds that the event was dependent upon contributions and the portion of the revenues they received form the food vendors (they needed $140,000 to break even).

Myrtle Edwards Park is a narrow (about 100 yards at its widest), long (almost 1 mile) strip located between railroad tracks and Puget Sound. There are two points of entry, north and south, and a chain-link fence that runs along the east side of the park, separating it from the tracks. There were police at the entrances and groups of 3 or 4 walked through the park during the festival. Hempfest volunteer staff conducted cursory bag searches at the entrances, they were looking for glass bottles or other items that could be used as weapons. It was something of an irony to be asked if I was carrying any glass when I entered the park, only to find that more than half of the vendors were selling glass smokeware. In addition to glassware, vendors sold t-shirts, hemp products, tapestries, serapes, jewelry, music, bumper stickers, posters, literature and food. There were MPRG’s and other organizations tabling for their causes, asking for signatures on petitions, distributing literature and recruiting members. Also present at the Hempfest was the Hempcar, a Mercedes-Benz station wagon that has been turned into a promotional vehicle for the hemp movement; it is fueled by biodiesel made from hempseed oil. There were six performance areas, five stages and the Casbah hemp tent. Three of the stages featured both music and speakers,
a fourth, the DanceSafe Stage was for DJ's to spin and mix music, and the fifth was dedicated to the “Hemposium” panel discussions of marijuana and hemp. The simplest stages, the Hemposium and DanceSafe Stage (basically a large table in a tent) were located closest to the entrances. The main stage was located in the center of the park, facing southeast. The other two stages, the Seely and McWilliams Stages, were located between the main stage and the north and south entrance area stages, respectively; both faced north. The Casbah tent was billed as “the world’s largest hemp tent” (Hempfest 2001), and featured carpets and pillows for comfortable reclining before acoustic performances.

The crowd had noticeable numbers of people over the age of 30, perhaps 20%. About 9 in 10 were white, the others were black, Asian, Native American and Latino. There were more males in attendance than females.

The music ranged from folk to rock to reggae to punk to novelty acts, almost all were from the Northwest and none of them were national headliners. The speakers repeatedly called attention to the costs of drug prohibition, the benefits of hemp as a resource, spiritual appeals of “the plant” in Wicca, Rastafarian and Native American theologies, and the struggles and pain people have suffered because they have been denied access to medical marijuana. Also among the speakers were a number of political candidates and a member of the Seattle City Council who has granted Hempfest his support. The event’s theme was “No prison for pot,” the t-shirts they sold commemorating the event were prisoner orange and the front read “HEMPFEST” in white on stocky black

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DanceSafe is a harm reduction organization that focuses on educating people about the effects and safer use of “club drugs,” especially ecstasy (MDMA).
vertical bars with “0818192001” stenciled underneath (the dates of the event). The staff wore police blue t-shirts with yellow lettering (“STAFF”) on the back and a police shield design reading “Seattle Hempfest 2001” on the left breast. The media and event-operations passes also bore the police shield design, and were worn on a loop made of hemp twine.

There was persistent marijuana smoking in progress throughout the crowd beginning at noon and continuing for the remainder of both days of Hempfest. There were reportedly only two arrests, one for distribution and another on an outstanding warrant; I happened to see the distribution arrest. On Sunday morning I witnessed half a dozen police question a man carrying a large plastic container filled with some baked goods, search his person, discover marijuana and paraphernalia and escort him (without handcuffing him) toward the south entrance, from the main stage area.

A large portion of featured speakers were the heads of national and state MPRG’s, as well as many of the movement’s better-known participants. Tommy Chong was scheduled to appear at 4:20 on Sunday but he canceled; Woody Harrelson made a return appearance in his stead.

**The Boston Freedom Rally**

The Boston Freedom Rally has been held every year since 1989 on Boston Common; the event has been produced by the Massachusetts Cannabis Reform Coalition (MassCann) since its inception. Though it was more widely attended than the Seattle Hempfest for a time, there are only about twenty people who run the event, and volunteers from outside the MPRG are scarce. Much of the event
work is contracted, from the stage and sound system to security to t-shirt vendors. The Freedom Rally takes place from noon to six p.m. only, which leaves a very narrow window for organizers to recoup their costs. The organizers have been in recurrent legal and informal struggles with the City of Boston over gaining permits, the strict enforcement of noise ordinances, and searches of attendees’ bags and persons. The 2001 Boston Freedom Rally was held, as scheduled, on Saturday, September 15. Turnout was about one-half of what it had been in the previous 3 years, when crowds of more than 50,000 were in attendance.

The Boston Common site is currently organized with four main entrances, each with a contingent of 2 to 6 police officers. There were few uniformed Boston Police in the crowds, though there were undercover police who made over 30 arrests (about half as many as the prior 3 years), most allegedly for possession. The event’s organizers also hire several Park Rangers and a private firm to provide security. There was one stage, located near the intersection of Charles and Beacon Streets. Vendor tents were arranged about 150 yards from the stage front and offered many of the same types of products available at the Hempfest, food, t-shirts, posters, literature, jewelry and musical instruments. Notably absent from open display was the copious amount of glassware found in Seattle—Boston having a much more restrictive enforcement of paraphernalia law. Police informed vendors that they would not be permitted to sell rolling papers. There was a smaller representation of groups that were tabling, just a few MPRG’s from within 300 miles of Boston, the Green Party and the Libertarian Party. NORML
national and groups from outside the region, as well as many of the scheduled
speakers, were unable or unwilling to attend following the hijackings and crashes
on September 11. Keith Stroup was the sole representative from NORML
national (he arrived via train from Washington DC).

The crowd was almost entirely under the age of 30, and it was the most
racially diverse setting of all my observation sites. There were a large number of
area college students in attendance, many wearing clothing with the logos from
four of the larger schools. The musical selection consisted almost entirely of local
bands, the lone exception being a special guest appearance by John Sinclair, who
drove into Boston. There was one blues band, and Sinclair did a spoken-word
performance with two DJ’s providing background, the remainder of the musical
acts consisted of the crunching power chord/sputtering vocals genre that has
become popular among college students in recent years. There was one comedy
bit thrown into the speakers lineup, one ill-received appeal for peace by a member
of a local non-violence group, a few MPRG members who discussed policy and
prohibition in light of the attacks, and two Libertarian candidates for elected
office that linked their political philosophies to attendees’ sentiments regarding
marijuana prohibition. There was also a hemp fashion show in the mid-afternoon.

Marijuana use was prevalent, the smell of it stronger at some times than
others, most of it took place in the area in front of the stage and on Monument
Hill. There were the aforementioned undercover police officers that served to
cramp the free vibe. Monument Hill, located at the eastern border of the cordoned
rally area, rises at a drumlin’s slope about 35 feet above the open lawn to its west,
the monument at its peak is about 500 feet from the stage. The Hill poses a recurrent issue among the event’s organizers; it is isolated from both the main stage and vending areas and its clutch of trees offer the largest shaded area. There have been some efforts to establish tabling in portions of the area, but it has been overrun at times by marginal attendees, people who do not want to go down to the vending and stage areas. Some bring drums and acoustic instruments and play throughout the rally. Since the noise ordinances are strictly enforced the amplified stage volume is not enough to overcome the drums, at times. The organizers are seeking a means to draw the crowd on the Hill into the rally itself.

As I stood among the dreadlocked, hemp clad and patchouli-scented neohippies on the Hill, looking down at the buzzcuts and baseball caps near front stage, moshing to the farewell set of Sam Black Church, I almost felt nostalgia for the time when marijuana culture was new and idealistic. That would have to be someone else’s nostalgia, though, as my lived experience when marijuana culture was new was spent in diapers.

The frictions between the city and the sponsors of the Freedom Rally took a couple new twists in 2001. First, one attendee who had been denied entry to the event in 2000 (he refused a police officer’s demand to search his belongings as condition of entry) sent a letter through his attorney to the city, requesting several thousand dollars as settlement for the violation of his civil rights. That letter was delivered the day before the rally, and there were only a few reports of police asking to search people entering the site. The near-annual attempt at thwarting the rally was offered by the Mayor of Boston, who contacted the lead organizer
the day before the rally and asked him to cancel the event, in light of the attacks.\textsuperscript{34} The mayor was told that they could not postpone the rally since there were contractual and scheduling conflicts with the vendors, security staff, sound technicians, et cetera. Had the rally been canceled or postponed MassCann might have been bankrupted; as it was the group lost several thousand dollars. The plans for the 13\textsuperscript{th} Annual Freedom Rally are going forward.

**The New Hampshire Freedom Festival**

The New Hampshire Freedom Festival was organized on short notice, it was thrown together to coincide with the scheduled arrival of the Hempcar.\textsuperscript{35} The festival was attended by a few hundred people over the course of a Friday afternoon in a rectangular park behind the State Supreme Court building in Manchester. There were half a dozen vendors selling t-shirts, music, jewelry, literature and glassware. There were two MPRG’s tabling. The crowd was almost entirely white, mostly male and under 30 years of age. At its peak the event may have drawn 60 people to the areas in front of the stage and among the vendor tents to stage left. There were no barricades or marked entry points; there was a lone uniformed officer who stood opposite the stage, about 140 feet away, for most of the afternoon. The music selection included local heavy metal bands

\textsuperscript{34} In the logic of Drug War politics, the mayor’s request was a win-win situation: the cancellation of the rally would look like a victory; and when the request was refused this information was offered to the local media, including Howie Carr, conservative talk radio host, who used it to lambaste marijuana users and the marijuana policy reform movement. The same day the mayor encouraged the people of Boston to get out of their homes and away from the commercial-free TV coverage of the past four days, having requested that area museums offer free admission that weekend.

\textsuperscript{35} In all I saw the Hempcar three times in 2001, at the NORML conference in Washington DC (4/20/01), in Manchester NH at the Freedom Festival (7/13/01) and at the Seattle Hempfest (8/18-19/01); I could have seen it again when it came to Boston and Cambridge in June.
from New Hampshire and Northeastern Massachusetts, playing music that sounds best blaring out the T-top of a Camaro, with an acoustic jam band thrown in at the end. Speakers included MPRG members from the local chapter, Keith Stroup from NORML national and three candidates (all Libertarian) for elected office in New Hampshire. They spoke of the wrongfulness of marijuana prohibition, the need for a sane and responsible drug policy and in the name of freedom in general (Field Notes: 7/13/01). The t-shirts commemorating the event parody the state’s Seal: they read “The State of New HEMPshire” and featured the Old Man in the Mountain wearing a tri-cornered hat with a joint in his mouth. There was one group in attendance bold enough to light a joint and pass it around, at about 5:30 in the afternoon. One of them slipped it to the ground as I walked past them, an action that I understand to have been spurred by the rational fear that I might be an undercover cop, not by a paranoid state caused by the acute effects of the substance.

The Public Pedagogy of the Marijuana Policy Reform Rally

MPRG’s and farm festival sponsors encounter regular challenges by local politicians and law enforcement officials. The organizers of the Boston Freedom Rally have sued the city more than once to obtain permits to hold the event. In
Seattle the Hempfest organizers have a sympathetic voice on the City Council, Nick Licata. The following is a transcription of events on the main stage at Seattle Hempfest in the mid-afternoon, August 19, 2001:

Vivian McPeak: It's not easy to pull something like this off, it was really difficult getting that second day. Um it took uh six months and many lawyers, and it took some friends upstairs, if you know what I'm saying. And uh, we have the distinction of having somebody here that you voted into office, in this city, and uh, man, did you make the right choice. Because this guy's been on our side for a long, long time. And uh, he's severely helped us out in getting ah, and securing this double dose of Seattle Hempfest that you guys are enjoying on this beautiful Seattle summer day...Seattle City Council Member Nick Licata.

Crowd: Loud cheers, "Yay, Nick!"

Nick Licata: Thank you. Thank you very much. We'll make this short and sweet, and right to the point, and basically my message is this: the future belongs to you. No one is going to hand it to you, you're gonna have to fight for it. And that means, basically, you are citizens in a democracy and when you vote in folks like me, we have to listen to you. And we have to ask you, Do you like the war on drugs?

Crowd: No!

Licata: Do you like medical marijuana being outlawed?

Crowd: No!

Licata: Do you like 700,000 people arrested each year for just smoking marijuana?

Crowd: No!

Licata: Okay, you've gotta organize...you've gotta work with NORML, you've gotta work with ACLU, you've gotta work with local groups, you've gotta sign Initiative 73, and you've gotta go out and you've gotta vote...You guys gotta go out there, you gotta register, you gotta vote. We gotta change this system. We gotta win, right? Right?
Crowd: Yeah.

Licata: Thank you.

McPeak: Thank you, Nick Licata...Don’t let it ever be said that the politicians in this city don’t understand what’s going on, ‘cause some of them do and some of them don’t. And we are here to make sure that they all know where we stand. And we’ll stand tall with high pride, man. Green power and high pride. We will not be ashamed anymore!

Crowd: Cheers (Seattle Hempfest 8/19/01).

Organizers contextualize the resistance as an outgrowth of the cultural logic of the drug war, politician’s efforts to thwart the rallies are the products of the historical movement to prohibit marijuana. “The government” is shorthand for the institutionalized practice of enforcing marijuana prohibition, it is not an indictment of democratic principles. Most MPRG’s (including all NORML affiliates) vigorously encourage people to register and vote, believing that marijuana prohibition would be revoked if marijuana users could be seen as a voting bloc with significant numbers. While individual marijuana policy reformers may believe that marijuana prohibition is an expression of social class inequality, most MPRG’s do not implicate any specific group, it is believed that even current officeholders who may have been supportive of the war on drugs would be willing to change their position, if their constituents demanded it.

37 “Hegel begins with the state and turns man into the state subjectivized; democracy begins with man and makes the state into man objectivized. Just as religion does not create man but man creates religion, so the constitution does not create people but the people create the constitution. In certain respects, democracy bears the same relation to all other forms of state as Christianity bears to all other religions. Christianity is religion par excellence, the essence of religion, man defined as a particular religion. Similarly, democracy is the essence of every constitution; it is socialized man as a particular constitution...In democracy law is the existence of man, while in other forms man is the existence of law. This is the fundamental distinguishing mark of democracy...It is self-evident, incidentally, that all forms of state have democracy as their truth, and therefore are untrue in so far as they are not democratic” (Marx 1983: 88-90).
NORML and other MPRG’s political strategies have been successful at the state and local levels, in different decades, the 1970’s and since the 1990’s. The presence on city councils or state legislatures of one or two cannabis-friendly officeholders has been enough to affect policies, and voter initiatives allowing for medical marijuana and/or decriminalization have caused some politicians to soften their stance against marijuana (Stroup 4/19/01). But at the federal level, the only changes in marijuana policy since the 1970 CSA have been towards greater restriction and more stringent punishments. Nonetheless, marijuana policy reform rallies have provided a setting where the history of marijuana and marijuana policy is shared from the stage, where voter registration and petition drives seek enrollees, and where the marijuana culture can occupy a public space.

Marijuana policy reform rallies encounter special resistance, not because marijuana will be used in a gathering of thousands of people (a ubiquitous occurrence at popular music concerts since the 1970’s), but because rallies are a means by which marijuana policy reformers conduct public pedagogy. The pedagogy of marijuana policy reform includes the previously mentioned emphasis on history, promotion of the network of MPRG’s and political organizations that support marijuana policy reform as a platform, and informing attendees of their opportunities for empowerment as an identity group. There was free information available about how to use medical marijuana and other drugs, though it was

38 At the Seattle Hempfest the Berkeley Patients’ Group table offered free pamphlets from the Chai Project that advocated harm reduction practices for street workers, IV drug users and those living on the streets. The Cannabis Action Network table offered their own pamphlets titled “How to Use Medical Marijuana” and “Your Right to Medical Marijuana under Prop. 215, the Compassionate Use Act, California Health and Safety Code §11362.5,” they also offered copies of the Bridgeport (CT) Needle Exchange Program pamphlet “Crack Smokers (Pipers): Healthier Tips
apparent that many people in attendance were aware of how to procure and
use marijuana. The "learning" to be a marijuana user that Becker (1963) found
only in subcultures is now common knowledge, though it seems that the
pedagogy of marijuana use still occurs most often in intimate settings. The brief
lesson offered by the band Herbal Nation, which performed at the 2000 Hempfest,
incorporates historical, practical and empowering messages to marijuana users
over a funky, horn-driven melody:

Who's worst, DuPont or Hearst? They made laws to outlaw the
herb. They told us that this plant is wrong and then poisoned us
with their bleached white bond. Outlaw a plant? How does that
work? We are not the owners of this world; this plant is a gift
from almighty God, if you haven't heard, we love the herb... You
take a seed, you plant it, you grow it, you dry it, you roll it, you
smoke it and it goes down smooth... We love the herb, so we've
got to protect it. The mother Earth, we've got to respect it by using
the gift that gives us so much, like cloth and paper and the cerebral
rush. The truth it will out and finally be known about the plant that
the beautiful mother has grown. This time around it will be our
turn, shout it out loud, we love the herb!—from "We Love the
Herb" on Hemplenium Compilation (Killer Weed Records 2000).

The pedagogy of the marijuana rally has been able to assume the affective
alliances of those in attendance, a consistency of sentiment that rejects the
prohibition of marijuana. In a Hegelian sense, if marijuana prohibition occupies
the place of the thesis, then the marijuana rally is the expression of its antithesis,
and the patchwork of enacted policy reforms and cellular distribution of "safe"

for Crack Use." Mothers Against Misuse and Abuse (MAMA) offered the pamphlet "Using
Alcohol Responsibly," as well as their "Drug Consumer Safety Handbook" (all received 8/18-
19/01).

Bunn: Do we have any true blue, red, white and blue, pot-smoking Americans in the audience?/
Crowd: Loud cheers./Bunn: Those are the ones I wish to address. Now, I don't believe in talking
to the already committed, and I know that you all think that marijuana should be legal. But if you
think that people should go to jail for marijuana, raise your hands, somebody will come talk to
you, okay? (Boston Freedom Rally 9/15/01).
physical and cultural places to use marijuana its synthesis. If the rally is a safe place to use, the synthesis is incorporated by the antithesis and thus threatens the stability of the thesis, ergo the tendency to try to prevent rallies and enforce the laws against attendees more strictly than in other gatherings where thousands of people use marijuana. But each enforcement of the marijuana laws circulates back to MPRG’s as discursive leverage for making their arguments that the enforcement of marijuana prohibition is too extreme, that marijuana users are normal people, and that the practice of arresting marijuana users is a waste of government resources. Pro-reform speakers can anticipate a sympathetic audience at established marijuana policy reform rallies.

Vivian McPeak: Norm Kent himself is...a recovering cancer patient who has used pot for medicinal reasons. Norm Kent’s also a South Florida radio show host on a talk show, and he’s a publisher of the Express, the largest gay and lesbian weekly paper in the state of Florida. For the National Organization for the Reform of Marijuana Laws please get up for Norm Kent.

Crowd: Applause.

Norm Kent: Thank you. Two years ago...I was a cancer patient. And I was taking OxyContin, and I was taking Prednisone, and Oncovin, and Percodan and morphine, and Zylex and Sufelction and all antibiotics and Noramycin and any kind of medication they could come up with, they were trying to keep me alive, and then they told me it was illegal to smoke a joint.

Crowd: No.

Kent: It didn’t make sense two years ago, it doesn’t make sense today, and I said that if I survived those chemotherapy treatments I would come back here and tell you whether I thought marijuana helped me in my recovery. And I’m here to tell you, it did.

Crowd: Cheers.
Kent: And for those people today who think the medical marijuana movement is not growing, let them come to Seattle today. To those people who think the marijuana legalization movement is not rising in America again, let them come to Seattle today...And to those people that don’t believe hemp will one day be legal, let them listen to Woody Harrelson, Jack Herer, and let them come to Seattle today. Because the truth of the matter is that if you smoke pot, you are not a criminal. The people who smoke pot are not criminals. The people who put people in jail for smoking pot, they are the criminals.

Crowd: Loud cheers.

Kent: You are not criminals. So say it, “I am not a criminal!”

Crowd: I am not a criminal.

Kent: We are not the criminals!

Crowd: We are not the criminals.

Kent: They are the criminals!

Crowd: They are the criminals.

Kent: I wanted to bring my nephew here today, from South Florida. He’s in jail for growing pot, the same pot he used to grow for me when I was a cancer patient. And he’s doing two years. So just take a moment and look at the majesty, the beauty, the magic, the splendor around you, and appreciate your freedom because all across this country 700,000 Americans in the past year have been denied this beauty and freedom by unjust marijuana laws. And you learn all your life that the only way to keep something is to share it. And you have to take this mission and you have to take this drive and you have to take your energy, and you have to do what gays and lesbians learned years ago: you have to come out of the closet and go home and tell your mother and father, Yes, you smoke pot. Because you’re gonna find something out, you’re gonna find that a lot of people in shirts and ties, like myself, smoke pot...Your mothers, your fathers, your aunts, your uncles, your grandmothers and grandfathers, they’re all smokin’ pot and they have been for years!

Crowd: Loud cheers.
Kent: Pot makes you go on to other things, like graduate school and politics...Like becoming a lawyer or a doctor or a public speaker, and you can do it too, but you shouldn’t do it with the fear of arrest...it’s up to you to go out and fight and make sure that you do today the thing that is right so your son, your daughter, your brother, your sister, don’t go to jail tomorrow (Seattle Hempfest 8/19/01).

The rallies also share the common feature of live musical entertainment. The relationship between marijuana use and musical performance is certain to be a fount for more than a few great studies, though this is not one of them. An oft-reported effect of marijuana is greater aural, visual, tactile and taste sensitivity, and while this may explain why people might associate musical enjoyment and marijuana use, there are certainly more relevant factors.

Dr. John Morgan gave a follow-up to his late 1990’s presentation on “pharmacoethnomusicology” at the NORML conference in which he illustrated the presence of marijuana in the lyrics of Tin Pan Alley songs of the 1930’s, blues, jazz, rock, reggae, country, folk, rap and hip-hop, demonstrating the covert/overt struggles of performers to play songs in the manners of their own choosing, with reference to their practice of marijuana use (Morgan 4/20/01).

The condition of prohibition has made the talk of marijuana use a form of cultural empowerment, the musicians who wrote of “vipers,” “tea,” or “mezz” were engaging their subcultural brethren in a play against the “straight” or “square” society. As Becker (1963) showed in his examination of the jazzmen, the

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40 The recording *The New Prohibition: A Musical History of Hemp* (Viper Records 2000) contains an *a capella*, “Music’s So Much Better.” The chorus: “Music’s so much better when you’re high/ Music’s so much better when you’re high/ Something strange and queer happens in your inner ear/ Music’s so much better when you’re high.”
subcultural actor recognizes and negotiates the schism between performing for
one’s own enjoyment by the measures of one’s own in-group and the alienated
performance in accordance with the tastes and expectations of the (paying)
squares. Marijuana use emerged as a popular practice at the same time as the self-
contained rock and roll recording/touring band became commercially
successful.\textsuperscript{41} Rock and roll musicians of the 1960’s found an audience that was
increasingly “hip,” as far as matters of marijuana use were concerned. The rock
and roll musician would incorporate references to marijuana in lyrics and
performance that could now be offered to a sympathetic audience. Rock and roll
and marijuana culture became enjoined, and the rock and roll fan and the
marijuana user, often one and the same, discovered a cultural space where they
could become politically empowered.

Of the musical groups that were part of the San Francisco psychedelic
scene in the sixties, the Grateful Dead emerged as the one with the greatest
dedication to touring, this aiding in the formation of The Deadheads, perhaps the
first instance of a “rock and roll band”\textsuperscript{42} spurring the development of a mobile,
entrepreneurial/socialistic, multigenerational subculture. By comparison, the
“Parrotheads,” who have gained notoriety for being regulars at Jimmy Buffet
concerts are little more than a fan club. While the Deadheads preferred

\textsuperscript{41} The Beatles’ contributions to marijuana and psychedelic cultures are found in some of their
most technically complex recordings, including both the coy “Lucy in the Sky with Diamonds”
and the more direct “I am the Walrus,” which contains chants sounding something like “Smoke
pot, smoke pot, everybody smoke pot,” beginning at 3:31 of the song and continuing until its end.
\textsuperscript{42} The Dead were very strongly influenced by folk, bluegrass and country musicians, much of
“their” classic repertoire, such as “Sugarree,” “Rain and Snow,” “Goin’ Down This Road Feelin’
Bad,” “Little Red Rooster,” “Samson and Delilah,” and “Don’t Ease Me In” are covers.
marijuana, acid, and 'shrooms, the Parrotheads are more inclined toward
drinking beer as their recreational drug use.\textsuperscript{43}

Grossberg (1984) offers the following, in his attempt to explain the
existence of rock and roll:

\textit{... rock and roll emerged in a particular temporal context, variously
characterised as late capitalism, post-modernity, etc. The
dominant moments of this post-war context have been widely
described... The result was a generation of children that was not
only bored (the American Dream turned out to be boring) and
afraid, but lonely and isolated from each other and the adult world
as well. The more the adult world emphasized their children's
uniqueness and promised them paradise, the angrier, more
frustrated and more insecure they grew.

These cultural effects were themselves located within an
even broader apparatus whose significance is only now being
recognized: they operated in a world characterised by a steadily
rising rate of change...}

Rock and roll emerges from and functions within the lives
of those generations that have grown up during this post-war, post-
modern context. It does not simply represent and respond to the
experiences of teenagers, nor to those of a particular class. It is not
merely music of the generation gap. It draws a line through that
context \textit{by marking one particular historical appearance of the
generation gap as a permanent one...} Post-modernity is, I shall
suggest, not merely an experience nor a representation of
experience; it is above all a form of practice by which affective
alliances are produced, by which other practices and events are
invested with affect (Grossberg 1984 in Gelder and Thornton

Rock and roll and marijuana culture share a time of increasing popularity,
and they each provide settings for postmodern development of affective alliances.

\textsuperscript{43} The Dead never sang about marijuana or hallucinogens overtly. Besides distilled alcohol, the
drug they mention most often (twice) is cocaine, both times in a cautionary context ("What in the
world ever became of Sweet Jane? She lost her spot, you know she isn't the same/ Livin' on reds,
vitamin C and cocaine, all a friend can say is Ain't it a shame;" and "Driving that train high on
cocaine/ Casey Jones, you better watch your speed/ trouble ahead, trouble behind/ and you know
that notion just crossed my mind" (From "Truckin" and "Casey Jones," respectively). Buffet, on
the other hand, overtly refers to drunkenness in the titles and lyrics of his songs (i.e., "Why Don't
We Get Drunk and Screw?" and "Margaritaville").}
The difference between rock and roll and marijuana culture is simply that the affective alliances developed by the rock and roll audience are not predicated on behaviors that have been declared illegal. To share in the affective alliances of marijuana culture is to be guilty, to some degree, of participating in a criminal conspiracy, at least from the prohibitionists' perspective. What the prohibitionists do not understand is that this conspiracy is a by-product of their own actions. Were marijuana prohibition rescinded, it is likely that marijuana culture would dissolve back into the undifferentiated mass, disappear as a sign system, and lose its historicity. As long as prohibitionists "mark one particular historical appearance of the [prohibition] as a permanent one" there will be the effort to engage in a pedagogy of marijuana that empowers the actors of the present by showing them a past and encouraging them to create a future without marijuana prohibition.

44 In some circumstances, rock and roll has been contextualized as stimulating illegal behaviors.
Chapter 6: Marijuana Culture

Northern Lights #5 x Haze x Hawaiian..............................$70
If you liked our Northern Lights x Hawaiian, you'll enjoy this strain. We've crossed a beautiful Haze to give an exotic taste and smell. The yield is good, the quality excellent. Some plants will flower longer and yield more so select a clone for production. Height: 6ft. Flowering time 9-11 wks.—Marc Emery Direct Seed Sales advertisement, Cannabis Culture #32 Aug/Sept 2001, p. 4.

PRIVACY PROMISE/ All subscriptions are mailed in a discreet, plain manila envelope.—High Times subscription card insert 2001.

"420" as a euphemism for pot smoking first appeared in High Times in the May '91 issue, after a photocopied flyer arrived in the hands of Steve Bloom at a Dead show...

"We did discover that we could talk about getting high in front of our parents without them knowing by using the phrase 420...We were really big fans of the New Riders of the Purple Sage," explained Steve ["Waldo"]. Somehow the 420 expression leaked [from a group of high school students] into the Deadhead community and spread from there.—Steven Hager "420 or Fight" High Times No. 280 Dec 1998, p. 12.

Marijuana Culture is Affective

While the prohibition of marijuana and other drugs can be understood as having a past that is overtly linked with racial caste stratification (Bonnie and Whitebread 1974; Musto 1987), as well as be understood as the playing out of social class struggles (Sinclair 1972; Hoffman 1987; Bourgeois 1995; Reinarman and Levine 1997; Wagner 1997), there has been little concern regarding the affective struggles that forge networks of those who enjoy marijuana. While there has been study of small groups of drug users (typically heroin, crack or other "hard" drugs) in the treatment and harm reduction literatures, we do not yet have a study of the mass culture of marijuana-users. The pleasures, desires and stigmas that are shared among this group have been in negotiation since the onset of
prohibition, and in 1964 a small group of users brought the struggle into a public discourse.

While there are status hierarchies throughout the marijuana policy reform movement there would be no such movement without the tens of millions of users who do not actively pursue policy reform, and the tens of millions of former users who forced marijuana into the mainstream and gave it a history. Like rock and roll, marijuana culture has been formed around mass media representations, even when the PFDF and the ONDCP pressured mass media to purge positive marijuana references in favor of their propaganda, members of marijuana culture turned prohibitionist slogans into their own.1 Marijuana culture has entered and overlapped the lives of adolescents and young adults. Although most MPRG’s are run by people over 35, most users of marijuana discontinue by their late 20’s. Marijuana shares a history with rock and roll, it is the most prevalent genre performed at rallies and is the focus of music coverage in *High Times*. While *High Times* is the last remaining of the marijuana movement’s charter magazines, *Rolling Stone* and *Playboy* have also been cannabis-friendly throughout their histories.

The affective alliances shared by marijuana users come in part from the use of the substance and from the need to contextualize the experience in common. The interactive contextualization of the acute effects of the substance and the negotiation of the user-identity were noted by Becker (1963), though at

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1 Just Say Yo!; DARE to keep cops off donuts; DARE: Drugs Are Really Exciting; DARE: Drug Awareness, Reeducation and Enlightenment; “This is you brain on drugs. Any questions? Yeah, where can I get some of that?”; My anti-drug is marijuana—t-shirt, bumper sticker and *High Times* “Hemp 100” and “Pot 40” references (c. 1988-2001).
the time of his observations such interaction took place in face-to-face
settings, rather than through print and electronic media. The development of
marijuana culture appears to have arisen through the condition of enjoying a
prohibited pleasure. The presence of prohibition certainly has had effects upon
how and why a marijuana culture has emerged, the forms it has taken and the
means by which it can reproduce itself. The case of the development of
marijuana culture is almost entirely post-prohibition. The mundanity of cannabis
in tincture or as a recreationally smoked substance in the years prior to its
regulation and prohibitions did not allow for any specific unity of sentiment
regarding the drug. There was marijuana use by people who could be categorized
and treated by their racial and ethnic identities, social class and geographic region,
but the practice of using marijuana, though held in common, was not enough to
inspire a cannabis-centric way of perceiving the world and one’s place in it.

When marijuana use became sanctionable, marijuana use became special.
Jazz lyrics from the 1920’s and beyond refer to being “viper-mad,” “muggles”
and the “tea man,” the artists forced to create a new patois if they wanted to
record their songs and sing them too (Morgan 4/20/01). Anti-marijuana
propaganda was given a new life within marijuana culture itself, resuscitated and
re-presented as farce in the cases of the film *Reefer Madness* (1936), or kitsch in
reproductions of the covers of pulp fiction novellas from the 1940’s and 50’s such
as *Marijuana Girl*, and on posters warning of “The Devil’s Weed.” Popular films
and music since the late 1960’s have included overt and subtle references to
marijuana use (minus the Just Say No-era hiatus). As Klein (1995) argued in
Cigarettes Are Sublime the more demonic we make tobacco, the more value it has as a symbol of darkness. As marijuana was demonized and prohibited it could have become that same type of symbol—and undoubtedly, to some people it is—but it lacks the sublime quality of effectively being something that is perfectly negative and seductive because of that perfection. In most American movies produced since the early 1990's, a character smoking a tobacco cigarette indicates that the character is either the antagonist or associated with the antagonist. If the smoker in question is the protagonist, a rarer occurrence, it indicates a depth and complexity of his character, the suggestion that he can be tempted by evil, or as a vice that he has to overcome, and is perhaps destined to, through working out the conflict of the story. In most American movies produced since the late 1960's, a character smoking a marijuana joint indicates hipness, but it does not typically push the viewer to draw one specific association between marijuana use and good or bad character qualities.

The affective alliances that have been formed among marijuana users cross social classes, although the allegiances to class position and the strategies of class relations are never subsumed by the shared identity of being a marijuana user. MPRG's may be the institutional setting where this is most evident: while some MPRG's can claim membership across social classes,² their leadership is primarily petit bourgeois, and the national organizations solicit members of the capital class for sponsorship.

² Though I am envisioning them in a Marxist sense, the meaning of “classes” here may be viably understood in any common sociological sense; members from every MPRG that I communicated with indicated that there were working class and professional fellow members—one of them gave free memberships to people convicted of marijuana offenses in a given jurisdiction.
The appropriation of the signs of the upper class, the logos of the luxury items they consume as well as the corporations they own continues to be practiced in marijuana culture. While the producer, writers and director of *Up In Smoke* had Tommy Chong's character appropriate a popularly identifiable characteristic of an upper class luxury item (a Rolls Royce grille) and juxtapose it with the popular (a first-generation Volkswagen Beetle), the entrepreneurs and policy activists in marijuana culture have been known to synthesize the logos and signs of an array of businesses with pro-marijuana messages. One of the most popular of these was created by the American Cannabis Society, which has produced promotional materials bearing a near-exact replica of the literature, stickers and signs produced by the American Cancer Society reading “Thank you for not smoking.” The word “Cannabis” replaces the word “Cancer,” the word “not” is replaced with the word “pot,” and the Hippocratic serpents and staff are replaced with a red marijuana leaf. Also for sale and on display at the Seattle Hempfest and available at “alternative” retail outlets were t-shirts bearing the modified logos or mottoes of Budweiser™, Heineken™, Marlboro™, Salem™, Adidas™, Nike™, and a host of other transnational corporations and their products.

**Marijuana Temperance**

In *The New Temperance* (1997), David Wagner describes the historical tendency for the middle class in the U.S. to favor temperance. He identifies a number of reasons why the middle class would support temperance—it arises from class anxiety, the fear the middle class has that it will be downwardly
mobile. It also helps the middle class gain the favor of the upper class by implicitly and explicitly supporting the surveillance and disciplining of the working class and poor, and it fits with an American cultural tendency to be suspicious of the pursuit of pleasure. But he takes as a given that these temperance movements have something of a fixed population and behavior to target. There was a mass of masturbators, unhygienic peoples, or drinkers at the end of the 19th and beginning of the 20th century, and a mass of physically unfit, sexually promiscuous, bad speaking tobacco and illegal drug users in the recent past. Wagner notes that temperance movements typically gain support as the targeted behavior is on the decline, indicating that temperance movements are not themselves the source of the temperate behaviors they seek. But the population that has been targeted by longstanding temperance movements (and for the sake of this discussion we will consider criminal prohibition to be temperance in extremis) cannot be understood as undetailed actors who do not themselves respond to the changing conditions around them. This may explain why Wagner can only speculate that the current wave of temperance will go by like those in the past, mysteriously. That temperance movements have always ended before does not guarantee that the current one will. (Working class) people were acting in a certain way—it disturbed members of the middle class (mostly women) who were able to get members of the upper class to support them in a campaign to stop people from acting in that way. The messages were sent out and some people stopped acting that way because of the actions of the moral entrepreneurs, but on the whole people were acting that way less and less in the period prior to an
organization being formed to discourage that activity. Despite the organization, its messages, and the powers that it was able to coordinate in its service (professionals, religious leaders, the state), people kept doing that activity. Eventually that activity was redefined and reincorporated into a form that people were able to accept. The significance of the activity is measured in terms of how prevalent it is and what measures are taken to prevent it.

In so much as the behaviors require social intercourse, and certainly marijuana and other drug use are deeply embedded in social intercourse, we should understand that the movement toward temperance must artfully isolate the behavior and its precedents. Wagner identifies the logical fallacies that many temperance groups commit as they seek to remove the behavior and its sources from all other forms of social interaction. Thus the labeling of the marijuana users as members of a “drug culture” that involves the consumption of other (illegal) drugs for pleasure. The drug culture is separated, its values subordinated to the values of the normals (Goffman 1986), and it appears to exist on its own, linked to the world of normals only by the practice of violating their norms, and the need for normal society to control this alien group. This is why the stories of middle or upper class individuals who suffer from their illegal drug use are particularly poignant, by virtue of one’s middle or upper class location, one qualifies as normal by default. The tragedies they attribute to their use of illegal drugs (whether the direct or purported source of their suffering) are redeemed in

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3 See Jock Young (1973) *The Drugtakers* for a theory that accepts the possibility of a homogeneous group of drug takers; see David Lenson (1995) *On Drugs* for a refutation of the concept of a unified “drug culture.”
one of two ways—either the individual is used as an example in death (as actor Carroll O’Connor did in the case of the overdose death of his son, Hugh)\(^4\) or they become a model because they survived their days living outside of normal life long enough to get into rehab.

**Marijuana Temperance, Social Class, and the ONDCP**

The marijuana temperance campaigns of the drug war era are directed toward the class anxiety experienced by the middle class. To wit, the ONDCP’s print campaign from the turn of the 21st century employs a multitude of what Wagner identifies as “the tactics of de-contextualization.” What follows is a critical analysis of one advertisement, entitled “Bob Payne.”

“Bob Payne’s” daughter was led to using acid and mushrooms, “smoking ‘bud’ every day and tripping on the weekend.” Bob is white, middle aged, grayed, balding, and trenchantly suburban in an L.L. Bean-style oxford shirt, patterned sweater and all-weather coat, a grimace on his face. Bob is standing at the corner of a brick building with an arched doorway, in the middle distance is a bald male with a beard (a pimp, a john?), and at the left border of the photograph is a fire escape that bespeaks of an urban locale. Bob is at the borders of his element, the city long serving as his place of employment, or the site of his safe recreations, taking the family to the ball game or the symphony, or maybe to see an exhibit at the museum. But today Bob must walk the murky side of society,

\(^4\)“Twelve kids that die of overdose is a situation where the supply has changed. Black tar heroin came into a community in Texas and twelve kids died from overdose. And, again, was that a prohibition phenomenon? I think it was. We had a bust in northern New Mexico; thirty people arrested for heroin distribution. We braced ourselves for what was going to be a rash of overdose that weekend, and that’s exactly what happened. Users didn’t give up using heroin, they just got it from a different source, it was of a different quality” New Mexico Governor Gary Johnson (4/19/01).
engulfed by the depraved sleazery of the flesh peddlers and pickpockets, for he is on a mission: he seeks his daughter, Lindsay (her school photo is at the lower left of the ad, place in slight overlap with the larger photo’s corner). “How a marijuana habit forced Bob Payne onto the street,” reads the title of the ad. The eye is captured by a little lamb, bordered by the text of the ad; the stuffed animal belonging to an innocence forever lost, and what appears to be a pulled quote (although it’s not to be found in the text), in bold letters under the lamb’s feet: “It was such a tough situation, because there was my little girl,” says Bob, ‘She’ll always be my little girl, but she’s had to grow up a lot.” Underneath the bold text is the charcoaled end of an extinguished marijuana cigarette. The right side of the text also frames the image of a small metal pot pipe, tipped on its side, a pinch of marijuana placed next to it. A second “pulled” quote: “‘One time I found a pipe, but of course she said it was not hers,’ says Sue, ‘I believed her.’”

According to the ad copy, Lindsay was supposed to be attending her marijuana abstinence self-help group, something that normally elicited little enthusiasm in the teen. Bob and Sue knew something was suspicious when Lindsay “seemed a little too eager to go to one of the meetings. So he decided to drive up there. Just to check.” It turns out that Lindsay has fallen prey to the worst natures of the dope fiend, lying to her family about her whereabouts in order to feed the insatiable need for more. Bob discovered her at a friend’s house. If this story is true (and I doubt it) Lindsay’s friend would live in the same suburban area she did, not in the back alleys of the city.
This ad combines the dogmatic drugs-equals-streets-equals-sex-trade in the banner and large photo with the emotive appeal to one’s children’s innocence and the instructional “this is what a joint looks like, this is what a pipe looks like, this is what the marijuana looks like,” found in the smaller photos. The fake pulled quotes are emboldened and relate to the items that they border. There is a small, shaded box that offers the findings of a single study at the University of Michigan in 1997 found annual (1996-97) use rates among 8th and 10th graders to be in the teens and twenties, respectively. There is no indication whether it refers to a state or a national population, nor is there mention of a title or authors, no indication whether said data has been peer reviewed, and it is missing a margin of error.

The textual message is “don’t trust your kids, especially if you’ve found them with marijuana before.” Lindsay had first entered the self-help group (all marijuana users need treatment) after talking with a former drug addict (marijuana is addictive) who spoke at her school (DARE and anti-drug programs are effective). The episode on the “street” was, in rehab terms, a relapse. “We refer to that day as ‘Dark Thursday,’ says Bob. Because that’s when Lindsay finally understood that her marijuana problem was out of control.” This last sentence is dripping with meaning, first and foremost, it is not a quote from Bob, although it is presented in a way that such a misunderstanding is possible. Second, it is counter to commonly held sentiment in the drug abuse/addiction recovery, 12-step organization, that the understanding that one needs help because one has a problem is fundamental to achieving sobriety. Third, it indicates that marijuana
use is a problem in itself, somehow independent from all else in a person’s life. Fourth, it perpetuates the idea that drug users inevitably lose control and therefore constitute a threat to the society at large.

The ad blurs the chronology, referring to the relapse as a memory—the first line, “He remembers it like it was yesterday.” The story moves from the memory of the relapse to Lindsay’s history of drug use, “Lindsay first smoked marijuana in the 10th grade. She tried it to find out what it was like. And she found out she liked it a lot.” The story enters its conclusion with the following, “‘For 30 days after that, she was not allowed to hang out with anybody,’ adds Bob. ‘It was just school and home, school and home. And she resigned herself to that fact’” (apparently one of her parents was always home after school to confirm this). It would seem from the narrative that the relapse occurred after the 30 days of nothing but school and home. Yet the next paragraph begins, “Today, Lindsay’s clean.” This is a convoluted flashback narrative, an irony when one considers that those assembling these ad campaigns believe that marijuana users have an impaired perception of time. The variety of ONDCP/PFDA ads for the recent anti-drug campaign can be viewed at www.mediacampaign.org. They do not have the Just Say No-era campaigns available at the website.

Since temperance movements seek to isolate and minimize certain behaviors, typically involving the experience of pleasures, temperance movements can be understood as institutions that arise to contest an existing action that has some benefit to the actors. The era of the old temperance, which Wagner identifies as the later half of the 19th century through the 1950’s, the
groups that were targeted were primarily male ethnic and racial minorities. The few temperance movements that targeted the pleasures that were common to the middle class did not survive for long. While there was considerable concern among middle class women regarding middle class men's frequenting of prostitutes, the target of the movement were the prostitutes and madams themselves (Wagner 1997; Deutsch 2000). As the state was brought in to manage prostitution (by criminalizing it) the practice moved underground and we see the creation of the pimp, the male manager of the street whore (Jenness 1990). Meanwhile, middle class men who were discouraged from visiting brothels or otherwise hiring prostitutes continued to impregnate hired domestic help (Deutsch 2000). Alcohol prohibition was promoted because of similar concerns about the drinking behaviors of male ethnic minorities but it was discontinued because it came to interfere with the designs of the middle and upper class males who stood to benefit from legal alcohol, as both producers and consumers (Kyvig 1979).

The anti-marijuana temperance was first built upon the elements of racism, then in the last half of the 20th century through equating marijuana with other illegal substances. Constructing marijuana as a threat to youth has been augmented by the fact that marijuana-users tend to be youth or young adults. We must remember that it is impossible to protect that which cannot be controlled: protection presumes control. If youth need to be protected from marijuana and other illegal drugs then the degree of control that must be exercised upon them must be at minimum the degree necessary to enforce their abstention. Thus civil rights compromises resulting from school locker searches, metal detectors and
urinalysis in schools can be positively contextualized as “protection,” rather than negatively contextualized as “control” (although there is considerable sentiment in favor of simply and directly controlling youth). Adolescents and young adults, regardless of their social class position, have relatively little social power. As long as the marijuana temperance movement can point to the fact that marijuana is a youth-initiate drug, and as long as most adults believe that youth need to be protected/controlled, there is little hope for changing the laws regarding recreational marijuana use.

The “Stoner Film”

Emerging in the 1970’s, born from the comedy of Cheech Marin and Tommy Chong, the stoner film has become a genre that could only be assembled under the condition of popular marijuana use. Stoner films are commercial releases that target an audience of marijuana users and those who have marijuana-knowledge, and that appeal to the sentiments of marijuana culture. The stories are always comedic and typically feature a team of protagonists who interact with an assembly of allies and antagonists; the narratives of the early era (pre-Just Say No) are seldom linear and often use cinematographic effects to illustrate in the first-person the altered consciousness of one or more characters. The stoner film is set apart from all other buddy comedies by the central place accorded the use of marijuana.

The Cheech and Chong films include Up in Smoke (1978), Cheech and Chong’s Next Movie (1980), Nice Dreams (1981), Things Are Tough All Over (1982), and Still Smokin’ (1983). They were originally released in the late 1970’s

All of the Cheech and Chong films feature characters that are played at times as distorted stereotypes. Oftentimes the comedic element of a scene is achieved as the result of overplaying the role or over-sizing the prop. Chong is a drug-consuming animal, willing to ingest about anything (including, once, smoking a cockroach) for the sake of further fluffing his already fuzzy mind. Cheech is a Chicano hustler who appreciates a nice set of wheels, offers regular backtalk, and is constantly on the make. Besides the characters (referred to in credits as “Man” and “Pedro de Pacas,” respectively) the Cheech and Chong films share several narrative and aesthetic characteristics: Chong is the central marijuana user; Cheech plays the buddy when the two of them are together and his marijuana and other drug use is often at the behest of Chong; the two characters are either together at the outset or meet in the first few minutes of the film, at which time they begin a journey via motor vehicle that has the overtones of a Greek tragedy; their enterprise, adventure or mission involves obtaining and/or delivering marijuana, usually large amounts of it; there is reference to and
use of drugs other than marijuana, including cocaine, LSD, and Quaaludes™; they encounter the police or other uptight authorities and, through a series of coincidences, manage to thwart efforts to apprehend them; there is a portrayal of marijuana in grotesque, either in the form of a joint the size of a small baguette, a van made entirely out of marijuana ("fiberweed" instead of fiberglass), or large marijuana fields where the heroes harvest a duffel bag full; some or all of the uptight authority figures inadvertently get high; the music is rock and roll, heavy on the electric guitar; minor characters include comics from the L.A. area such as Stacey Keach, Bobcat Goldthwaite, and Paul (Pee Wee Herman) Reubens.

The Cheech and Chong films’ reliance upon serendipity as the propelling force of the adventure appeals to the sentiments of a marijuana-user culture that has developed under prohibition. Contrary to the general consistency of marijuana markets and the presence of marijuana in the U.S. as a whole, the individual’s ability to procure marijuana is dependent upon that person’s place in the distribution networks. For the committed marijuana-user, one who makes the use of marijuana part of his day-to-day life, there is the near-universal experience of not being able to find marijuana at times. The search sequence that is routinely found in Cheech and Chong films speak to the unreliability of supply.  

Cheech and Chong films feature multiracial casts, a choice that at once reflects the politics of the producers and the diversity of their audience, marijuana-users. There is a far less progressive portrayal of gender relations, with

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5 Similarly, the serendipitous avoidance of apprehension by police can be seen as a representation of most marijuana-users’ knowledge that they have broken the law, and without making special effort, never get caught doing it.
the few female characters suffering more, it seems, from the stereotypical
tropes the characters are built from. The films also feature the main characters
interacting across social classes. In *Up in Smoke* Chong's character is from an
upper class family, although it is clear from the outset that he has no allegiance to
his class origins. He gives his father the finger when his father demands he find a
job. The next shot is a close-up of the aforementioned Rolls-Royce grille attached
to the Beetle. As the shot widens it is revealed that there is a Rolls-Royce in the
driveway, sans grille.

The new era stoner films tend to have tighter plots than Cheech and Chong
films, with discernable changes among the protagonists due to the forces that they
encounter and the decisions that they make during the course of the stories. The
first of the new stoner films was *Dazed and Confused* (1993), a story about what
happened after the last day of school in a suburban Texas town in 1976. There is
a break from the exaggerated display of marijuana found in Cheech and Chong
films, there are no gigantic joints or alien pot farms. Instead, the use of marijuana
is portrayed as a normal practice among high school students, as was the case in
the late 1970's. The character Slater is a stoner, his perpetually puffy eyes and
relaxed gait play off the straighter characters who, although they have not
committed themselves as fully to the regular pursuit of altered consciousness, still
indulge in smoking marijuana. There is marijuana use in a number of scenes and
all male protagonists (like the Cheech and Chong films, there is an ensemble of
characters inhabiting the story) use marijuana, including the lead character,
Randall "Pink" Floyd, the starting varsity quarterback.
By the time *Dazed and Confused* was released, in the mid-1990’s, the audience for marijuana-themed entertainment had been rediscovered. Despite the shortage of neutral or positive references to marijuana use in much of the mass entertainment of the 1980’s, people continued to use marijuana, adapting their practices to accommodate the cultural condition of a dedicated enforcement of criminal prohibition. That is, despite the absence of popular cultural messages that portrayed marijuana in a comedic or lighthearted sense there remained a population of marijuana-users who were passing their culture and aesthetic on to newer users.

In 1992, Dr. Dre released *The Chronic* (Death Row Records), an album celebrating the wonderful qualities of California kind bud that featured a large, gold marijuana leaf on the cover.\(^6\) *The Chronic* became one of the best selling hip-hop albums of the 1990’s and demonstrated that marijuana-themed entertainment did not suffer for desiring consumers, despite (or perhaps because of) its absence in the previous eight years. Marijuana use rates began to rise in 1992, the culture began to remember and recreate itself publicly, and *Dazed and Confused* provided a template for understanding the place of suburban, middle class marijuana use in the pre-Reagan era.

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\(^6\) The song “The Chronic” is a reworking of Parliament Funkadelic’s (1975) “P. Funk (Want to Gets Funked Up)” with the replacement of the term “P. Funk” with “The Chronic” and a slight modification of the lyrics (i.e., “Make my bud the Chronic, I wants to get fucked up/ I want the bomb, I want the chronic”). Ironically, in 1988, during the Just Say No era, when Dr. Dre was producing NWA’s *Straight Outta Compton* album he can be heard rapping the following in the song “Express Yourself”: “I still express/ Yo, I don’t smoke weed or sinse/ Cause it’s known to give a brother brain damage/ And brain damage on the mike don’t manage/ nothin’ but makin’ a sucka an you equal/ Don’t be another sequel, express yourself”; and “Some say no to drugs, and take a stand/ but after the show they go looking for the dope man.”
The characters in *Dazed and Confused* are living in a time when Cheech and Chong’s act was fresh, when the paraphernalia industry was growing, and when an ounce of marijuana sold for about $20. The producers of the film did not succumb to the Cheech and Chong model of over-the-top portrayals of marijuana use, instead they created a film where the target audience members could feel nostalgic for a time that held promise for the culture that they were inhabiting in their present. The target audience members were young children in the late 1970’s, their memories of the practices of high school students at that time are placed in relief against the changes that ensued in the 1980’s, when they became high school aged. *Dazed and Confused* features group hazing of 8th graders by Juniors, some of it in the high school parking lot. There is open cigarette smoking by students and a pregnant woman, and one eighth grader is sold beer without being asked for ID. Further, there is a make-out room made available to 8th graders attending a school dance and a youth center that is open after dark and lacks any adult presence. What might seem to today’s teens to be a fantasy world can be recollected by those who experienced this time either as a teen or as a youth looking forward to the growing freedoms of adolescence—ones which were rapidly eliminated in the early 80’s.

*Dazed and Confused* qualifies as a stoner film because the use of marijuana is presented as a ritualized behavior that serves to drive parts of the plot and changes the characters. Instead of the marijuana-object itself being presented as special and humorous through its exaggeration, as it was in the Cheech and Chong films, *Dazed and Confused* celebrates the way marijuana can be used in
everyday life: in recreation, in rite of passage, in reminiscence. There is no cinematographic effect that depicts an altered state in a character that has used marijuana, nor does marijuana use cause absurd events to occur. The promotional posters included a big, yellow smiley face with eyelids drooping to half moon and the tag line “See it with a bud.”

The authority figures present in the film include a few football coaches who want the players to sign a pledge to abstain from “drugs” during the summer for the good of the team. The character Randall is plagued by the decision to sign or not, and how he must come to make it. There is a mother who is willing to let her 8th grade son off the hook for staying out all night drinking and smoking pot, to the irritation of his older sister, who had been punished for the same behavior at his age. There are police who catch Randall and friends near dawn, smoking marijuana on the 50-yard line of the school football field, and they turn the group over to the head football coach. The protagonists suffer few restrictions on their assembly, and their use of marijuana, tobacco and alcohol encounters minimal interference from adults—the ideal last day of school/first night of summer vacation.

Unlike the Cheech and Chong films, *Dazed and Confused* offers only a minor speaking role to a racial minority. It is a movie about life in suburbia and to the degree that it replicates the qualities of racial homogeneity that was the suburban condition of the 1970’s, it succeeds. Similarly there is an absence of overt social class conflict among the characters, the separations between the

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7 A black male who bears a customized hazing paddle that he would use on 8th graders, marked with the words “Soul Pole.”
middle and working class characters exist in potential but not in practice. The overt sexism of the Cheech and Chong films is missing from *Dazed and Confused*, although the few scenes that do involve female and male characters interacting do nothing to break gender stereotypes. Much of the action in the film takes place in gender-segregated groups.

The racial homogeneity of *Dazed and Confused* was acknowledged by Ice Cube (a former member of NWA) to be a reason for the creation of his movie *Friday* (1995), a *Dazed and Confused* set in the ‘hood. *Friday* and its sequel, *Next Friday* (2000), fulfill the criterion of having marijuana as a central theme and, like *Dazed and Confused*, have a narrative that grows from characters’ use of marijuana. *Friday* plays up the presence and use of marijuana at the same time as it downplays the presence and use of crack cocaine.

*Friday* features a male-dominated ensemble cast, with a slightly greater reliance on a central protagonist than found in the other stoner films.

The final stoner film of note is 1998’s *Half-Baked*, a story co-written by Dave Chappelle, who also played the male lead. In it, four stoner friends get high, and one of them gets arrested for killing a police horse by feeding it munchie food. Trying to make their friend’s bail, the other three hatch a scheme to steal government-grown superpot from a laboratory where Chappelle’s character works as a custodian, and sell it via a delivery service called “Mr. Nice

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8 "We kind of said, ‘OK, we want to pick between drinking and smoking weed [in the script],’ so we decided on weed because we’d always admired Cheech and Chong movies and things like that which were funny to us. We decided that there had never been a black Cheech and Chong-type of situation. Theirs was real over-the-edge comedy" Ice Cube in *High Times* No. 238 June 1995: 46.

9 The few crack references in *Friday* sets it apart from the young, urban black male genre of 1980’s and 90’s films such as *Boyz ’n the Hood, South Central*, or *Menace II Society.*
Guy.” They run afoul of Sampson, the biggest drug dealer in the city, but manage to escape him. Meanwhile, Chappelle’s character has become smitten with Mary Jane, who happens to be a staunch abstainer from illegal drugs. Mary Jane soon discovers the Mr. Nice Guy operation and dumps Chappelle’s character. All is settled in the end when they raise enough money to bail out their friend, Sampson is arrested, and Chappelle’s character quits smoking marijuana for the sake of “booty.”

The four friends are all males, two are white, one Black and one Latino; it is a racially diverse cast, with a slight majority of Black characters. Like the Cheech and Chong films, *Half-Baked* has the element of glorifying marijuana as an object: the government-grown marijuana has the ability to make people, and a dog, fly; there is also a scene where the friends decide which pipe to smoke out of, whether it should be “Wesley Pipes” or “Billy Bong Thornton.” Two of the characters are members of the working class, one is unemployed and the fourth, the one who gets busted, is a kindergarten teacher. As in the Cheech and Chong movies, the characters in *Half-Baked* find themselves having to resolve a bad situation caused by chance, through enterprise.\(^\text{10}\) The narrative of *Half-Baked* is a return to the spirit of serendipity that seems to run through the first era of stoner films.

In the genre of stoner films only *Dazed and Confused* features main, marijuana using characters that are under the age of 18. There is one scene in

\(^{10}\) Tommy Chong has a small part in the film, as the kindergarten teacher’s cell mate, called the Squirrel Master. The Squirrel Master is so named because of the pet squirrel, Fuzzynuts, he keeps in his pocket.
Half-Baked where the four friends discover marijuana as adolescents, but the remainder of the film shows them using marijuana only as adults.

Marijuana use in popular cinema is obviously not limited to stoner films. The following is a list of films where marijuana use occurs in either a positive or neutral supplemental context within the story line: National Lampoon’s Animal House (1978); Annie Hall (1977); The Big Chill (1983); The Breakfast Club (1985); Clerks (1994); Easy Rider (1969); Fast Times at Ridgemont High (1982); I Love You, Alice B. Toklas (1968); Platoon (1986); Poltergeist (1982); Repo Man (1984); Risky Business (1983); Saving Grace (2000); and Woodstock (1970). Films that have portrayed marijuana use in a negative context include: Kids (1995); Requiem for a Dream (2000); and Traffic (2000). Animal House, Easy Rider, I Love You, Alice B. Toklas, and Saving Grace all have scenes where characters are taught how to use marijuana and interpret its effects. In Kids, Requiem for a Dream, and Traffic, the marijuana use is relatively benign, these films depict it as part of the slippery slope into other illegal drug use, such as heroin, cocaine and ecstasy. The gateway hypothesis, convoluted and illogical as it may be, has yet to disappear from anti-drug advocacies.

The Signs, Symbols and Artifacts of Marijuana Culture

The signs and symbols shared by the marijuana culture include the patois of the earliest users, since modified, the images of the marijuana leaf and plant, the narratives in fiction, music, television and film, the material objects made of hemp and those items used to consume marijuana.
We will focus here on paraphernalia, those objects that are used to consume marijuana. Paraphernalia is prohibited by varying degrees by federal, state and municipal laws, however there is quasi-open access to rolling papers, pipes, bongs, vaporizers, shake- and stash-boxes, and roach clips. The restrictions on the sale of these products include a variety of ordinances that limit sales to those older than 18, zoning, and the discourse of the transaction. In Massachusetts it is illegal to sell a bong, for example, but not illegal to sell a “water-filtration system” or simply, “that one,” which may be labeled “For tobacco use only” or “Novelty item: not intended for personal use.” If a customer should ask for a closer look at “that bong” the transaction is ended and the customer ordered from the store and told, “We don’t sell bongs!” Rolling papers are widely available at convenience stores\(^\text{11}\), so too, increasingly, are the broad tobacco leaves used to roll blunts.

The blunt is a trend in marijuana smoking in the U.S. that arose in the middle of the 1990’s, spurred in part by B. Real from the rap-rock band Cypress Hill. A *High Times* feature page was a step-by-step montage of B. Real demonstrating the process. It contained the following text:

1. Bite off the tip of the blunt. 2. Make a good slice down the middle of the blunt [length-wise]. Either do it by hand or with a razor blade. 3. Peel the outside layer of tobacco off the blunt. If you leave the outside layer on, it tends to have a nasty taste. The single layer doesn’t override the nice Buddha flavor. Lick the ends of the blunt paper. Wave it in the air so it’ll dry. 4. Break up the Buddha. Word up. Throw away the tobacco. We don’t put that in here, we’re not in Europe. 5. Roll it up, dude! One blunt is

\(^{11}\) Sloman (1979) dedicated a chapter of his exploration of almost all things marijuana, *Reefer Madness*, to the founder of “EZ-Wider” rolling papers and the entrepreneurial opportunities that have been created by the popular use of marijuana.
equivalent to about five joints. If you’ve got a good-sized blunt and you’ve got good weed, definitely five joints or more. The size is variable. You can roll it like a cigar blunt or like a cigarillo. It depends on how much Buddha you have handy. 6. Smoke it up, dude! A blunt gets you a little higher because of the tobacco paper. It also burns slower and goes around more times. Word up. That’s the only reason I’m with it (High Times no. 199 Mar 1992).

As Real alluded to, the practice of smoking a mixture of marijuana (or hashish) and tobacco is more common in Europe, blunt use has become more common in the U.S. since the 1990’s.

People in the marijuana culture appreciate the improvisation that is sometimes required because of the restrictions on the sale of paraphernalia. In the movie Half-Baked, the people who apply their ingenuity of crafting a smoking device from any number of objects are called “MacGuyver smokers,” after the TV character who always saved the day by assembling surprisingly effective devices from apparently unrelated objects.12 Some of the standard improvisations include modifying a soda can into a pipe by denting it near the bottom and using a pin to poke holes to allow air to be drawn into and through the can, carving two connected holes in a piece of fruit or vegetable and making it a pipe, rolling aluminum foil into a tube and bending it at one end, or punching two holes in a plastic juice container and inserting an aluminum foil tube through the lower one while using the upper one as a carburetor (make-at-home bong).

For those who have access (and with the Internet, more do today than in 1992), the current trend among marijuana users is to use pipes and bongs made of tempered glass of a heft similar to thin Pyrex®.

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12 Dazed and Confused also features a scene where a student assembles a bong in wood shop.
The original Pyrex glass pipes came out of Akron, OH in the early ‘70s. One of the first on the scene was a blower named Chuck Murphy. At the time he was only blowing clear pipes. His were good, but it was the passion of his apprentice Bob Snodgrass that launched the glass revolution...

Snodgrass is revered by his peers as the Godfather of Glass, especially since it seems by most blowers’ testimony that it was he alone who turned on practically everyone involved in the pipe and tube-blowing industry....

The explosion in glass pipes hit when the blowers of a generation ago traveled with the hordes on Grateful Dead tours, selling their wares to put together enough money to get to the next show. Most of those pieces were poorly made, sometimes being manufactured out of blowers’ cars without even being put in a kiln (Chris Eudaley “Glass of ‘99” High Times No. 280 Dec 1998 Pp. 54-62).

Unlike the cooking dishes, glass smokeware is typically imbued with multicolored designs, stripes, swirls, repeating patterns, and surreal renditions of faces, marijuana leaves, or animals. Some glass is blown to resemble dolphins, dragons, or other creatures. The glass bowls provide multiple benefits over the metal, stone or wooden pipes and acrylic bongs that had been found among marijuana-users in the decades prior to the middle of the 1990’s. Wood and other cellular material, such as deer antler, suffer singes at the edges and inside the bowl that eventually degrade the pipe. Stone pipes have the benefit of maintaining integrity under high heat, but tend to radiate that heat to the mouthpiece much faster than other materials. Metal releases nasty gasses when overheated and renders a metallic taste to all but the first hit on the bowl. Glass does not add unwanted elements to the smoke, it is thought to deliver the taste of...
the marijuana more truly, and it has the interesting feature of changing colors as it is used. When resin accumulates on the inside of a glass pipe it brings the features of the colored designs into deeper hues and greater contrasts.

Glass pipes come in a variety of forms: the one-hitter, which is a 2-6 inch stem with a slightly widened opening at one end, where the marijuana is placed for smoking; the chillum, which is a larger version of the one-hitter and is designed to be held between the middle fingers of one hand while both hands are cupped, the user inhales through an opening made near the base of the thumbs; the more traditional (in the US) stem pipe, which may be any number of shapes from the Sherlock Holmes curve, to a straight stem, to a loop, and which have bowls of various sizes; there are sidecars, where the bowl is blown to the side of a stem with an open end that is used as a carburetor; and there are bubblers, which hold a small amount of water in a receptacle under the bowl, a stem from the bowl extends under the surface of the water and the smoke is filtered through the water before it enters the stem. The retail prices for one-hitters and plain glass stem pipes range from $10 (Seattle Hempfest 8/18/01) to in excess of $300, the retail price for other pipes starts at around $40, the retail price for glass bongs begins at $60. At the Seattle Hempfest a 6-foot glass bong was raffled off, its retail value was listed as $450. To members of marijuana culture the greatest drawback to glass paraphernalia is that it can break.

**High Times and Marijuana Culture**

14 The development of a palate for marijuana is much like oneophilia, it is the bourgeois “pleasure” as status indicator, the subcultural capital of being in the know, and showing off that one has the means and the time to invest in a spectrum of rare pleasures. The Cannabis Cup (to follow) being the middle class version of the bourgeois oneophilic experience.
"High Times" magazine was launched in 1974 by Tom Forçade, a wry and mercurial marijuana smuggler, who saw the commercial potential in a magazine produced for a recreational drug consuming public. During the 1970's the magazine featured stories about close to the entire array of illegal drugs, their users and the laws that applied to them. There was a taxonomic separation of "hard" drugs (heroin, barbiturates, and alcohol) and "soft" drugs (marijuana, LSD, peyote, Psilocybin, and cocaine) with the editorial slant being in favor of treating the soft drugs differently than the hard drugs, granting people the liberty to use soft drugs as they chose. While "High Times" editors have never supported criminal prohibition as a policy, they do not encourage the use of alcohol, heroin or, since the middle of the 1980's, cocaine. The decision to "kick out cocaine" was significant. It was a part of a general trend in the US to further marginalize cocaine users, and the magazine was suffering for supporting the use of the drug. The choice to eliminate positive coverage of cocaine-the-object was made by Steve Hager, who reinvigorated the magazine by focusing on cannabis and marketing through outreach at marijuana policy reform rallies and concert tours (Steve Bloom 4/20/01; Kyle Kushman 8/19/01). By Forçade's design (he committed suicide November 16, 1979), "High Times" remains a vehicle for the marijuana legalization movement, where readers are informed of recent marijuana legislation news, there is coverage of events in support of marijuana policy reform, and profiles of activists.

15 Forçade had experience in countercultural publishing, see Appendix B.
It appears that the general abandonment of the concept of powder cocaine as a soft drug coincided with a mass media promotion of crack as a drug of the poor, urban, racial minority. The stories of white, middle class kids being seduced by the base pipe always seem to involve going to the ghetto, where their snug suburban wrapping is cut from around them as they surrender their belongings for another hit [see *Requiem for a Dream* (2000) for the archetype *en flagrante*]. Metaphorically, at least, it appears the progressive, drug-taking, white middle class lost their nose for cocaine as it became more popular among those of lower social class and status. The negative coverage of crack (crack only receives a fringe defense today, from harm reduction advocates) helped deglamourize cocaine and made it imperative that *High Times* end positive coverage of the drug.

1979 is a keystone year in marijuana culture. It remains the peak year in terms of the number of users, it was the last year that the marijuana policy reform activist could claim a legislative victory (decrim in South Dakota) until 1996, and it was the year that *High Times* published its best selling issue. The magazine sells the majority of issues at newsstands and the consensus was that the cover sells the magazine (Steve Wishnia 4/19/01; Steve Bloom 4/20/01; Callum Francis 8/19/01; Kyle Kushman 8/19/01). There are subscribers and dedicated newsstand purchasers, but variations in monthly sales are usually attributed to the cover photo. The best selling issue of *High Times* features a cartoon caricature of Jimmy Carter snorting cocaine from a spoon, the story it referred to involved Dr. Peter Bourne, Carter’s top drug policy advisor—someone who agreed with the President’s statements that the penalties for drug use should not exceed the
damage caused by drug use itself, and who did not threaten or challenge those states that had decriminalized marijuana. According to *High Times*, Dr. Bourne used cocaine at a NORML party in late 1977, the disclosure spelled the end to Bourne’s role as Carter’s adviser on drug issues [see P. Anderson’s (1981) *High in America* for a detailed account of what occurred at the party].

While *High Times* has always had subscribers, the magazine faces a challenge similar to that faced by MPRG’s seeking dues paying members, namely, people are reluctant to be associated with institutions that advocate marijuana policy reform. This concern is especially acute among marijuana users who, after all, are most likely breaking the law. *High Times* subscription insert card are printed with the following: “PRIVACY PROMISE/ All subscriptions are mailed in a discreet, plain manila envelope” (2001).

Since its inception, *High Times*’ advertising has featured drug paraphernalia, music, clothing, and items that are ancillary to the use of illegal drugs such as incense, stash kits and powdered urine. There is also a regular presence of horticultural supplies including cutting edge hydroponic technologies advertised for sale. In the early 1980’s *High Times* suffered from the crackdown on the paraphernalia industry, which had grown in both revenue and optimism to the point of hiring lobbyists in the late 1970’s to advocate loosening restrictions on their products. Prior to the 1980’s *High Times* regularly featured ads for coke spoons, snort rings, sieves, and adulterants for cutting cocaine (“Give your nose a break,” read the copy, optimistically), alongside ads for the Proto-Pipe (which featured an all-brass design, cleaning tool, storage chamber, and lidded bowl, all
in one piece) and the Tilt Pipe (an early model of vaporizer, a crucible attached to a rheostat, encased in a glass globe with a tube extending from the base for inhalation).

After the paraphernalia producers were reigned in, the DEA went after the garden supply stores that advertised in the magazine, the bust was given the name “Operation Green Merchant.” The escalation of border patrols and an increase in the penalties for importing illegal substances to the U.S. during the Reagan-era war on drugs, combined with the smugglers’ preference for the more easily concealed and far more profitable cocaine, led to a decline in marijuana smuggling. If there was an instance where we could hope to discover marijuana’s place in American society, it would be in the late 1980’s, when the rising efforts to shut the borders combined with eight years of steadily declining levels of annual users, when both NORML and High Times were at economic and organizational nadirs.

On October 26, 1989 Operation Green Merchant went down. Forty grow shops had their records seized by the DEA (almost all of the growing equipment advertised in the magazine can be mail-ordered) and the High Times officers were subpoenaed (High Times No. 289, Sep 1999, p. 41). The magazine successfully fought the subpoena and used the harassment as fuel for an “Us or Them” call to readers to step forward and be active.

People in the marijuana policy reform movement had been advancing the commercial hemp and medical marijuana positions, separating these aspects of cannabis use from recreational ingestion, searching for a way to achieve their
goals outside of that near-bankrupted framework. Meanwhile, marijuana consumption persisted, the market showing enough promise for a domestic growing industry to invest in shifting a larger proportion of the operations indoors, the very action that Green Merchant was supposed to allay. There have been intense domestic marijuana eradication efforts put forth since the earliest years of the Reagan drug war. As the risk of having an outdoor garden detected by the DEA, National Guard, State Police, Sheriffs or local police (as well as the pot thieves that have always plagued outdoor growers) increased it was a rational response for small-scale, dedicated marijuana growers to move operations indoors, where they are more difficult to detect. The extra benefit of a fully controlled environment served to maximize growers' influence on the qualities of the marijuana produced. There is recognition in both *High Times* and among members of marijuana culture that there is a greater variety of potent strains of marijuana available in the U.S. now than ever before. Indoor growing has produced boutique marijuana—and there remains a steady supply of commercial, outdoor grown, imported marijuana that is laden with seeds, often bricked and tinged with the ammonia of degrading organic material. Boutique marijuana is given "brand" names (i.e., White Widow, Northern Lights, Blueberry Bud, Purple Haze, Jack Herer, Strawberry Cough, Skunk, Big Bud) and with further inbreeding the generations are given numbers (Northern Lights #5, e.g.).

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16 The naming of strains of marijuana can be traced to distribution networks prior to the popularization of marijuana. Michael Aldrich (1980) indicates that in 1965 the LEMAR Newsletter identified strains by the names "Acapulco Gold" and "Manhattan Silvertip." Also from the late-60's/early 70's there was the presence of "Panama Red," "Columbian Gold," "Maui Wowie," and "Thai stick." The indicator of the alleged place of origin was short-lived in the conceptual geography of marijuana culture; the terms of the pre 1960's were generic ("Grass,"
purveyors in the Netherlands and Canada advertise the pedigrees of their product as proudly as any dog or horse breeder. The British Columbia Seed Company advertised the following:

**Northern Lights #5 x Haze x Hawaiian**

If you liked our Northern Lights x Hawaiian, you'll enjoy this strain. We've crossed a beautiful Haze to give an exotic taste and smell. The yield is good, the quality excellent. Some plants will flower longer and yield more so select a clone for production. Height: 6ft. Flowering time 9-11 wks.—Marc Emery Direct Seed Sales advertisement, *Cannabis Culture* #32 Aug/Sept 2001, p. 4.

Unlike the naming practices of marijuana dealers and users prior to the late 1980's, the establishment of quasi-licit opportunities for breeding, especially in the Netherlands, has led marijuana growers to have the opportunity to better control and identify the plants they are producing. In 1988, *High Times* hosted the first “Cannabis Cup” in Amsterdam. Due to the normalization policies in the Netherlands, it was, and is, the only Western nation where such an event could be openly held without the threat of persecution. Each November the staff at *High Times* is joined by an array of marijuana policy reformers, marijuana celebrities, and American tourists who lay upon Amsterdam for a week of cannabis indulgence, ugly American style. 420 Tours is a business that specialized in marijuana-related vacation travel and they assembled a number of packages for the 14th annual Cannabis Cup, ranging from near $800 for the bare bones package to over $6,000 for first-class accommodations. *High Times* sells “Judges Passes”

“Tea,” “Weed,” “Muggles”), and by the late 1980’s the identification by origin, while still made on occasion, was no longer common. The exoticism of identifying the location of origin was rapidly supplanted by the focus on the genetics of the strain—since the indoor growing conditions were far closer to uniform than the climates of the globe, the naming of marijuana would be granted to the breeders.

17 There are published reports of Cannabis Cup-styled events that have been held in British Columbia and Montreal, however these are retrospectives on invitation-only parties.
for more than $100, entitling the bearer the opportunity to sample each of the
entries. Entries are provided by Dutch coffee shops and seed companies and total
more than 60 at present. There are five cups awarded for the quality of the
cannabis produced: the Cannabis Cup (Best marijuana in show); the Nederhash
Cup (pollen); the Hashish Cup (hashish); the Bio Cup (grown in soil); and the
Hydro Cup (hydroponically grown). There are also cups awarded to winners in
the Seed Company, Coffee Shop, Product and Expo categories.

Sponsoring the Cannabis Cup was part of Steve Hager’s plan to increase
the visibility and association of High Times with marijuana, to recast the
magazine’s reputation as the leading media source for stories and information in
favor of marijuana policy reform. Since the late 1980’s High Times has become a
full-glossy magazine that has expanded in both editorial and advertising content.
The typical issue of High Times at the turn of the 21st century was near 100 pages
in length. Its regular features include stories about the marijuana policy reform
movement, rallies and events; regular articles about bands and musicians;
advisory pieces for marijuana growers; interviews with people who have some
association with marijuana culture, whether as an activist, user, spiritualist, or
artist; investigative, non-marijuana news reports with a countercultural lean, with
topics including government conspiracies and revolutionary groups; reports on the
drug war and anti-marijuana legislation; pieces on the history of marijuana and
the marijuana policy reform movement; listings of attorneys who specialize in
defending accused violators of drug laws; and annual articles on stoner travel
spots, harvests around the globe, the Cannabis Cup and the Doobie Awards (High
times’ entertainment awards). The magazine’s departments include
Highwitness News, a monthly update of marijuana news; the “NORMLizer,” a
one-page article written by NORML that usually addresses policy concerns; Buzz,
a short interview of a trendy artist or entertainer; a Freedom Fighter of the Month
profile of a marijuana policy reform activist; book, music, film and video game
reviews; and Grow America (titled “Grow” prior to 1995, and “Hemp Times”

Grow America has an advice column built from readers’ questions, it
offers cultivation techniques, equipment updates and the “Pot 40,” a pastiche of
marijuana culture (previously called the “Hemp 100” and the “Pot 100,” it was
reduced in 2001 to 40). The Pot 40 and its predecessors is like a Billboard™ chart, only instead of tracking record sales it represents a collection of bands,
sayings, websites, memoria, and MPRG’s, each with a custom illustration. There
is an area on the page where readers can “vote” for their favorite listings on the
Pot 40 or submit one of their own.

High Times is the most prominent periodical in the marijuana policy
reform community. In recent years it has faced some competition from Cannabis
Culture (formerly Cannabis Canada), published by Marc Emery, one of Canada’s
leading marijuana policy reform activists. Cannabis Culture is much like High
Times in its organization: Feature stories, an interview, cannabis news updates
and marijuana activist profiles. It also has advice for growers given by Ed
Rosenthal, author of more than a handful of books on how to grow marijuana.
Rosenthal was the grow advisor for High Times, until the late 1990’s. Unlike
High Times, Cannabis Culture has been able to take advantage of Canada’s rapid liberation of marijuana policies. In 1992, when Emery was interviewed by High Times (No. 203, July 1992), Emery had been challenging Canada’s laws banning the sale of the magazine (he was running a bookshop at the time); Emery eventually prevailed in the courts.

Cannabis seeds are in a legal gray area in Canada, and as cited above, Emery runs a mail-order seed retail operation. The small-print occupies an entire page of his advertising section and includes “Terms of Ordering” (money order or Western Union wire only), “Security Techniques” (“…if you order arrived on the same day I were to get raided, that would be bad), “Contacting Us” (no personal questions, preferably by e-mail, no return of long-distance calls), and “Checking Your Order” (“We keep track of orders with the initials of your name and the name of the city or town it is going to”).

Emery’s strategy is similar to the one used by Ed Sanders with AMORPHIA or Tom Forcade with High Times, create a business entity that channels its profits toward marijuana legalization. Like many of his U.S. counterparts, Emery is an entrepreneur. In his July 1992 interview he boasts of having started his first business at the age of 9, and his first successful business at age 11.

Entrepreneurialism in Marijuana Culture

Marijuana culture is entrepreneurial, the closet and overt capitalist practices of those who use marijuana and appreciate the cannabis-friendly

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aesthetic come from multiple valences. First, to the extent that prohibition causes alterations in the use-value of the marijuana-object (as illustrated) it also becomes subject to inflated exchange-value, due to unreliable availability, the real costs of production and distribution, and a "luxury tax" (Nadelmann 1997) that arises from the potential costs of production and distribution. For the opportunity to achieve higher profits than in the formal economy, participation in marijuana culture can appeal to people already inclined to engage in entrepreneurial ventures. Second, persons living at the margins of society may not have the ready access to legitimate means of social advancement, through employment in the formal economy or through social networks of normals; there remains the need for economic subsistence, and the marijuana culture has not yet been overrun by the enfranchisement of consumer society. Tie-dyers, glass blowers, alternative publishers, musicians, artisans, and small retailers can find a market that embraces their philosophies and, in large part, rejects transnational corporations and social McDonaldization (Ritzer 1996). The third intersection of entrepreneurialism and marijuana culture comes from the strategies developed by AMORPHIA, NORML and other MPRG's that have sought sustainable financial support from the people whose cause they claim to represent. MPRG's have sold rolling papers, advice over the telephone through 900-numbers, publications, t-shirts and other clothing, website advertising, pins bearing their logos and pro-reform sentiments, and have promoted concerts and lecture series. The fourth hypothesis of the conversion of marijuana culture and entrepreneurialism comes from the contextualization of prohibition as a violation of individual rights and liberties. The appeal to property
rights, a right to privacy, and the argument in support of the principles of free
trade that have been made by marijuana policy reformers since the late 1960's
have made marijuana culture a welcoming place for people who believe that
economies and businesses run best when there is the least amount of third party
interference in the exchange of money and commodity. The fifth contributing
element is the historical presence of a popular marijuana culture in the U.S. and
its existence as a space for the socialization of the young, where the everyday
presence of entrepreneurial attitudes are adopted by participants as their own, and
where they may share them with others.

Marijuana culture has been formed under the conditions of prohibition,
and the entrepreneurial practices of members are modified in accordance with
prohibition. The exchange relationships among the population that constitutes
marijuana culture, given that population's near-uniform interest in the use-value
of the object around which it has formed, produces a microeconomic form of
capitalism that is, at times, rather un-capitalistic.

Commodities first enter into the process of exchange
ungilded and unsweetened, retaining their original home-grown
shape. Exchange, however, produces a differentiation of the
commodity into two elements, commodity and money, an external
opposition which expresses the opposition between use-value and
value which is inherent in it. In this opposition, commodities as
use-values confront money as exchange-value. On the other hand,
both sides of this opposition are commodities, hence themselves
unities of use-value and value. But this unity of differences is

19 I relate this aspect in Marist terms, but on the whole I am finding this explication of the
intersection of entrepreneurialism and marijuana culture could as easily be titled "The Capitalist
Practice and the Spirit of Marijuana Culture." Economic conservatives and Libertarians have long
supported the legalization of marijuana. Through a marijuana-centric perspective, the consistency
of William F. Buckley's support since the 1970's, combined with his starched market
conservatism, places the exercises in power by moral conservatives since the early 1980's in stark
contrast.
expressed at two opposite poles, and at each pole is an opposite way. This is the alternating relation between the two poles: the commodity is in reality a use-value; its existence as a value only appears ideally, in its price, through which it is related to the real embodiment of its value, the gold which confronts it as its opposite. Inversely, the material of gold ranks only as the materialization of value, as money. It is therefore in reality exchange-value. Its use value appears only ideally in the series of expressions of relative value within which it confronts all the other commodities as the totality of real embodiments of its utility. These antagonistic forms are the real forms of motion of the process of exchange (Marx and Engels 1990: 199).

The difference between use-value and exchange-value is made clear in marijuana culture and marijuana policy. Almost all marijuana growers are users, and almost all marijuana sellers are users; both fetishize the commodity from time to time, choosing use over sale, even when that is to their benefit as business operators. Tobacco and alcohol producers and distributors surely have a greater rate of abstainers in their ranks than is to be found in the marijuana producing industry. The higher level of users among the producers and the sellers of marijuana is almost certainly a by-product of the prohibition policy; the marijuana culture, especially its distributive aspect, is built on the affective alliances of political identity and social networking within the group of marijuana users.

While there are large-scale or even anonymous distribution operations, most

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20 The fetishization of marijuana, that making of the object appealing in itself, has been part of the overall bourgeois objectification of the world and the consumerist inclination to believe that objects are the source of pleasure themselves. High Times is, in part, a fetish magazine, known for its centerfold shots of rare, exotic, copious and seemingly always-better-than-what-you-get marijuana-objects. Much like the Playboy centerfold that, to the vast majority of heterosexist males, presents the always-better-than-what-you-have-sex-with women-objects.

21 In New York City in the 1970’s and 1980’s the late Mickey Chavez, the self-styled “Pope of Pot,” ran a marijuana delivery service (1-800-WANT-POT). One could also find marijuana by visiting the corner benches of Washington Square Park, pre-Generalissimo Giuliani’s reign (in 2000 almost 1 in 10 arrests on a marijuana charge in the U.S. occurred in New York City).
marijuana dealing, especially at the low end (less than a few pounds), is conducted among acquaintances and friends.

Such low-end marijuana exchange is not simply an open market exchange, where money and commodity are matched, it encompasses the purchaser and seller's status as members of an affinity network. Reputation and trust is built or weakened in the exchange, on the part of both seller and buyer. Oftentimes a purchaser is esteemed enough to be entrusted with an interest-free credit of some quantity. With such credit having been granted, some people then portion an amount for their own use and then repackage the remainder for (ultimately) no-profit exchanges with members of another branch or cell of the marijuana culture. There is a value in being known in several circles of people who are unaware of each other's existence as marijuana users. The axis on which the status of reputation and trust turn is aligned with the quality of the marijuana that is offered. One can gain a positive reputation in user circles for the consistently good quality of one's weed, "He always gets good stuff," or selling "fat bags" 8-gram quarters or 30-gram Z's.

Prohibition focuses on the use-value of marijuana, and small-time dealers understand that it is the use of marijuana that motivates them and all of their customers. The prohibition of marijuana has drawn that element of the commodity into the fore. It is not that marijuana lacks value in exchange; indeed, the exchange-value of marijuana is inflated because of the prohibition of its use. If we were to shift the prohibition from use-value to exchange-value, that is, if use was permitted, but exchange prohibited, it would be economical for regular
marijuana users to invest in growing the plant, outdoors at the very least.

Prohibition policies that have been applied since the 1970’s have lionized use, and perhaps properly so, for it is the use that forges the affective alliances of the marijuana community. The small-time marijuana dealer is not interested in making a career out of trading money for marijuana and marijuana for money; he is interested in trading money for marijuana and then marijuana for marijuana.

The initial investment recouped on the sale of the first quantity, the remainder considered “head stash.”

As the conscious bearer [Träger] of this movement, the possessor of money becomes a capitalist. His person, or rather his pocket is the point from which the money starts, and to which it returns. The objective content of the circulation we have been discussing—the valorization of value—is his subjective purpose, and it is only in so far as the appropriation of ever more wealth in the abstract is the sole driving force behind his operations that he functions as a capitalist, i.e. as capital personified and endowed with consciousness and a will. Use-values must therefore never be treated as the immediate aim of the capitalist; nor must the profit on any single transaction. His aim is rather the unceasing movement of profit-making. This boundless drive for enrichment, this passionate chase after value, is common to the capitalist and the miser; but while the miser is merely a capitalist gone mad, the capitalist is a rational miser. The ceaseless augmentation of value, which the miser seeks to attain by saving his money from circulation, is achieved by the more acute capitalist by means of throwing his money again and again into circulation (Marx and Engels 1990: 254-5).

With a careful accounting it proves easy for the small-time dealer to regularly maintain a cash flow that amounts to the front money needed to secure the credit on the wholesale package. Buy a quarter pound for $400, sell it in quarters and eighths to raise $400 in profit, then sink that $400 back into quarter pounds, selling ounces for $140, recouping $420 in three sales, keep an ounce for
oneself, then getting another QP, etc.\textsuperscript{22} It all plays out like a gambler who scores big early and then plays with the house’s money the rest of the night. But unlike gambling, the return on the investment is regular and calculable, the small-time dealer has a network of customers he regularly interacts with. Like gambling, when the bust comes, there is no more game. At that time the small-time dealer is out the investment and the head stash, suffers a loss in status in the network,\textsuperscript{23} a may face a costly trial and potential imprisonment.

The most effective strategy that has emerged from marijuana culture in resistance to prohibition has been overproduction. Since there is the potential for grow ops or smuggled shipments to be busted (and forced to undergo a legislated bankruptcy) it is in the interest of commercial producers to have multiple grow sites and invest in means to minimize contact and association with those sites, such as multiple plots on public lands, apartments rented under false identification, and automated indoor growing apparatuses. The small-time or personal grower whose grow op is in their apartment, house or property need

\textsuperscript{22} The M—C—M’—M”—… of capitalist exchange becomes M—C—M’—C—M—C—M… with M’ being split in half and \(\frac{1}{4}\) of the use-value of each C stage of the cycle consumed by the seller. With the practice of interest-free fronting the exchange becomes C—M—C—M—…, or as long as money and commodity are balanced it can be understood from the dealer’s perspective as C—C—C—C—… since the potential exchange-value and surplus-value of the commodity are themselves exchanged for use-value. “The doctrine of ‘free herb’ elaborated widely in the 1960s and still alive in Rastafarian culture, disallows profiting from the weed, and this, along with the disinterested and contemplative nature of the cannabis high itself, places the pot smoker outside the matrix of consumer appetite and exchange. Nor would it be possible to collect taxes on this trade; it would be like trying to tax crabgrass or dandelions. It is this escape from the macroeconomy that makes legal cannabis too subversive to be considered seriously, and which apparently justifies enforcement measures that rely on procedures that not long ago would have been unthinkable: the deployment of the United States military against American citizens (Lenson 1995: 196).

\textsuperscript{23} A dealer who gets busted not only gains a negative reputation with local law enforcement, he may decide to stop using and/or dealing for a time or altogether, and even if he resumes his business marijuana users are reluctant to hang out with a “hot” dealer. Unlike the street exchange, the small-time domestic marijuana deal typically involves a social visit of 30 minutes or longer, where marijuana is used, the exchange completed, and the parties engage in some form of entertainment.
invest in other insurances, since the contact and association with the operation is inevitable, but these need not be more costly than those adopted by the commercial grower because the protection from government intervention that has been eroded in the course of the drug war still preserves a sufficient degree of property rights to make small-scale, in-home marijuana production relatively undetectable. The mode of marijuana production is cellular, both organically and socially.

By weight, marijuana can be more expensive than gold, across the U.S. in the fall of 2000 some marijuana was selling for $400 per ounce (High Times, No. 304-304. Dec 2000-Mar 2001). This is not a reflection of the absolute cost to produce high quality, indoor grown marijuana. Although small-scale indoor marijuana growing requires investment in space, power, water, 250- to 1000-watt High Pressure Sodium and/or Metal Halide lights and ballasts, fans, pumps, timers, growth media, apparatuses and fertilizers that total hundreds [simple set ups are advertised in High Times (No. 318. Feb 2002: 106) for less than $800, complete] to as many thousands of dollars as one is willing to initially expend (High Times ibid.: 88-91), the cost should be far less than $6,400 per pound.25

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24 Commercial-grade was priced at $100-$150 per ounce, depending on locale.
25 This is at $400 per ounce to 16 or fewer people; there is no need for one involved small-scale production to subject himself to the high risk of anonymous sales. If one were to grow high quality marijuana outdoors, the expense is a few dollars per pound.
Chapter 7: Conclusion—How to Get Pot or Don’t Panic, It’s Organic

Sir Toby: Dost thou think, because thou art virtuous, there shall be no more cakes and ale?

Clown: Yes, by Saint Anne; and ginger shall be hot i’ the mouth too.—Shakespeare, W. Twelfth-Night Act II, Scene iii, line 124.¹

WHO/WHEN/WHERE TO USE

When DEA asked law enforcement executives, community leaders, and prevention advocates exactly what they want and need to address legalization questions, the answers were clear. They said, “It is essential that the facts regarding the true implications of the legalization issue be presented. Help us to explain this complex issue to our families, friends, and fellow citizens. Put it in words everyone can understand. And give us the support we need to continue to make the case until it doesn’t have to be made anymore.”²—US Govt., DOJ, DEA, Demand Reduction Section, “Speaking Out Against Drug Legalization.”

Research Findings

“Marijuana” and the marijuana-user are historical, cultural creations that have grown from the bourgeois revolution of the 19th century. The earliest movements toward marijuana prohibition relied on mass media campaigns that created the demons of the marijuana user and the marijuana peddler. This new group was marginalized through its association with the existing identifiers of membership in the dangerous classes. Marijuana prohibition at the state and federal levels fit well within the hegemonic constructions of the nation-state, racism, and classism of the first half of the 20th century in the US. The marijuana-users of the 1950’s, when Becker studied them, were “subcultural,” intensely self-referent, insular networks.

It would be a mistake to believe that, in a mass mediated, consumerist society that any pleasure available to the middle class would remain secret for long. The marijuana-knowledge that had simmered in the "back places" for more than sixty years spilled into the streets. SAMHSA (2001) data shows how first-hand knowledge grew: 1965—553,000 initiates; 1966—975,000; 1967—1,385,000; 1968—1,738,000; 1969—2,123,000; 1970—2,592,000; and more than 2.5 million people per year until 1981. Not all of their experiences were good ones, some of them may not have felt anything at all, but all of them involved a circumstance where they could be in the presence of others who held marijuana-knowledge. When two or more marijuana-users assemble, especially if the purpose of their assembly is to use marijuana together, there is typically discussion of some aspect of being a marijuana-user and/or marijuana culture. This is universally the case when MPRG's assemble, though their discussions tend to focus on the policies.

MPRG's have been engaged in public demonstrations, petitioning, lobbying, and the collective stigma management of the marijuana-user identity since LEMAR was founded in 1964. As more marijuana-users could be found among the middle class, the old practice of over-criminalizing marijuana-users was rejected. Penalties were lessened for marijuana possession in most states; this was not the case with federal marijuana laws, though. The CSA's rubric of "abuse" providing the framework for the current marijuana prohibition, the population of the US has been engaged in a cultural struggle among identity groups, social classes, and generations, over sentiments regarding marijuana. The
prohibition of marijuana is a social problem because it seeks absolute ends that can never be achieved in practice, through violent means. It places a segment of the population on the margin and then punishes them for being there. In the war on marijuana, the marijuana-users have never mounted an offensive meant to break prohibitionist networks, harass their families, target them for search and seizure or imprison them; their entire defensive strategy consists of hiding marijuana use and, when that fails, fighting charges filed against them by the state, as best they can. The MPRG’s have offered a tripartite discourse to the public in their attempts to gain support for the liberalization of marijuana laws among voters and elected representatives. They have had their most apparent success during the 1970’s and since 1996.3

Popular marijuana culture reflects the affective alliances that marijuana users have forged through their enjoyment of marijuana. Materially, discursively and thematically, marijuana culture is a site where marijuana-users can find empowerment. It is the site of the counter-praxis to marijuana prohibition, a moral and physical landscape where the “truth” is celebrated and the “government’s” interventions are scorned. Were it not for the prohibition of marijuana and the intensification of its enforcement from time to time, there is

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3 The legislatures of Oregon, California, Alaska, Colorado, South Dakota, Nebraska, Minnesota, Mississippi, North Carolina, Ohio, New York, and Maine all decriminalized the personal possession of marijuana between 1973 and 1979. In 1977 Jimmy Carter proposed ending federal criminal penalties for the possession of up to an ounce of marijuana and to let the states make their own laws (from Mann 2000). Beginning in 1996, when the voters of California and Oregon approved medical marijuana referenda, five other states have approved medical marijuana through voter initiatives. The only two states where recent marijuana initiatives failed to pass were Alaska and Massachusetts, both in 2000, and these were general decriminalization laws, not specific to medical marijuana. In recent years Hawaii, Nebraska, and other states’ legislatures have passed bills in favor of allowing commercial hemp cultivation.
little reason to believe that marijuana-users would have been able to discover
the affective alliances that have allowed them to produce their regenerative,
postmodern identity group. Efforts to eradicate the domestic production of
marijuana have driven producers indoors, where they have far more control over
the quality of the marijuana they grow, resulting in the greater availability of
boutique marijuana. With an initial investment of about $1000 and some practice
it appears to be simple work to maintain a garden that produces 1 or more ounces
of buds per month, and takes up the space of a medium-sized closet. 4

Marijuana remains problematic because it is a youth-initiate drug and most
adults believe that "children" should only use drugs medicinally. 5 I approach this
matter with an existential lens, general age restrictions are arbitrary to individual
cases and the strong feelings that parents and other concerned adults have about
what childhood and adolescence should encompass as an experience seldom
account for what it is to be a child or teen in the present. Of all the drugs that are
available to youth, marijuana poses the least risk of lethal overdose, of all the
pleasures that can become preoccupations, marijuana offers no more distraction
from schoolwork than video games, television, sports, sex, movies, shopping, or
driving around town looking for something entertaining to do. Rather than telling
them they are expected to say no to marijuana in all circumstances, it is better to
be honest and understand that it is their choice to make, and whatever they decide,

4 This is the "Sea of Green" method (High Times supplement, Fall 1997), where mother plants are
kept in various stages of flower and a set of female clones is constantly being harvested and kept
under 24-hour light in preparation for placement under lights timed to produce flowering.
5 The mean age of initiation was over 18 from 1965-1985, with the exceptions of 1974 and 1981,
when it was 17.9. Since 1986 it has ranged from 16.5 (1995) to 18.3 (1990), most commonly
between 17 and 18.
they can always opt for the other at a later time. And if the reader does not believe this is true, the reader has never used marijuana.

We must remember that THC is a legal, schedule II substance when it is synthesized by a large pharmaceutical corporation via a patented process, and ingestible hemp products with "no detectable amount of THC" are also legal. Organic cannabis is prohibited; genetically engineered, patentable, cannabis incapable of producing THC would not be. The MPRG's are going to get a version of what they seek, but they may not appreciate the form it takes. Large-capital will trump the petit bourgeois reformers, medical THC will appear in delivery systems that allow the patient to self-administer titrated doses sublingually or intranasally almost as effectively as with smoked marijuana. Hemp farmers will be beholden to purchase their seeds from a global agricultural company, their crop readily identifiable from illegal cannabis by the morphology of the leaf or some other part. It seems that the stage is being set for the de-legitimation of the medical and hemp positions, the very points that had kept marijuana policy reform alive when the recreational argument was silenced in the early 1980's.

There will be an ongoing struggle between marijuana prohibitionists and marijuana-users for the foreseeable future. Shared stigmas and shared suffering are points around which a solidarity of political identity can be formed. The relative lack of social power held by most marijuana-users at the ages when they are most likely to use marijuana is a barrier to policy reform, but the transmission of marijuana-knowledge does change social sentiments that may result in more
liberalization of marijuana policy at the state level in the coming decade. The multibillion-dollar-a-year question is whether Congress will address the prohibition of marijuana under the CSA; as long as more campaign finances come from the global pharmaceutical, agricultural and petroleum industries and the domestic private corrections corporations and private drug rehabilitation and screening programs than from marijuana-users and MPRG’s, it does not seem likely.

Limitations of the Study

The findings of this dissertation research cannot be reasonably extrapolated to prohibited-drug user populations beyond that of marijuana, although the overlaps between marijuana-users and hallucinogen-users, in terms of their shared demographic and historical popularizations, and their inability to produce regular physical or strong psychic withdrawal symptoms in users who abstain demonstrate a parallel in potential that has yet to be realized in practice. The popular and commonly available hallucinogens in the US—LSD, Psilocybin mushrooms, MDMA, peyote—have a window of effect that is comparable to long-acting over-the-counter cold medicines (6-12 hours) and thus do not fit into the opportunities available to alter consciousness in the everyday lives of most people. Regarding the other prohibited substances, none of them have ever been so popular that there could be a mass social movement of users, former users, and sympathetic others in support of the freedom to use them without threat of criminal penalties.6

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6 Regardless, the criminalization of drug consumption creates more social problems, not fewer.
The social costs that may be associated with marijuana use are not addressed here, but from the perspective of marijuana policy reformers and many marijuana-users I spoke with, the costs of individual use are never as great as promised by the prohibitionists. None of them believe that marijuana use causes a person to use other drugs, they know it does not cause insanity, uncontrollable sexual urges, violent raging or physical withdrawal symptoms. Nor do they believe that marijuana produce physical and psychic damage approaching that caused by the enforcement of prohibition.  

Field research was conducted over an 8-month period, which did not allow for a full accounting of the annual operations of the MPRG’s I observed. I began observing them at the beginning of the “busy season,” between April and October, when the weather is conducive to staging outdoor rallies, when local political candidates campaign and make speeches for or against marijuana policy reform, and when signatures must be collected to place referenda on November ballots. Due to time and funding constraints fewer MPRG’s and their events were visited than would have been possible with an extra six months and $15,000, which would have permitted travel to CBC’s in California and other states, the HIA conference, and for attendance at rallies in Ann Arbor, Washington DC, and New York City, as well as at the Cannabis Cup in Amsterdam. This is not close to a full picture of the marijuana policy reform movement, there are oral histories of

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7 “No matter what the situation, the situation is made worse because of prohibition” (Gary Johnson 4/19/01). See Norris, et al. (2000) for profiles of drug war prisoners (and fatalities) and their families. See Bonnie and Whitebread (1974), Goode (1993), and Bearman (2001) who each connect marijuana (and other drug) prohibition to the sociopathy of racism, as well as arguments put forth in Chapter 2 of this dissertation.

8 This is a DIY operation; no funding was received from NORML or any other MPRG, nor from any academic organization or private foundation, nor from any state or government agency.
the 1960's and 70's that should be collected, the document histories of national MPRG's deserve to be catalogued, and the material products of marijuana culture (the discussion of which having been limited here to paraphernalia, film, *High Times*, and ephemera) range far beyond what I was able to treat in only a general sense. My opportunities to make contacts within MPRG's were aided to whatever degree homogeneity between the researcher and subjects in terms of race, gender and social class are concerned. However, the predominance of white, middle class males among marijuana policy reform activists deserves further treatment, perhaps better understood through the eyes of the women and people of color who also seek to change marijuana laws.

**Policy Recommendations**

Rather than repeat the failed attempt to insulate a generation from the popular marijuana culture of the 1970's, as was made by the Reagan and Bush administrations, or continue our approach to 1 million marijuana arrests per year, as we have since the Clinton administration, we must come to terms with marijuana use as a regular cultural practice in the US. Further efforts to reduce the presence of marijuana and marijuana-knowledge in the US can only lead to more whittling away of constitutional rights; it is horrible enough that millions of working class and poor people must urinate to get or keep their jobs (or social benefits), that states are not permitted a sovereignty clearly granted by the 10th amendment when marijuana is recognized as a medicine by a majority of voters and is prescribed by physicians licensed by that state, and that our police are
overburdened with seeking out perpetrators of the consensual crimes of growing, selling and possessing flowers.

I offer that marijuana prohibition should be rescinded, no one should be held liable for past convictions on marijuana charges that did not involve harm to another’s person or property, and that we should remove absolutist tendencies in all our drug policies. The normalization model in the Netherlands is a wonderful example that, while it may not be entirely practical in the US, certainly is worth trying to emulate in spirit. Marijuana is illegal in the Netherlands, they have not withdrawn from the UN’s Single Convention Treaty on Narcotics, yet no one is arrested for marijuana possession or use in the Netherlands, as long as they break the law in the appropriate way—and they would never think of sending someone to prison simply for having a personal drug problem. I do not think the coffee shop model would be as effective in US, where, as long as marijuana is technically “illegal,” I envision DEA agents staking out establishments, writing down license plates and following people home, praying they toss a stem or seed from the car.

I endorse a compromise between full legalization and total prohibition: personal production licenses allowing a constant, small indoor crop and/or a larger seasonal outdoor crop; distribution licenses which stipulate the place, time conditions and amounts for legal sale of cultivated bud and manually processed marijuana products (i.e., kif); a marijuana paraphernalia licensing and tax system, with adjustments in favor of those devices that help reduce the risk of consuming THC relative to smoking it (i.e. vaporizers); and civil fines that are closer to the
proportionate risk caused to society by public marijuana use (more in the spirit of the Ann Arbor City Ordinance of 1972 that established a $5 fine for marijuana use in public than the $500 that so many states start at now). When marijuana is brought under reasonable controls, it becomes possible for users to engage in a discourse with non-users and negotiate a marijuana etiquette that recognizes the rights, freedoms, responsibilities, and humanity of all. We are doing this with a fair degree of success in the cases of alcohol and tobacco, although we see growing concern about and attempts to control the consumption of these drugs by the one group for whom use is illegal: the under-aged.

Marijuana is a unique substance, it is at once the greatest proportion of our “drug problem” in the US while its use causes fewer deaths and ill reactions than the most common of the over-the-counter drugs advertised in mass print and electronic media.\(^9\) We have developed a prohibition habit: we cannot imagine a society where the police and the military do not enforce drug policies; every time the justification for incarcerating marijuana users is challenged we attend to the creation of new ones; we tell ourselves that our use of prohibition makes us safer and more secure; we have invested so much of ourselves in it economically that we would suffer a significant rise in unemployment among those who earn their wage from marijuana prohibition, and a decline in profits among those businesses that benefit from it; and, tellingly, we don’t want to abstain for one second. America, we are badly addicted to prohibition. We are harming ourselves. We need to quit.

\(^9\) Annual iatrogenic deaths in the US: more than 100,000 (Bian 1997); lethal marijuana overdoses, ever: 0 (Grinspoon and Bakalar 1993).
Please feel free to use the guide in whatever way you feel is appropriate. The debate on the legalization of drugs cannot be won if we remain silent.\textsuperscript{10}—US Govt., DOJ, DEA, Demand Reduction Section, “Speaking Out Against Drug Legalization.”

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APPENDIX A

Glossary

420: n. a term (pronounced “four-twenty”) for marijuana use that originated in the 1970s and became popular in the marijuana culture of the 1990s. Translation to the time of day (4:20) and date of the year (4/20) has been incorporated in ritual marijuana use.

Bag: n. a portion of marijuana that is held in a flexible container usually made of plastic.

Baked: adv. a state of perception that is associated with the acute effects of consuming marijuana, see High, Stoned.

Blunt: n. a marijuana cigar, wrapped in a tobacco leaf, originally obtained by splitting open a blunt tobacco cigar and using the inside layer to roll.

Bone: n. a marijuana cigarette, see Doob, Joint.

Bong: n. a smoking pipe that filters drawn smoke from a bowl through water prior to inhalation. The filtered smoke is collected above the water in the tube, prior to inhalation, see Hookah.

Bowl: n. a smoking pipe, alone or attached to a bong.

Bud: n. cannabis flowers from the female plant.

Cannabis: n. the plants Cannabis indica, Cannabis sativa, and Cannabis ruderalis and all of their parts, see Hemp, Marijuana.

Chillum: n. a straight-stemmed marijuana pipe that is held between the fingers of cupped hands, the smoker inhales through an opening made near the base of the thumbs.

Chronic: n. (also adj.) potent marijuana, see KGB, Kind.

Doob: n. a marijuana cigarette, see Bone, Joint.

Eighth: n. an eighth of an ounce, see Elbow, HP, Quarter, QP, Z.

Elbow: n. a pound, see Eighth, HP, Quarter, QP, Z.

Glass: n. (also adj.) smokeware that is blown from tempered glass.
Gravity Bong: *n.* a pressure-inversion device that pulls marijuana smoke from a bowl into an airtight, open-bottomed receptacle that is drawn upward from a liquid reservoir. After the receptacle is filled and before its open base is separated from the surface of the liquid, the smoker removes the bowl, seals the top opening with the mouth and pushes the receptacle back down into the liquid. The increased pressure forces the smoke deep into the lungs when the smoker inhales.

Grow Ops: *n.* marijuana growing operations, more commonly referring to indoor cultivation.

Hash: *n.* hashish, a collection of cannabis resins and THC glands into an ingestible or smokeable substance with a texture ranging from gummy to dry and colors from light green, to all shades of brown, to black. Hash has a greater concentration of THC than the marijuana it is processed from.

Hemp: *n.* those parts and preparations of the cannabis plant that do not render the cannabinoids for human consumption, see Cannabis, Marijuana.

High: *adv.* a state of perception that is associated with the acute effects of consuming marijuana, see Baked, Stoned.

Hit: *v.* to inhale marijuana smoke, as from a Joint, Bowl, or Bong, see Toke.

Hookah: *n.* a water filtration device that is similar to a bong, however the smoke from the hookah is inhaled through flexible tubes that extend from near the reservoir. Hookahs are designed for simultaneous use by two or more users, see Bong.

HP: *n.* a half-pound, see Eighth, Elbow, Quarter, QP, Z.

Joint: *n.* a marijuana cigarette, see Bone, Doob.

KGB: *n.* “killer green bud,” see Chronic, Kind.

Kif: *n.* THC glands that have been separated from marijuana buds and leaves, it is gray-green, powdery and slightly sticky. Kif has the highest concentration of organically produced, smokeable THC, due to its processing.

Kind (or Kind Bud): *n.* (also *adj.*) potent marijuana, see Chronic, KGB.

Marijuana: *n.* the parts and preparations of the cannabis plant that render the cannabinoids for human consumption, see Bud, Cannabis, Chronic, Hash, Hemp, Kind, KGB, ‘Mersh, Puna Butter, Schwag, Sinsemilla, Stuff.
**Marinol™**: *n.* a brand name for Dronabinol, synthetic THC suspended in sesame oil. According to Dr. Ethan Russo (4/20/01), it is sold in 2.5, 5, and 10mg doses, the costs are $380, $650, and $1553 per month, respectively.

**Mersh**: *n.* (also *adj.*) mid- to low-grade, outdoor-grown, commercially produced marijuana that is seeded, see Schwag.

**Narc**: *n.* a member of the police or other criminal justice agency who specializes in enforcement of drug laws, or who enforces drug laws as part of the enforcement of laws as a whole; *v.* to report violations of drug laws.

**Puna Butter**: *n.* butter that has been used to extract the oil-soluble cannabinoids from marijuana. The plant material may be strained from the puna butter, allowing for it to be used as an ingredient in cooking.

**Quarter**: *n.* a quarter ounce, see Eighth, Elbow, HP, QP, Z.

**QP**: *n.* a half-pound, see Eighth, Elbow, HP, Quarter, Z.

**Rolling Papers** (or **Papers**): *n.* cigarette papers that are used to make joints, see Wraps.

**Schwag**: *n.* (also *adj.*) mid- to low-grade, outdoor-grown, commercially produced marijuana that is seeded, see Mersh.

**Sinsemilla**: *n.* (also *adj.*) "without seeds," produced by isolating female marijuana plants from male pollen.

**Spark Up**: *v.* to smoke marijuana, to light a Bowl or Joint.

**Spin**: *v.* to roll a joint, see Rolling Papers, Wraps.

**Stoned**: *adv.* a state of perception that is associated with the acute effects of consuming marijuana, see Baked, High.

**Stoner**: *n.* a dedicated marijuana user.

**Stuff**: *n.* marijuana of an unspecified quality.

**Toke**: *v.* to inhale marijuana smoke, see Hit.

**Vaporizer**: *n.* a device that is designed to heat a small amount of marijuana to 180°C, causing the cannabinoids to evaporate without combustion of the plant material. The smokeless vapors are either contained at first or directly inhaled.

**Wraps**: *n.* cigarette papers, see Rolling Papers.
Z: n. an ounce, see Eighth, Elbow, HP, Quarter, QP.
APPENDIX B

“Years of coded foment—the marijuana issue before NORML.”

By Michael Aldrich (from NORML. 1980. 10th Anniversary NORML.


“And This is the Age of the Triumph of the Beatnik Messages of Social
Foment Coded into the Clatter of Mass Media over 20 Years Ago!”—Ed Sanders,
The Age, 1976.

In the beginning everyone stuffed towels under their doors, held their
breath and giggled conspiratorially.

1956: Short-haired Allen Ginsberg’s Howl, read by youth the world over.
A new vocabulary entered international consciousness.

1958: First nationally televised pro-reform statements: Allen Ginsberg,
Norman Mailer, Ashley Montague on the John Crosby show.

1962: JFK is reportedly first U.S. President to smoke pot in the White
House. Conference on Narcotics said harsh sentences for occasional pot users we
“in poor social perspective.” First major article suggesting possible legalization,
Dan Wakefield’s “The Prodigal Powers of Pot,” Playboy, August.

1963: Fewer than a million Americans had tried pot, but it was very
popular in folk, jazz, poetry and entertainment circles at $5-$10 a “lid” (the
amount that would fit in a Prince Albert tobacco can).

1964: Y. Gaoni and R. Mechoulam in Israel isolated pure delta-1-THC,
making controlled research possible. Bob Dylan: “The Times They Are A-
Changing.”
LEMAR

On August 16, Lowell F. Eggemeier walked into a San Francisco police station, fired up a joint and demanded to be arrested. His attorney, James R. White, III, organized LEMAR ("LEgalize MARijuana") group which published briefs and LaGuardia Report excerpts, and picketed Christmas shoppers downtown in Union Square.

1965: January, Ed Sanders, Randy Wicker, Allen Ginsberg, Peter Orlovsky, and other formed New York LEMAR, held demonstrations at Federal Building and Women's House of Detention, and published two issues of LEMAR Newsletter featuring articles by William Burroughs, descriptions of weed ("Acapulco Gold," "Manhattan Silvertip") and a "Best Stash" contest. Later Time-Life published The Drug Takers—first establishment book to consistently spell it "marijuana" instead of "marihuana"—with photos of LEMAR demonstrations and slogans "Pot Is Fun" and "Pot Is A Reality Kick." ("In 1965," Sanders writes, "it was all we could do to force/cajole the writers for Time Magazine not to reinforce the spurious Anslinger synapse, that pot puff leads to the poppy fields.") Tim Leary busted Dec. 23 at Laredo border for a handful of grass in daughter Susan's panties.

1966: John and Leni Sinclair, Joe and Rose Anne Mulkey started Detroit LEMAR; D. A. Levy ran one in Cleveland; and a Berkeley Barb staffer wrote the "Grass Prophet Review," a monthly market report. Richard Goldstein's book 1 in 7: Drugs on Campus, first exposé of college turn-on, noted that LEMAR
California was collecting signatures for a legalization initiative. Tome Forcade in Arizona started *Orpheus*, first national underground magazine.

In November, *Atlantic Monthly* published Ginsberg’s “The Great Marijuana Hoax: First Manifesto to End the Bringdown.” Written while high, it was the first article to identify racism as the origin of pot laws, and first to propose a national marijuana commission. It became the centerpiece of *The Marijuana Papers*, which David Solomon was putting together for Bobbs-Merrill editor Bob Ockene. Released in early '67, this book more than any other guided the public away from 40 years of anti-pot hysteria.

1967: January 14, first “Gathering of Tribes,” San Francisco. *Time’s* “Man of the Year” was “The Younger Generation,” followed in July by a cover on hippies and the Summer of Love. A lid of Mexican sold for $10-$15, Acapulco Gold for $1 a joint. In March, I started the first college LEMAR at SUNY-Buffalo. Leslie Fielder, our advisor, was busted in April for maintaining premises where pot was smoked (ultimately acquitted). In May the U.S. Senate ratified the U.N. Single Convention. Harry Anslinger crowed, “We’ve got it locked up so tightly now they’ll never change the law.”

This was the first year of widespread reform activity. LEMAR flourished in Detroit, Cleveland, New York, Buffalo, and Berkeley-San Francisco. There were smaller groups in Toronto, Boston, Trenton, Chicago, and Los Angeles. Michael Stepanian hung out his shingle at the Grateful Dead’s house and started Haight-Ashbury Legal Organization (HALO). New York’s first smoke-in, sponsored by Dana Beale and others, took place in Tompkins Square Park. July
24: *The London Times* ran a full-page ad for legalization signed by Beatles, two M.P.’s and R. D. Laing.

The underground press reported (erroneously) that tobacco companies were buying pot fields in Mexico and trademarking pot names. The National Student Association held drug conferences organized by Chuck Hollander.

*The Marihuana Papers* and Andrews-Vinkenoog’s *The Book of Grass* became youthful best-sellers: suddenly any teenager could become better informed about pot than his parents or the police. A President’s Task Force blasted the myths that pot led to heroin, insanity or violent crime. By the end of the year, about 10 million Americans had smoked marijuana. This more than anything else would bring about changes in the laws.

1968: The U.S. government entered the marijuana business in June with a $99,800 grant to the University of Mississippi for a pot farm. Margaret Mead came out for legal weed, and in England Baroness Wootton’s committee said “long-term consumption of cannabis in moderate doses has no harmful effect.” Pot-law reform was wedded to anti-war political protest with the formation of Youth International Party (Yippie!) by Ed Sanders, Jerry Rubin, Abbie Hoffman, Keith Lampe, Bob Ockene and Paul Krassner in New York. Coded foment: Prague. Chicago.

August was a pivotal month. Amber hash oil made its first appearance in Chicago a week before the Democratic Convention. At a National Student Association conference in Kansas, Blair Newman proposed a novel solution to the problem of chronic underfunding in the movement: sell hemp rolling papers on a
non-profit basis with all proceeds going to court test cases and a media campaign for legalization. The need was obvious: that month Lee Otis Johnson, Houston SNCC Coordinator, got 30 years for passing a joint to a nark at a party. The government estimated 12 million Americans had smoked pot.


The marijuana reform movement was not limited to long-hairs, leftists or liberals: conservatives too found that legalization dovetailed with their general commitment to less government interference in citizens' private lives. In 1969-70 the Youth for Reagan in California, and some local chapters of Young Americans for Freedom espoused legalization, leading to a 1971 debate on the issue in William Buckley's *National Review*. In fact, the first book to give detailed
scrutiny to alternative forms of legalization was by conservative Stanford law professor John Kaplan: *Marijuana—the New Prohibition* (1970).

**AMORPHIA**

Blair Newman founded AMORPHIA, the Cannabis Cooperative, in Mill Valley, Calif., in 1969, and on Dec. 2 made the first trademark application for the name “Acapulco Gold” on rolling papers and tobacco bags. It took another 15 months, however, for enough papers to be imported to start generating income for reform. America’s first cannabis rolling papers were made in Spain.

I moved to California, merged LEMAR and AMORPHIA and continued *The Marijuana Review*. A Los Angeles businessman, Bev Smart, tried to gather signatures for a full legalization initiative, but it didn’t make the ballot. In December, Stevie Wonder and John Lennon headlined a massive “Free John Sinclair!” rally in Detroit. When John got out he joined the AMORPHIA Board of Directors, along with psychiatrist Tod H. Mikuriya, M.D., attorney Bill Holsman, Blair and myself.

The original AMORPHIA crew included Frank and Nancy Richards, Andrea Belsky, Mark Heutlinger (Business Manager), Carol Taylor, Bessie Wiley, Michael Bell, Aline Autenrieth, Mahina Drees, and Keith Lampe (Ponderosa Pine). Our first large shipment of “Acapulco Gold” papers arrived in March, 1971. Once a decent distribution system was set up with help from Don Levin, “Acapulco gold” generated over $50,000 in donations to the California Marijuana Initiative (CMI, founded by Leo Paoli, with Bob Ashford state coordinator) and similar ventures in Oregon, Washington and Michigan.
AMORPHIA-New York was built by David S. Michaels, Jack Coombs, Tom Forcade, Stu Levine, and Ed Rosenthal. Former Nixon/Reagan youth coordinator Harry Lehmann joined the CMI/AMORPHIA campaign.

Former White House aide Gordon Brownell became our political director (and later president), and Michelle Cauble and Sandra Kutik joined AMORPHIA’s board after working on the CMI campaign.

In 1973-74, AMORPHIA made a lasting contribution to the marijuana reform movement by proposing the formation of a special committee to study the costs of marijuana law enforcement in California along with alternative regulatory approaches.

Chaired by Senator George Moscone of San Francisco, the Senate Select Committee on the Control of Marijuana held public hearings, conducted its own research and issued a major report in 1974, recommending that marijuana be decriminalized in California.

In 1974 AMORPHIA merged with NORML. Gordon Brownell became NORML’s West Coast Coordinator with help from CMI’s Fran McDermott; Mark Heutlinger moved to Washington, D.C., as NORML’s Business Manager; and I joined NORML’s Advisory Board.

Looking back on the coded foment which led to major reforms in marijuana laws in the 1970’s, I think the most important thing we collectively accomplished was a transformation of the consciousness, a mystical as well as political change. It was a move from poetry to legalistic prose as we translated out dreams into real political action.
We were, and are, all volunteers in the service of liberty. Keith Lampe summed it up in AMORPHIA’s slogan: “What we want is free, legal, backyard marijuana.” Future volunteers will look back on our efforts with some amusement and, I hope, keep the flame alive.