

MINUTES OF HEARING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
March 3, 1969

The hearing was called to order by Chairman Torvinen at 2:30 P.M.

PRESENT: Torvinen, Schouweiler, Lowman, Reid, Fry, Bryan, Prince, Kean, Swackhamer.

AB 314: Increases interest rate chargeable and loan charges by pawnbrokers.

JERRY JORY: Pawnshop owner from Las Vegas: I want to thank you for allowing us to present our case.

Pawnbrokers are required by their own city ordinances to be in the downtown areas. The gambling casinos have taken up much of the property. The rents downtown are very high and completely prohibitive for the small business shop.

Our 3% law, plus \$1 service charge, was brought up in 1951 and there has been nothing since. In addition, the cost of living since 1951 and prior to that time has gone up tremendously. We feel that our labor costs and insurance costs have gone up prohibitively. Alarm systems, which we are required to have, have gone up very much, also.

We give 100% cooperation with the police and the FBI. When they come to see us we have to have someone there to spend the necessary time with them.

MR. PEARLMUTTER: I want to reiterate what Mr. Jory has just said to you. Living costs have gone up, insurance, salaries, alarm systems - all the things that are necessary in our particular business. There has been no change on interest or service charge since 1951.

Because of the rising costs of our organizations and the rising costs of inflation, we would appreciate your consideration and help.

MRS. JOAN DIOTALLEVI: My feelings are the same as the previous speakers. I can't add too much. We have been in business in Reno since 1938 and our rates of interest have never changed. Neither has our minimum charge. In talking with the other pawnbrokers in our state, I find that they all have our same problems. They asked me to represent them to see if there was anything you could and would do to help us.

DENNIS MACK: I have conversed with the others in Reno and they would all like to see this bill go through.

MR. LOWMAN: Did you give us the date when you last had an adjustment on this? I missed it if you did. (1951)

MR. LOWMAN: Your interest has been 3% since 1911? What were the bank rates at that time?

MR. TORVINEN: Are pawnshops limited to a certain area in Reno?

SENATOR SWOBE: Yes, they are.

MR. LOWMAN: Why is that?

MR. SWOBE: To keep them in a central area for the police department.

MR. LOWMAN: What you are saying is that your costs are ahead of the normal cost of doing business, you are locked in the downtown area with high rents and so on. You are overcome by inflation?

SENATOR SWOBE: This is something like the employment fee thing.

MR. TORVINEN: If 20 years ago you would lend \$25 now you would lend \$50. And you are now making 3% a month on twice the money. That has not taken care of it?

MR. PEARLMUTTER: Our rates of increase are much more than that. We have so much added detail work now that we did not used to have.

MR. KEAN: Would you describe any difference in control by the police during this period?

MR. PEARLMUTTER: Very little difference except in bookkeeping.

MR. KEAN: I think we should find out from someone how our rates compare with those of other states.

AB 227: Provides triple damages for defendant when earnings are wrongfully attached.

AB 424: Permits person to collect triple damages when wages wrongfully attached.

MR. TORVINEN: As nearly as I can discover these bills are almost exactly alike. We will discuss them together.

MR. LOWMAN: One of them cleans up the language in the latter part. That is why I went ahead and introduced.

MR. TORVINEN: AB 424, the basic change concerning triple damage is the same but it adds clarification and more extension of exemptions for earnings and family household furniture.

MR. HIBBS: Collection Service of Nevada: I feel the triple damage aspect of this would not be fair. Right now in Nevada we have a regulation on attachment which would allow the debtor triple damages. It seems to me if we pass this he will be limited to triple damages. If he loses his job, etc. he might be subject to a much greater loss than triple damages.

MR. REID: Case law already says you are not entitled to damages. If I sue Mr. Hibbs and within the time of the lawsuit I have attached Mr. Swackhamer, he cannot sue me.

MR. HIBBS: I thought if I wrongfully attached wages or property, I would be entitled to damages.

The second aspect of this thing is that if he can get triple damages, he is likely to entice someone to try to get someone to attach his wages so he can then turn around and sue him. These people in debt are the ones that are likely to attempt something like that.

ALAN WILLIAMS: Nevada Credit Rating Association of Reno: It is our responsibility to keep track of credit. We feel damages should be awarded by the court instead of making it specifically triple damages. At times triple damages would not be enough, and sometimes it would be too much. I think we should have it that damages are set by the court after the case is adjudicated.

MR. LOWMAN: I need clarification. I got into this action through telephone calls. One of these calls was from a gentleman who said "How can my wife come in and take away my ice cream truck?" It seems she can do this in Nevada but nowhere else.

I came back and talked to legislative counsel attorneys and they tell me that anyone who attaches in court can attach the man's property and it is up to that person to prove that this is the property with which he earns his living. He has no way to get back at the person who attaches his property wrongfully.

Other visitors confirmed this.

MR. TORVINEN: I have spent lots of time trying to get back property which has been attached which should not have been attached. They never ask for just half the wages. They want it all.

MR. WILLIAMS: I am not against the bill except the language stipulates amount. I feel this should be determined by a magistrate rather than by a statute. This has already been covered by the Federal "truth in lending" bill where earnings are exempt up to a certain sum. So, therefore by law, no collection activity will be permitted in any shape or form on any part of the income which would go for basic living. This means not over 10% can be attached. This new law goes into effect July 1st, so this bill tends to be redundant.

MR. LOWMAN: Is there a remedy easier than this legislation?

MR. WILLIAMS: Federal statutes seem to encompass this. In my case, I just returned after four days in Washington. I found it was the feeling of these people there that Regulation Z does seem to correct these inequities on attachment throughout the various states. Now all state laws are preempted by the Federal Law, except where the state already has a more restrictive law on the books.

MR. KEAN: Please review the provisions of the "truth in lending" bill. I have the first \$75 of salary exempt. Then 90% of all wages above \$75 are also exempt. For practical purposes you can only attach up to 10% of salary.

NORRISON BEATTY: CREDIT BUREAU, Southern Nevada: As I understand it a person's property can be attached and it is then up to the person who lost his property to prove that this property is necessary for him to earn a living. This seems to me to be the reverse of what it should be.

MR. PEARLMUTTER: We are very careful about how we make our attachments. I think our situation is going to be corrected with AB 322.* Generally, a responsible collection agency will not be guilty of picking up tools

with which a man earns his living. Perhaps this might be done in ignorance. I spend many hours a week instructing people about their rights and so on. We are going to try to put out of business the irresponsible agencies. You may be restricting credit from people who need it most. This puts your loan shark right back in business. In Washoe you may not have such a large ethnic group as we have and this may not be a problem to you.

MR. TORVINEN: Anybody that can file a lawsuit and arrange for bond for one-fourth of the value is entitled to attach. Some exceptions where man is going to leave town and so forth.

MR. BRYAN: Are you talking about filing of actions or about wages?

MR. BEATTY: Either one. With this raise to \$300 there will be no attachment in small claims court.

MR. TORVINEN: "Truth in lending" bill as pertaining to these collections is really news to me. I am not sure how it will affect this bill. Has anyone made a study of it? Is this going to affect all collection cases in all states?

(Opinion seemed to be that it was).

MR. TORVINEN: Where did they get the jurisdiction to do this?

JOHN PORTER: Deputy Attorney General assigned to the Dept. of Commerce: There was an informal hearing held by the Committee in the Senate. The outcome of the hearing is to the effect that it is going to require a lot more study by legislative counsel offices before we can determine what modifications or adaptations will be required for the state.

The idea behind trying to get his enacted this year is that the Federal bill will become effective unless the State Bill is more strict and then the State legislation will become effective. I did not know that Regulation Z had been passed. We may be subject to more amendments. But our approach, at least, is available. We should take whatever action is indicated at the present time. If the Federal is more restrictive than ours, then ours will go by default. I think the State should take action now.

From my own experience in Clark County with wage earners asking for relief, I know this can be a big problem. There have been instances where irresponsible actions taken have necessitated much hardship and required intervention of a lawyer. Let's not blink and sweep the problem under the carpet. We do have a problem there.

MR. HIBBS: The present statute says you may attach the entire wage then any debtor can come in and claim that he needs part of his wages back. If the debt was incurred when he had no family or dependants then you can keep half. The doctor, hospital or whoever sues can ferret out the facts and then judge how much the court will allow him to keep for his family. These are all facts that are in the knowledge of the debtor himself. We should not put the burden on the creditor to attempt to ferret out these facts. Most cases are impossible for the creditor to find out the true facts before the attachment. Remember, too, they have tried again and again to collect these amounts. If the person is about to leave the State, I have got to be able to attach

his wages or his bank account or I am lost.

MR. TORVINEN: I don't like to disagree, but it appears to me that wages are exempt in this legislation.

MARSHALL BOUVIER: Representative of Reno Credit Association: We could take care of this by just saying "no attachment on 50%" and then let them haggle over the rest.

MR. TORVINEN: AB 349 is a bill I have in on this which should help. Let's move on. We have two bills dealing with the time of the service and place of execution. I have a bill in saying that attachment must be served at the same time the complaint is made. Mr. Branch has another bill in which will require 3 days notice. May we have comments.

MR. BOUVIER: If you require 30 days before attachment, you might as well forget it. There will be nothing to attach.

MR. TORVINEN: Your point is well taken.

MR. KEAN: Is there any period of time there that would be best? There are problems here on both sides of the fence, the employer and the employee. I agree with you that 30 days is way out of line. Would 10 days be acceptable?

MR. WILLIAMS: I, too, have been on the employers side of this thing. I ran a crew in the retail business and I was subjected to having garnishments served on my employees.

We have been, as a nation, very much consumer oriented and have been very conscious of the things in the customer's favor. In considering the rights of the individual you also have to consider that the employer has to have a cash flow in order to stay in business. I have seen very large accounts receivable that have prevented a cash flow. The doctor, hospital or store needs to have equal protection. I grant that it is wrong to take 100% of a man's income, but I also know that very, very seldom does a responsible business file against an individual that wants to pay his debts. The normal case of filing is against the individual who is irresponsible about paying his debts.

I am not trying to dictate to you what your legislation should read but there should be a sense of balance in your considerations. Within 24 hours many of these people, if they knew you were going to file legal recourse, would make sure there was nothing for you to attach. It then becomes a burden for the employer. He will advance wages and put all his property and his bank account in the name of his sister or someone else.

I was talking with Mr. Cask who works with minority groups of customers and he said that it would be illegal to send any notice to a debtor that legal action was going to be filed.

MR. TORVINEN: Without getting too lengthy, I want to get into another situation. My bill says to file simultaneously. A fellow gets his wages attached on Friday. He calls up to find what for and the sheriff tells him the ABC Collection Agency and that is all he knows until he gets to court. Then he says he has already talked to the doctor or whoever, and has arranged for him to wait a little longer.

DEAN HALL: I do not believe there is a legitimate collection agency in existence that does not send one, two or three letters trying to effect collection from the debtor. We never do if a man is trying to pay so much each week. Good agencies give the man ample opportunity to come in and talk and try to set up a collection schedule.

MR. BRYAN: Mr. Torvinen wants to know why you cannot serve simultaneously.

MR. BEATTY: There are some people making substantial wages that just won't come in and pay. An attachment is a last resort. It is a salvage item, pure and simple. We do not like to have to advance these court costs. It is a substantial investment with a filing fee of \$30 or \$35. To sue and attach is the last thing we want to do. I believe the debtor is getting plenty of protection.

MR. PORTER: What is the practice of collection agencies? Don't you file an action and then serve notice later?

MR. BARBASH: Collection Service in Reno: In many cases you cannot serve notices.

MR. HIBBS: To give you an example: We have a truck driver who is traveling for Little Audrey and is in the state only once a month. If you were to try to attach his wages he would really be in a hurry when he got here. You would have a hard time attaching his wages. Sometimes we have to sue in California and then bring the case back to Reno.

Another thing: If the person had his bank account in California you could not attach it under your bill.

As an attorney, I have never seen an attachment if a person was willing or trying to pay. I see only the deadbeats.

AB 336: Allows limited execution of earnings for nonnecessaries.

AB 349 Provides certain exemptions from execution.

MR. TORVINEN: AB 349 tries to turn the burden around to the debtor to prove that the wages are necessary for living. AB 336 also deals with this subject. Any comments?

MR. REID: Collection agencies should be overjoyed with AB 336.

MR. BRYAN: The Federal Law would now preempt the first \$75 wouldn't it?
(Answer was yes).

MR. REID: I have represented people trying to collect money where a man works as a dealer and makes all kinds of money but you can't touch his wages. This would allow up to 10% of his wages for nonnecessities.

MR. TORVINEN: AB 349 also has an additional provision that the bank referee should allow exemption on the car because it is impossible in Nevada to find or keep a job without a car. He exempts a cow and a lot of other things but not the car, which is an absolute necessity.

MR. PORTER: This is not clear under our law.

MR. BOUVIER: It would be simple if we would set out what we are going to exempt very clearly and then not allow anything else. That would solve it.

MR. KEAN: Roy, would your law conflict with the Federal?

MR. TORVINEN: I don't know what it says about executions or exemptions. I think we had better go ahead and do what we can right now as Mr. Porter has suggested.

MR. BEATTY: Most of them are not driving \$1,000 cars.

MR. TORVINEN: Any further comment on wage exemption on AB 336?

MR. HIBBS: It seems to me this formula is not fair to either creditor or debtor. I believe that our present statute says that all wages are exempt when certain things happen. Basically, they are not exempt. Here in 336 90% would be exempt then you are saying that a man earning \$400 a month with 7 children will have to pay \$40 a month. He can't afford that and may go on relief. The proper way would be to allow them to present their case to a court in a hurry and tell their circumstances about how they cannot afford to pay 10%. Maybe his wife is in the hospital. When you try to set a formula you are going to be unfair to people.

MR. TORVINEN: I have one bill in here that favors the creditor, AB 460.

MR. REID: Isn't this covered by our Homestead Act anyway?

MR. TORVINEN: I am not sure that that act applies to a trailer. Is anyone familiar with cases which decided when a trailer is a part of realty?

MR. BOUVIER: I had one case and it applied when a trailer was not attached.

MR. TORVINEN: I think that applies only to house trailers. Personally I think a trailer person should be tried the same as one with a Homestead. I would like to hear comments.

MR. KEAN: I take it your position is that a trailer with wheels taken off should be treated as real estate?

MR. TORVINEN: My personal opinion is that a dwelling, whether attached or unattached, should be treated the same as a Homestead exemption.

MR. BEATTY: There was a case 15 years ago and I am sure there is case law somewhere that they are treated as Homestead.

MR. BOUVIER: Law in Nevada omits Homestead from personal property.

MR. PORTER: Where the wheels are all off and it is settled down, then it is real property. When it is arranged for mobility it is personal property. You will run into a confused situation with a mobile home.

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MR. HIBBS: We deal with people who are really devious at time and just do not want to pay their bills. One of these might receive an inheritance and go out and buy a trailer so he won't have to pay the money on his bills. Creditors should not be put in the position of having to cope with this situation.

MR. TORVINEN: I agree. A married man in a trailer gets an exemption of \$2500. In a house he gets \$10,000.

MR. BRYAN: May I take exception? A home for myself and family.

MR. TORVINEN: You are correct. I was mistaken in my comments. Our present law is compatible.

AB 232: Provides additional requirements and regulatory measures for collection agencies.

MR. TORVINEN: Would you go over this with us briefly, Mr. Porter? Explain what the banks had in mind. Also, I have a list of amendments.

MR. PORTER: Briefly, the intent of the bill is an attempt to upgrade the industry, and reach certain problem areas. From time to time we find shortages in trust accounts. These trust accounts are not to be used for their personal use. Many cases have crossed my desk where shortages were found when it came time to audit. This is an attempt to weed out the undesirables from the industry and upgrade the good ones.

We reviewed existing law and tried to tighten it up wherever we felt it was necessary to reach these problem areas. The industry wanted an opportunity to be heard on their thinking in this field and some amendments resulted. The memo that I sent to you does not represent the amendments in any detail. Just shows sections where they will be changed and added to. In the interests of time, if there are any views over and above what is reflected in these proposed amendments we would like to hear them.

MR. LOWMAN: Isn't there some way that you can give us the thrust of these amendments and then we can read them at the time we receive the amendments.

MR. TORVINEN: We can ask Mr. Porter to come back and go over these with you section by section.

MR. PORTER: We could get them out in the open now.
(It was agreed that Mr. Porter would return at a later date to help).

MR. WILLIAMS: The state of California and Arizona have had more restrictive acts and we conferred with their Commissioner in California relative to these provisions and we would like to see the adoption of the bill with strict regulations. We also like the amendments.

MR. BOUVIER: There is a little problem with section 2 of the bill when you amended NRS 490.60 paragraph 5. You require that they have \$5,000 on deposit in the bank but with the amendment it still requires that certain funds, \$5,000, be left on deposit. I can see you requiring a bond and if you want to increase the bond that is fine, but requiring

an agency or organization to keep \$5,000 on deposit or available is unreasonable. We are a non-profit organization and we just would not have that kind of money. You would put us out of business. To increase the bond would be fine.

MR. PORTER: The California and Arizona laws provide for this and I have been aware that some people have over-estimated what is needed to launch a collection agency and get it going. Originally we had \$5,000 deposit. We want you to satisfy that you are in a position to take care of any charges that may develop in any trust account. I am afraid that if we don't have this in some form we will be right back where we started, with irresponsible people. We must have this in some form.

MR. KEAN: Would you prefer to extend that same philosophy to any man that wanted to start in business?

MR. PORTER: We are talking here about a fiduciary institution. I think it is not an unreasonable requirement of anybody who is going into a privileged industry such as a fiduciary institution.

MR. KEAN: Is this a privileged industry?

MR. PORTER: Yes, it is. The bond doesn't protect anything.

MR. BEATTY: I would like to comment on the possible increase in the amount of the bond. A \$10,000 bond is adequate, I am sure. You are just boosting the cost of doing business another \$150 a year if you raise it to \$25,000. This would greatly discourage the agencies, especially in the small towns, such as Ely. Collection agencies are really not a high money-making business. It is not a get-rich-quick type of business.

We do desperately need a regulatory act to prevent people who are driven from other states from coming in here and operating an irresponsible business. If this act were passed with the proposed changes we would have a fairly workable act.

MR. PRINCE: Shouldn't there be some kind of determination as to the amount handled relating to the size of the bond? An agency collecting \$2,000 a month should not have to buy a bond as high as one that collects \$200,000 or even \$20,000. I am concerned about having something passed that we can live with in Ely.

MR. PORTER: A \$10,000 bond costs about \$150 a year.

MR. PRINCE: Maybe you should have a higher bond for the ones who do a high amount of business.

MR. SWACKHAMER: I would like to know why you made the statement that a bond does not protect anyone.

MR. BEATTY: It is just a paper which many times is not collectible. I can remember when a collection agency was operating here and his bond was suspended because he was on parole for three larcenies in California.

Auditing provided in this legislation is more protection than a bond.

MR. REID: Who oversees the collection agencies in California?

MR. PORTER: A division called "Vocational Standards". It is a sub-division within that. They call the man Chief of Collection Agencies.

MR. REID: What if these laws were operative only in Washoe and Clark Counties. Would it be all right then?

MR. WILLIAMS: We have had harrassment and collection of money from people by a man who never was licensed, under the old law. He never did turn over the money he had collected.

MR. BEATTY: Basically the same act in California. It has not been proved to be a hardship. However, I think raising the bond to \$25,000 would be a hardship. I don't think there is anything wrong with this act the way it is.

MR. PRINCE: I talked to John night before last. He says these people come in so often, one or two might come in at a cost of \$75. It would be prohibitive.

MR. PORTER: The \$75 is to cover the day. It will not take all day in most of the places.

MR. REID: My bill puts a ceiling on that anyway.

MR. PORTER: A case can drag out for a considerable time before you can get any money out of a bond. We have tried to tighten it up where a bond company will be on a spot and will have to make good. We have prescribed the bond form that must be used and that puts us in a better position. Bonding companies will usually not pay until you bring them to court.

MR. TIDWELL; State Supt. of Banks: Since I have been in Nevada, we have never collected anything from a bond. There are several problem areas we are covering. I thought we could get one suit against the bonding company and all the others could come in under that filing but I have found that you have to file for the full \$10,000.

MR. SWACKHAMER: Is legislation needed to force these bonding companies to come across? If so, let's get it.

MR. REID: I am concerned about this bill working in a small county. The bank examiner could go in and examine up to \$500 worth.

MR. HODGES: Federal Bureau: I don't believe this will be any particular hardship. We have opened our books many times to Mr. Tidwell. With the well-established collection agencies I think it won't hurt too much and the advantages are many.

MR. PRINCE: I was talking to our collection agency and to Roy Young about the ones from Elko and they were all concerned that this might be too restrictive on them.

MR. BRYAN: Is there any definite part he feels he can't live with?

MR. PRINCE: He had copies of the amendment and he thought it a little restrictive. We can discuss this more fully in our later meetings on these bills.

MR. PORTER: Once we have three years as the minimum, and there should not be any need for going in there more often than that--- We are comparing this fee with the small operators in mind. That is why we have amended to pro-rate the times.

MR. TORVINEN: This \$5,000 bit: Does it have to be money?

MR. TIDWELL: Yes. We want to know that the money is available to take care of any possible shortage.

MR. PORTER: If he can make a shortage good, he is still in business. Otherwise, he will lose his license then and there.

MR. TORVINEN: Section 42, subsection 5 says "Every applicant shall attach not more than \$7,500 and not less than \$5,000." Is that to qualify for a license or to continue in business, a continuing obligation.

MR. PORTER: He has to show it to start with and must be able to raise it within a few hours any time thereafter. The intent is to have that money available.

MR. BRYAN: It is not very clear, is it?

MR. BOUVIER: Couldn't this be done by giving him a certain amount of time to come up with the money?

MR. PORTER: We have gone that route, my friend. Instead of coming up with the money he usually takes off with some more trust money. We should not have to get down on our knees and beg them for the shortage money.

MR. BOUVIER: If he is that kind, he has no right to be in business.

MR. TORVINEN: Where is the bond required?

MR. BRYAN: Section 42, subsection 5.

MR. BOUVIER: It is in the law presently.

MR. TORVINEN: We can look up the condition of the bond later.

MR. TIDWELL: I would like to call your attention to the final two pages of this act.

MR. KEAN: How many places have gone bad and for how much?

MR. TIDWELL: We have six in trouble at the present time.

MR. KEAN: Over a period of time how many of them have gone bad?

MR. TIDWELL: Seven total in three and three-fourths years.

MR. KEAN: How many of the men in the business today had six months experience before they bought into the business?

(Show of hands showed that there were two).

MR. BEATTY: You can't go by the past. We are in a new world now. I was not experienced but I had the benefit of the knowledge and experience of my predecessor. In this business, you are dealing with somebody else's money and we don't want anyone to have to run it down.

MR. KEAN: Maybe we should attack this from a different way. Isn't the bonding company the problem?

MR. REID: A credit agency has been assigned accounts. He takes off in the middle of the night with the money. Who is going to prove how much he took?

MR. TORVINEN: (Read the condition of the bond). It seems to me that the bond protects as well as the \$5,000 deposit because you still have to prevent the loss.

MR. PORTER: The bond is to make good the shortage of money. You will go into court with the case, every time so far as the bond company is concerned. This \$5,000 is to keep the company in business. If he can't make good any shortages, you have to go for the bond.

MR. SWACKHAMER: In my experience with a grocery store, I find that \$5,000 might be fine for one guy but not enough for others.

MR. PORTER: I am not adverse to a sliding scale. We felt that this was the minimum that we could ask for. If we can get it with a sliding scale, that is fine but this \$5,000 would be for a minimum program.

MR. WILLIAMS: With this legislation, we are taking a mighty big step forward. We have tried to take advantage of California's experience. Let's try and live with it. We will have an adjustment period and the Legislature will convene again in two years. Loopholes can be corrected then, but let's get something on our books. This is the best thing we could find to move forward with. We can't deal with all the problems that may come up in the next two years.

At this point the hearing ended.

MR. TORVINEN: Snowy Monroe said that he thought Wednesday night would be fine for the joint hearing on the court bill.

You have on your desks somewhere amendment 1482, the blue senate amendment to AB 116. They put the joyriding statute back in.

MR. BRYAN: If they want it, it is ok with me.

MR. TORVINEN: We must concur or refuse to concur.

MR. BRYAN: The district attorneys really need this bill. If that is the only way the Senate will go for it, we will have to concur.

MR. FRY: I would like to study it.

MR. BRYAN: I would like to see this passed. Until it is, auto theft is still a simple misdemeanor.

MR. FRY: Let's bring it up Wednesday evening.

MR. SWACKHAMER: I will not be able to attend Wednesday evening. I have a previous appointment which I am darn lucky to get and do not wish to cancel. After the joint hearing, we will go over it ourselves section by section, won't we?

MR. TORVINEN: We will not be bound with anything they do, but they want to get our thinking on it so they do not spin their wheels on something that will not go through.

AB 210: Permits drug identification expert to appear at preliminary examinations and grand jury hearings by affidavits.

MR. REID: I move to Indefinitely Postpone AB 210.

MR. FRY: I second the motion.

MR. FRY: All we are doing is paper work creating.

MR. REID: This bill is almost certainly unconstitutional and it provides a special set of rules for those who are specialists on drugs. I feel that this is an area where cross examination is of importance and what we are doing here is eliminating it.

MR. BRYAN: If you have thorough examination at the preliminary, you are saving a lot of time at the trial. This is a close area. A lot of these people are not really qualified.

MR. FRY: A defense counsel worth his salt is not going to waive his right of cross examination.

MR. SWACKHAMER: How many of these experts are there around?

MR. BRYAN: We have just one in our area, Paul Richards, a high school vice president.

MR. TORVINEN: They have several in the state health department. The top man in the state is Dean Fletcher. The courts are doing this to us, but I am opposed to all these extensions. Every decision makes the preliminary hearing more of a trial and sends the costs up.

MR. REID: Section 3, subsection 3: "if such counsel notify, etc." It won't be admitted, so we are talking about nothing.

Motion to Indefinitely Postpone AB 210 carried unanimously.

AB 211: Makes possession of narcotic or dangerous drug prima facie evidence that possession was unlawful.

MR. BRYAN: Santini has raised objections, but I can't see anything very wrong with this bill. It came out in the paper that if you were found with narcotics on you you were assumed guilty.

Under 454 which is where prosecutions occur for rebuttable presumption - the absence of this provision in 454 has put the burden on the prosecution. I think this legislation is all right.

MR. FRY: Why has 453.010 got this language as being amended in? We should have the language the same.

MR. SWACKHAMER: Why not use the same language in 453 and 454 if it is good?

MR. BRYAN: Neither 453 or 454 talk about the components. We will have to make an entirely new bill.

MR. KEAN: Grant Davis says he could do it by just adding "components without permit".

MR. BRYAN: I move we amend AB 211 to delete section 1 and to amend section 2 to adopt the language of 453.190 and apply to 454.

MR. FRY: I second the motion.

MOTION CARRIED UNANIMOUSLY.

MR. KEAN: You are ignoring the chemical parts.

MR. REID: We are going to do that Wednesday morning.

MR. FRY: All we are doing right now is amending it.

AB 212: Prohibits possession of paraphernalis for unlawful narcotic drug use.

MR. FRY: What is the purpose of this? Why was it recommended?

MR. KEAN: If you catch a guy with a hypodermic needle - - - - -

MR. LOWMAN: The stuff can be flushed down the toilet, but if you can find the needles or something around it might help. You know something has been going on. This is the California Law.

MR. REID: This statute would be meaningless unless it is made a felony. It is my understanding that the only way you can get a conviction is if you see them using the stuff. Has to be committed in the presence of.

MR. TORVINEN: That is what they said but that is not true. You can always go get a warrant and get an arrest for a misdemeanor.

MR. KEAN: Luddy Southworth called and she finds problems with this. They have things that are sold for bedridden people, etc.

MR. FRY: Diabetics, too. As a defense counsel, I would vote for this bill. These are the things they look so close for to get these people out of a felony charge.

MR. LOWMAN: Why did the district attorneys ask for it?

MR. FRY: For that very purpose.

MR. REID: I move Do Pass AB 212.

MR. LOWMAN: I second the motion.

MOTION CARRIED.

Mr. Bryan and Mr. Kean asked to be recorded as not voting.

AB 213: Prohibits being in place where narcotics or dangerous drugs are being used.

MR. REID: I move Do Pass AB 213.

MR. LOWMAN: I second the motion.

MR. FRY: There is a problem with the district attorneys. I have talked with them on this. This is another "cop out" bill.

MR. BRYAN: My concern is whether or not it is completely fair.

MR. SWACKHAMER: You have to have knowledge.

MR. PRINCE: I can't smell anything so I could get caught.

MR. LOWMAN: No, you couldn't. They would have to prove knowledge.

MR. SWACKHAMER: There is a teen-age party, about 25 - 30 kids there. The police hear about the party and want to be able to go in and get the ones they want without bothering all the others.

MR. BRYAN: Maybe somebody throws a roach in the corner and ten people are standing around.

MR. TORVINEN: It would have to be your apartment for possession.

MR. BRYAN: Not necessarily.

MR. FRY: They are charging them all with felonies.

MR. REID: But they are getting no convictions.

MOTION TO DO PASS AB 213 CARRIED WITH MR. FRY VOTING NO.

AB 214: Establishes amount of narcotic or drug needed to sustain conviction of offense related to unlawful drug usage.

MR. TORVINEN: This just deals with amount.

MR. BRYAN: But this is pretty important. There is a doctrine of law that has grown up that the quantity must be a usable quantity. If you shake the guy and get one grain of marijuana that is not enough to prosecute.

MR. SWACKHAMER: Maybe word "identification" should be changed to "usable amount."

MR. BRYAN: That is not the law now.

MR. REID: Marijuana makes ashes.
a few leaves around.

You can't tell them by just

MR. TORVINEN: A guy has a couple of cigarettes in his pocket. The police come. He runs and flushes them down the toilet. Police find him doing this. They want to be able to prosecute if they can find any identifiable amount. 271

MR. FRY: The judges in Reno are saying don't send this stuff up with just an itty bitty amount of identifiable stuff.

MR. BRYAN: We used to tell the police to bring us a good case - one we could do something with.

MR. LOWMAN: The problem has not always been this great. What we are trying to do is to cope with it the best we can. You can't get them unless kids will "cop out" on it. The problem is enforcement.

MR. REID: No question about it.

MR. TORVINEN: What about things like LSD where it only takes a tiny amount to do the damage?

MR. REID: If we pass this what difference will it make?

MR. LOWMAN: We had a district attorney on the commission and he wanted it.

MR. TORVINEN: That's right. They want this bill.

MR. LOWMAN: I move Do Pass AB 214.

MR. PRINCE: I second the motion.
MOTION FAILED.

AB 215: Prohibits usage of drugs for psychedelic purposes.

MR. REID: I move Do Pass AB 215.

MR. BRYAN: I second the motion.

MR. TORVINEN: The district attorneys want to be included with these peace officers because they travel around to the schools and they take this paraphernalia around showing it to the kids, etc.

MR. REID: I move Do Pass with that amendment.

MR. KEAN: What about the chemicals? I have been told to continue selling them.

MR. TORVINEN: There are exemptions in 453 to take care of that.

MR. BRYAN: I second Mr. Reid's motion.
MOTION CARRIED UNANIMOUSLY.

MR. SCHOUWEILER: I move we adjourn.

MR. FRY: I second that move.
MOTION CARRIED UNANIMOUSLY.

Meeting was adjourned at 5:15 P.M.

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THE FOLLOWING LETTER IS A COPY OF THE ORIGINAL FROM GEORGE E. FRANKLIN,
JR., DISTRICT ATTORNEY

Office of the
DISTRICT ATTORNEY
COUNTY OF CLARK
Las Vegas, Nevada 89101

Phone (702) 385-3131

George E. Franklin, Jr.
District Attorney

JULY 10, 1968

TO WHOM IT MAY CONCERN:

The attached opinion in the case of Commonwealth vs. Leis and the analysis of expert testimony is the result of the first comprehensive appraisal of the true nature of marijuana.

All of the top experts in the world, both pro and con, were called as witnesses, testified under oath and were subject to cross-examination.

The result of those exhaustive hearings are contained in the attached documents, and prove conclusively the mind-altering, soul-destroying effects of the use of marijuana.

I trust the great distribution can be given to this comprehensive opinion.

Very truly yours,

GEORGE E. FRANKLIN, JR.
District Attorney

CLARK COUNTY SCHOOL DISTRICT
INTEROFFICE MEMORANDUM

TO: All Principals

DATE: October 7, 1968

FROM: Clifford J. Lawrence, Associate Superintendent-Instruction

SUBJECT: Marijuana

Mr. George Franklin, the Clark County District Attorney, has provided us with the attached information concerning marijuana.

The debate over the effects of this drug to date have, in few instances, called upon expert opinion. Most of the arguments regarding marijuana have centered on whether or not it is physically addictive. In the case cited in the attached materials, experts from all over the world were called to testify regarding the effects of marijuana. The findings of these witnesses clearly point out the damaging psychological effects of the drug.

This information is provided with the hope that it will be helpful to you in your efforts to combat the drug problem.

CJL:skk

cc: Dr. James I. Mason
Area Administrators
Mr. Robert Dunsheath
Mr. Tom Bishop
Mr. Ben Cowan

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
Indictment No. 28865
Complaint Nos. 28844,
28845

COMMONWEALTH OF MASSACHUSETTS

VS.

IVAN WEISS AND JOSEPH LEIS

THE COMMONWEALTH'S MEMORANDUM ANALYZING
TESTIMONY HEARD ON THE MOTION TO DISMISS

In its brief filed with the Court prior to trial, the commonwealth set forth the legal basis on which it contends that the statutes under which the Defendants are being prosecuted are constitutional. Central to this argument is the basic proposition that if there is any rational basis found to support these statutes, as applied to these Defendants, then the statutes are a constitutional exercise of the police power of the State. It is not the intention of the Commonwealth to repeat at this time the arguments set forth in its prior brief, but the purpose of this brief is to analyze the evidence produced at the trial in support of the position of the Commonwealth.

I. THE EVIDENCE CLEARLY ESTABLISHES THAT MARIJUANA IS A
HARMFUL AND DANGEROUS DRUG.

If marijuana is shown by any substantial evidence to be harmful and dangerous, then clearly a rational basis exists to support the constitutionality of the statute. Not only was substantial evidence produced by the Commonwealth to support this conclusion, but the great weight of all the evidence in the trial establishes beyond serious question that marijuana is a harmful and dangerous drug. The Commonwealth called as witnesses outstanding and fully qualified experts from not only the United States but from other parts of the world where experience with marijuana has existed for thousands of years. In addition, the witnesses on both sides, without exception, recognized that the overwhelming preponderance of medical literature on the subject supports the Commonwealth's view in this case. Dr. Henry Brill, Vice Chairman of the New York State Narcotic Addiction Control Commission, testified that:

"The great preponderance of medical opinion is that it(marijuana) should be prohibited, that it is a hazard to public health.

Dr. Harris Isbell, Professor of Medicine at the University of Kentucky, and a man who has conducted the only controlled experiments on humans with tetrahydrocannabinol, found to be the major active, mind-altering ingredient in marijuana (which tetrahydrocannabinol the doctor was able to extract from the plant, itself) testified that:

"Certainly it (marijuana) is a dangerous and harmful drug."

Dr. Chopra testified that:

"In my opinion, sir, cannabis by smoking is a harmful and dangerous drug, and that is why, after 2,000 years of experience, we are banning it in our country. "

Even Defendant's sociologist from California, Dr. Blumer, testified that he is not "in favor of the legalization of marijuana." He was joined in this opinion by Dr. Lewis, also called by the Defendants. The best that the Defendants' principal medical witness, Dr. Fort, could say when asked if he thought marijuana was a harmful and dangerous drug was that he "could not answer."

The reasons given in support of these opinions were, of necessity, complex and far reaching. It appeared without serious questions that it is the unstable members of society who are most likely to use marijuana regularly. Dr. Harris Isbell testified that "the average user of marijuana is a person suffering from at least a character disorder," and this conclusion of his has "received widespread support in the literature." Dr. Chopra told the Court that in his experience "A nervous person is more prone to use narcotic drugs habitually, than one with a stable mental equilibrium." This meant that those with mild psychic disorder, or those with faulty personality or impaired mental make-up constituted a large porportion of the habitue." Dr. Brill confirmed this finding. Defense witness, Dr. Hooker, supported this view; the fact of marijuana use by one under his care signified to him a person with the mental state of "someone who is in need of probable psychiatric treatment."

It is especially significant that it is these same unstable persons who are more seriously adversely affected by marijuana and its mind-altering effects. Dr. Louria clearly identifies the result as did Dr. Farnsworth. As Dr. Brill described the situation,

"...taking the drug, certainly taking the drug in excess is a manifestation of psychological instability or psychological problems; and then, having taken the drug, there is a tendency for these problems to be aggravated."

Thus it appears clear that the drug is most harmful and dangerous to those individuals who are most prone to its regular use. As will be seen later, no such propensity for use among predisposed persons exists in connection with other widely used drugs such as alcohol and tobacco.

Evidence from the medical experts called by the Commonwealth, and to a great extent confirmed by the Defendants' medical experts, establishes certain well-defined and well-recognized physiological, psychological and sociological effects from the use of marijuana. The physiological effects from the use of marijuana are probably of the least significance. One thing seemed quite clear from the evidence, that, while considerable experimental work has been done on the effects of marijuana (principally by the Commonwealth's witnesses) a great deal of investigation remained to be done and it is reasonable to suppose that many more physiological effects may be identified. In those countries such as India, represented by Dr. Chopra, certain physiological effects were noted, based on many, many years of experience. He testified:

"Confirmed charas smokers, however, especially those taking large doses, often exhibited signs of deteriorated health. They were generally thin and emaciated with a sallow or muddy complexion, often with bloodshot eyes. Excessive smoking also produced laryngitis and appetite declines so that food was not properly assimilated. They may lose weight, the skin becomes pale and dry and is often covered with scales and the nails and teeth decay and the hair, which is frequently affected, loses its lustre. Then, of course, the money which the addict should spend on his primary needs is not used for this purpose, his ingestion is impaired and his appetite is impaired, and secondly, his means to procure food is impaired so that he is an ill-nourished person...In the bronchial tract, bronchitis is a very frequent finding and also digestive troubles. I have also mentioned that with the heavy smoker, the appetite is poor and absorption is poor and nourishment is poor...diarrhea and dysentery and alternating diarrhea and constipation, alternating, are very common... Immediately on taking a smoke, the blood pressure rises 2 to 30 millimeters, followed by a rapid fall with the onset of symptoms of intoxication, and sometimes there might be a mild collapse due to the falling blood pressure..."

Dr. Miras from Greece confirmed to a large extent these physiological finding.

It is suggested by the Defendants that the fact that relatively minor physiological results can be so far identified is evidence that marijuana is not harmful. It should be noted, however, that heroin, for example, and probably LSD, both of which are generally conceded to be extremely dangerous drugs, have no identifiable physiological effects from regular use. Nevertheless, there can be no question but that statutes imposing criminal sanctions on the use and possession of these drugs are constitutional.

By far the most significant effects from the use of marijuana are the psychological and sociological effects. A clear understanding of the psychological effects of the use of marijuana involves in part, at least, a consideration of the motives of an individual in using the drug. There can be no question but that the marijuana user seeks to obtain a mental state described as "euphoria," which is, in effect, a state of intoxication as the desired result of his use. This can be compared with the motive of a normal individual who may take small amounts of alcohol prior to meals in the evening where, of course, no such intoxicating motive exists. Dr. Brill described this state of euphoria as follows:

"Euphoria is a word which implies an overshooting of self-satisfaction, and this can be harmful even to the average man...euphoria for the average man can be a dangerous experience because it leads to over optimism and, in this sense, I think that it can be a problem..."

The suggestion that the user of marijuana can so control his use so as to reach the intoxicated state of euphoria and not continue ingestion of the drug would seem to lack substance. This alleged phenomenon, called "self-titration," was discussed at length by Dr. Becker, called by the Defendants. Dr. Becker's experience was limited to fifty case histories studied by him in the early 1950's. On cross-examination, he conceded that an

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individual intoxicated by the use of marijuana has his judgment and perception distorted. How such an individual, whose powers of perception and judgment have been so distorted can be relied upon to exercise them in such a manner as to limit his ingestion of marijuana is not explained. Dr. Louria in his testimony thoroughly discredits this suggestion.

One of the most significant psychological effects of the use of marijuana is the tendency to disinhibit the user, leaving him vulnerable to the suggestions of others. Thus an individual predisposed to various forms of anti-social conduct can be expected, under appropriate circumstances, to be freed of the normal inhibitions that restrain him from manifesting these tendencies with the result that he commits acts dangerous to himself and others. Dr. Isbell cited examples of actual experiments conducted by him in which such results were noted. A further and compounding danger of marijuana is that it has demonstrated considerable unpredictability in results, not only among different individuals but with respect to the same individual at different times. Thus an individual may use marijuana with no adverse effect under pleasant circumstances, whereas under adverse or stressful circumstances the same individual may have completely different reactions. This was noted especially by Mr. O'Conner who testified from many years of experience in dealing with marijuana users that in an arrest situation he found them to be irritable and frequently requiring physical restraint. This unreliability was recognized by Dr. Becker, called as an expert by the Defendants.

Other serious psychological effects from the use of marijuana are identified by the Commonwealth's witnesses. They include temporary psychotic breaks, panic reactions, spells or paranoia and other mental disturbances. The fact that the psychotic breaks identified are only temporary in no way acquits the drug since a temporary psychotic break is every bit as dangerous to the individual and to others while it exists as a permanent psychosis would be.

There can be little question but that the use of marijuana results in distortion in the ability of the user to judge time and space relationship. In addition, there has been identified a psycho-motor disturbance existing as a result of the use of this drug. A combination of these facts, of course, renders the user unfit to operate a motor vehicle or to operate any other machinery with safety to himself or others. This was confirmed by Mr. O'Conner who had actual experience with driving with persons under the influence of the drug. It is interesting to note that a person intoxicated from the use of alcohol gradually loses his muscular strength, while a person intoxicated with marijuana retains muscular strength so that he has the strength to perform acts but neither the judgment nor the perception to perform them with any degree of precision.

Another important and significant psychological feature of the drug is that the user develops a psychological dependance on the drug. The defense has laid considerable stress on the fact that there has not yet been identified any physical dependance, called "addiction," from the use of this drug, whereas such a physical dependance has been clearly identified with the use of heroin. As pointed out by the Commonwealth's experts, the propensity for physical dependance in a drug has relatively minor modern-day significance. The withdrawal symptoms associated with physical dependance are relatively easily and quickly cured. However, experience has shown that a large majority of users of heroin return to the use of that drug even though they have been cured of their physical demand. This demonstrates that the psychological dependance on a drug, which explains this recidivism, is the significant and dangerous dependance feature of the use of that drug. No responsible medical authority has denied that the use of marijuana produces a psychological dependance on the drug. This has been recognized by

the World Health Organization which has adopted, after careful study, the definition of psychological dependance to replace the essentially meaningless term "addiction." It is this same psychological dependance that does not lend itself to any known effective cure and constitutes one of the more significant dangers involved in the use of marijuana.

While it would seem to be quite irrelevant, the Defendants make much of the fact that marijuana is classified in the same group of drugs as heroin under the Massachusetts statutes. It would seem clear that regardless of how marijuana is classified, if it is, in fact, harmful and dangerous the Legislature may constitutionally impose criminal sanctions on its use and possession. However, it would also seem clear that based upon today's knowledge of this and other drugs, marijuana is properly grouped with heroin and LSD and other drugs, since the significant dependance resulting from the use of all of these drugs is the psychological dependance discussed above. For this reason, the World Health Organization and the Single Convention adopted by nearly sixty of the major nations of the world have grouped or classified marijuana and heroin in the same category.

It appears further that the user of marijuana does not develop a tolerance for the drug as does the user of the opiate drugs such as heroin. It may seem at first glance that this is beneficial effect but, in reality, the tolerance-creating effect resulting from the use of heroin is a safety valve, since the user reaches the point of demand far in excess of any ability to satisfy and thus must diminish his use until the demand is reduced to more manageable proportions. The user of marijuana does not have the benefit of any such built-in limitation.

The user of marijuana derives no diminishing effect for ingesting food along with the drug since the titration of marijuana through smoking does not involve the digestive system but the effects pass directly into the brain and central nervous system. This is contrasted with the user of alcohol who often ingests food along with alcohol and this diminishes the effect of the drug, making it more safe and easier to manage.

The hallucinogenic effects of marijuana are readily identified and often are manifested by the user developing a fixation on a single object, sound, color or odor on which, while under the influence, he will concentrate his entire attention to the exclusion of all else. This phenomenon is quite common in the hallucinogenic drugs such as marijuana. While it may be thought by the user under the influence of the drug that this is a pleasant experience, the danger to such an individual and to others is apparent if the user is operating a motor vehicle or otherwise engaged in mobile activity. No such phenomenon has been identified with the use of alcohol.

The basic and apparently sought after effect by the regular user of marijuana is the effect on the conscious mind of the user. This is sometimes referred to as the mind-altering effect and often includes hallucinations and the like which are thought to be pleasurable experiences by the user. One of the Defendants' experts cited the fact that the user may well undergo what would normally be a very unpleasant experience but when he is told by his companions that his experience is really pleasurable, he is persuaded to adopt the suggestion and conclude that the experience really is pleasurable. Thus it is clear that even though an individual may experience unpleasant sensations that may constitute warnings of either the onset of illness or danger, he may interpret these as pleasurable experiences and not benefit from these warnings.

Studies in depth conducted by Dr. Ball, witness for the Commonwealth, indicate that there is a clear association between the use of marijuana and the thought-to-be more pernicious drugs such as heroin. The Defendants seek to escape the clear impact of this association by eliciting testimony from experts that there is no medical evidence that the use of marijuana "causes" the use of heroin. Apparently the use of the word "cause" is taken in its literal sense; namely, that one would not happen without the other. Nothing about the psychological reaction upon a human being can be described with such simplicity. No one can avoid the clear evidence that of those persons who eventually become dependent upon heroin, nearly eighty percent started out by taking marijuana. It is no doubt true, of course, that a large number of people who have used marijuana with some regularity do not become heroin dependents, but this does not obviate the uncontradicted evidence given by Dr. Ball and his associates. Dr. Malleson, called by the Defendants, readily recognized that there is also evidence of an association between the use of marijuana and the use of LSD.

It seems to be clear beyond question - in fact the Court stated that it was axiomatic - that the user of marijuana would tend to graduate to the use of stronger and stronger forms of the same drug. Experience with alcohol substantiates this point of view. The result and significance of this is that if marijuana were to be made legal by reason of declaring the statutes proscribing its use unconstitutional, we could expect to have readily available in the market place stronger forms, including hashish. No witness contended that hashish was innocuous or relatively harmless.

The sociological significance of the association between the use of other recognized harmful and dangerous drugs did not seem to require extended comment. There are, however, other sociological effects that can be identified with the use of marijuana. The first and foremost effect has already been dealt with; namely, the propensity of persons with character disorders to use the drug regularly. This is not an insignificant number of persons when we take into account that approximately fifteen percent of the population of this country at one time or another is hospitalized in a mental hospital. Responsible medical opinion indicates that at least twenty-five percent of the population could well be considered to have a variety of character disorders and, finally, everyone at one time or another in his lifetime may develop weaknesses in character during periods of stress and personal reverses. Studies made by experts called by the Defendants which, in the main, were limited to relatively small numbers of individuals apparently selected on the basis of irregular intermittent use of marijuana are without substantial validity. If we were to make comparable studies among individuals who use only small amounts of alcohol on an intermittent basis, we would not discover that there are approximately five to six million alcoholics in this country today. The studies upon which Mr. Jacson and Dr. Becker relied have no substantial validity insofar as seeking to deal with the effects of marijuana on individuals who regularly use amounts of the magnitude of three to six cigarettes a day which the La Guardia reports indicates to be the average amount used by the chronic marijuana smoker. This is to be compared with Dr. Fort's study which assumed the use of one to one and a half cigarettes per week. It further should be mentioned that the studies by the sociologist called by the Defendants (Mr. Blumer) are entitled to virtually no weight since, admittedly, no efforts were made to evaluate the mental capabilities of the subjects nor the objectivity of their reports. Further, only confirmed drug users were included in the study who almost by definition were subject to a variety of character disorders which may well have included mental illness. Finally, the witness, himself, did not believe the results he purported to develop from his study

since, upon interrogation of the Court, he concluded that, in his judgment, marijuana should not be legalized.

It seems clear from the evidence adduced from the trial that one effect of marijuana, and thought to be the most desirable effect by the user, is the imagined shedding of problems and responsibilities, at least during the period of intoxication; a hedonistic effect which, if permitted to be multiplied by millions of people, could only result in large portions of the population withdrawing from their responsibilities and declining to make any real contribution to the social order. A most dramatic example of this effect is present in the various Hippie communities in this country. It is conceded by all that the individuals populating these communities have an extremely high incidence of drug use of which the most prominent is marijuana. Dr. Farnsworth, pointed out that the use of marijuana does not solve the problems of these people but, in effect, postpones or prevents real solutions to the problems, so that when the effects of the drug wear off, the problem returns and is alleviated only by further use of the drug. Continued repetition of this cycle results in diminishing performance of the individual, and among college students it rapidly results in withdrawal from school. These findings by Dr. Farnsworth, who must be the pre-eminent authority in his field of public health among college students, believe popular notions mouthed by some of the Defendants' experts, to suggest that the use of marijuana improves an individual's intellectual performance in school. Such reporting is not only incorrect but it is also irresponsible.

Dr. Farnsworth and others have further identified a propensity on the part of the user of marijuana to proselytize its use among others. Thus, if the drug were made freely available, we could expect, based on experience, that the users would make every effort to involve others in its use. This phenomenon was recognized by Dr. Blumer and Dr. Chopra.

Dr. Brill testified that, in his opinion:

"...the unrestricted use of marijuana-like substances, that is, substances derived from the marijuana plant, are a grave problem in public health. They produce a significant amount of vagabondage and chronic disease...In addition they tend to produce a significant amount of acute and sub-acute psychiatric disability. They tend to remove a significant number of people from producing society and make them dependent. In addition, they provide a focus for a group of individuals around whom all sorts of other social evils tend to develop..."

Dr. Malleon supported Dr. Brill's opinion and testified that in England the subculture which identifies itself by its extensive use of mind-altering drugs, while being populated by younger people of reasonable intelligence, is made up of persons who generally are non-productive insofar as holding regular employment is concerned and also recognized that sexual promiscuity is at an unusually high rate in their communities.

On cross-examination, Dr. Louria testified that for the majority of drug users, marijuana is dangerous in that it may,

"lead them to a life of what amounts to sloth and indolence. It may make them literally parasitic on society ..."

Dr. Chopra, in speaking of the sociological dangers of marijuana, testified,

"Where there is a mass addiction, there is a mass laziness, they won't work and there is a slight increase in the crime rate, as I have presented these figures. And the worst feature is that a large proportion of them are not content to stay with ganga but they go on to smoking..."

Mr. O'Conner, who is probably as familiar with the patterns of drug use in the Haight-Ashbury district in San Francisco as anyone, testified that not only did the habitues of this district tend to indolence, but sexual promiscuity and a higher crime rate were clearly recognized in that community. There can be no doubt but that this anti-social conduct is associated to a large extent with the high incidence of marijuana use by these people. Similar results were observed by Drs. Chopra and Miras in their respective countries.

II. COMPARISON OF MARIJUANA WITH ALCOHOL IS IRRELEVANT

In the Commonwealth's original brief, it is contended that for the purpose of determining the constitutionality of the statutes before the Court, any comparisons between the effects of marijuana and alcohol would be both medically and legally irrelevant.

Dr. Louria testified that any such comparison is irrelevant and stated that:

"The fact of the matter is that I think we should stop comparing marijuana to alcohol. They are entirely different drugs, and there is no reason to unite them...I am afraid I feel very strongly, sir, if we are going to discuss marijuana, it must stand or fall on its own merits or demerits, and that's why I am here, because I think it falls."

When asked whether any comparison between marijuana and alcohol is relevant, Dr. Brill answered, "no" and then expanded on his answer:

"...They are just two absolutely different drugs. It's like trying to compare, say, potatoes and apples. They are just different things. Potatoes and apples are both plants and marijuana and alcohol are both drugs, but they are completely different things... The results are extremely different, too..."

Despite the fact that any such comparison is irrelevant, a great deal of evidence on this point was taken at the hearing, and a number of significant differences between the properties and effects of the two drugs was brought to light. Some are mentioned above.

In addition, however, Dr. Isbell testified to the fact that it is only the socially unstable or those with character disorders who are attracted to the use of marijuana in contradistinction to the fact that there are a great many normal, stable persons who will take a drink.

Marijuana has no recognized therapeutic value in the Western world, whereas alcohol does. While the Commonwealth does not contend that alcohol has not been a problem to our culture, it would submit that alcohol has been assimilated into our culture and into most countries throughout the world. Marijuana, however, has never been successfully assimilated into the culture of a country. To the contrary, many countries, including India, which have histories showing centuries of use of cannabis, have had to prohibit its use because they have been unable to cope with the problems and angers which attend its use.

Alcohol has created a substantial problem in this country. The fact that there are over 6,000,000 alcoholics bears proof to this fact. We heard evidence to the fact that should marijuana be made more readily available through a change in the law, that the group of marijuana smokers would have to be added to the present number of alcoholics, thus multiplying, perhaps many times, the problems which we now have.

III. THE LEGISLATION IMPOSING CRIMINAL SANCTIONS ON THE POSSESSION AND USE OF MARIJUANA IS NOT ARBITRARY OR CAPRICIOUS.

The defendants have argued that the fact that there is very little legislative history recorded and available should be taken into account by the Court as evidence that the legislature made no significant inquiry into the question of the dangerous and harmful properties and effects of marijuana at the time that it enacted legislation to regulate this drug. The Commonwealth would contend that there is no justification in fact for this conclusion. Documentation of legislative hearings and committee reports are, at best, sorely incomplete here in the Commonwealth. There is no showing that the documents admitted into evidence comprised the total content of the meetings and hearings which the legislature has held over the years in connection with proposed or existing legislation in connection with the drug, marijuana.

The statutory history does show, however, that the legislature was dealing with these statutory provisions as recently as 1966 when, among other things, it added LSD, psilocybin and DMT to the list of drugs which were to be regulated in the same way as marijuana. At that time, the legislature had the opportunity to review the statute as it pertains to marijuana and make changes as they saw fit. If the legislature had at that time felt that a different statutory scheme should be applied to marijuana, it seems reasonable to assume that they would have made the changes then.

Defendants' contention that the Legislation pertaining to marijuana is irrational and arbitrary because it groups marijuana with narcotic drugs has been answered above, where the Commonwealth has shown that the grouping of marijuana with LSD, heroin and others is proper since the significant deleterious effect of all these drugs is psychological dependance. In this connection it might be helpful to recall that Dr. Isbell further testified that the new terminology, which classified drugs in terms of psychological dependance rather than in terms of being narcotics or addictive,

"...has been accepted and is used in the most influential textbook of pharmacology in this country; namely, Goodman and Gilman. Also, I might say it is incorporated into an

article in the Textbook of Medicine. So here you have two of the most influential books in the country."

The Commonwealth has argued in its earlier brief that the intent and purpose of the statutory scheme regulating marijuana adopted by the Legislature is to prevent the unlawful use of this dangerous and harmful drug. The evidence produced at the hearing supports the finding that the statutes have been effective in preventing unlawful use. Defendants' witness Mr. Jackson, recognized that the criminal sanctions imposed against the use and possession of the drug have some effect. In response to the Court's question as to whether marijuana should be regulated or prohibited, Dr. Harris Isbell replied that it should be prohibited, and added,

"I think if you attempt to regulate it (marijuana) you will be letting down the bars toward the production of more and more potent material, even perhaps the introduction of synthetic material. Once this is done, you are going to have a lot of psychopathic reactions because of the fact that the dose would come up. I think that we have too many intoxications now. I see no reason to allow another one to develop."

Even Dr. Fort had to agree that the following statement published by the American Medical Association "may well be a valid one."

"Legal control is one of the most important and effective aspects of prevention."

Mr. O'Conner, probably one of the most qualified enforcement officials in the country supported the proposition that the laws prohibiting the use and possession of marijuana were effective in keeping down the amounts available, thus limiting the number of people who can obtain the drug and keep the potency at a low level. Nevertheless, it is apparent from his testimony that in California, at least, there has been substantially rapid increase in the use of marijuana in recent years. This, in substantial part, has been attributed to public statements by individuals such as some of the witnesses that are construed by the public, and especially the youth, as tending to indicate that marijuana is harmless and relatively innocuous. As Dr. Farnsworth explained:

"...it is hard to tell who are the problems, those giving the undue publicity or the unfortunate boys and girls who are taking the drugs..."

Nevertheless, the amount of use of marijuana, to the extent that reliable figures are available, is still relatively small. The extent of use of hashish is even smaller. Among college students, no responsible estimate of the number of students who have used marijuana (not necessarily regular users) would exceed approximately fifteen percent.

CONCLUSION

The hearing on Defendants' Motion to Dismiss brought together for the first time many

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of the outstanding experts in the field of marijuana. It provided for the Court the opportunity to determine what is the great weight of medical opinion relating to the dangers of marijuana. It also afforded an opportunity for the Court to determine the present state of the medical literature regarding this drug.

The evidence clearly indicated that the literature is extensive and meaningful. In addition, a great deal of study and research has been devoted to an attempt to learn more about this drug. All of the work which has been done to date supports the contention that marijuana is a dangerous and harmful drug. There is no evidence that future studies will show it any less harmful. The experts agreed unanimously that there is still a great deal to learn. The Commonwealth urges that it would be the height of folly to turn this drug loose today in the light of the great weight of medical opinion which finds this drug to be both dangerous and harmful.

Respectfully submitted,

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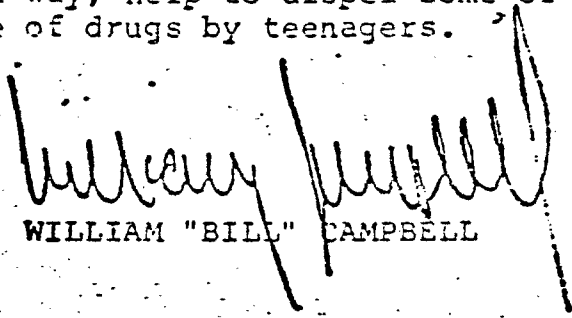
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Assembly California Legislature

WILLIAM CAMPBELL
ASSEMBLYMAN, FIFTIETH DISTRICT

For the past six months, I have been doing an in-depth study into the problem of teenage drug abuse. I am enclosing the results of my study.

I feel that this is one of the most serious problems confronting our society today, and I hope that the attached report may, in some small way, help to dispel some of the myths surrounding the use of drugs by teenagers.



WILLIAM "BILL" CAMPBELL

(4)

TEENAGE DRUG ABUSE

"A Major Social Crisis"

Position Paper By: William "Bill" Campbell
Member of the Assembly
50th District

PREFACE

It is readily apparent that the movement to liberalize California's narcotics control statutes which prohibit the possession, use or sale of marihuana has broadened appreciably and is gaining momentum on a wide front.

The California Narcotics Act of 1965 makes the sale, use, possession, production and cultivation of the indian hemp plant, cannabis sativa L, and all species of the cannabis including its products, by-products, seeds and derivatives, a felony. Those who promulgate the liberalization of the Statute would reduce the status of the violation to a misdemeanor. ^{1/}

Included herein is the work product of my staff research into the principal derivatives of the cannabis sativa L. -- marihuana, hashish, etc. -- the plant itself -- and the facts and fallacies surrounding the abuse of the drug property in marihuana, tetrahydrocannabinol or THC.

In my opinion, the use of marihuana and other dangerous drugs is possibly one of the most serious social and moral problems confronting our society today. In view of this fact, as a State Assemblyman it is my considered opinion that a constructive point of view is necessary.

In the coming session of the State Legislature we should, I believe, be prepared to consider and possibly propose certain basic legislation in the area of marihuana and other dangerous drugs. I feel with the proper comprehension of the empirical evidence we can bring to light the known facts about marihuana and protract an intelligent prediction as to the consequences of mass abuse of this dangerous stimulant.

I feel that if all the facts were known by Californians we could deal with this problem in a more enlightened manner.

What follows is a brief, concentrated presentation of much of the basic information available on marihuana -- the myths and propaganda surrounding its use and certain facts and theories of drug authorities and addicts themselves in a concise format.

Six months ago, I knew comparatively little or nothing about marihuana itself. I had, of course, certain impressions, certain apprehensions and grave concerns about marihuana. The appeal of this drug for adolescents and teenagers was at the outset and still is a matter of very grave concern to me. My research and probings into the drug abuse field have substantiated my early concerns and apprehensions.

What follows does not purport to be any more than a scratch on the surface of this incredibly complicated and dangerous problem. Admittedly, the gravity of drug abuse in California seems to be broader and more intense than in other states, but California is a vast and intense state given to excesses and innovations in undesirable things as well as desirable.

My intense inquiry, with the patient assistance of excellent medical authorities, law enforcement officers and state institution directors has led me through a maze of lay opinion, pseudo-facts, propaganda, rationalizations and blatant examples of misinformation (calculated, I believe, to confuse the salient points known about the inherent danger in the abuse of cannabinal drugs).

It is my firm opinion that the express intent of the marihuana "liberalizers" is to obtain through the subtle process of erosion, by first liberalizing the laws, the eventual legalization of cannabis derivatives. This goal attainment is openly admitted by one of the new and very erudite proponents of marihuana legalization, John Rosevear in his book, "Pot" subtitled "A Handbook of Marihuana".^{2/}(See also the Appendix I "Bruin Humanist Forum".

For the record, I would like to make it abundantly clear that I do not claim to great personal authority in the field of drug abuse. I am neither a biochemist nor a forensic pharmacologist. The intent and content of this report is to create an interest in the drug abuse problem and to open the door for far greater studies by qualified observers and specialists to advise and help each of us in our legislative consideration. This paper is issued to stimulate and create specific interest among legislators, Party leaders and the California public-at-large. The exigency for remedial action in consideration of the amazing growth of the use and sale of marihuana demands quick action. We must move on a front broader than that of the marihuana promoters. We must take the message to the people of California so that they can make value judgments themselves as to whether they want more liberal laws in the drug field, stricter enforcement of present laws or stronger laws.

MARIHUANA -- A CONTEMPORARY PROBLEM FOR ADOLESCENTS AND JUVENILES

The sale and use of marihuana in California is reaching staggering proportions, especially among adolescents and teenagers. In California in 1965 marihuana arrests numbered 4,266; in 1966 marihuana arrests numbered 5,962. In the first half of the year 1967, marihuana arrests reached the staggering number of 11,587.

Juvenile drug arrests rose to 5,735 in the January-June period of 1967 from only 2,146 in the like period of 1966. These totals represent an increase in juvenile and adolescent abuses of 167.2%.*

Marihuana offenses were up 181.2% and dangerous drugs (i.e. hallucinogens, amphetamines, hypnotics, etc.) were up 89.1%. 3/

Heroin -- Marihuana Relationship

Continuing a protraction of juvenile and youth drug offenses, we discover heroin and addict user offenses increased from 33 arrests in 1966 to 113 in the same January-June period of 1967. 4/

These statistics reflect the conclusion made by many authorities in the field of drug abuse that a certain group of drug abuse prone individuals will begin their abuse pattern with marihuana and progress to the abuse of heroin. Opiates offer this group numerous attractions -- among them the discovery of a soporific drug that will blot out reality and insulate them from life's stresses and life's tensions. 5/

Even in the drug abuse prone user marihuana does not lead to heroin addiction automatically. The user who begins with marihuana and escalates to heroin addiction is, for the most part, the constitutional or psychological inferior, thus prone to abuse. For example, all people who drink alcoholic beverages don't become alcoholics, but there is a type of person, emotionally and psychologically pre-conditioned, that after a use pattern has developed, will use alcohol solely to achieve drunkenness. For this person alcohol obliterates reality and the stresses he cannot cope with maturely. A similar reaction occurs in individuals who are susceptible to the effects of heroin. These individuals will begin their drug abuse pattern with marihuana and progress to the use of heroin.

Thus, maladjusted youths or adolescents who sample marihuana may be -- and in some cases probably are -- beginning the path to heroin or other strong, soporific drugs because of their emotional shortcomings.

The obvious fact in the parallel increase of heroin and marihuana abuse points out, in my estimation, that the statement so often made -- "marihuana does not lead to heroin" -- is, in fact, an over-simplification and a dangerous, dogmatic and purely subjective opinion. Can anyone be so sure in such a complicated and intricate problem? The risks, in my opinion, far outweigh the theories. It is time to end over-simplifications and patent cliches and review what facts exist. 6/

*At this writing figures for 1967, last half of the year, not available.

AVAILABILITY OF MARIHUANA FOR THE YOUNG -- The New Users-Pusher Relationship

In my Assembly District, marihuana is available on or near every high school and junior high school campus.^{7/} My District is typical, I believe, of the average Southern California Assembly District -- socially and demographically. I believe a similar marihuana availability problem exists throughout the State of California.

To add to the availability problem, the teenagers using marihuana present a completely new set of problems for police and narcotics agents. The new teenage drug abuse network no longer conforms with the past and established pusher-user relationship. The average teenage user is also, himself, the pusher but the profit motive is, for the most part, not his main objective in the sale of marihuana. This is not to suggest that the drug underworld isn't, in fact, still thriving and flourishing. When the young drug user decides to escalate his drug use pattern to stronger and less available drugs, he will eventually come into direct contact with the drug underworld. What does exist, however, is a complicated pattern of teenage drug interchange. Young users provide marihuana for parties they attend or for friends' use intending to be rewarded by being included in future parties where someone else provides the drug in return. Thus, the provision of marihuana becomes a social and reciprocal interaction between one friend or one group of friends and another. There is thus no clear delineation between user and pusher that exists in the heroin addicts procurement network wherein the drug is supplied directly and controlled directly by the narcotics underworld. Marihuana is available, cheap and abundant.^{8/} Heroin isn't.

The police, of course, under these new circumstances are compelled to modify and adapt their enforcement activities in the control of marihuana abuse and it thus becomes a confused, subtle and unusual enforcement problem. The police are dealing with a new type of felon, a high school boy or girl who may not be otherwise criminally inclined. The marihuana problem traverses the whole socio-economic spectrum. Of course, a percentage of teenagers who become involved in drug abuse also have a juvenile record of other violations and are probably developing a criminally oriented way of life. The area of frustration for the authorities arises out of the fact that many of the youths and adolescents who are abusing marihuana are (at the time of their drug arrest) otherwise not criminally inclined. They seem to be using the drug for "kicks" or because marihuana use is a fad or status symbol.

The image of the police officer is often painted by the pro-marihuana spokesman as an indifferent, cold and brutal personification of abstract justice -- an enforcer for the "establishment". The police officers' new role is demanding and he has suffered seriously from this calculatedly erroneous image that has been built through negative propaganda.

Aside from the obvious anti-social and criminal element that has always existed and has always been prone to drug abuse, two other contemporary groups must be included under the general heading of users:

1. The cultists - the pseudo intellectual, possibly intellectual, the pseudo religious, perhaps religious cultists (n.b. Timothy Leary) often referred to as gurus (spiritual leaders). These leaders and their followers seek "mind expanding"* experiences, and believe and profess that the use of marihuana, LSD, DMT, mescaline, etc. aids and helps them to "better understand themselves" or is "the ecstatic expansion process" to reach the deity.^{9/} The announced purpose of these gurus and their publicity men is to proselytize the use of drugs as a vehicle or a way to achieve intellectual attainment and religious communication with God. To Leary, LSD is a "sacrament".

(It should be noted that marihuana is an hallucinogenic drug -- not as powerful as LSD or DMT but, being a hallucinogenic, it introduces the user to the induced psychotic effect found in this type of drug compound and thus it conditions him for eventual use of stronger hallucinogens.)

2. The "Chippers" - It is this loosely knit group of young and adolescent users that has so dramatically expanded the drug arrest statistics. The "chippers" are the juveniles, adolescents and teenagers who seem to be turning to marihuana because, simply, they like the effect of the drug; or the drug (because of the fad value giving rise to the "in group" conformity and the youth's propensity to participate) is in vogue and therefore it must be sampled to be one of the "swingers", a new designation for the avant garde.^{10/}

Many of these young people will try or sample this drug or that but once or twice and not become habitues or will not develop a use pattern. Some, however, begin to use marihuana on a regular or intermittent basis and thus develop a use pattern with a dangerous drug that compromises their lawful existence and puts them in contact with other users and users of stronger drugs.

Let us make no mistake about it. Marihuana, taken in doses below toxicity, either by ingestion or inhalation, offers the vast majority of users a pleasant, euphoric and often stimulating experience. Marihuana has a profound effect on the central nervous system which seems to amplify sensitivity through an abnormal set of intense stimuli in sense perceptions. Quite often it induces giddiness, causes euphoria and can provide the inexperienced young user with an emotional thrill of no small magnitude.¹¹ The adolescent or teenager is psychologically and physically at a delicate period of development and is not in most cases experienced enough or aware enough to cope with these new-found thrills. In my opinion, there could be no more serious period in the course of human development for the introduction of a drug so emotionally distorting and unpredictable as during the teens or adolescence.

*Psychedelic means "mind expanding".

Dr. Bloomquist has enumerated some of the specific causes which he believes guide the young, prospective marihuana users to the drug:

1. Favorable publicity toward the use of the drug by the opinion influencing media (i. e. the vast exposure given promoters of marijuana such as Timothy Leary and his type).
2. Friends who use the drug, usually the "in group" or "swingers", who proselytize and often lead in their group.
3. Teachers and professors who promote the use of marihuana in class.
4. Normal curiosity after interest from the above sources.
5. Boredom in an affluent and blasé society.
6. Well-meaning but not well-informed authorities who antagonize youths by their panic. Continual preaching of pseudo-facts and myths about the drug that the user knows is false which ruins all rapport between certain teenagers and the authorities.
7. The natural desire in the young to seek "kicks" and new experiences.
8. An augmentation of the ever-present tendency in the young to revolt against the established authority.
9. Inaccurate, subjective impressions. ^{12/}

The "Chippers" are the young people who play and experiment with drugs. They aren't, for the most part, criminal types. Most won't escalate to "hard narcotics", but in the use of marijuana these youths are exposed to a very dangerous drug yet they don't think it is dangerous. After several pleasant experiences with "pot", they are ready for one of the much stronger hallucinogens; LSD, DMT, etc., and a great many use the stronger drugs in the continuing search for "kicks".

Young marihuana users interviewed by my staff (typical "Chippers") had used or sampled almost all of the barbituates, amphetamines, and hallucinogens. They had even drunk whole bottles of cough preparations and had ingested Asthmador. ^{13/}

MARIHUANA - A PSYCHOTOMIMETIC* DRUG.

Marihuana, the processed leaves and tender stems of the cannabis sativa L. or americana can act as a strong stimulant and in strong doses is a hallucination-inducing drug that can afflict the user by inducing a psychotic reaction. American-grown marihuana is not as potent as that grown in Mexico, but by far the most potent cannabinol drug, hashish, is derived from the Asian-Indian species of the hemp plant (cannabis indica). **

(For an apt description of the hemp or cannabis plant, see "Drugs" by Peter Laurie, Penguin Special Edition, 1967, (p. 82), or "Pot" by John Rosevear, University Books, 1967, (pp. 38-44): Local police will provide color slides and illustrations of the drug. Processed marihuana resembles oregano so well that older teenagers sometimes sell the herb to adolescents in the guise of marihuana!.

The active drug property in cannabis is tetrahydrocannabinol or THC. In most herbaceous drugs, the active ingredient is one of a group of organic compounds known as alkaloids (morphine, heroin, atropine, scopolamine, mescaline, yohimbim, etc.), but the active property in the cannabis (THC) has certain chemical peculiarities that inhibit THC from combining with acids to make salts or soluble crystals. ^{14/} THC is a group of cannabinol substances found in the resinous sap and tender leaves of the flowering female cannabis. The drug was synthesized under the tradenames Synhexl and Pyrahexl in the 1940's. Even today, little or nothing is known about the exact physical or neurological effects of THC. ^{15/}

The drug apparently works on the central nervous system and elicits an unpredictable response. It appears that the smoker's psychological or mental frame of mind is quite important to the drug's effects. The user (of any hallucinogenic drug), if in a poor psychological state when using the drug, may have a "bummer" or a "freakout" -- hippy jargon for a paranoid or frightening psychotic reaction to the use of THC. ^{16/}

OBSERVABLE EFFECTS OF MARIHUANA

Marihuana is a very unpredictable drug in more ways than one. First, geographic location of the growth of the plant is what makes the difference in the potency of the cigarettes, rather than the amount used. Secondly, the THC content of marihuana varies widely in the bulk preparation because, being an illegal drug, there are no quality controls or strength standards. Thus one "joint" (marihuana cigarette) smoked at one time might elicit a certain reaction and a second "joint", smoked at another time (which might be stronger or weaker than the previous "joint") may well elicit an entirely different reaction pattern. Thirdly, as mentioned above, the drug has no predictable effect at any given time because the frame of mind or psychological orientation of the user may determine his effect pattern.

For example, a smoker who is emotionally low or psychologically depressed might have a most disastrous emotional disturbance in one drug experience with marihuana after having had several pleasant euphoric experiences previously. Finally, no marihuana user can determine how much of the drug he has inhaled or ingested because one of the principal characteristics of the drug, THC, is a complete loss of time-sense and space relationships. Thus, no smoker can keep track of the amount of the drug used. ^{17/}

In the literature of pro-legalization writers, including the doctors and sociologists involved in the preparation of the LaGuardia Report, it is often stated flatly that any marihuana smoker will know his marihuana saturation point and will cease smoking or ingesting the drug when he has reached that point. Every evidence and indication revealed in my inquiry pointed out that this conclusion is utterly erroneous. The LaGuardia Report, written in 1944, is an oft-quoted document by the pro-marihuana spokesmen. 18/ (see appendix III).

Here are some of the observable effects marihuana has on the central nervous system of the user: (1) marihuana distorts time and space relationships so that one finds it difficult, if not impossible, to relate himself to reality; (2) marihuana decreases inhibitions making it easier to express anti-social tendencies previously held in control by religious or social inhibitions; (3) marihuana alters perception making visual, auditory, gustatory, olfactory and touch sensitivity much more acute; (4) marihuana, after increased dosage, alters one's sense of interpretation, both as to one's own ability and limitations and as to his relationship with other people and things; (5) in high dosage it produces hallucinations which may be either pleasant or unpleasant; (6) it can produce toxic psychoses which can alter the life of the individual not only during but long after the drug abuse episode. Cases of gross panic and fear, de-personalization, gross confusion and disorientation, acute depression, paranoid phenomena and schizophrenic behavior have been reported; (7) marihuana can produce the flashback phenomena if the proper association is present. These flashbacks are recurrences of the marihuana experience and occur when the individual may be unable to either control or emotionally encompass the accompanying sensory distortion. Marihuana thus, in the flashback experience, has the Pavlovian set of circumstances referred to as the conditioned response and, (8) the use of marihuana can recapitulate the hallucinogenic experience elicited by a previous drug experience with LSD. 19/ (See appendix IV for further effects).

THE MARIHUANA INDUCED PERSONALITY

Recently Dr. Constandinos J. Miras, University of Athens, at a seminar held by the UCLA Department of Pharmacology delivered a paper defining the "Marihuana Induced Personality". Dr. Miras has studied marihuana habits for twenty years (probably the longest continuing study of marihuana's effect yet conducted) and certain of his findings indicate a serious and devastating mental and psychological decline in long-time marihuana abusers. Dr. Miras noted a "slowed speech, lethargy, lowered inhibitions and loss of morality". 20/

Dr. Edward Bloomquist over his period of study in the field of marihuana, has noted a similar development of the marihuana induced personality. He is generally in agreement with Miras that the phenomena exists.

DeRopp writes, "What is the effect on society of widespread indulgence in cannabis? Is the drug dangerous? Is its use associated with crimes of violence? Does it lead its devotees to the madhouse? These questions are rather difficult to answer. In countries like Egypt and India there does seem to be a certain form of insanity associated with excessive use of hashish, nor can one deny that its consumption in some regions of the Middle East reaches

such a point that it poses a public health problem." 21/

It is my firm belief that the over-simplified statement "Marihuana is not physically harmful" is pure conjecture based on subjective judgment by those who proselytize the use of the drug. There is overwhelming evidence that cannabinol drugs, used habitually, can have devastating mental effects. Scientists generally agree that no known physical damage has yet been reported. Miras feels that actual brain damage may tend to result after many years of cannabinol use. In Miras' studies he used radio-active cannabinol drugs to trace the physiological path of cannabinol drugs in the system.

MARIHUANA AND TOXICITY

The over-use or abuse of any drug leads to toxic effects. There is no question in my mind, and the literature in the field of marihuana abuse verifies completely that marihuana has serious and devastating toxic effects.

Under toxic dosage the user of marihuana becomes a psychotic or paranoid schizophrenic. Case after case of extreme marihuana abuse verifies this fact beyond any shadow of a doubt. I would refer you to the "LaGuardia Report" that is currently available in a book entitled "The Marihuana Papers" edited by David Solomon. (See bibliography). On page 278 of that book under the heading "Psychotic Episodes" there is a detailed analysis in brief case history form of the devastating mental and psychological reactions undergone by the marihuana abuser who has taken a toxic dose of the drug.

MARIHUANA AND ALCOHOL

The proponents of marihuana abuse often make invalid comparisons of alcohol (in the drug sense) with marihuana or hashish. First it should be noted that alcohol (in the drug sense) is a depressant whereas marihuana is an hallucinogenic that possesses both stimulant and depressant properties. Alcohol in toxic doses leads to the complete immobilization of the user, the drunken stupor and eventual unconsciousness. Not so with marihuana. Being a hallucinogenic, marihuana in toxic doses leads to a highly active pattern of behavior. Where the person intoxicated with alcohol eventually reaches unconsciousness, the marihuana abuser begins a broad pattern of energetic activity and movement, included added strength. Toxic doses of marihuana can be expected to produce psychotic and pseudo-psychotic episodes.

Alcohol in this culture is used by most people in a casual manner. Marihuana is not used casually in that an individual must achieve intoxication to attain desired effects. Thus, of necessity, when discussing alcohol in relation to marihuana, one must discuss the chronic alcoholic only and compare him with the marihuana abuser. It has been the pseudo-scientific sophistry of marihuana advocates to place a person against liberalization in the peculiar role of defending the use and abuse of alcoholic beverages.

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There is no comparison at all in my opinion. Each drug has its own particular set of problems and dangers. That the abuse of alcohol in this nation is a serious social and economic problem has nothing whatsoever to do with any considerations regarding the abuse of cannabinol drugs.

MARIHUANA AND CRIME 22/

Marihuana is inextricably tied to criminal behavior for several reasons:

1. The smoking, possession and sale of the drug is a felony -- thus those involved in the use or sale of the drug are beginning a criminal behavior pattern.
2. Because marihuana removes an individual's inhibitions, a person using the drug with latent criminal desires or propensities held in check by social or moral inhibitions might well (often does) carry out the latent desire for criminal expression, because the inhibitions are removed.
3. In toxic dosage, criminal psychotic behavior and anti-social acts are often part of THC's effect pattern.
4. Because marihuana tends to make "social bums" out of the habitual user, laws and norms of the society mean little or nothing to the habitue.

It should be noted here that our modern word "assassin" is derived from a small group of political murderers dependent on hashish, a similar (but stronger) cannabinol drug. Hashish is being used now in the Los Angeles area by youths who began their use pattern on marihuana. Hashish comes from Asia, so we must conclude illicit commerce in this drug is now existent and growing.

MARIHUANA AND SEX

Marihuana is not an aphrodisiac as such and does not act in the same sense as damiana, yohimbin, or testosterone propionate. Marihuana does however, function as an adjunct to sexual behavior in three basic ways:

1. It removes inhibitions
2. It amplifies the sense perception (i. e. touch and pleasure sense)
3. It distorts time to make sexual activity seem of longer duration.

Healthy adolescents and teenagers are in a very sensitive stage of sexual development under normal conditions and circumstances -- the above effects of the drug can easily lead to improper or disastrous sexual activity because wisdom and maturity are lacking and THC's effects can bring about the occasion and inclination for debauchery.

A growing group of primary, secondary, college and university teachers tend to or actually prosyletize marihuana use in the classroom or in extra-curricular activities related directly to the school or to schoolwork.

A new paperback book in the main advocating the liberalization and eventual legalization of marihuana entitled "Marihuana, Myths and Realities" includes pseudo-scientific and pseudo-authoritarian articles by a small group of authors, some of whom are currently on the staff of the University of California. Here is a quote from one article in the collection, written, incidentally, by the editor:

"Marihuana isn't a poison** and it isn't a magic elixir. It's an intoxicant. As an intoxicant, pot seems preferable from a medical and social standpoint (to alcohol); no hangovers, little or no physical damage even with excessive use, far less befuddling of perceptions and actions. But it is an intoxicant". 23/

FALSE

The editor and author of the above excerpt is a behavioral scientist, not a medical doctor or a forensic pharmacologist. He makes personal and subjective assessments of the cannabinol drugs in the lead article of the volume. In my opinion, the above quotation is for the most part completely false. Let us dissect his statements! (from the above excerpt)

1. "Marihuana isn't a poison..."

Cannabinol ingestion in gross amounts can cause death. Thus, can a flat statement be made that the drug isn't poisonous?

According to Dr. Victor Vogel, THC can and has had lethal effects. In the United States, however, due to the fact that the marihuana consumed (up until now**) has not contained a high enough concentration of hemp resin to result in death. It is much more difficult to attain the lethal amount by inhalation, as is the customary way of using marihuana in the U.S. Oral ingestion (larger doses are directly assimilated) is prevalent abroad, especially in Asia where deaths from cannabinol drugs have been reported. 24/ The lethal dose has been set at 8 gr. per kilo of body weight in the normal, healthy human. 25/

Thus, the opening statement quoted above is not true at all, and though the lethal amount is great, death can and has been reported from overdoses.

2. "...as an intoxicant, Pot seems preferable from a medical and social standpoint..."

This is subjective sophistry in its highest developed form. There is

no "preferable intoxicant". Alcohol is a devastating social problem in the United States. Intoxication from any source is not socially acceptable. Should we add a new a-social drug to our list of problems? (because we already have one set of problems) From what "medical and social" standpoints can this statement be defended? The only answer I could even begin to make would be that the statement is apparently made from the author's subjective bias.

3. "Little or no physical damage with excessive use ..."

This statement is out-and-out misinformation. I refer the reader to the La Guardia Report (See bibliography) and especially the article by Allentuck detailing the toxic reactions elicited by THC.

Irresponsible, dogmatic misinformation such as is included in the above excerpt shows either a monumental disregard for, or an absolute ignorance of the empirical evidence amassed and available in the field of cannabinol drugs.

MARIHUANA AND ADDICTION

Cannabinol drugs are not physically addicting in the sense the opiates are. No tolerance has been discovered and no biological dependence has ever been reported in THC studies.

The physical dependence in Heroin abuse, for example, is only a minor concern to those authorities actively engaged in drug rehabilitation. ^{26/} In five or six days the biological need is usually overcome. The real problem for the addict is the psychological dependence that, in the case of heroin, may never be cured.

Psychological dependence on cannabinol drugs has been thoroughly affirmed by the World Health Organization of the United Nations and can be had merely by writing to that body and requesting their position paper on marihuana's psychological dependence. * (for footnote see page 13)

The World Health Organization's statement on dependence says in part, "Much of the confusion regarding the effects produced by marihuana has been the result of petty quibbles regarding the causation of internal 'addiction' or 'habituation'." Thus, we see the word "addict" evolving to a broader usage and being replaced by the word "dependence".

Once again, those who promulgate the legalization of marihuana use semantics and sophistry to confuse the issue and erode the facts of the matter. Actually, what difference does it make if the user is "hooked" for biological reasons or psychological reasons? He is still "hooked". He is still mastered by the drug.

MARIHUANA AND THE COURTS

The California courts have a similar problem to those of the local

police departments. Our drug abuse statutes demand a felony conviction for possession, use or sale of marihuana. Many judges have subjectively shown lenience to marihuana violators, feeling that the felony conviction is too harsh for youthful offenders. This leniency has caused a frustration and loss of morale in a vast number of law enforcement officers. The same subjectively motivated marihuana posture exists in some District Attorneys' offices. When the various permissive State and Federal Supreme Court precedents (i. e. new search and seizure standards, etc.) are added to the subjective, lenient opinions displayed by certain judges and District Attorneys, we have a chaotic situation in our administration of justice in the drug abuse field.

It must be stated, I believe, (or re-stated even though redundant) that the courts do not exist to make laws - nor do the District Attorney staffers have a legislative mandate -- and subjectivism by certain judges and prosecutors has added to the growing drug abuse problem in our youth. The legislative responsibility must immediately concern itself with the correction of this grave problem. We have arrived at a most important juncture when we must make a determination whether to re-write the laws so as to condone permissiveness by the courts or to mandate enforcement of those laws on the books as they exist.

MARIHUANA AND LSD-25

Marihuana is the little brother to LSD (Lysergic Acid Diethylamide) a strong and very unpredictable hallucination producing drug. ^{27/} Use of marihuana often leads directly to the sampling of LSD. "Chippers" try all the drugs available. The most strong hallucinogens and amphetamines are readily available to the youth. After sampling and experimentation they usually decide on one particular drug for sustained abuse. When a use pattern develops, the user tends to stay with that drug to a point when he feels the need for stronger effects and more potent reactions. From marihuana, the next logical step is LSD. Wherever marihuana can be procured LSD is also available, but at a much higher price.

However, it seems that many youths are turning away from LSD after news stories and headlines have reported serious and horrible reactions to the drug. The publicity concerning the suspected chromosomal breakdown with possible mutated births has been instrumental in getting some youths away

13.

footnote from page 12

*"Dependence" ... defined as a state arising from repeated administration of a drug on a periodic or continuance basis. Its characteristics will vary with the agent involved, and this must be made clear by designating the particular type of drug dependence in each specific case." United Nations Bulletin on Narcotics, Volume XVIII No. 2 April-June, 1966.

from LSD. It is still, however, a serious escalation possibility among marihuana habitués, and ironically, possession of LSD is only a misdemeanor in California.

There are many more drugs in use -- barbituates, amphetamines, methedrine ("Speed" ^{28/}) and hallucinogens such as mescaline, DMT (Dimethyltryptamine) and psilocybin. All are dangerous, and all are currently being abused by youths in California.

MARIHUANA AND THE COMMUNICATIONS MEDIA

Certain sectors of the mass media, because the drug issue is a sensational and off-beat problem and because legalization of the drug is newsworthy, oft times give an important forum to the pseudo-authorities. Many of these pseudo-authorities are bearded and colorful characters which creates interest in them. The Alan Ginzbergs and Timothy Learys have been given a great deal of valuable T-V and radio time because of their iconoclastic bravado and colorful epithets.

Many radio "talk shows" have moderators who openly proselytize marihuana and defend the use of the drug for hours on end in prime-time broadcasts. The mass media has a very important opinion forming power, and day-after-day this cumulative pro-marihuana propaganda is bound to have an important impact on public policy regarding marihuana. Rosevear, in his introduction to the book "Pot", articulates this very position.

The "underground" newspaper is a creature of sensationalism, sex and pseudo-authority and opinion. Editorially, these publications advocate the posture of the "new left" which has added the legalization of marihuana to its arsenal of weapons against our American cultural experience. These newspapers, usually tabloid size, include a classified ad column that provides contacts for drug use and the dissemination of drug abuse information. They are prevalent everywhere youths assemble.

UNITED STATES, A DRUG ORIENTED NATION

There is a pill or potion for every minor discomfort, stress, pain and ill available at our modern drug stores and advertised on our mass media. Tranquilizers, sedatives, pep pills and headache remedies are a very significant part of the modern American's way of life.

A young person developing in our age of permissiveness, watching his mother take her tranquilizers for stress and his father take his "sleeping pills" for rest must, of necessity, react in some way to this constant exposure to drugs.

Not all, not even most, but a noteworthy number of youngsters (the digits in the youth-drug arrest statistics) are becoming pill and palliative oriented. 1-300 They seek a pill or capsule when the slightest stress develops. Is it any wonder this group has little difficulty in developing a marihuana abuse pattern? Just another potion to relieve the tension, boredom, pain, or discontent.

CONCLUSIONS

Cannabinol drugs are hallucinogenic agents with erratic stimulant and depressant properties that apparently are not physically addictive but do create a strong psychological dependence, thus adversely affecting the life, mental attitude and potential of the user.

There is such a dearth of empirical data available about the cannabinol drug group that to even consider liberalizing existing California statutes at this time would be intellectual hypocrisy. Our current statutes seem to be adequate up to a point, but the new abuser, the "chipper", with his drug barter system, presents a new and demanding set of circumstances. In this area, creative and remedial suggestions are needed.

There is no valid comparison between alcohol and marihuana. One is a depressant, the other a hallucinogenic. Both have toxic potential, but in the toxic period alcohol depresses the user while marihuana energizes him -- even gives him added or abnormal strength. The abuse of alcohol is a serious social and moral problem in America, and legalizing marihuana would only put on the market a new, strong intoxicant to add to our present problems. There is no inherent right --- no "inalienable right" --- to drug abuse.

No civilized nation on the face of the earth currently permits the sale or use of cannabinol drugs by law. Those nations (i.e. India, Nigeria, etc.) who at one time permitted their use, have since made the drugs illegal, because of the adverse social and civil impact their use and abuse had on the national fiber. A rather permissive nation like Sweden even outlaws two specific drugs, heroin and cannabis.*

Though marihuana, in most cases, does not lead directly to heroin abuse, it is noteworthy that over 90% of the known heroin addicts began their abuse pattern with marihuana. The statistical arrest information shows that when marihuana arrest statistics swell, heroin arrest statistics swell commensurately.

Unfortunately, marihuana is a hardy and easily grown weed, and its cannabinol derivatives are being sold, inter-changed and used by an ever-growing number of adolescents and teenagers.

(*In fact, Nigeria made a full circle in their regard for marihuana. They went from open legalization to the present death penalty for the sale of marihuana.)

The sale and use of the most powerful and devastating of all cannabinol drugs, hashish, is rapidly increasing in California. Since hashish is available and processed only in India and surrounding areas, this would indicate the presence of the underworld syndicate in the teenage drug abuse problem.

Marihuana introduces the young user to a dangerous drug, yet he doesn't believe or isn't capable of realizing that the drug is dangerous. Most youths using marihuana sample or "chip" with LSD, DMT, etc. and thus begin an escalation in their abuse pattern.

The cannabinols attack the spiritual and mental aspect of the user. They remove inhibitions, cause hallucinations and in many cases lead to anti-social behavior and in some cases crime.

Marihuana is dangerous because it has become a fad -- an "in-group" or avant garde behavior pattern. Teenagers and adolescents tend to follow the "in-group" in lesser or greater degrees. The "weedheads" introduce the "underground" publications to the campus and in some cases edit and write their own "underground" newspaper. These papers extoll the "virtues of marihuana". Thus the adolescent is constantly in contact with pro-marihuana propaganda, and his interest is bound to be stimulated regarding use of the drug. His parents often are not equipped to discuss the drug with him through lack of information.

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Panic and "old wives tales" about marihuana have tended to destroy the credibility of valid arguments against marihuana's use. A calm, empirical presentation about the adverse and debilitating life pattern induced by marihuana is the immediate need and our important task.

Marihuana is a misunderstood and still mysterious drug; thus confusion about its use can easily be created. The myths and misinformation of the pro-marihuana spokesmen are having their effects on the young in California. Educational countermeasures based on empirical information must be carried out immediately to off-set the damage being done by the proponents of marihuana.

In May, 1966, the U. S. ratified an international agreement on marihuana control. Fifty-eight other countries ratified the same accord, thus legalization would be a breach of this international agreement if the U. S. or any state were to legalize the drug.

RECOMMENDATIONS

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The following are my recommendations:

1. The immediate undertaking by the University of California Medical School (or any other qualified medical school) of an in-depth medical study into the physical and mental effects of the cannabinol drug group.
2. The immediate development by the Dept. of Education of a classroom course of study (including modern audio-visual aids and encompassing all grade levels) covering the whole spectrum of the drug abuse problem. Additionally, the development of an in-service training program and reference library to familiarize teachers with the course.
3. Amend Sections 11502 and 11502.1 of the Health & Safety Code to make it illegal for any person to solicit, induce, encourage, or intimidate any minor to use marihuana, LSD, and other dangerous drugs.
4. Request the State Board of Pharmacy to undertake a study to evaluate and determine what patent medicines have either hypnotic, psychotomimetics or intoxicating effects.
5. A moratorium on any legislation to liberalize the present laws regarding marihuana until the medical study into the physical and mental effects of the cannabinol drug group is complete.
6. Enact legislation making possession of the strong hallucinogens such as D-Lysergic Acid Diethylamide (LSD), Dimethyltryptamine (DMT), Mescaline, Psilocybin and their related drugs a felony.

DIRECT REF. - See attached annotated Bibliography and Appendices.

1. State of Calif., Narcotics Act, 1965 - Div. 10 and 10.5 - Health and Safety Code Ch. 1, Article 1 Sections 11000 - 11016 and Ch. 5, Article 2 Sections 11530-11533.
2. "Pot - A Handbook of Marihuana", John Rosevear - University Books, New Hyde Park, N.Y. (1967). pg. 10-11.
3. "DRUG ARRESTS and Dispositions in California" 1965-66 - first half 1967. Bureau of Criminal Statistics, State Department of Justice, Sacramento, Calif.

It is interesting to note that with the dramatic rise in marihuana arrests, for the same years Heroin arrests numbered: 1965 - 1,219; Heroin arrests -- 1966, there were 1,280; and in 1967, for the first half of the year, there were 1,471.

Concomittantly with the marihuana increase one notes a rise in heroin.

4. op. cit. pp 2-3. Bureau of Criminal Statistics.
5. Edw. Bloomquist, M.D. in testimony before the Senate Interim Committee on Public Health in Los Angeles (1967) and in a personal interview with the author.
6. The L.A.P.D., in 1960, made a study of juveniles arrested for use and/or possession of marihuana. 5 years later, 15% of the juveniles had been subsequently arrested for possession and/or use of HEROIN. (L.A.P.D. files, Narcotics Div.)
7. From statements by Chiefs of Police in the 50th Assembly District in conference with the author (1967); arrest statistics; interviews with teenagers by myself and my staff.
8. Marihuana cigarettes in the 50th District sell for as little as 25¢ and as much as \$1.00. The measure used for sale is the "lid". One lid normally sells for about \$10.00 and provides 20 "joints".
9. "L.S.D: The Consciousness-Expanding Drug" Edited by David Solomon -- G. P. Putnam's Sons 1964. See especially the introduction by Timothy Leary and Leary's included essay "How to Change Behavior".
10. Bloomquist, Ibid.
11. There is general agreement by even the marihuana proponents that the drug is a sense stimulant. A review of any of the works quoted in this paper or included in the bibliography will, in essence, corroborate this fact.
12. Bloomquist, Ibid.
13. Asthmador is the trade name for a granulated patent drug, its principal active ingredients being stramonium and bella donna, used for asthma relief. The drug is intended to be smoked in therapeutic use. When swallowed it elicits a violent hallucinogenic reaction that can last for as long as 36 hours. At least one death from this drug is known by this office. Police records will show the insane activities involved in its ingestion. The drug demands no prescription in California.

14. DeRopp, Ibid; "New Analogs of Tetrahydrocannabinol. XIX", Adams and Harfenist in the Journal of the American Chemical Society, 1949. This chemical point is often used by the "liberalizers" to confuse the marihuana issue in a tangle of scientific facts. The fact it is not an alkaloid has nothing to do with its narcotic properties.
15. "The Marihuana Problem - the Approaches to the Discovery of the Active Principle of Marihuana" - S. Loewe Pathological and Pharmological Journal, 1950 quoted in the "Marihuana Paper" Ibid.
16. "Medical Aspects - Symptoms and Behavior" by Samuel Allentuck, M.D. quoted in the Marihuana Papers edited by D. Solomon, Bobbs-Merrill Co. 1966, especially the sub. section Psychotic Episodes, pp. 278-283.
17. Interview with marihuana users. Each stated that a period of gross confusion grips the smoker at the very early stages of the drug's effects.
18. The La Guardia Report, "Marihuana Papers", Ibid.; De Ropp, Ibid.
The La Guardia Report is interesting insofar as the conclusions reached were based on observations and subjective analysis of a very limited social-economic control group.
19. Bloomquist, Ibid. For a comprehensive list of effects, see also "Marihuana Papers", Ibid. and De Ropp, Ibid.
20. L.A. Times, Sept. 13, '67 - pp. 1 and 30.
21. "Drugs and the Mind", Robt. S. DeRopp-St. Martin's Press, 1957.
22. "Marihuana and Crime" J. Munch, PhD.-U.N. Bulletin on Narcotics Vol. XVIII No. 2, 1966.
23. "Marihuana, Myths and Realities" Edited by J. L. Simmons, PhD. Article quoted, The Current Marihuana Scene by the editor, Simmons, who is on the faculty of U. of Cal. at Santa Barbara.
24. "Narcotics Addition and Narcotics", Victor H. Vogel, M.D.
25. "Use of Cannabis Drugs in India", Dr. I. C. Chopra (Both articles and excerpts of Vogel and Chopra are available through WHO of United Nations.)
26. Bloomquist, Ibid. The author spent a day at Corona, the State Rehabilitation Installation, discussing addiction with the staff.
27. "LSD on Campus" by Young & Hixson - Dell Publishing, 1966.
28. Methedrine was the drug used by Japanese Kama-kazi pilots for their suicide missions in World War II. The drug has very serious physical reactions. On many walls in hippie areas, you may see the graphitti "SPEED KILLS".

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Special acknowledgement is made to Edward Bloomquist, M.D. for his patience, erudition and interest in this project.

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Tapes Made In Investigation

1. Interview with Edw. Bloomquist, M.D. (A discussion of the immediate problem of youth marihuana abuse 1-1/2 hrs.).
2. Open discussion with three youthful drug abusers - their attitudes and beliefs. This tape shows the attitudes and motivation of youthful abusers (20 min.).
3. Interview with 16 yr. old girl (non-user) who discusses the availability of dangerous drugs, including marihuana, in her area (about 1-1/4 hrs.).
4. Discussion at Corona State Hospital with seven heroin addicts, their introduction to drug abuse, their attitudes and opinions.
5. Radio KMPC's program "Instant Heaven - Recurrent Hell".

This project was directed and co-ordinated by Mr. Ron Biron, my administrative assistant.

Mr. Bob Gouty, Public Affairs Associates, Covina, was retained for research.

I - The Bruin Humanist Forum

In considering the present thrust and methods employed by the pseudo-authorities in dissemination of pro-marihuana material the "Issues Study Committee Report" (1967) of the Bruin Chapter of the American Humanist Association typifies the energy, dedication and coordination displayed by the marihuana legalizers.

The Report outlines 31 positions suggested by the Forum for propagandizing abuse of cannabinol drugs. What disturbs me is the fact that the Report copy was given to my office by one of my constituents. It was mailed (without request) to an elementary school teacher in my district.

To illustrate the sophistry displayed in this short position paper, section 6 glibly states "Marihuana does not 'lead to' or 'promote' the use of addictive drugs. 98% of heroin users started by smoking tobacco and alcohol first". No doubt, it could also be stated that 100% of the heroin users drank milk before taking heroin or ate hamburgers.

The legalizers usually approach the serious subject with glib over-simplifications.

II - Hashish

Hashish is by far the most potent derivative of the cannabis. In Asia and the Mid-East the pure resin sap of the hemp is extracted and compressed into cakes. This form of the drug has a high concentration of THC (the active drug property in all cannabinol drugs). Hashish is currently being used by youths and adolescents in California. A young user told my staff that four draws from a hashish pipe is equivalent to about three or four marihuana cigarettes.

Since hashish is available and processed only in India and surrounding areas, this would indicate the presence of the underworld syndicate in the teenage drug abuse problem.

III - The La Guardia Report Findings

"The Mayor's Committee on Marihuana. Sociological, Medical, Psychological and Pharmacological Studies" -- a report issued after certain studies conducted under the auspice of Mayor F. H. La Guardia, Oct. 17, 1938 - currently available in the "Marihuana Papers" edited by David Solomon - Bobbs-Merrill Co., 1966. (pp 233-360).

This study, in my opinion, is of certain value because of its empirical attempt to approach cannabinol drug effects. However, the control group was limited, admitted in the introduction "... (the Committee Members) decided to confine its investigations to a limited area" (p. 244, Introduction). Further, the study is almost wholly dependent on subjective interpretation by the investigators ...

"We (the Committee) made extensive use of subjective data obtained from those who were actual smokers of marihuana ..." (p. 244). One undisputed effect of marihuana is the resultant confusion inherent in its use. Subjective information from those under its influence leads almost wholly to personal interpretations of the investigator with attendant bias. Throughout the whole study, users under the drug's euphoric state respond to the investigators and these responses are thus translated into scientific data.

It should be further noted that the criminal subjects of this experiment were under armed guard and were thus on good behavior. It is the natural inclination for a prisoner to "tell the man what he wants to hear".

The La Guardia report is extensive - includes rather bizarre psychological tests (in one particular test the subjects were given children's toys to play with to analyze "Family and Community Ideologies" of the abusers. In another, laugh records under the influence of marihuana were compared with the laughter of the Jack Benny radio show).

The conclusions of the study are of some value, but science has progressed so dramatically that I feel new empirical evidence is needed and the La Guardia report should be of only minor consideration in resolving our current problem.

IV-ADDITIONAL OBSERVED REACTIONS Marijuana, below toxicity, has the following effects, generally detailed in all reference sources:

giddiness, dizziness, day dreaming, hunger, especially for sweet or starchy foods due to the blood sugar malbalance that occurs after ingestion (i.e. hypoglycemia), difficulty in focusing mental concentration, and some psycho-motor disturbance colored by the underlying personality.

Writers such as Baudelaire (a chronic user of hashish) poetically describes the marihuana sensation in his book "Les Paradis Artificiels". (See also the esoteric writer Fitz Hugh Ludlow in his "Hasheesh Eater" from the "Life of Pythagorean".

V - The Observed Engram Possibility

Because of the flashback phenomena, observed in marihuana abusers, the question naturally arises as to whether the marihuana experience leaves an engram or a memory trace, a protoplasmic change in neural tissue hypothesized to account for the persistence of memory in the young user after an extremely intense hallucinogenic experience under the influence of the drug.

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