

A Brief Genealogy of Cannabis Policy in the United States

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**To my friend Bernardo Ranferi Hernández Acevedo,¹ a former PRD deputy and a candidate in Morena at the time of his murder. He was an exemplary social organizer in the fight against corruption, injustice, and lawlessness over the decades, as well as a former political refugee in France. He was savagely tortured and then beheaded on October 14, 2017, with his wife, his mother-in-law, and a close collaborator. Their charred bodies were found in the rubble of their burned-out car, fewer than five hundred meters from a military facility that was probably complicit in a crime organized at a high level, near Chilapa in Guerrero, one of the states that has been most severely infected² by Mexico's drug cartels.³*

ABSTRACT

Hundreds of articles—or perhaps even thousands—have been published on cannabis in the United States, across all types of media.

In this article, I have chosen to prioritize studying the official discourse on drug policy of politicians who have occupied positions of authority, influence, and decision making within the U.S. government. As a criminologist, I will explore the elements of the state process that criminalized the use of certain drugs, but above all the use of cannabis, during the twentieth century.

Keywords: cannabis, USA, Mexico, government, drugs, DEA, FBI, Nixon, genealogy

1 <https://www.counterpunch.org/2017/10/17/assassination-in-guerrero-the-murder-of-ranferi-herandez-acevedo/>; <http://www.jornada.com.mx/2017/10/24/opinion/019a2pol>; https://www.lajornadaguerrero.com.mx/index.php?option=com_k2&view=item&id=516:ranferi-herandez-%20acevedo&Itemid=733; <http://www.jornada.com.mx/2017/10/16/estados/032n1est> etc.

2 See the surprisingly delighted comment after the video on <https://www.youtube.com/watch?v=alZq3iXWck4>.

3 [FOOTNOTE TEXT MISSING IN ORIGINAL VERSION]

Una breve genealogía de la política del cannabis en Estados Unidos

RESUMEN

Se han publicado cientos de artículos, o quizás miles, sobre el cannabis en los Estados Unidos, en todos los tipos de medios.

En este artículo, he optado por priorizar el estudio del discurso oficial sobre la política de drogas de los políticos que han ocupado puestos de autoridad, influencia y toma de decisiones dentro del gobierno de los Estados Unidos. Como criminólogo, exploraré los elementos del proceso estatal que criminalizó el uso de ciertas drogas, pero sobre todo el uso de cannabis, durante el siglo XX.

Palabras clave: cannabis, Estados Unidos, México, gobierno, drogas, DEA, FBI, Nixon, genealogía

美国大麻政策之简明谱系

摘要

美国成百上千、甚至可能成千上万的文章都通过各类媒体对大麻进行了报道。

本文中，我优先选择研究政客在药品政策上的官方话语，这些政客已在美国政府中获得权威、影响和决策职位。作为一名犯罪学家，我将探究20世纪期间那些将使用部分药品视为犯罪的国家进程，尤其是大麻。

关键词：大麻，美国，墨西哥，政府，药品，美国缉毒局，联邦调查局，尼克松，谱系

*Marijuana is the most commonly used illicit drug in the United States.*⁴

Cannabis in the United States: hundreds of articles—or perhaps even thousands—have been published on this matter, across all types of media.

In this article, I have chosen to prioritize studying the official discourse on drug policy of politicians who have occupied positions of authority, influence, and decision making within the U.S. government. As a criminologist, I will explore the elements of the state process that criminalized the use of certain drugs, but above all the use of cannabis,⁵ during the twentieth century.

A Legacy of Alcohol Prohibition

In the eighteenth century, medical journals in the United States recommended the use of cannabis in different forms for various diseases. This trend was given extra weight by the activities of Irish physician William O’Shaughnessy, who built on his links with the British East India Company to popularize the medical use of this plant in England and the United States. This situation continued until almost the end of the nineteenth century.⁶

However, on August 12, 1897, *The Sun*, a New York newspaper, published an article that described the dangerous effects of the “Mexican drug.”⁷ This newspaper drew on an article from *The Mexican Herald*, which was published in Mexico City and, as a publication aimed at the thousands of U.S. entrepreneurs based in the city, therefore influenced the opinions of the U.S. economic elite.⁸

On July 15, 1899, the Arizonan newspaper *The Oasis* focused on another article from the *Mexican Herald*. This one told the story of a man armed with a knife who burst into a registry office while declaring that he was on a mission to exterminate new-born children. According to the article, the man had been smoking cannabis.⁹

Mexico had just restored its diplomatic relations with the United States that year by establishing an embassy in Washington. When one reads the report that President Porfirio Díaz presented to the Mexican Congress, one realizes the influence and the power that the United States had acquired there.¹⁰

4 <https://www.whitehouse.gov/ondcp/key-issues/marijuana/>.

5 I use the word *drugs* here to refer to narcotics, psychotropics, and all substances included in the lists of The International Drug Control Conventions.

6 <http://content.time.com/time/health/article/0,8599,1931247,00.html>.

7 <https://www.loc.gov/rr/news/topics/marihuana.html#links>.

8 <https://journals.sagepub.com/doi/abs/10.1177/0016549201063005002>.

9 <https://journals.sagepub.com/doi/abs/10.1177/0016549201063005002>.

10 <http://lanic.utexas.edu/larrp/pm/sample2/mexican/history/2/6601416.html>.

This power was a consequence of the war of invasion that the United States undertook against Mexico, a country weakened by its recent independence and lacking in international support, between 1847 and 1852. The outcome of the war was the appropriation/annexation of the present-day states of California, Nevada, Utah, Arizona, Colorado, Wyoming, New Mexico, and Texas—roughly half of Mexico's previous territory—by the United States.

The first part of Porfirio Díaz's speech to the Mexican Congress in 1899 was devoted to the new phase in the relationship between the two countries.¹¹

The creation of the Food and Drug Administration in 1906 had a peripheral link to the issue of cannabis, but above all, it was connected to the use of morphine, which thousands of Americans had unwittingly become dependent on through their use of drugs with colorful names such as: "The People's Healing Linctament for Man or Beast" and "Dr. Fenner's Golden Relief."¹²

On October 16, 1908, the *Florida Star* reported on the permission given to a certain James Love by Florida's agricultural department to plant 10 pounds of cannabis seeds from Mexico and to sell the crop commercially as a drug.¹³

As a result of the Mexican Revolution—this conflict broke out on November 20, 1910, and its objective was the removal of the government of Porfirio Díaz, who by this time had been in power for 30 years—thousands of Mexicans moved northward, attempting to find a more peaceful life and, in particular, work.¹⁴ They smoked cannabis after their hard days spent laboring. This was not to the taste of the inhabitants of the southern United States, who had negative preconceptions of the substance derived from certain press articles that had begun to circulate from 1897.¹⁵ These articles indicated that smoking cannabis could give people superhuman strength and that those who consumed it inevitably became murderers, the worst type of criminal.

On December 17, 1914, in view of the growing number of individuals who had developed an addiction to opium and its derivatives, Congress approved The Harrison Narcotics Tax Act in order to put an end to trafficking of the poppy plant and thus to prevent a decline in morals and the destructive consequences that consumption of the drug entailed.¹⁶ This was another way of saying that the

11 <http://lanic.utexas.edu/larrp/pm/sample2/mexican/history/2/6601416.html>.

12 <http://content.time.com/time/health/article/0,8599,1931247,00.html>.

13 <https://journals.sagepub.com/doi/abs/10.1177/0016549201063005002>.

14 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

15 Until 1846, Mexico included the present-day states of California, Nevada, Utah, Arizona, Colorado, Wyoming, New Mexico, and Texas, and therefore, the Mexicans who sought a safe haven from the war in 1910 were probably looking for their ancestral lands. It is also important to recall that in years when this expansion was taking place in the United States, the First Opium War was raging between China and the UK (1839–1842).

16 <https://archive.org/stream/jstor-1063174/1063174#page/n1/mode/2up>.

consumption of opium poppy extracts prevented people from working, one of the main arguments behind the organization of the International Opium Commission in Shanghai in 1909.¹⁷ The Treasury Department had official responsibility for implementing the Harrison Narcotics Tax Act.¹⁸

On June 3, 1915, *El Paso Herald* published news that on the morning of that day, the city council of El Paso, Texas, had approved the first decree in U.S. history that made it illegal to sell, barter, give away, or possess cannabis,¹⁹ a measure that became above all a way to control Mexicans, even if at the time most Americans were more concerned by opium and its derivatives of morphine and heroin, as well as by cocaine.²⁰

The Treaty of Versailles, signed on June 28, 1919,²¹ incorporated the multi-lateral treaty agreeing to the control of the production and distribution of opium that was signed in 1912 in The Hague. This was the first time that the principle of limiting the use of drugs to medical and scientific purposes was formalized under international law. The Shanghai commission, the Hague treaty, and subsequent international treaties concerning drugs were all at the root of U.S. diplomatic initiatives.²²

On October 28, 1919, the Volstead Act was approved by the U.S. Congress. It deployed, seemingly for the first time, the term “War Prohibition Act,” in the context of a new policy aimed at eradicating alcohol (this document referred to alcoholic beverages only).

The concept of prohibition was therefore introduced as a new government norm, one that aimed ...

to prohibit the sale, manufacture, and transportation of alcohol across all federal territory. The Eighteenth Amendment was approved, and prohibition took hold until 1933. The culmination of almost a century of activism, the prohibition of alcohol aimed to improve the life of all Americans, to protect individuals and families, and to promote the Protestant utopia of a healthy and virtuous life for society as a whole. Paradoxically, the incorporation into the American constitution of a code inspired by religion gave the illicit consumption of alcohol a glamorous and attractive image, encouraged neighborhood gangs to become crime syndicates at

17 Eduardo Rodriguez, “À l’origine des lois d’interdiction des drogues: Le Sommet Internationale de Shanghai 1909” (Master’s thesis, Université Paris, 2010), 3.

18 <https://www.dea.gov/sites/default/files/2018-07/Early%20Years%20p%2012-29%20%281%29.pdf>.

19 <https://chroniclingamerica.loc.gov/lccn/sn88084272/1915-06-03/ed-1/seq-6/#words=marihuana>.

20 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

21 <https://www.britannica.com/event/Treaty-of-Versailles-1919>.

22 *Report of the International Narcotics Control Board for 2008* (New York: United Nations, 2008), 2.

the national level, allowed government representatives to circumvent or even break the law, stirred up cynicism and hypocrisy, and transformed law-abiding citizens into offenders. Gangsters became stars, and the authorities lost all power. A mockery was made of the judicial system.²³

Prohibition, which is an idea peculiar to U.S. thought, became established as one of the elements of the twentieth century's political discourse, and it would be very widely used at the global level by regimes of all types to justify drug policy. This idea of "prohibition" would create many debates and lively and passionate exchanges between researchers and policymakers, but official international instruments on drugs would use that word only once. The word and therefore the concept used in international conventions is *control*. The concept of prohibition has distorted debate at the global level until the present day. In theory, drugs are not prohibited; they are controlled. Moreover, the word *control* features in the titles of the international conventions.²⁴

Despite the U.S. Congress's rejection of the Treaty of Versailles, in 1920, the international control of drugs was placed under the auspices of the nascent League of Nations. The International Opium Convention, signed in Geneva on February 19, 1925, contained many provisions, including, for the first time, measures to control Indian hemp, as cannabis was then called.²⁵

Anslinger Starts a War

On June 14, 1930, the United States decided to strengthen drug control via the Treasury Department, which created the Federal Bureau of Narcotics to apply this policy idea. The bureau was led by Harry J. Anslinger, a supporter of alcohol prohibition and already an official within the Treasury Department's Prohibition Unit. In his introductory statement, Anslinger explained that his job was to "pursue a relentless warfare against the despicable dope peddling vulture who preys on the weakness of his fellow man."²⁶

The U.S. Government therefore chose to assert by all means the question of narcotics (at this time, the word *drugs* was not yet used) as a moral necessity, but in practice, it entrusted the executive implementation of this policy to a Treasury Department that pulled economic levers only. There was already a Narcotics Division

23 *Prohibition*, directed by Ken Burns and Lynn Novick, United States, 2011, documentary film; the quoted text is the presentation of the film.

24 https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf.

25 https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf.

26 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

within the Treasury Department, where inefficiency and corruption prevailed: its agents had become regular users of the narcotics that they were supposed to eradicate, and so, there was a collusion between agents and dealers, bad management, cover-ups, and falsification during investigations. Before 1929, the Narcotics Division worked in coordination with the Prohibition Unit, but following the financial crisis of that year, the two units became separated.²⁷

Anslinger also had to face the economic context of the Great Depression. As a result, even if his ambitions were genuinely inspired by his prohibitionist convictions, at the time, he did not have the means to implement the policy that he dreamed of, which perhaps could have eradicated cannabis. The United States is made up of states that are independent but not sovereign; they aim to uphold, in accordance with self-government, the nation's common defense and the safeguarding of the general interest.²⁸ Anslinger therefore attempted to convince states to control trafficking at a local level via economic means through the Uniform State Narcotic Drug Act. The states that signed up to this initiative were New York, New Jersey, Indiana, Kentucky, Virginia, Louisiana, South Carolina, and Florida.²⁹ The 39 remaining states interpreted the initiative as federal interference.

This act promoted by Anslinger was therefore a failure, since its implementation required all states to commit to it. However, his position allowed him to see how cannabis was already commonly used by artists, and especially by jazz musicians; celebrities such as Louis Armstrong and Cab Calloway openly praised the plant,³⁰ singing about how smoking marijuana made playing music and how it sounded wonderful.

In response, the nascent movie industry in Hollywood produced films cautioning parents about the perceived risk of cannabis consumption—for example, the short *High on the Range* in 1929 and the feature *Reefer Madness*, which was produced in 1936 by Louis J. Gasnier.³¹ The latter film devotes its first eight minutes to written and oral statements expressly aimed at parents to convince them to check up on their children and stop them experimenting with this plant, so that they would not become crazed criminals. In these two films, the protagonists become crazy, violent, and murderous after they have smoked.

Anslinger therefore patiently deployed a genuine propaganda campaign via the media: movies, radio, and the press were supplied with material and put to use in propagating the assertion that cannabis was even more dangerous than opium in order to make voters pressure local legislators into ensuring that the Uniform State Narcotic Drug Act was adopted.

27 https://search.credoreference.com/content/topic/federal_bureau_of_narcotics.

28 <https://www.usa.gov/history>.

29 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

30 <https://www.leafly.com/news/lifestyle/louis-armstrong-and-cannabis>.

31 <https://www.youtube.com/watch?v=zhQlcMHhF3w>.

It might also be noted that in newsreels of the time, cannabis is called “Mexican marijuana” or “Mexican opium.” The plant was therefore given a nationality: that of a poorer, defeated neighboring country that had had half of its territory stolen from it. This was a still recent historical act that the United States was responsible for, and one that might give rise to uncomfortable demands, and so the U.S. government did its utmost to make sure that it was totally forgotten about and refuted. This campaign was a resounding success; all the states committed to Anslinger’s political initiative.³²

Under the effect of this massive propaganda exercise, panicked voters “demanded” firm action from the federal government; society had become ready to let its laws harden and its individual freedoms be limited. These were the circumstances under which the Marijuana Tax Act was signed by Franklin D. Roosevelt on June 14, 1937: without any real scientific justification, without public debate, and without political objections. This act prohibited cannabis possession—unless a new tax specifically for cannabis possession was paid to the Treasury Department. But in practice, this tax was impossible to pay, because no level of government handled collection of it. The result was that those in possession of any quantity of cannabis were breaking the law: from one day to the next, a new class of criminals was born.³³ From then on, the Treasury Department had full control over cannabis (which at the time came almost exclusively from Mexico, passing freely across the border as an ordinary agricultural product) and over its users.

In August 1937, Samuel R. Caldwell, a 58-year-old unemployed man, became the first person to be convicted under the Marijuana Tax Act. According to the most widespread account, in his apartment, the police found 1.5 kg of cannabis that he was going to sell. Unable to prove that the new tax on the possession of cannabis had been paid to the Treasury Department, he was sentenced to four years of hard labor.³⁴ It is not known whether Caldwell asked to pay the tax. This incident took place in Denver, Colorado, the state that became world famous in 2014 for taxing cannabis, thereby legalizing recreational use of it, something that immediately and significantly improved its finances.³⁵

On September 13, 1938, Fiorello LaGuardia, the mayor of New York, called on “some impartial body such as The New York Academy of Medicine [to] make a survey of existing knowledge on this subject and carry out any observations required to determine the pertinent facts regarding this form of drug addiction and the necessity for its control.”³⁶ This would be the first time that experiments

32 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

33 <https://www.nytimes.com/2014/07/30/opinion/high-time-federal-marijuana-ban-is-rooted-in-myth.html>.

34 https://www.huffingtonpost.co.uk/entry/marijuana-prohibition-ends_n_4549403?guccounter=1.

35 <https://www.forbes.com/sites/monazhang/2018/03/13/legal-marijuana-is-a-boon-to-the-economy-finds-study/#4f14b8a1ee9d>.

36 <https://www.daggacouple.co.za/wp-content/uploads/1944/04/La-Guardia-report-1944.pdf>.

would be carried out within a scientific framework to determine the usefulness of an antidrug law. LaGuardia explained that “prohibition cannot be enforced for the simple reason that the majority of American people do not want it enforced and are resisting its enforcement. That being so, the orderly thing to do under our form of government is to abolish a law which cannot be enforced, a law which the people of the country do not want enforced.”³⁷

The LaGuardia Committee conducted experiments for six years, arriving at the conclusion that consuming cannabis does not trigger violent and antisocial behavior, does not unleash uncontrollable sexual desires, and does not alter basic personality structure,³⁸ negative effects that had been ardently asserted by Anslinger across multiple campaigns and media outlets since 1936.

A furious Anslinger set loose his media machine to discredit the LaGuardia Report and to have all copies of it destroyed, and he then restricted access to cannabis for all those who wished to conduct other experiments. To strengthen his position, Anslinger launched a campaign aimed at artists. Among the most significant arrests were those of the percussionist Gene Krupa in January 1943³⁹ and the actor Robert Mitchum in September 1948.⁴⁰ Operations of this type caused a wave of censorship, with movie studios starting to submit scripts to Anslinger in order to comply with the act. Films suspected of glorifying cannabis were banned.

In 1951, a film called *Drug Addiction*, which was financed by the Juvenile Protective Association of Chicago and the Wieboldt Foundation, began to spread a new official truth: cannabis leads people—and especially white adolescents—to take other drugs such as heroin.⁴¹ Opiate addiction had in fact come back with a vengeance during this era. We now know that this phenomenon had a direct link with soldiers who had been involved in the Second World War,⁴² but this argument about cannabis continued to be widely made from the 1950s onwards.

On November 2, 1951, the Boggs Act was signed by Truman, having been promoted by Hale Boggs, a Louisiana Democrat. This act presupposed interlinked consumption between drugs and established equal penalties for possession of cannabis, cocaine, and heroin, and it brought in a minimum sentence of five years if a person had previously been convicted of an offense under it.⁴³ This new law made no distinction between drugs, and it was a response to requests from police for

37 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

38 <https://www.daggacouple.co.za/wp-content/uploads/1944/04/La-Guardia-report-1944.pdf>.

39 <http://www.drummerman.net/drugbust.html>.

40 <http://framework.latimes.com/2014/10/07/robert-mitchums-1948-arrest-on-marijuana-charges/#/0>.

41 <https://archive.org/details/DrugAddi1951>.

42 See: Norman Ohler, *Blitzed: Drugs in Nazi Germany*, trans. Shaun Whiteside (London: Penguin, 2017); Christian Bachmann, *Le dragon domestique* (Paris: Albin Michel, 1989).

43 <https://www.gpo.gov/fdsys/pkg/STATUTE-65/pdf/STATUTE-65-Pg767.pdf>.

harsher laws to be put in place. The Boggs Act imposed minimum sentences for possession without specifying the quantity, and states decided to add their own sentences. In Missouri, a second conviction for possession meant life imprisonment.⁴⁴

During the same period, Anslinger established links between Communist China and the availability of drugs. In a filmed interview, Anslinger highlighted how the government of Nationalist China executed a thousand people per year in its fight against drugs while the Chinese Communists executed none.⁴⁵ Anslinger did not provide proof of this link, but he contributed to the hysterical atmosphere of the Cold War, taking part in the official position of anti-Communism to remain in his post. Anslinger would use this line of argument about the links between the availability of heroin and the Chinese Communist regime, or simply that about the link between drugs and Communists, almost his entire life, because it guaranteed him visibility and political weight.

On November 27, 1954, President Dwight Eisenhower set up the Interdepartmental Committee on Narcotics. This provided considerable political reinforcement, because the state, treasury, defense, justice, and health secretaries were involved in it.⁴⁶ The body was coordinated directly by the U.S. president. The concept of a “war on drugs” was strengthened, and it took on a dimension that would continually grow.

On July 18, 1956, the Narcotic Control Act was signed by Eisenhower, further strengthening the repression of cannabis, because in addition to its taking a harder stance on possession, the act criminalized transportation of the substance. Prohibition as an idea peculiar to the United States had abandoned alcohol to concentrate on narcotics and psychotropics.⁴⁷

On January 24, 1961, in New York, the United Nations was making preparations to adopt the Single Convention on Narcotic Drugs. Anslinger was of course a member of the delegation of the United States, the main proponent of this new international convention on drug control.⁴⁸ Anslinger had already taken part in meetings of this type practically since the beginning of his career as “antidrug czar,” and he had been in Geneva in 1936. The year 1961 likely represents the apogee of his career, since Anslinger managed to impose upon or convince the 73 countries present at this assembly that consuming cannabis was the first step toward experimenting with a range of other substances, including heroin and cocaine. At the geopolitical level, even if the United States was not able to impose its prohibitionist

44 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

45 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

46 <https://www.presidency.ucsb.edu/documents/letter-heads-departments-constituting-the-interdepartmental-committee-narcotics>.

47 <https://www.gpo.gov/fdsys/pkg/STATUTE-70/pdf/STATUTE-70-Pg567.pdf>.

48 <https://www.sencanada.ca/content/sen/commtee/371/ille/library/history-f.htm#A>. The Single Convention on Narcotic Drugs of 1961.

vision, since the word *prohibition* does not appear in the convention's final text, it did consolidate its policy of eliminating the three plants that were at the center of its war: cannabis, the coca leaf, and the opium poppy. Through this convention, the United States gained ground in its power struggle with the Soviet Union and Communist China.

On May 20, 1962, Anslinger retired, having been pushed out by President Kennedy. However, he was able to issue an opinion on his successor: Henry L. Giordano.⁴⁹ Kennedy nevertheless kept him on as a member of the U.S.' representation at the United Nations. At the White House on September 27, 1962, Kennedy formally expressed the U.S.' gratitude to him for his contribution in the fight against the illegal trafficking of drugs.⁵⁰

Johnson Confirms the War on Drugs

On July 15, 1965, at the initiative of the U.S. Food and Drug Administration, Lyndon B. Johnson created the Bureau of Drug Abuse Control, which fell under the responsibility of the Department of Health, Education, and Welfare. This creation was the result of the new laws that imposed strong regulations on the manufacture, distribution, delivery, and possession of synthesized chemical drugs. These drugs included barbiturates, amphetamines, and other psychotoxics, because of their respective “depressive or stimulating” effects on the central nervous system, or because of their hallucinogenic effects. These new laws did not apply to narcotic drugs, including cannabis, opium, and its derivatives, because these were already controlled by the Treasury Department, and by other legislation.⁵¹ Therefore, from this date onwards, there coexisted two organizations that had the same objective—fighting the war on drugs—but that targeted different substances.

Henry L. Giordano had received a warning from Anslinger: the young people of the Western world in general and of the United States in particular belonged to a “generation like no other”:⁵² the baby boomers. “They were born and grew up under a lucky star. Four stars, in fact: peace, prosperity, full employment, and a belief in progress. This is not a cliché but reality,”⁵³ François Sirinelli explains.

49 <https://www.encyclopedia.com/education/encyclopedias-almanacs-transcripts-and-maps/anslinger-harry-jacob-and-us-drug-policy>.

50 <https://www.jfklibrary.org/asset-viewer/archives/JFKWHP/1962/Month%2009/Day%2027/JFKWHP-1962-09-27-A>.

51 <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=5420&context=jclc>.

52 Jean François Sirinelli, *Génération sans pareille: Les baby-boomers de 1945 à nos jours* (Paris: Electre, 2016).

53 https://www.francetvinfo.fr/france/les-baby-boomers-une-generation-de-chanceux_1301151.html.

Around 1967, at the peak of the psychedelic movement, which advocated the experimental use of drugs of all kinds to discover new modes of perception, the new head of the Federal Bureau of Narcotics, Henry Giordano, developed a new line of argument that involved telling young people that consuming drugs would make them losers and dropouts.⁵⁴

However, such arguments could not really work on this generation that had also flocked to universities. These young people were prepared to exercise their capacity for discernment and question American society's established assumptions. The young people of the new middle classes' capacity for judgment and newly acquired free will would take on a great importance. They applied it to the war in Vietnam, the civil rights of minorities (in a context of debates about and struggles for decolonization in Africa, Asia, the Middle East, and Latin America), religion (this was also the first generation to benefit from the legal, technological, and financial means to travel, in particular to experiment with other forms of spirituality, which were often based on the consumption of psychoactive plants in the forms, for example, of cannabis and opium in Nepal, India, and the Middle East; peyote in Mexico; coca leaf in the Andes; and ayahuasca in the Amazon), sexuality, the status of women, the fight against the Communists, the death penalty, and the legitimacy of the state's acts. The overall psychological environment of the United States in which they did so was that of the worldwide Cold War and of constant nuclear peril, threats that directly related to these young people who were called on to be forcibly recruited to fight these wars, and who therefore drove forward a major cultural transition. The most visible and striking aspect of this for their parents' generation was their claims of consuming drugs that had been made illegal across the world by their own government.

Johnson made the federal drug-control apparatus more complex still by creating the Bureau of Narcotics and Dangerous Drugs on February 7, 1968. This was part of a formal plan to reorganize the various organizations that were attempting to eliminate drugs in order to unify the legal system that Johnson had created in 1965. Through this project, the attorney general acquired the complete authority and responsibility to strengthen federal laws relating to narcotics and dangerous drugs.⁵⁵ Cannabis was therefore henceforth defined as a dangerous drug.

In 1968, Martin Luther King and Robert Kennedy were assassinated, and many urban riots broke out. Richard Nixon won the presidency by promising to reestablish safety, order, and respect for the law.⁵⁶

54 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

55 <https://www.presidency.ucsb.edu/documents/special-message-the-congress-transmitting-reorganization-plan-1-1968-relating-narcotics>.

56 <http://perspective.usherbrooke.ca/bilan/servlet/BMEve?codeEve=222>.

Nixon Intensifies the Global War on Drugs

At this time in the United States, most crimes fell under states' jurisdiction, except in the case of crimes related to drugs, which were federal-level offenses. On September 16, 1968, Nixon announced his desire to strike "at the roots" of drug production, and to this end, he created the Special Presidential Task Force Relating to Narcotics, Marijuana, and Dangerous Drugs.⁵⁷

In early 1969, Nixon received analysis from this new body that indicated that the border with Mexico was the main point that needed to be controlled if the flow of drugs into the United States was to be stopped. Without really notifying the U.S.' neighbor to the south, on September 29, 1969, Nixon launched Operation Intercept across the 2,000 kilometers of border. The idea was to search each vehicle entering U.S. territory from Mexico. Two thousand officers were deployed to look specifically for cannabis. The operation proved to be a failure, because even during this era, this border was one of the world's busiest. There were immediate and colossal economic losses, and all agents found were a few firecrackers here and there. By October 20, 1969, the government had put an end to the operation, which had come to be ridiculed. To overcome this setback, Nixon expressed confidence that the operation had been a success from a communications standpoint and that it had intensified the war on drugs, which more than ever had become a priority within U.S. national and international policy.⁵⁸

If there was a landmark event for this "generation like no other" in the United States at the start of the Nixon era, it was Woodstock, which took place on August 15–17, 1969. It was "three days of peace, music, and love" that were overwhelmingly spurred on by drug taking, and especially by cannabis consumption. Documentary films on this festival of music and on other comparable gatherings that took place at the same time (for example, Monterey, Isle of Wight, Avándaro, and Larzac) prominently feature images of cannabis consumption. This generation that had had the opportunity to go to university defied the political system that the United States sought to impose on the world by openly consuming the substances—foremost among them cannabis—that the U.S. government had tried to ban within its territory, and even across the planet. Cannabis consumption in particular symbolized a rejection of established values and was a form of declaration of independence. In August 1969, Woodstock was the symbol of an era, that of 1960s American counterculture.

And the international resonance of this event was also an obvious demonstration of the ineffectiveness of the policies of the "war on drugs" that had already been put in place: drugs whose use had previously been relatively limited were now being circulated widely and openly at the top universities attended by the children of elected representatives and America's richest taxpayers.

57 <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB86/>.

58 <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB86/>.

For the first time, this counterculture compelled the U.S. federal government to tolerate laboratory experiments, which were led by Leo E. Hollister, a staff member at the Veterans Administration Hospital in Palo Alto. His conclusions were that people who consumed cannabis in most cases became euphoric and that, at worst, intoxication via massive doses merely made people sleep, without there being other truly harmful consequences to physical and mental health. This is what regular users had been experiencing and reporting for eons. In a report published in August 1970, Hollister honestly explained that he had decided to carry out this series of experiments following the LaGuardia Committee's initiative,⁵⁹ and he detailed the legal framework in which his experiments were conducted, including the fact that the Narcotics Bureau of the Treasury Department had provided the cannabis.

The United States was also fighting the Vietnam War at this time, and various reports indicated that at least a quarter of soldiers were regular consumers of cannabis.⁶⁰ In a little more than a decade of conflict, the United States posted over four million soldiers,⁶¹ meaning that at least a million men regularly consumed cannabis during their time in the military. Because it was the war that received the most media coverage in history, thousands of images from Vietnam testify to this situation. The country that set itself the objective of eradicating drugs saw its army in Vietnam and its youth in the United States become the largest consumers of drugs that were supposed to be entirely banned and therefore theoretically completely inaccessible.

On October 27, 1970, Nixon signed the Comprehensive Drug Abuse Prevention and Control Act, as there had begun to be more and more arrests of young, white, and well-integrated individuals for cannabis use. New approaches to prevention were therefore introduced, and these included education, treatment, rehabilitation, and less severe sentences in certain cases.⁶²

It is also important to note a semantic aspect here, because the word *control* was still used exclusively in this text, as in all previous international conventions on drugs, while in public discourse, the federal government continued to use the words *war* and *prohibition*.

The National Commission on Marijuana and Drug Abuse, which was given the responsibility of officially investigating the issue of cannabis, was created out of this initiative. The creation of the Controlled Substances Act, overseen by the Food and Drugs Administration, also followed. Its objective was to address the fact that

59 <https://scholar.smu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3913&context=smulr>.

60 <https://www.encyclopedia.com/education/encyclopedias-almanacs-transcripts-and-maps/vietnam-drug-use>.

61 <https://dcas.dmdc.osd.mil/dcas>.

62 <https://dcas.dmdc.osd.mil/dcas>.

all psychotropic substances created in a laboratory for therapeutic purposes were in reality widely used by those who consumed them not for their original intended medical purposes but for recreational ends. Nixon turned for support for this initiative to the 1961 international convention. Furthermore, he asserted his willingness to strengthen international cooperation in the fight against the expansion of international trafficking of these substances⁶³ that were illegally diverted and sold even though they came from laboratories and were produced entirely legally by powerful Western pharmaceutical industries that objectively earned a lot of money from this situation.

On June 17, 1971, Nixon announced that the “public enemy number one in the United States is drug abuse.”⁶⁴ It should be noted that he spoke of drug abuse and not simply of drugs.

To tackle this situation, he decided to launch an offensive by creating a new organization: the Special Action Office for Drug Abuse Prevention.⁶⁵ Nixon requested from Congress a considerable increase in the budget for the war on drugs and for the operation of this new body, which brought together federal and state institutions that had not cooperated prior to this new initiative.⁶⁶ Another element of the initiative sought to give impetus to a new international dynamic, with consultations with Turkey, France, Mexico, Thailand, the Republic of Vietnam, Luxembourg, and the United Nations taking place from June 14.⁶⁷ As this offensive was justified based on the drug consumption taking place among soldiers who had returned from Vietnam, from June 18, 1971, U.S. embassies in East Asia were also put to use in reinforcing American drug policy.⁶⁸

On March 22, 1972, the National Commission on Marijuana and Drug Abuse presented its report, which, at the end of a long set of arguments, advocated the decriminalization of possession and private use of cannabis, as well as far less severe, almost symbolic penalties for growing, selling, and transporting it.⁶⁹ Nixon did not follow this recommendation. However, as a result of this report commissioned by the U.S. president, the debate on the subject became very contentious and intense.

On September 23, 1972, the city of Ann Arbor, Michigan, brought in Section 16.2 of its City Charter, entitled “Restrictions of Marijuana”: “No person shall possess, control, use, give away, or sell marijuana or cannabis, which is defined

63 <https://www.fda.gov/RegulatoryInformation/LawsEnforcedbyFDA/default.htm>.

64 <https://www.presidency.ucsb.edu/node/240238>.

65 <https://www.presidency.ucsb.edu/node/240238>.

66 <https://files.eric.ed.gov/fulltext/ED075187.pdf>.

67 <https://files.eric.ed.gov/fulltext/ED075187.pdf>.

68 <https://files.eric.ed.gov/fulltext/ED075187.pdf>.

69 <https://www.nytimes.com/1972/03/23/archives/excerpts-from-the-report-of-national-commission-on-marijuana-and.html>.

as all parts of the plant *cannabis sativa* L.⁷⁰ Violations of this section shall be civil infractions. Persons convicted of violating this section shall be fined \$25.00 for the first offense, \$50.00 for the second offense, \$100.00 for the third or subsequent offense and no incarceration, probation, nor shall any other punitive or rehabilitative measure be imposed.”

On July 1, 1973, Nixon approved the creation of the Drug Enforcement Administration (DEA) in order for there to be a structure that could consolidate and coordinate the federal government’s multiple drug-control activities.⁷¹ The DEA was presented as a “superagency” that was intended to provide the necessary impetus to coordinate all federal efforts outside of the Department of Justice against drugs, and in particular the collection of information on international issues concerning the illegal trafficking of narcotics.⁷²

Also in 1973, Oregon became the first state to apply in its legislation the recommendations of the National Commission on Marijuana and Drug Abuse.⁷³ Tom McCall, the governor at that time, called the legislation pioneering.⁷⁴

Ford Consolidates Nixon’s Measures

In December 1974, under the supervision of Gerald Ford—who had become president following Watergate, the event that forced Nixon to resign—the National Institute on Drug Abuse was created. This body would take control of research on cannabis’s health effects and on what substances could replace it to obviate its supposed addictiveness. This organization receives the samples required to conduct its experiments from the DEA, which regulates the cultivation of cannabis under the controls contained in Nixon’s Controlled Substances Act.⁷⁵

On September 30, 1975, Gerald Ford presented the White Paper on Drug Abuse to the Domestic Council Drug Task Force created for the occasion. This is a 75-page document whose standout figure is the 10–17 billion dollars that the war on drugs policy apparently cost each year, in the United States alone. Toward the end of the text, it is stated that the total elimination of illegal drugs (natural and synthetic) is unfortunately impossible. Despite this finding, Gerald Ford strengthened the policy stance first formulated by Nixon once more. At the semantic level, the DEA was made quasi-sacred by the new term of *lead agency*, replacing and supposedly surpassing the concept of “superagency” created in 1973, but not re-

70 https://www.greenpolicy360.net/w/Ann_Arbor_MI_Medicinal_Marijuana_Initiative.

71 <https://www.dea.gov/sites/default/files/2018-07/1970-1975%20p%2030-39.pdf>.

72 <https://www.dea.gov/sites/default/files/2018-07/1970-1975%20p%2030-39.pdf>.

73 http://www.slate.com/articles/news_and_politics/explainer/2001/02/which_states_have_decriminalized_marijuana_possession.html.

74 *Grass*, directed by Ron Mann, Canada, 1999, documentary film.

75 <https://www.drugabuse.gov/drugs-abuse/marijuana/nidas-role-in-providing-marijuana-research>

placing or limiting the role of other agencies such as the FBI and the CIA, nor those of the Treasury Department and the Department of Health. At the international level, the CIA continued to be considered a vital organ for “controlling” international trafficking.⁷⁶ But the DEA did become another major actor at the international level, though nothing obliged the two organizations to communicate or collaborate.

Carter and the Attempt to Calm the War

On August 2, 1977, Jimmy Carter indicated that cannabis was an emotional and controversial problem and that its use had still not, after four decades, been successfully discouraged by strict laws. Carter explained how the penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself is, and that where they were, these penalties ought to be changed. Nowhere was this more so than in the case of laws against the possession of marijuana for personal and private use. The United States could and must continue to discourage the use of cannabis, but this could be done without defining those who used it as criminals. States that had already done away with criminal sanctions for the use of marijuana, such as Oregon and California, had not noted a significant increase in cannabis consumption. The National Commission on Marijuana and Drug Abuse had concluded five years earlier that the use of marijuana should be decriminalized, and Carter thought that the time had come to implement those basic recommendations.⁷⁷

That same year marked the appearance in Georgia of National Families in Action, a civil organization that brought about the first state laws in the country banning the sale of paraphernalia for drugs consumption (especially pipes). It led a national effort to help parents to demand a replica of Georgia’s laws in their own states in order to prevent the sale of drugs through the formation of groups of parent activists to “protect their children.”⁷⁸

A counterpoint from this same period of the late 1970s that could be mentioned is one of the world’s most popular artists from this era, Bob Marley, a mixed-race Jamaican who on many occasions and in many ways, including in interviews that have often been repeated since and in his songs, stressed among other things the idea that the problem that governments had with marijuana was that, unlike alcohol and other substances, above all it caused reflection: this plant in fact makes people who consume it think. By the same token, cannabis would give people the opportunity to “become someone.” This is why—if one might thus sum up one of his main arguments on this subject that had a major influence on

76 <https://www.fordlibrarymuseum.gov/LIBRARY/document/0067/1562951.pdf>.

77 <http://www.presidency.ucsb.edu/ws/?pid=7908>.

78 <http://www.nationalfamilies.org/about.html>.

the generation of students from this era across the world—Bob Marley explained that if governments did not like cannabis, it was because governments do not truly like people to think.⁷⁹

Reagan: The Former Hollywood Cowboy Resumes Hostilities

On October 14, 1982, Ronald Reagan strongly reaffirmed that drugs were a threat to the U.S.' national security. Reagan linked the question of drugs with organized crime, and drawing inspiration from Florida's task force, he further intensified the war on drugs, creating 12 task forces in key areas of the United States; these could call upon the multiple government agencies already in place to fight "the war on drugs": the FBI, the DEA, the IRS, the ATF, the Immigration and Naturalization Service, the U.S. Marshals Services, the U.S. Customs Service, and the Coast Guard. In some regions, the Department of Defense's tracking and pursuit capabilities were made available.⁸⁰

Reagan thought that these working groups would make it possible to conduct an intensive and coordinated campaign against international and national drug trafficking and against other organized-crime enterprises.⁸¹ Reagan explained that this initiative could be summed up in simple questions that the United States had to ask itself: "What kind of people are we if we continue to tolerate in our midst an invisible, lawless empire? Can we honestly say that America is a land with justice for all if we do not now exert every effort to eliminate this confederation of professional criminals, this dark, evil enemy within?"⁸²

Reagan had the answers. The American people wanted these gangs and their associates to be brought to justice and their grip on power to be broken—not out of a sense of revenge, but out of a sense of justice; not only on the basis of the obligation to punish the guilty, but on the basis of an even stronger obligation to protect the innocent; not only for legal reasons, but for the good of the law, which protects freedom. Reagan went on to explain that freedom and justice, as James Madison had written in *The Federalist Papers*, are the supreme end of government and of civil society in the United States, that things had always been this way, and that this end would always be pursued unless freedom is lost owing to a lack of justice, since to preserve freedom there must be justice. Reagan concluded by saying that for the sake of the children and for the honor of all the U.S.' great achievements of the past, he called for the support of the American people in this fight against the drug threat, to eradicate the cancers of organized crime and public corruption, make streets and homes safe, and return America to how it was during

79 <http://www.bobmarley.com/history/>.

80 https://reaganlibrary.archives.gov/archives/speeches/1982/101482c.htm_

81 https://files.eric.ed.gov/fulltext/ED075187.pdf_

82 https://www.reaganlibrary.gov/research/speeches/101482c_

a mythical past (because a time of this kind scarcely existed outside of Hollywood and countless movies about cowboys and other do-gooding vigilantes, which was precisely where Reagan had built his previous career as an actor) of the rule of law and the rights of the innocent.⁸³

On October 27, 1986, Reagan signed the Anti-Drug Abuse Act, which provided that, if a person used cannabis (or other drugs), he or she may be sentenced to a period of imprisonment of no fewer than 20 years but to no more than life imprisonment, as well as a fine of between \$8–20 million. It was possible for there to be consideration of a probationary sentence of at least five years in addition to such a prison sentence and, if it was necessary, a period of parole of at least 10 years in addition to this prison sentence. No one who was convicted could hope for parole during the prison term imposed by this new act.⁸⁴

On November 18, 1988, Reagan amended the Anti-Drug Abuse Act to increase the penalties for those who participated in the sale and use of illegal drugs.⁸⁵

The Reagan era saw an intense and constant media campaign that offered food for thought; even Reagan's wife Nancy was used during the Just Say No campaign,⁸⁶ which became one of the wars on drugs' media staples. Its goal was to showcase the first lady of the U.S.' advice to say no when people, especially children, were offered drugs or alcohol. This program was implemented alongside enormous budgets allocated to the elimination of drugs both inside and outside the United States.

Continuing the War Policy Until Today

The presidencies of George Bush, Bill Clinton, George W. Bush, Barack Obama, and Donald Trump have not caused major institutional changes in drugs policy, but under all of them a lot of money has been spent to operate the system put in place throughout the twentieth century, a century that was from start to finish a war on drugs, starting with the first international agreements made in Shanghai in 1909.

Virtually, all of the calculations of the money that has been spent by U.S. taxpayers in this war against drugs are calculated using the starting point of Richard Nixon's 1971 initiative. We have now reached unimaginable figures of around a trillion dollars,⁸⁷ which represents 1,000,000,000,000 dollars invested to eradicate drugs.

83 <https://files.eric.ed.gov/fulltext/ED075187.pdf>.

84 <https://www.govtrack.us/congress/bills/99/hr5484/text/enr>.

85 <https://www.govtrack.us/congress/bills/100/hr5210/text/enr>.

86 <https://www.theguardian.com/society/2016/mar/08/nancy-reagan-drugs-just-say-no-dare-program-opioid-epidemic>.

87 <http://ireport.cnn.com/docs/DOC-878754>.

At this stage of my research, I have still not found any sources indicating in total how many agents and employees of various kinds are on the payroll of the U.S. federal government to fight the war on drugs, including the whole set of manpower and personnel directly or indirectly part of the tangle of agencies, institutes, and other organizations specifically devoted to the war on drugs being waged by the United States.

The astronomical figure of the total annual expenditure alone, which is traceable via the sources that I have been able to access and can be arrived at by adding the budget allocations of the federal government, the states, and the international partners in this war, makes it possible to assume that this system quite legally finances the lifestyles of a lot of people, who objectively have no interest in there being a halt to the war on drugs conducted by the United States.

And this line of inquiry ignores the likelihood that there are masses of people who illegally subsist or make their fortunes from the trafficking created by the laws from the war on drugs.

Avenues for Possible Interpretations

Department of Justice statistics for 2009 indicate that cannabis is the most important drug within the DEA's activities, especially in the border states in the southern United States. Between 1995 and 2009, the highest number of arrests made in relation to a federal offense corresponded to illegal-immigration offenses, followed by drug-related offenses, which more than doubled during this period. In total, 28,347 people were arrested in 2009 because of drugs; 6,852 of those arrests—around 20%—were related to cannabis.⁸⁸

Since Oregon brought in its initiative in 1973, almost half the states have legalized the consumption of cannabis for therapeutic use, that is to say to treat diseases for which laboratory-produced medicines have not proved effective. These states are: California, Washington, Montana, North Dakota, Minnesota, Arizona, New Mexico, Colorado, Nevada, Arkansas, Michigan, Ohio, New York, Vermont, Maine, Illinois, Florida, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Washington, DC, Hawaii, Alaska, and North Carolina.⁸⁹

This situation respects the legal framework established by the international agreements to which the United States is a signatory and of which it is the intellectual progenitor. The preamble to the 1961 convention reads, "Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes."⁹⁰

88 <https://www.bjs.gov/content/pub/pdf/fjs09.pdf>.

89 *Cannabis sur ordonnance*, directed by Raphaël Hitier, France, 2017, documentary film.

90 <http://www.ecad.net/uncd-english/84-un-convention-on-drugs-1961>.

The cannabis question is an entirely different one for the states that have decided to create laws to allow recreational use, namely Colorado, Oregon, Washington, Alaska, Nevada, California, Maine, and Massachusetts. This is because these initiatives are totally illegal according to the Preamble of the 1961 convention: “Desiring to conclude a generally acceptable international convention replacing existing treaties on narcotic drugs, limiting such drugs to medical and scientific use, and providing for continuous international co-operation and control for the achievement of such aims and objectives.”⁹¹

The recreational use of cannabis has become—or rather, it has become once more—an absolutely political matter, something that the precursors to global drug control, who emerged in the United States with prohibitionist aspirations, had sought to avoid.

This return to a drug-focused political dynamic is the result of citizen movements that have been mobilizing for at least 40 years to put forward a different version of the reasons behind the war on drugs. That fact that eight states in the United States currently allow recreational use of cannabis represents the success of their mobilization. To finish off this study, I will therefore call on a few arguments that these associations have advanced in recent years to expose what in their view are the true reasons behind the U.S.’ “war on drugs.”

In this genealogy of U.S. drug policy where it relates to cannabis, there are three key figures who must be considered in an effort to understand the political core of the issue of drugs in general, and of cannabis in particular, in the United States: Harry Anslinger, Richard Nixon, and Ronald Reagan.

Anslinger, as we have seen, had already been an official at the Prohibition Unit, the agency that tried to end alcohol use in the United States but fell far short of fulfilling its objective, to the point that it disappeared when the U.S. Congress put an end to the laws prohibiting alcohol.

Anslinger spent his life as a U.S. public official. From 1918 to 1926, he held positions in U.S. embassies in the Netherlands, Germany, Venezuela, and the Bahamas. In 1926, he became head of the U.S. Treasury Department’s Division of Foreign Control, and in 1929, he was promoted to assistant commissioner of prohibition. In 1930, he became commissioner of the U.S. Bureau of Narcotics.⁹²

In July 1937 in issue 124 of *America Magazine*, Anslinger published an article entitled “Marijuana, Assassin of Youth,” in which he set out the main arguments justifying the Marijuana Tax Act, which was approved by Roosevelt that year. He spoke of examples of young people who under the influence of cannabis allegedly killed themselves or committed murder. This cannabis, the article said, had reached the United States, where it spread at an incredible speed, from

91 Ibid.

92 <https://www.trumanlibrary.org/hstpape/anslinger.HTM#collect>.

Mexico. The article is skillfully written and honest to a certain extent, as in its introductory paragraphs Anslinger explains that in reality, one can only speculate about the murders, suicides, thefts, criminal acts of violence, burglaries, and acts of manic insanity that cannabis may cause each year, especially among the young.⁹³ Nevertheless, the length of and the many details contained in its highly speculative passages ultimately convince the reader.

It is a text built around a single main idea that is designed to provoke an emotional response from the reader. This emotion is supposed to make the reader as a citizen feel compelled to demand on a political level what Anslinger suggests should be done: preventing cannabis from coming into young people's hands to prevent crime. The best means of achieving this? Creating prohibition laws. And how can this be done? Anslinger requests the support of the reader so that his proposal is passed.

It seems that we do not have a very detailed understanding of Anslinger's intellectual training, but the way in which he presents his ideas brings to mind Walter Lippmann, a figure considered one of the fathers of neoliberalism. In his book *Public Opinion*, which became very influential at the time in the United States, Lippmann turns as a basis for his explanations to arguments that have been widely debated in political writings since the era of ancient Greece to the effect that the general interest goes beyond the way in which it is expressed by public opinion and can only be properly managed by a class of specialist citizens whose particular interests go well beyond the local level. From Lippmann's perspective, the citizen is a deaf spectator sat on the back row. Absorbed by their alternating between work and entertainment, supposed citizens have neither the desire, nor the competence, nor the virtue to take care of public affairs. The exercise of democracy must therefore be entrusted to a specialist and informed class—a political elite. Clearly, the little people are eclipsed by the great; amateurs let professionals get on with the job.⁹⁴

During the era when these new laws prohibiting cannabis in the United States were being created, the country was still undergoing a process of consolidation, with both the world and the United States recovering from the worst economic crisis that the West had ever known. The political effects of the crisis became visibly clear with the emergence of European dictatorships that in their own way of communicating about drugs fell very much in line with Lippmann's arguments. For example, in *Blitzed: Drugs in Nazi Germany*, Norman Ohler⁹⁵ explains how the Nazi regime, at the same time as it used amphetamines ordered from its pharmaceutical industry on a massive scale⁹⁶ to win its wars via blitzkrieg, by contrast

93 [FOOTNOTE TEXT MISSING IN ORIGINAL VERSION]

94 <http://wps.pearsoncustom.com/wps/media/objects/2429/2487430/pdfs/lippmann.pdf>.

95 Ohler, *Blitzed*.

96 The pharmaceutical company Bayer supplied Hitler's army with an amphetamine of its own inven-

claimed in its official communication to totally forbid the use of all drugs, including the amphetamines that were deliberately distributed to both the army and the civilian population. Ohler's explanation for this is that drugs became an extension of politics: through attempts at prohibition, control and domination are achieved. The Nazis "hated drugs because they wanted to be like a drug themselves."⁹⁷

In the United States, such domination manifested itself once Anslinger made his first arguments against the use of cannabis. From the outset, he lambasted their foreignness, even calling the plant "Mexican opium" as he argued that it was more dangerous than any other natural or synthetic drug. Years of consolidation in public opinion and of U.S. government efforts to eradicate cannabis have essentially rested on the criminalization of the U.S.' neighbor: Mexico. This obsession poses many questions, and it could be the subject of research focused on the construction of the United States as a nation-state. I will simply say that it may indicate a certain logic, since the U.S.' territorial expansion was brought about through a war of conquest that came at Mexico's expense, with the United States appropriating by force huge swathes of territory that were part of Mexico until the mid-nineteenth century and where there was therefore an undoubtedly well-known, even endemic, cannabis culture. In 1847, the U.S. military even captured Mexico City,⁹⁸ and it could have seized even more territory, or even Mexico as a whole.

Anslinger therefore probably had his reasons for declaring cannabis to be of Mexican nationality; Spain had in fact, since colonization began in the sixteenth century, set up large farms that cultivated this plant, whose stalks' fibers had since antiquity been used in manufacturing ropes and sails that were very durable, in particular when they came into contact with saline moisture. Spain, after all, had to equip the largest naval fleet that the world had ever seen.⁹⁹ Little by little, the psychotropic virtues of cannabis, which had already been used for thousands of years across Europe, around the Mediterranean basin, and as far as China's borders (see recent discoveries of mummies in eastern China, 800–2200 BCE, one of which is carrying a bag of cannabis seeds, just as has also been found in recent decades in ancient tombs in Denmark, Egypt, Mongolia, and other places), were also discovered in Mexico, where cannabis was integrated into the practices that had prevailed since ancient times using other plants, including hallucinogenic mushrooms and peyote in the territory that is now Mexico,¹⁰⁰ as well as in all of what is now the southwest of the United States.

Cannabis's dominance as a raw material in the textile industry could also hinder the development of other materials: according to the associations that cam-

tion called Pervitin to the tune of millions of tablets.

97 Ohler, *Blitzed*, [?].

98 <https://archive.org/details/apuntesparalahis00alca>.

99 <https://unc.flexpub.com/shelfpreview/Xev1o>.

100 <http://www.medicinatradicionalmexicana.unam.mx/termino.php?l=1&t=hongosalucinogenos>.

paign for the complete legalization of cannabis in the United States, Anslinger served the interests of DuPont in particular, which at the time had invented nylon and needed opportunities for this new product.¹⁰¹ In 1928, the chemical company opened a research laboratory to develop artificial materials, having decided that basic research was the right path for its future—an uncommon course for a business to pursue at the time.¹⁰²

This argument by these associations in favor of legalization may well have a certain feel of a “conspiracy theory” about it, but in certain ways, politics is about conspiracies.

When Anslinger helped to bring about approval of the Marijuana Tax Act in 1937, he put forward arguments that were simply speculation and conjecture, and he had no scientific argument to justify his assertions. Eighty years later, science continually refutes his claims. We learn from Raphaël Hitier’s 2017 documentary film *Cannabis sur ordonnance* (Cannabis on Prescription) that:

The therapeutic merits of cannabis have experienced an amazing ascent in the medical world. Multiple sclerosis, epilepsy, Crohn’s disease, chronic pain, brain cancer: the list of diseases that it may cure is getting longer. But what of the merits that are attributed to it? Used since time immemorial for its psychotropic and therapeutic effects, cannabis only became outlawed in the twentieth century, when its use became considered a gateway to harder drugs. Yet today, more than thirty countries have allowed it to be used for medical purposes, and scientific research focused on cannabis is experiencing a renaissance. In addition to its healing qualities for certain conditions, it may also reduce the side effects of chemotherapy or triple therapy. According to recent scientific research, the potential of the molecules produced by this plant may be enormous.¹⁰³

But the scientific evidence is still insufficient, because although cannabis has proved effective, even in treating seriously ill children, in reality nobody knows why cannabis works to relieve sick people who had tried to no avail virtually all of the solutions that the pharmaceutical industry may propose.¹⁰⁴ As a result of the purported prohibition of it in the United States, laboratory experiments have not been able to keep up with public appetites in the United States—because of a lack of cannabis.¹⁰⁵

101 <https://www.massroots.com/learn/the-man-responsible-for-marijuana-prohibition/>.

102 <https://www.thoughtco.com/wallace-carothers-history-of-nylon-1992197>.

103 *Cannabis sur ordonnance*, directed by Raphaël Hitier, France, 2017, documentary film, introductory text.

104 <https://www.mediapart.fr/journal/international/140814/legaliser-le-cannabis-37-mamie-devrait-elle-fumer-des-joints>.

105 <https://www.mediapart.fr/journal/international/140814/legaliser-le-cannabis-37-mamie-devrait->

And as an industrial material, cannabis is also making a comeback, via the emergence of organically farmed products and demand for nonpolluting natural and renewable materials. In the United States, industrial¹⁰⁶ and recreational use of cannabis may have considerable economic potential, and it could prove to be a real El Dorado for some. It can be seen that economic interests in a country such as the United States are now beginning to gain the upper hand over moral considerations, even if, at the time when this article is being completed, neither set of interests has yet managed to indisputably scientifically justify its position.

Richard Nixon took up the U.S. presidency after he had previously failed when running against Kennedy, in a period when the United States was faced with demands for change caused by outbreaks of democratic fervor and new calls for social equality in society, particularly from African American communities, as well as for the war in Vietnam to stop.

According to John Ehrlichman, Nixon's adviser at the time, the decision to strengthen drug policies through declaring drugs the U.S.' public enemy number one was taken specifically to counter demands from African American communities and groups that were calling for an end to the war.¹⁰⁷ According to Ehrlichman, black people were deliberately linked to heroin and mostly white pacifistic hippie students to cannabis, because it was necessary to criminalize them. Through doing so, their leaders could be arrested, their homes searched, and their meetings broken up, and therefore, they could be vilified on a daily basis in the evening newspapers.¹⁰⁸ This was, in actual fact, a policy of domination.

Once again, a "conspiracy theory" could be suggested here, as is the case each time one points to an "inconvenient truth," to make ironic use of a turn of phrase from Al Gore, who has also carefully avoided these inconvenient truths.

History shows that, across all eras, politics is mainly a succession of "conspiracies"—that is, a set of strategies, tactics, jointly agreed hidden projects, government propaganda, and alliances of different degrees of durability and formed more or less in the shadows among small elites that compete for power and continually "conspire" to keep themselves in power or to secure it.

Ehrlichman's claims are borne out by the facts; in the last few years, sociological research has highlighted that the majority of the prison population in the United States is black.

In 2003, the Norwegian criminologist Nils Christie demonstrated the industrial nature of punishment in the West, and especially of prisons in the United States, and his work highlights this predominance of African Americans, followed

[elle-fumer-des-joints.](#)

106 <http://marijuanaindustrygroup.org/>.

107 <https://harpers.org/archive/2016/04/legalize-it-all/2/>.

108 <https://harpers.org/archive/2016/04/legalize-it-all/2/>.

by Latinos, who together make up the bulk of the incarcerated population.¹⁰⁹

Bryan Stevenson, a lawyer descended from slaves from Delaware, was recently in France to promote his latest book, and in an interview, he explained that ...

We have been governed by policies that are based on fear and resentment for decades. Crime is a subject that can very easily be exploited politically because none of us wants, of course, to be the victim of it, and the existence of criminality outrages us. During the Nixon years, America declared an improperly directed “war on drugs” that led us to send hundreds of thousands of people to prison. Instead of taking the view that addiction to and dependence on drugs were public health problems, we have considered them strictly criminal problems. We have turned to the criminal justice system to respond to drug addiction. The result: whereas in the early 1970s we had three hundred thousand people behind bars, with a rate of incarceration that remained relatively stable throughout the early twentieth century, today we have 2.3 million, to which we must add seven million people on probation or parole. This “war on drugs,” combined with a political tendency followed by the two major parties, Republicans and Democrats alike, of being merciless toward any delinquency and any criminality, has led to the establishment of mandatory minimum and extreme sentences, and this has made us quickly become one of the most punitive societies on the planet.¹¹⁰

Ronald Reagan, who as a candidate came out in favor of continuing the war on drugs, strengthened this policy once more after Jimmy Carter had aimed to decriminalize cannabis, a position that probably cost him reelection. Reagan wanted to appear firm and resolved, and so he had to put an end to the drug question. Under him, a period of plenty in terms of the financing of this war began.

In parallel, in Mexico at the time, a criminal dynamic was emerging, with extraordinarily well-organized groups laying the foundations of what has become a narcostate. The war on drugs that the United States has waged inside and outside its borders has had the concrete result of creating on its southern border a group of criminal organizations that since the beginning have focused their activities on drug trafficking. These organizations are known as *cartels* nowadays because of their organizational sophistication. They have grown, multiplied, and diversified, to the point that, ultimately, they now compete with the Mexican state for control of the country.

109 Nils Christie, *Crime Control as Industry: Towards Gulags, Western Style* (London: Routledge, 2000).

110 <https://www.mediapart.fr/journal/international/011017/etats-unis-pourquoi-lindustrie-de-la-prison-vise-les-pauvres-et-les-noirs>.

Mexico, which was earlier considered by Anslinger and Nixon to be the major supplier of cannabis to the United States, underwent a major shift in 1985. On February 7 of that year, a DEA agent, Enrique Camarena, was abducted in the state of Guadalajara, as was the Mexican Alfredo Zavala, who worked as a pilot for the DEA; they were found dead on March 5.¹¹¹ These murders were attributed to the Guadalajara cartel, an organization that dominated drug trafficking at the time. In reality, this group of “entrepreneurs” came from the state of Sinaloa, which had long been Mexico’s major cannabis producer.

The Reagan administration exerted strong pressure on the Mexican government to find its missing men, with the U.S. customs agency taking the unprecedented initiative of closing the border with Mexico. With cross-border trade wiped out, bilateral relations at a historical low, and all major American press agencies heading to Guadalajara to cover the abduction, the DEA was in the eye of a major diplomatic storm.¹¹²

On February 22, 1985, Reagan promised the president of Mexico, Miguel de la Madrid, that traffic crossing the border between the United States and Mexico would return to normal “in the briefest possible period.” In addition, the attorneys general of the two countries would soon meet “with the end of extending the cooperation between both countries in the campaign against the traffic of drugs,” De la Madrid’s office stated.¹¹³

Thirty years later, the only result of this cooperation has been an increase in the number of cartels in Mexico (as well as in the majority of Central America), in the number of drug users in the United States (and across the world), in violence, and in deaths. Mexico is a country threatened by a colossal, unstopably extending level of organized crime that not only encompasses the expanding drug market but has spread more widely in the form of a proliferation of criminal cells that terrorize, subject to racketeering, subjugate, kidnap, hold for ransom, and massacre citizens.

Had it not been for the events of September 11, 2001, the war on drugs would have continued to be the U.S. government’s top priority, and currently, it continues to be an equal priority to the war on terror.¹¹⁴

If we take as our starting point the Shanghai commission of 1909 and then include the successive accumulation of agencies and bodies—those put in place to wage this war to completion without their having demonstrated the slightest effectiveness in terms of eradicating drugs yet having nonetheless reached such proportions that they escape political control by citizens and most elected repre-

111 <https://www.bbc.co.uk/news/world-us-canada-16920870>.

112 <https://www.bbc.co.uk/news/world-us-canada-16920870>.

113 <https://www.nytimes.com/1985/02/23/world/mexico-reports-pledge-from-reagan.html>.

114 <https://archives.fbi.gov/archives/news/testimony/international-drug-trafficking-and-terrorism>.

sentatives, to the point where none of them can ascertain the exact cost nor the number of government officials involved in this war—the war on drugs has been going on for a little over a century, and it can be considered a perfect example of the concept of the “counterproductivity” of an institution that Ivan Illich invented and theorized in his book *Medical Nemesis* in 1975.¹¹⁵ According to Illich, counterproductivity appears when an institution becomes so large that it is eventually prejudicial to the objective for which it was created. In the case of the war against drugs in the United States, the more resources that are allocated to eradicating drugs, the more available drugs become.

In 1969, on the eve of Nixon’s declaration of war against drugs, surveys in the United States indicated that 12% of respondents were in favor of legalizing cannabis for recreational purposes; 58% of respondents are now in favor.¹¹⁶ Majorities within the youngest sectors of society support the legalization of cannabis, which can be found everywhere at affordable prices. The image of this plant has therefore evolved considerably. Ultimately, a little extra scientific evidence is all it will take to tip the scales when it comes to this question. For drug policy in the United States now faces another series of questions about its relevance.

Anslinger was able to advance his prohibitionist ideas in a different social context to convince citizens to support his activities, and he could use as his global communication channel a media sector that comprised the written press, radio, the television industry in its infancy, and Hollywood movies, all of which could still be relatively easily controlled and influenced by a state. The Internet did not exist.

Without the Internet, the text that you are currently reading could not exist.

With the Internet, it has become possible, at least in the West (and even beyond there), for more people than ever to access information that is very diverse and international, and therefore, more open and less distorted by the interests of a particular power. This is a new reality that Walter Lippmann had not imagined.

The “spectator” of democracy that Lippmann had theorized has become more of an actor thanks to the Internet. The survey mentioned above shows a rise in sympathy for legalization that becomes rapid from the year 2000. At that time, 30% of respondents were favorable to cannabis legalization, while about 40% of the population had access to the Internet. In 2012, sympathy for legalization reached 50%, while the Internet had become accessible to 74%¹¹⁷ of the population. At present, 58% of those surveyed are in favor of legalization, and almost 90% of the population has access to the Internet.¹¹⁸ It would seem that the Internet has,

115 <https://booksandideas.net/The-Two-Lives-of-Ivan-Illich.html>

116 <https://news.gallup.com/poll/186260/back-legal-marijuana.aspx>.

117 <https://news.gallup.com/poll/186260/back-legal-marijuana.aspx>.

118 <https://www.census.gov/data/tables/2012/demo/computer-internet/computer-use-2012.html>.

in just 15 years and via limited propaganda means, managed to influence public opinion more effectively than have multiple campaigns and the virtually limitless resources implemented to promote prohibition policies for more than a century.

The Future of the War on Drugs

The complete legalization of cannabis within a fairly short time frame is becoming a likely prospect in the United States, as it is in a good number of other Western democracies.

What is to be done with all those agents who have been devoted exclusively over their entire career to the war on drugs? And what is to be done with all the resources currently devoted to eliminating a plant that is in the process of attaining a new status of scientifically validated therapy, and whose recreational use is now commonplace for several successive generations? The people who discovered cannabis at Woodstock are now largely respectable grandparents and assume a major part of the tax burden. Some of them even participated in the creation of Silicon Valley's new economic jewels, with the creators of Apple, Google, Microsoft, and others never having hidden the help that cannabis provided in some of their respective creative processes. Steve Jobs, the charismatic cofounder of Apple, publicly confessed on several occasions that "Doing LSD was one of the two or three most important things I have done in my life."¹¹⁹ And, therefore, what is to be done with the other natural or synthetic substances that are also classified as unlawful in the schedules of the International Drug Control Conventions?

This policy that is now key in modern states will have to change radically if the legalization of cannabis becomes widespread throughout the United States. In the states of California, Washington, Oregon, Nevada, Alaska, Colorado, and Maine, cannabis has been totally legalized; anyone over the age of 18 can now obtain it.¹²⁰

This situation seems inevitable, since for more than half the citizens in this country, as is also the case in a number of regions across the world, cannabis is now acceptable, commonplace, and even cool. For as LaGuardia pointed out back in the 1930s, how can we maintain laws that nobody respects?

Moreover, it appears to be increasingly obvious to many observers across the world that the drug policy driven for a century by Western powers under the predominant influence of the United States is a policy of domination.

In the case of cannabis in the United States, the first group targeted by this policy of strengthening U.S. domination was the Mexicans, and since then the new "war on drugs," declared in 2006 in Mexico by the country's own federal govern-

119 For example: <https://www.thefix.com/content/steve-jobs-think-different-and-bsd-9143>.

120 https://www.unodc.org/wdr2017/field/WDR_2017_presentation_lauch_version.pdf.

ment, under pressure from its powerful neighbor to the north, this domination through fear has become even more pronounced. As a consequence of this policy, for the last 15 years Mexico has become, it can be seen, the largest theater in the war on drugs. Mexicans' daily lives are now directly impacted by drug trafficking. Corruption is now rife, while the economy is in recession. And crime of all types has exploded: kidnapping, violence, thefts, trafficking, and tens of thousands of murders each year, which in general are preceded by barbarous torture that traumatizes survivors, carry on alongside score settling between drug cartels as they fight over the transit routes that feed into the United States, the largest consumer of illegal drugs out of all the world's countries.

On September 15, 2017, Donald Trump had to bring in a Prescription Opioid and Heroin Epidemic Awareness Week because a wave of more than 60,000 overdose deaths in a single year, approximately 100 people per day, had been detected.¹²¹ This wave was caused by the mass and uncontrolled prescribing of these drugs, a response by physicians to a highly aggressive campaign undertaken by the pharmaceutical industry at the beginning of this decade.

As cannabis increasingly becomes legal across the United States, criminal organizations are currently redirecting their activities toward trafficking illegal opiates and heroin from China (though Mexico has also become a producer of opium poppy); these groups represent an alternative for users in the face of restrictions from the U.S. federal government on access to the painkillers in tablet form that millions of people in the United States have become dependent on.¹²²

What is to be done in the face of what have become powerhouse cartels that are vastly wealthy, better organized, and more determined than many U.S. states are? Will they be "legalized" as well through their being relabeled as entrepreneurs? Throughout Central America, as well as in many other regions of the world, this "parallel economy" has been constructed out of decisions pertaining to "drug control," and not only of cannabis, taken by the United States. Will these tentacular cartels really let democracies harm their economic interests? Isn't it the case that they already carry weight in decision making in some states? How can the power of these globalized cartels that are built on the theoretical control of certain drugs be measured?

After the 2008 global financial crisis, Antonio Maria Costa, then the head of the United Nations Office on Drugs and Crime, stated that drug money was what had saved the banks and the financial system, with around €350 billion originating in cartels apparently having been absorbed by the global economic system.¹²³

121 <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-proclaims-september-17-september-23-2017-prescription-opioid-heroin-epidemic-awareness-week/>.

122 https://elpais.com/internacional/2017/08/10/actualidad/1502396000_722428.html.

123 <https://www.theguardian.com/global/2009/dec/13/drug-money-banks-saved-un-cfief-claims>.

In Mexico, Andrés Manuel López Obrador, the new president elected in July 2018, who is to take office on December 1, plans as a minimum to legalize cannabis, but Donald Trump's administration has warned that it would not allow such a policy. Yet the big neighbor to the north offers no solution other than to continue the policy of "total war on drugs" shaped by Anslinger, Nixon, and Reagan, even though this policy has plunged Mexico into a kind of general anarchy in which weapons rule; one person is killed every 25 minutes,¹²⁴ with journalists, lawyers, elected officials, and social organizers who fight against cartels, corruption, violence, and lawlessness particularly targeted.

In the world as it is in 2018, the policy of domination¹²⁵ brought about through the creation of new criminal phenomena—for instance, those induced directly through successive laws on cannabis "control" at the international level, such as the situation of minorities in the United States or the case of Mexico, just two examples of the practical consequences of this drug policy that is now a danger to democracies—has perhaps already turned into the domination of states themselves, democratic or otherwise, by criminal groups. Basic realism is what raises such questions.

124 <https://www.proceso.com.mx/551215/eu-la-piedra-en-el-zapato-de-la-politica-antidrogas-de-amlo>.

125 <https://www.mediapart.fr/journal/international/170814/legaliser-le-cannabis-47-les-impasses-de-la-guerre-contre-la-drogue>.