

The Marijuana Tax Act is a bill that was passed in 1937 by the federal government concerning the selling, cultivating, and bartering of cannabis. It required that the seller, purchaser and cultivator of any derivative of the cannabis plant to buy a stamp from the government. The stamp cost a lot of money and the tax that accompanied made it near impossible economically for anyone to purchase or cultivate hemp. Laws against marijuana smoking were left to the preference of individual states. Each state adopted such laws before the passage of the Marijuana Tax Act, although loosely enforced them until the mid 1930's. How were the states laws against marijuana smoking affected by the Marijuana Tax Act? What is the Marijuana Tax Act and how was it enacted into a law? Why was marijuana smoking such a prominent issue in the 1930's, or as sociologists ponder, why now?

Sociology of law is the study of how society structures itself in accordance to law. Law is always treated as a dependent variable because laws are culture and time specific. There are no universal rights or wrongs; members of societies create laws dependent on the opinion of the majority of the members within that society. Laws are a reflection of the members of a society because they reflect the values and norms held by such. Thus, one could argue that the heavily taxation of hemp and making marijuana smoking illegal reflects the value that Americans did not want the tax-free bartering and selling of hemp nor recreational marijuana smoking accepted any longer. I am arguing this contention because after review and study of reasons for prohibiting recreational marijuana use and further taxing its use for industrial purposes, I firmly believe that it was a matter of a few elite individuals using a propaganda campaign to scare the American people into

believing that hemp and its derivatives are evil in order to protect their economic interests.

Hemp (the plant that marijuana is derived from) has been a most useful plant to man for thousands of years. From it is produced durable fiber which can be woven into anything; its centers, or “hurds”, make excellent paper and its seeds are full of protein that make great lubrication when pressed. Extracts from its leaves have provided a wide range of medicines and tonics (John, 1993).

Hemp has also been used profusely in the history of the United States. George Washington and Thomas Jefferson, our beloved forefathers, grew hemp. Our first American flag was sown on hemp cloth. The first and second drafts of the Declaration of Independence were written on paper made from Dutch hemp, and when the pioneers went west they covered their wagons with hemp cloths. Mary Todd (Abraham Lincoln’s wife) came from the richest hemp growing family in Kentucky (John, 1993).

After the Civil War, hemp cloth production in the United States greatly decreased because it became too expensive without slave labor. Cotton ginned by machines was cheaper. Even though hemp had a high production cost, it still remained the second most popular cloth in America. Hemp rope was the mainstay of the Navy. Two thousand tons of hempseed were sold annually as birdfeed. Virtually all good paints and varnishes were made from hemp-seed oil (John, 1993). Hemp’s by-products remained popular until the Marijuana Tax Act was passed in 1937. What happened? How could a plant with so many uses and with such a long, popular history in our country be demonized?

Before I begin to discuss how the Marijuana Tax Act passed and recreational marijuana smoking made illegal, we must first look at the historical context in which all

of the controversy arose. Once again law, as a dependent variable, is relative to the time and culture in which it is serving. We must understand what was happening socially in the 1920's and 1930's that led to such an enormous scare against hemp and marijuana smoking.

The Great Depression swallowed our country in 1929. It was a time of economic crisis; money and jobs were scarce. The very security and comfort of the lives of American citizens was being challenged, and no end to the problem seemed to be in sight.

Mexicans began immigrating, in great numbers, to the south and southwest of our country in the mid 1920's. They primarily worked in agriculture and provided a cheap source of labor for farms and orchards. When the Great Depression struck, many Mexicans migrated north to the central plain states looking for work. They were already being paid a substandard wage and were paid less during the Depression. Americans thought that Mexicans were taking their place in the labor force. They became a scapegoat for the lack of employment through a commonly held belief that they were taking all the jobs. People panicked because of the unstable times. Citizens, also afraid of mixing with an "inferior race", formed groups such as "Allied Patriotic Societies", "Key Men in America", or the group that unified many of these associations, "American Coalition" (Musto, 1973).

Mexicans smoked marijuana for recreational purposes and brought this habit with them when they immigrated and further migrated. They were also labeled as violent individuals who would use knives in fights, and such a label helped create a menacing tie between marijuana usage and consequences thereof. This anti-Mexican sentiment in

association with marijuana smoking was the genesis of the marijuana scare that enveloped our country in the mid 1930's (Himmelstein, 1983).

Himmelstein argues a theory he calls, "social locus". This theory contends that there is "a relationship between the moral and legal status of a particular kind of drug use and the social position of the groups identified as the primary or typical users; the lower the social position of the users, the more likely that use will be regarded as deviant, disreputable, and wrong. As the social location of use changes, so does its moral status" (Himmelstein, 1983, 16). As such, when smoking marijuana was associated with Mexicans who as a group were stereotyped as violent and already occupied a low social position, the moral and legal status of marijuana also diminished.

Why were the Mexicans singled out as a minority and stereotyped? Along with the perceived notion in the 1930's that Mexicans were taking all the agriculture jobs in the Midwest and South, Gusfield postulates a theory that deals with drugs and drug controls as symbolic encounters in wider social conflicts. During times of great social conflict or stress (the Depression), the drug use of a socially subordinate or insurgent group may become a symbol of the threat that the group poses to the dominant social order. "Legislation against the drug in association may be a way of reasserting the legitimacy of the existing social hierarchy and the hegemony of dominant social groups by symbolically condemning those groups which threaten that hierarchy and hegemony." (Himmelstein, 1983, 17). Thus, the immediate enforcement of already existing laws against the recreational use of marijuana could have been a way to re-establish the subordination of Mexicans and reaffirm the status (law making and majority) of the white dominant group (Himmelstein, 1983).

Precedent had been set concerning other substances that were used for recreational pleasure. The Prohibition Act in 1920 made it illegal to manufacture or sell “intoxicating liquors” (though ended in 1933). The Harrison Act, passed in 1914, federally required individuals to register if they were dealing with narcotic drugs (both medically and personally). Precedents had been set against substances people used for pleasure, and legislating a law whose ultimate goal would be to ban marijuana (by attacking hemp) appeared to be easier and only a matter of time (Heiligman, 1992).

How did the Federal Government legitimize the prohibition of alcohol and opium? The following “values” were used as a justification:

1. Protestant Ethic- individuals should exercise complete responsibility for what he or she does and what happens to him or her; a person should never do anything that might result in the loss of self-control. Alcohol and opiates cause loss of self-control; therefore, they are evil.
2. Disapproval of Action Based Solely to Achieve Status of Ecstasy- because of our cultural emphasis on pragmatism and utilitarianism, citizens feel uneasy and ambivalent about ecstatic experiences of any kind.
3. Humanitarianism- reformers believed that people “enslaved” by the use of alcohol and opium would benefit from laws making it impossible for them to give in to their weaknesses (Becker, 1976).

These same values were used when attempting to legitimize the Marijuana Tax Act because people smoked marijuana for pleasure.

A depression hit the economy of the United States and disenfranchised the whole country, marijuana smoking had been tied to a minority group, and precedent had been

set by the government concerning its right to judge the effects of recreational substances and when they could and could not be used. How did the government become involved with marijuana smoking laws and what gave them the legitimate right to do such?

All members in the society that accept what actions the enforcers take legitimize government and law enforcement bodies, according to the Structural-Functionalist theory of Emile Durkheim. Since people elect to have a law enforcement body support the will of the majority, accepting those laws enacted (from strong reactions towards a particular behavior) legitimizes the law itself and conversely reflects the collective conscious of a society. Citizens in the South and Midwest were complaining to local law enforcement, who in turn complained to state law enforcement, who finally complained to federal law enforcement and government about marijuana smoking and its violent effects. Oddly enough, the complaints did not occur on a grand scale until after the Depression and the migration of Mexican workers. Regardless, the complaints began to bring more attention to the issue because there was now a public sentiment against marijuana smoking. This enlisted the aid of local, state, and federal law enforcement individuals to bring attention (and later legislation) to the issue.

The government officials and supporters who enacted legislation against hemp and marijuana smoking were “moral entrepreneurs”. Becker urges us to pay attention to those social groups and organizations who took the initiative to procure a particular drug law as well as how and why they did so. Moral rules, as Becker reminds us, are not automatically created and enforced. “Rule creation and enforcement require ‘moral enterprise’, the specific effort by a formally constituted agent to transform established social values into specific rules and then see to it that these rules are applied. Such an

agent is a “moral entrepreneur” (Himmelstein, 1983, 15). Becker states that to procure a new moral rule, the moral entrepreneur must go through a characteristic process of publicizing the area of wrongdoing, enlisting organizational support, and cultivating public opinion. Further in this paper, when we observe how a propaganda campaign was started to rally public support, we see that the latter theory in action. What government agencies and individuals became the moral entrepreneurs against hemp and marijuana smoking?

The Federal Bureau of Narcotics was created on August 12, 1930. It was created as independent from the Treasury Department and Harry J. Anslinger was appointed the first commissioner under president Herbert Hoover. Harry J. Anslinger is the moral entrepreneur who is single-handedly responsible for the passage of the Marijuana Tax Act in 1937. Anslinger had stiff policies that he applied in dealing with narcotics and believed that the only way to enforce drug laws was to have stiff penalties (this philosophy characterized the Federal Bureau of Narcotics attitude for years to come). The Federal Bureau of Narcotics joined the fight supporting drug legislation because Congress re-examined all federal expenditures in the first years of the Depression and cut the Federal Bureau of Narcotics payroll by 200,000 dollars. Anslinger was fearful that the Bureau would be totally ousted, so he realized that he had to give a reason or provide some kind of mission to legitimize the Federal Bureau of Narcotics and its existence. “Anslinger had to prove that there was a new drug menace threatening the country, one that required immediate federal attention, one that the Bureau of Narcotics could deal with only if its hands weren’t tied” (Abel, 1980, 240). Anslinger had to prove such reality and created a menace. He realized the force of public opinion, and used it to begin

a propaganda campaign that would ultimately result in the Marijuana Tax Act (Abel, 1980).

“Harry J. Anslinger set about to promote the notion that the marijuana smoker was a serious threat and was responsible for an increasing number of crimes, particularly crimes of violence including murder and rape” (Salmon, 1972, 24). Anslinger realized, very ingeniously, that he could play on the Mexican stereotype to exploit the largeness of the situation. He wanted to conclusively link marijuana smoking to the Mexican minority. He had great political power to do so because he raised the support of both the Republicans and Democrats, the Women’s Christian Temperance Union, and many churches. Because the Federal Bureau of Narcotics also controlled the licenses for the importation of opiates, Anslinger also received support from the drug companies. While exploiting these fears and cultivating special interest groups, he also utilized the demographic changes in the “addict” population (including a growing number of Mexicans) (Galliher, Keys, Elsner, 1998).

Harry Anslinger was also a savvy bureaucrat during the Great Depression who excelled at protecting the Federal Bureau of Narcotics from budget cuts by locating new legislative mandates. Anslinger, above all, was a government operative with vast experience in the intelligence community who, through political harassment, adeptly controlled the flow of information on drug addiction. Anslinger was a moral entrepreneur as well as a moral enforcer. He used his position, prestige, and power in the Federal Bureau of Narcotics to define his position on the supposed drug problem, mobilize legislative initiatives, and to implement law enforcement plans of action. This



is all essential in creating a social problem, which Anslinger did (Galliher, Keys, Elsner, 1998).

“In fact, the Bureau (FBN) had no obvious or natural interest in procuring national marijuana controls. To be sure, it was a survival-conscious bureaucracy and its leaders were moralists to the core, but neither fact pre-disposed it to seek control over marijuana, or for that matter, over barbiturates and amphetamines” (Himmelstein, 1983, 138-39). The “war” against hemp and marijuana smoking was now afoot in order to give the Federal Bureau of Narcotics a mission, which in turn legitimized its existence and kept it from receiving further budget cuts. An enemy was created. The Marijuana Tax Act was born out of legislation to control marijuana smoking. What was the Marijuana Tax Act? How did Anslinger organize a propaganda campaign to gain support from the American people? Did Anslinger work in his own self-interest (did Anslinger directly benefit in any way from pushing such an agenda)?

The Federal Bureau of Narcotics left the acceptance and enforcement of recreational marijuana smoking strictly to individual state preference. It was the choice of the state to include marijuana in their State Uniform Narcotic Act. By 1930, sixteen states had passed laws prohibiting smoking marijuana for recreational use. These laws were loosely enforced, and states had little to no complaints with linking ill activity to marijuana smoking. In 1931, thirteen more states followed suit, making a total of twenty-nine. This exemplifies that marijuana smoking was already a local issue and it shows how the Federal Bureau of Narcotics became aware of the “problem” (Himmelstein, 1983). In 1932, the Federal Bureau of Narcotics began working directly with the National Conference of Commissioners on Uniform State Laws in developing

uniform laws concerning narcotics, stressing the need to control marijuana (Becker, 1976). This is when Harry Anslinger began his campaign against marijuana smoking.

The issue remained stagnant and of little concern to local law enforcement and even the Federal Bureau of Narcotics. The complaints were minimal and Anslinger had no case against marijuana or hemp. Finally, in 1934, a law was passed that gave Anslinger the idea on how to completely ban hemp. In the effort to reduce the number of sub-machine guns being bought and sold by gangsters, Congress decreed that such firearms could not be transferred without a tax (and that tax was very hefty). This was called the Firearm Transfer Tax. Anslinger realized that if he could get the same legislation passed for hemp (by heavily taxing the transfer and cultivation of it), he could completely eliminate it from the market for production and sale. From such, stricter enforcement of marijuana smoking laws would ensue. Farmers could not afford heavy taxes on major commodities, and hemp was a major commodity for all farmers that cultivated it. Even though Anslinger was somewhat skeptical about the legitimacy or such legislation passing, it provided a framework for him as well as a legal precedent to cite (Musto, 1973).

Anslinger and the Federal Bureau of Narcotics continued to work on an anti-marijuana campaign. Support for such a law was so little that only three of the twelve states that adopted the State Uniform Narcotic Act in 1935 included recreational marijuana smoking as a crime. Anslinger realized that he needed to rally support quickly; the Federal Bureau of Narcotics had little or no mission and was having a very difficult time pushing the anti-marijuana agenda. They needed to arouse public concern

about marijuana smoking. He needed to convince citizens that marijuana smoking was responsible for all social problems (Helmer, 1975).

Anslinger began supplying propaganda to community service clubs and popular press concerning alleged atrocities committed by those under the influence of marijuana. He flooded the press with stories to get the attention of the average citizen. The following are excerpts from articles that Anslinger wrote himself and that appeared nine times in popular magazines between 1936-1937:

“The sprawled body of a young girl lay crushed on the sidewalk the other day after a plunge from the fifth story of a Chicago apartment house. Everyone called it suicide, but it was actually murder. The killer was a narcotic used in the form of a cigarette comparatively new to the United States and as dangerous as a coiled rattlesnake” (Anslinger and Cooper, 1937, 19).

This article appeared five times in popular magazines from 1936-1937:

“An entire family was murdered by a youthful [marijuana] addict in Florida. When the officers arrived at the house they found the youth staggering about in human slaughter-house. With an axe he had killed his father, mother, two brothers, and a sister. He seemed to be in a daze...he had no recollection of having committed the multiple crimes. The officers knew him ordinarily as a sane, rather quiet young man; now he was pitifully crazed. They sought the reason. The boy said that he had been in the habit of smoking something which the youthful friends called “muggles”, a childish name for marijuana” (Anslinger and Cooper, 1937, 150).

The above was a typical way for the Federal Bureau of Narcotics to describe the drug, its influences, its identification, and its “evil” effects (Abel, 1980).

Marijuana smoking laws were the business of the states and federal intervention would be unjustifiable. In order to obtain federal intervention, Anslinger’s attention turned toward more deviant ways of getting what he wanted. He calculated that if the United States became part of an international drug treaty that a federal law would have to be passed despite opposition on constitutional grounds to any law restricting cannabis on

the basis of current federal tax or interstate laws. Anslinger cited the Migratory Bird Act, which was upheld to be constitutional by the Supreme Court, to combat the opposition above. The Act was declared constitutional even though it overstepped state police powers due to the fact that it was an international treaty with Canada and Mexico. Therefore, he could not receive opposition when he decided to go to Geneva in June of 1936 to attend the conference for the “Suppression of Illicit Traffic in Dangerous Drugs” and urge other countries to adopt controls in trafficking cannabis. If other countries adopted such controls along with the United States, then a federal law would have to be passed and the individual states would be forced to comply. The other countries did not agree with him; they argued that his medical evidence was not valid because it did not study the total effects of marijuana on the human body (Musto, 1973). Defeated internationally, Anslinger returned home to further fight for federal legislation.

Anslinger continued to successfully flood the press with propaganda and turn the sentiment of citizens against marijuana smoking. The Federal Bureau of Narcotics urged the National Conference of Commissioners on Uniform Narcotic State Laws in 1936 that federal intervention may be necessary because the problem was getting “out of control”. They wanted to work with them in order to “educate” people on the effects of marijuana smoking (Becker, 1976). Anslinger felt that he finally had enough public support to proceed to the next level. In January of 1937, he held a conference in the Treasury Building. His goal was to create a final legislation to submit to Congress. When creating the evidence to support their cause, they fabricated their medical reports and did not hear any evidence unless it directly agreed with their agenda (Musto, 1973). The finalized bill contained the following information:

- 1.) Handlers of cannabis had to register and had to pay a special “occupational tax”.
- 2.) Written forms had to be submitted and filed for every transaction involving cannabis, and payment of a transfer tax of one dollar per ounce had to be paid each time the drug was delivered to an authorized recipient (a HUGE tax at that time) (Abel, 1980).

The Firearms Transfer Tax was finally declared constitutional in April of 1937. This set the perfect precedent for the Federal Bureau of Narcotics and Anslinger to proceed. One month later, Anslinger and the Treasury Department presented the bill before the House Ways and Means Committee. What ensued was a tragedy to the American legal system (Musto, 1973).

Anslinger knew that in order to convince the House to pass the bill they would have to focus on the “ill effects” of marijuana smoking and not the bill itself (which only entailed cannabis handling). There were no practical reasons for the government to regulate hemp, and by demonstrating that a derivative of the plant caused atrocities would aid in the passage of the bill. Anslinger knew that once the government regulated trade and production, they could assure that production and trade disappeared.

The violence claim was Anslinger’s main angle and contention that dominated the Congressional Hearings. The Federal Bureau of Narcotics stressed that marijuana smoking stimulated violent behavior by dissolving moral restraints, by destroying the ability to judge from right and wrong, by stimulating grandiose fantasies, and by making the user highly suggestible. Violence was also the central theme of the three articles and two of the four letters submitted as exhibits to the Committee (Himmelstein, 1983).

They also knew that Congress would not believe the “hype” they had released to the newspapers and magazines without sufficient medical backing. Strangely, the Federal Bureau of Narcotics main medical witness *was* Harry Anslinger. Not only that, but they had a pharmacologist named James Munch testify (whose research concerning the effects of marijuana was focused on dogs). He had given them marijuana to eat to observe if it altered their personalities. When asked about the altering of their personalities, he stated, “Yes, as far as I can tell, not being a dog psychologist” (Abel, 1980, 244). This was actually allowed as testimony before the House Ways and Means Committee!

The American Medical Association was contacted to appear at the hearing. They sent spokesperson Dr. William Woodard. Dr. Woodard was appalled at the evidence Anslinger produced before the House being that Anslinger was not a doctor and had no legitimate evidence to support his claims concerning the effects of marijuana. Dr. Woodard had not prepared evidence to bring the House because the American Medical Association had no idea that the effects of marijuana smoking were being “researched”, let alone for the past two years. When Dr. Woodard gave testimony, he stated before the House that Anslinger’s evidence was completely fabricated; the American Medical Association had no idea that a bill was being created, and that they had only been notified one month in advance before appearing. Dr. Woodard asked for an extension and six months to gather evidence and fully evaluate Anslinger’s claims. He was denied. Dr. Woodard and the American Medical Association were particularly upset with this because the Harrison Act led to the annoyance and harassment of physicians. Many doctors felt that this infringed on their professional right to treat patients how they saw

fit. Marijuana was widely used and recognized for its medicinal effects. Dr. Woodard and the American Medical Association knew they if this bill passed, they would no longer be allowed to treat patients with such medicines as they see fit (Abel, 1980).

Why did the House Ways and Means Committee ignore the pleas and professional opinion of Dr. Woodard? The American Medical Association had recently successfully blocked health insurance from being included in the Social Security Act, therefore leaving the House with a very sour sentiment towards them (Abel, 1980). They were in no mood to hear the American Medical Association, nor Dr. Woodard.

“After hearings, the bill went to the House of Representatives. Before the bill was voted on, a short exchange took place showing that Congress was not even aware of what the drug marijuana was (though the bill entailed the taxation of hemp), even though they were being asked to outlaw its use!

Mr. Snell: What is the bill?

Mr. Rayburn: It has something to do with something that is called marijuana. I believe that it is a narcotic of some kind” (Abel, 1980, 247).

Finally, the House passed the bill and it was shortly sent back to the Senate. The Senate amended it and sent it back to the House, which passed it with no roll call or debate. The Marijuana Tax Act was passed and signed by President Roosevelt on August 2, 1937. It went into effect October 1, 1937. The passing only merited three lines of discussion in the New York Times the day it was signed (Abel, 1980).

The Marijuana Tax Act did not make hemp or marijuana illegal; it simply meant that for a person to cultivate and market hemp, one would have to purchase a “stamp” and pay taxes, both cultivator (now regulated by the government) and the purchaser.

These taxes were very high and no one (especially farmers) could afford it. It made hemp products economically ridiculous to pay for. It cost so much to purchase hemp by-products that no profit would be made once they sold (if at all because of the extraordinary high price due to taxation) on the market.

Congress declared the possession of cannabis (or any derivative thereof) without a stamp to be a felony, and there were practically no stamps to be bought (Musto, 2000). The federal government involved itself with marijuana smoking by making a possession law. This allowed the states to retain their individual laws concerning marijuana smoking. The states felt that they had retained their autonomy and the Federal Bureau of Narcotics became involved nationally, thus pacifying all parties involved.

I read the latter happenings, from the beginning of the Federal Bureau of Narcotics to the ridiculousness of the trial, and still have questions. It appears there had to be *some* other ulterior motive for Anslinger to be a moral entrepreneur. I understand that Anslinger used his political clout to create an enemy and thus created a mission for the Federal Bureau of Narcotics, but it perhaps seems that he had another reason for attacking hemp so profusely without retreating until he achieved his objective. The following is a very interesting conspiracy theory, which provides a motive that Anslinger appeared to have through association with certain individuals.

Hemp, for all practical purposes, was outlawed just as a new technology would have made hemp paper much cheaper than wood-pulp paper. Hemp fiber had to be separated from the stalk by hand. The cost of labor made this method uncompetitive. The year that hemp was taxed (1937), a machine was invented named the *decorticator*. It could process as much as three tons of hemp an hour and could produce higher quality



fibers with a lot less fiber than wood-based pulp. Some scientists predicated that hemp would have been able to undercut the competition overnight. *Popular Mechanics* predicted that hemp would become the United States first billion-dollar crop. The magazine pointed out that 10,000 acres of hemp would produce as much paper as 40,000 acres of forestland (John, 101). “Hearst, the du Ponts, and other industrial barons and financiers knew that the machinery to cut, bale, decorticate (separate fiber from the stalk) and process hemp into paper was becoming available in the mid-1930’s” (Herer, 1998, 41).

William Randolph Hearst was a prominent magazine owner and businessman from the early to mid 1900’s. As exemplification of his empire, Hearst built a castle on a 240,000-acre ranch at San Simeon, California in the 1920’s. At his peak he owned twenty-eight major newspapers and eighteen magazines, along with several radio stations and movie companies. According to Herer, Hearst slanted the news in his papers to protect his wood pulp investments. Hearst’s newspaper chain led a campaign to have hemp outlawed. He falsified stories and made claims as outrageous as Anslinger’s. Herer furthers that Hearst was responsible for popularizing the term, “marijuana”. The first step in creating hysteria, for Hearst, was to introduce a foreign word that would scare people; thus, he coined the Spanish word “marijuana” (Herer, 1998).

The Du Pont Company also had a large part in such a conspiracy. They had been a major manufacturer of textiles and gunpowder from the mid 1800’s through the Second World War. They had an economic interest in the wood pulp industry as well. At this time, they were in the process of patenting a new sulfuric acid process for producing wood pulp paper. According to the company’s *own* record, nearly eighty percent of all

Du Pont's railroad car loadings for the next fifty years would contain wood pulp products. Even more of a reason for Du Pont to be concerned would be their changing business and manufacturing practices after World War One. They poured millions of dollars in developing synthetic fibers such as rayon and nylon during the peacetime following the war predicting that such products would be more profitable in the long run. Hemp can be woven into rope and clothing providing the strongest natural fiber in the world. In 1935, Du Pont developed nylon that was a substitute for hemp rope. In 1939, they developed rayon, which was a direct competitor against hemp cloth. To make things deeper, Congress and the Treasury Department were promised through testimony given by Du Pont that hemp seed oil could be replaced with synthetic petrochemical oil produced by Du Pont. The millions spent on these products as well as the hundreds of millions expected from profit could have been wiped out if the newly affordable hemp products were allowed on the market. Du Pont worked with Hearst to eliminate hemp (Herer, 1998).

How was Harry Anslinger involved? He was Du Pont's "point man". Andrew Mellon, who had appointed Anslinger as commissioner of the Federal Bureau of Narcotics under Herbert Hoover, was also chairman of the Mellon Bank, which was Du Pont's main financial backer. Anslinger just also happened to be married to Mellon's niece (Herer, 1998). Could this all be a happenstance? I do not believe so. I believe that the evidence provided above proves that Anslinger had an ulterior motive other than creating a mission for the Federal Bureau of Narcotics.

The Marijuana Tax Act had a long history before it's passage. The Harrison Act was the first federal ruling concerning the trafficking of narcotics. The Prohibition Act

made it illegal to produce or serve alcohol. These two acts provided framework for the precedent of making further rulings on conscious-altering substances. The Great Depression came in 1929, redefining the normative order daily as the economy collapsed and could not recuperate. The migration of Mexicans to the Midwest and providing competition for unemployed citizens created hatred and thus designated the Mexican migrant worker as a scapegoat. Their practice of recreational marijuana smoking tied their behavior and minority status to an activity that had been previously accepted. Harry Anslinger and the Federal Bureau of Narcotics were receiving major budget cutbacks due to the Great Depression and needed to create a mission for themselves to legitimize their existence. Observing a minor public sentiment against marijuana smoking in the Midwest and Western states along with the few complaints of law enforcement officials, Anslinger realized that he could turn the emotions of disenfranchised citizens of the United States against marijuana, thus creating a mission for the Federal Bureau of Narcotics by becoming federally involved. Combined with his connection to millions of dollars Du Pont and Hearst stood to lose, he used the Firearms Tax Act and the Migratory Bird Act as frameworks for creating the Marijuana Tax Act. Harry Anslinger launched a campaign to scare the American people and rallied public support for his bill. He abused his political clout and connections to ultimately have the Marijuana Tax Act passed in 1937, forever changing the public view and norms concerning hemp and recreational marijuana smoking. The true question is if Anslinger and the Federal Bureau of Narcotics were so adamant about fixing the supposed marijuana smoking “problem”, why did they not enact legislation on the federal level concerning the issue? In other words, why would Anslinger push to pass a hemp law verses a marijuana smoking law if

marijuana smoking and its direct “ill effects” were the concern? The horror stories (apparently resulting from smoking) were the focal point to rally public support for Anslinger’s real issue of protecting his kin’s economic interest by crippling the hemp threat. However, I do think that it was genius to achieve the goal of outlawing marijuana and eradicate the economic threat of hemp all in one bill.

Law is treated as a dependent variable because it changes from time to time and place to place. I do not believe, after my research, that the Marijuana Tax Act served much social purpose other than to flood the economy with new products (as replacements for existing hemp products) and demonize a minority group in our country. However, I do understand how Anslinger used the sentiment of the public and their emotions against them to achieve his goal. The American people were very vulnerable at that time and were looking for the government to pull them from the tragic Depression. Anslinger used this to his benefit.

After completing the research and writing this paper, I am infuriated. I realize that the anti-marijuana campaign that I have been assimilated to my entire life is nothing more than the result of a conspiracy by a few powerful men who wanted to protect their economic interests. I believe that the intentions of Anslinger were to protect his interest along with the individuals (Hearst and Du Pont) and not for the good of the country. I have strayed away from the usage of marijuana and labeled users as deviants due to my ignorance of the subject and the culture in which I was raised. I am slowly learning to question every facet of my normative order to understand the true meaning and reasoning surrounding public policies and issues. This research has opened my eyes to corruption,

conspiracy, and the power that one calculating bureaucrat can have on a country in his time as well as years to come after his death.

The American people became adamantly against the recreational use of marijuana because of the propaganda that flooded the media. We accept things face value and truthful because most of us have no reason to question the underlined meaning behind many issues. The American people in the 1930's followed the trend created by Anslinger and did not question the sources or legitimacy of his information. They accepted it because if such stories were in their favorite magazines and the source is the commissioner of a government agency, then it *must* be true. I do not fault the citizens of the United States; they truly did not know any better at the time.

This research paper has made my cynical. My opinions about marijuana and other drugs that I came across in my research have changed forever. I find that I have more distrust now. I believe that once I asked "why now" in regards to as why the Marijuana Tax Act came into existence and passed. I have answered the question. I plan on making numerous copies of this paper and distributing it to all of my friends and family that are willing to read this. We all need to be aware of our government, its underline policies, and the context in which laws are made.

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