MARIJUANA AND CRIME: A CRITIQUE AND PROPOSAL

THESIS

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CHAPTER I

INTRODUCTION

Of the plethora of social problems with which government has had to contend in recent history, few have generated more controversy than the non-therapeutic use of drugs. Many of those which are currently in common use did not exist fifty years ago; but the most dramatic growth in non-therapeutic use has been experienced with a drug that man has known for centuries: marijuana.¹ Known generically as Cannabis sativa, internationally as Indian hemp, popularly as marijuana, and in American slang as "pot" or "grass," the drug was introduced to the United States as an intoxicant by itinerate Mexican farm workers in the early decades of this century. The acknowledged use of marijuana in the ghettos and communities of ethnic minorities for several decades stimulated no public outcry with the exception of the sensational press campaigns which led to the passage of the Marihuana Tax Act of 1937.² However, during the decade of

¹The spellings "marijuana" and "marihuana" are used interchangeably in the literature. When using source material the spelling preferred by the original author will be used.

²Some authors have suggested that ethnic prejudice was the primary motivation behind passage of the act. Richard J. Bonnie and Charles H. Whitebread, "The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition," Virginia Law Review, LVI (1971), 1167.
the sixties the rapid spread of the drug from ghettos to the youth of urban and suburban communities created an issue of the first magnitude.

Currently, sale and possession of marijuana are prohibited by the federal government and all fifty states with an incredible array of classifications and penalties for the same offense. For example, depending upon where one is arrested, the possible penalties for first-offense possession of marijuana range from seven days to fifteen years imprisonment. Criminalization of marijuana is based on three contentions: (1.) marijuana is physically and mentally dangerous to the user, (2.) marijuana leads to the use of heroin and other more dangerous drugs, and (3.) marijuana use leads to other more violent crimes.

As the title would indicate, this study is concerned with the relationship between marijuana and crime, if indeed such a relationship exists. Law enforcement officials contend that the use of marijuana leads to, or bears a direct relationship to, the incidence of more violent crime. Since

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3 Nebraska provides for a seven-day period of incarceration for first-offense possession of the drug, while Alabama, Colorado, and Rhode Island provide penalties of up to fifteen years imprisonment. A table is included in the appendix which gives the classification and penalties for all states.

this relationship has not been proven to exist, it may be correctly stated that they hypothesize such a relationship. The contention that growth in the use of marijuana leads to a corresponding growth in the incidence of more violent crime should be a testable hypothesis. Specifically, a review and critique of the major work in the area will be offered and new research proposed designed to test the hypothesis and clarify this alleged relationship.

In order to provide the reader with the necessary background information to make the discussion more meaningful, the first section of the paper will deal with the history and effects of the drug.

The Plant and the Drug

*Cannabis sativa* is a uniquely hardy plant capable of surviving in varying climates and soils. It may grow to a height of sixteen to twenty feet or mature at one foot, depending on varying conditions.\(^5\) The plant has been used as a cash crop by man, not only for its psychoactive properties, but also for the hemp fiber in its stem from which rough cloth, twine, and rope are made; and for its seed which is used in commercial bird foods.\(^6\) The larger plants produce the best fibers: the smaller plants the strongest intoxicants.


\(^6\) Ibid., p. 34.
The varieties of the drug are named for the country in which they are grown, and the name also denotes relative strength. *Cannabis indica* grown in India produces the strongest resin (hashish), which is some five to six times more intoxicating than *Cannabis americana* (marijuana). The active ingredient in marijuana, Delta-9-transtetrahydrocannabinol (THC), is contained in the resinous oil secreted by the flowering tops of the female plant. In relation to the hallucinogenic drugs marijuana is an extremely weak intoxicant. The best-known of the hallucinogens, lysergic acid diethylamide (LDS), is some one hundred sixty times more potent than pure THC, which comprises only one to five percent of marijuana.

The basic effects of the drug are a mild euphoria and a distortion of time and space perceptions. Dryness of the mouth and throat, increased pulse rate, and a marked increase in appetite are also among the most common effects of marijuana. However, more important than these basic effects are those of a subjective nature. This is the

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8 Ibid., p. 3.
9 Ibid., pp. 2-3.
biggest obstacle to verifiable research when dealing with marijuana. Marijuana acts in large part as a catalyst, and great variance may be reported from one clinical experiment to another depending on the personal, subjective factors involved.

The trip will vary immensely depending on four factors which in turn may be altered from one episode to another. The four factors are: (1.) the set, i.e., the emotional attitude of the user toward the drug and the anticipated drug experience; (2.) the setting, i.e., the environment in which consumption of the drug occurs; (3.) the dose of the drug itself . . . ; (4.) the personality of the user. . . . Alterations in any one of these factors can make a dramatic difference in the outcome of the experience. However, there are certain subjective effects that are most often reported. These include "a dreamy state of altered consciousness," an easily disrupted sequence of ideas, and "uncontrollable laughter . . . at minimal stimuli."13

In contrast to these rather harmless and inconsequential effects for the average user, the effects of marijuana on an unstable personality may be considerably more unpleasant. "Marijuana may precipitate a psychosis in an unstable, disorganized personality, when it is taken in amounts greater than he can tolerate."14 The manifestations of such a

13 Jaffee, op. cit., p. 49.
psychosis may be "... paranoia, disorientation, confusional states, short-term memory loss, and a variety of perceptual alterations." The adverse reaction may last from a few minutes to several weeks, although in the latter instance the reaction "... is a result of personality problems which the drug merely serves to unmask." Although this type of reaction occurs infrequently, it is nonetheless a real problem with use of the drug which must be considered.

Another topic which must be considered when discussing the effects of marijuana is that of addiction. Marijuana is not physiologically addictive, but some individuals with a weak personality structure may become psychologically dependent upon it. The percentage estimates of the size of this group of people ranges from two to ten per cent of users of the drug. Making a distinction between addiction and dependence is not merely an exercise in semantics. For a given substance to be considered addictive it must exhibit two properties: tolerance and the abstinence syndrome. Tolerance refers to the adaptation of the body to the effects of a drug. If such adaptation is present, the drug user must

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16 Ibid., p. 70.


18 Bloomquist, op. cit., p. 124.
take increasing amounts of the substance to achieve the same
effects. The abstinence syndrome refers to the physical
and psychological symptoms which occur upon withdrawal of
certain drugs. For example, withdrawal from barbiturate
addiction may cause hallucinations, convulsions, and death. Marijuana exhibits neither of these properties and "... appears to be relatively harmless in most users and creates fewer serious problems than alcohol."

The evidence presented here would seem to be incongruous
with the intensity of the controversy over the use of mari-
juana. However, other factors tend to alter the picture
considerably. One such factor is that many of the studies
cited herein were not available when marijuana was first
criminalized, and none of this material has received the
massive publicity attendant to the Federal Narcotics Bureau's
anti-marijuana campaign during the thirties. Marijuana be-
came an issue, not of fact and evidence, but of fear and
misunderstanding. In this respect the title of the first
report of the National Commission on Marihuana and Drug
Abuse, Marihuana: A Signal of Misunderstanding, is most
appropriate. Such misunderstanding is documented by an

19 Edwin M. Schur, Crimes Without Victims (Englewood

20 Ibid.


22 Thomas N. Burnbridge, "Marijuana: An Overview,"
April, 1972, national survey which revealed that sixty per cent of Americans believe marijuana to be physically addictive and sixty-six per cent believe it to be physically harmful.23 The explanation of this incongruity lies in the unique history of marijuana, some knowledge of which is essential to an understanding of the problem.

A Brief History of Marijuana

The first documented use of cannabis was of a therapeutic nature. The Emperor Shen-Nung of China wrote a pharmacopoeia in 2737 B.C. in which cannabis was prescribed for gout, malaria, absent-mindedness, and various other maladies.24 Therapeutic use is also reported in the ancient civilizations of India, Greece, Africa, and Egypt.25 By 1000 B.C. the culture of India had assimilated the drug, not only as a therapeutic, but as an intoxicant.26

In the uncertainty of a world where civilizations grew and flourished only to be conquered and assimilated by others, marijuana spread rapidly. The idea that marijuana was a drug capable of producing violence and aggression was born in that ancient world in the eleventh century. The


25Ibid., p. 6.

26Ibid., p. 10.
"Myth of the Assassins" as it is most often known, centered around a particular Arabian warlord whose name was Hasan-Ibn-Sabbah. Hasan created a very beautiful garden in which food, drink, and female companionship were amply provided to the fortunate man who gained admittance. Those admitted were Hasan's soldiers who were rendered unconscious by a drug purported to be pure cannabis resin so that they would not know where they were taken. They were then borne into the garden and believed themselves to have entered the paradise of Allah. When Hasan needed an enemy dealt with, these soldiers were drugged and brought out of the garden and their return made contingent upon a successful military venture. Christian crusaders returning to Europe brought tales of a particularly fierce band of soldiers who were driven insane by the drug and who were virtually undefeatable. Thus, what may well have been a rationalization of failure became a legend of a drug which could render men insanely violent. Twentieth-century opponents of marijuana often use this legend as evidence of the alleged violence and crime-inducing properties of the drug.

In Europe, with the exception of those areas bordering the Mediterranean, the phenomenon of cannabis intoxication

27 Ibid., p. 11.
28 Bloomquist, op. cit., pp. 21-23.
was largely unknown until the nineteenth century. In 1844 the Hotel Pimodan in Paris established the Club des Hachichins, whose specialty was a sweetmeat which contained hashish. The club was frequented by many notables of French society including the author Gautier. However, use of the drug was not prevalent until recent years. Officials in major European cities, believing the spread of the drug to have been stimulated by Americans, have labeled marijuana "the American vice."

As was noted above, the American experience with marijuana as an intoxicant is scarcely older than that of western Europe. However, the plant itself has been with the new world since its birth. Cannabis was planted near Jamestown, Virginia, in 1611 to bolster the supply of hemp rope for England's fleet. After the Civil War, paper manufacturers found the fibers suitable for fine-grade papers, and birdseed manufacturers rated the cannabis seed second only to the sunflower seed in nutritional value. The market for hemp rope dwindled after the Civil War, and from that time experienced cyclical growth and decline until being supplanted by synthetics after World War II.

The use of marijuana as an intoxicant began to attract attention, particularly in the city of New Orleans, as early as 1910. By the 1930's newspapers and authorities had seized on the use of the drug as an especially virulent form of evil, particularly since the "... habit seemed to be most widespread among groups of foreign extraction." This form of prejudice reached even the medical profession. The New Orleans Medical and Surgical Journal published an article in 1931 charging that

The debasing and baneful influence of hashish and opium is not restricted to individuals but has manifested itself in nations and races as well. The dominant race and most enlightened countries are alcoholic, whilst the races and nations addicted to hemp and opium... have deteriorated both mentally and physically.

As use of the drug spread to other cities across the nation federal authorities began to take a serious look at marijuana. The public began to be alarmed as "... irresponsible journalists became the loudest voices in this controversy... Whipped by yellow journalism, inflamed by ridiculous and untrue stories the public panicked." Unfortunately, this irresponsibility was not confined to journalists. Federal agencies, notably the Federal Narcotics Bureau and the Federal Bureau of Investigation, undertook

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36 Ibid.


38 Bloomquist, op. cit., pp. 31-32.
massive alarmist campaigns against the drug, which lent the legitimacy of the United States Government to the campaign in the press. Harry J. Anslinger, Commissioner of the Federal Narcotics Bureau, made speeches, wrote articles, and traveled around the country attacking marijuana:

Those who are accustomed to habitual use of the drug are said eventually to develop a delirious rage after its administration during which they are, temporarily, at least, irresponsible and prone to commit violent crimes. 39

The Federal Bureau of Investigation described the marijuana user as "... a fiend with savage or 'cave man' tendencies. His sex desires are aroused and some of the most horrible crimes result. He hears light and sees sound. To get away from it, he suddenly becomes violent and may kill." 40 That there was no verifiable evidence to support such statements seemed to have no deterrent effect on either the government or the press.

In response to the campaign and resulting public outcry Congress passed the Marihuana Tax Act of 1937. 41 Virtually identical to the Harrison Anti-Narcotic Act of 1914, the statute placed token taxes on the sale of marijuana and required registration of all parties to a sale. If an individual complied with the provisions of the act his name

39 Anslinger and Oursler, op. cit., p. 37.
40 Grinspoon, op. cit., p. 17.
41 U. S. Statutes at Large, L, 551 (1937).
and address would be made available to state authorities for prosecution under state sale and possession statutes.

An upturned economy and war soon supplanted marijuana as an issue and it lay dormant until the decade of the sixties during which use of the drug spread rapidly to the youth of the middle and upper classes. With the rise of the hippie counterculture, marijuana became the symbol of youthful rebellion and rejection of the dominant norms and values of established society. Marijuana has again become a major issue. A national survey sponsored by the National Commission on Marihuana and Drug Abuse revealed that some twenty-one million people currently use marijuana. This group of people, the vast majority of whom are otherwise non-deviant, have rendered themselves criminals by their choice of intoxicants. For example, in California in 1968 over eighty percent of adults and ninety-eight per cent of juveniles arrested for marijuana violations had either no previous or only minor difficulty with the law.

Much more data on marijuana is now available than there was in the 1930's. However, some controversies concerning marijuana have as yet to be resolved. One important reason for the lack of success in resolving these controversies is that an unfortunate and counterproductive polarization on the part of both the public and the scientific community has

42 National Commission, op. cit., p. 471.
43 Kaplan, op. cit., p. 30.
clouded the issue. Thus, an issue such as the supposed connection between marijuana and crime remains confusing and unresolved.
CHAPTER II

EARLY RESEARCH

The Indian Hemp Drug Commission

In 1893 the British Parliament appointed the Indian Hemp Drug Commission to make an exhaustive study of the socio-legal effects of the widespread use of cannabis and its derivatives in India. This was the first major study designed to determine the aggregate effects of cannabis use in a given society. The Commission issued its comprehensive report in 1894. The findings of this Commission, although somewhat dated, are nonetheless discussed and debated in the contemporary literature and must be considered in a study of this kind.

The Commission began its study by framing a series of questions to be put to witnesses before it. Of these questions there were basically five pertaining directly to the relationship between cannabis and crime:

51. (a.) Are any large proportion of bad characters habitual moderate consumers of any of these drugs? (b.) What connection, if any, has the moderate use with crime in general or with crime of any special character?
52. Discuss the same question in regard to the excessive use of any of these drugs.
53. Does excessive indulgence in any of these drugs incite to unpremeditated crime, violent or otherwise? Do you know of any case in which it has led to temporary homicidal frenzy?
54. Are these drugs used by criminals to fortify themselves to commit a premeditated act of violence or other crime?  
55. (a.) Do criminals in order to further their designs induce their victims to partake of any of these drugs and so stupefy themselves?  

Oral and written testimony was received and evaluated from some 1,193 witnesses including 325 physicians and 467 government officials. The tabulations of these responses were reported in the form of ratios. The respondents held by a majority of eight to one that there was no connection between the moderate use of cannabis and crime. A majority of four to one held that there was no connection between excessive use and crime. The same number of respondents reported that there was no relationship between excessive indulgence in cannabis and unpremeditated acts of violence. As to the use of cannabis to fortify criminals prior to an illegal act the respondents held by a majority of nine to four that such use was non-existent. The last question, pertaining to the use of cannabis by criminals to stupefy their victims was answered affirmatively by the respondents, but the Commission held that the evidence presented was based wholly upon hearsay and unsubstantiated rumor and disregarded it.

In addition to receiving testimony from witnesses the Commission toured India and examined the records of all

1The Indian Hemp Drug Commission, Marijuana (Silver Springs, Md., 1969), p. XI.  
2Ibid., p. 12.  
3Ibid., p. 256.  
4Ibid.  
5Ibid.  
6Ibid., p. 257.  
7Ibid.
mental institutions pertaining to persons adjudged criminally insane by virtue of excessive consumption of cannabis. After examining a multitude of such cases the Commission concluded that attributing mental illness to drug use had essentially become a convenience for local administrators. Of course, at this time diagnostic techniques and treatment of mental illness was primitive by modern standards and thus, if a history of drug use could be found for a given patient, it was deemed expeditious to attribute causation to drugs and proceed to the next case. In most cases when the patient reached the mental institution the findings of local authorities were accepted without question because there was an insufficient number of qualified practitioners to afford each patient a thorough examination.\(^8\)

Finally, the Commission examined all cases for the preceding twenty years in which crimes of violence were attributed to cannabis use. Eighty-one such cases were reported in India for that period of time, of which fifty-eight were rejected after a cursory examination.\(^9\) Complete records were requisitioned and examined for the remaining twenty-three cases and four of these were accepted as establishing a probable link between cannabis use and an act of violence.\(^10\)

\(^8\)Ibid., p. 246.

\(^9\)Ibid., p. 247.

\(^10\)Ibid., p. 260.

\(^11\)Ibid., p. 263.
After completion of its research the Commission concluded that there was no link whatsoever between moderate cannabis use and crime. However, it found that there might be a connection between excessive indulgence and crime:

His excesses may indeed bring him to degraded poverty which may lead him to dishonest practices; and occasionally, but apparently very rarely indeed, excessive indulgence in hemp drugs may lead to violent crime. But for all practical purposes it may be laid down that there is little or no connection between the use of hemp drugs and crime.\(^1\)

The Report of the Indian Hemp Drug Commission was a highly significant contribution to the study of the effects of cannabis on man, and obviously its conclusions are in direct contradiction to the position of law enforcement agencies in this country. However, for various reasons it cannot be accepted as conclusive proof that law enforcement officials are incorrect. It was noted above that the Report is dated and empirical methods and standards of research have progressed considerably since its issuance. More important is the fact that it was conducted in a society vastly different from that of the United States. This societal difference is quite significant because many of the major effects of marijuana and the other derivatives of cannabis are of a subjective nature: the drug acting merely as a catalyst.\(^2\)

Consequently, the varied beliefs, attitudes, norms, and values of the typical American user of marijuana

\(^1\)Ibid., p. 264.

\(^2\)See footnote 12, p. 5.
and his Indian counterpart could well precipitate notably different reactions to the drug. Finally, as to their method of gathering evidence, the Commission chose to rely largely upon testimony from witnesses, which is of course subject to preconceived prejudices, rumors, and the disposition of the individual witness. By its own admission the Commission faced many difficulties in determining whether evidence was valid:

It is astonishing to find how defective and misleading are the recollections which many witnesses retain, even of cases with which they have had special opportunities of being well acquainted. It is instructive to see how preconceived notions based on rumor and tradition tend to preserve the impression of far more important features of the case are completely forgotten. . . . Some of the witnesses whose memories thus failed them are men who might have been expected to be careful and accurate. Their failure must tend to increase the distrust with which similar evidence, which there has been no opportunity of testing, must be received.14

Thus, several problems render the Indian Hemp Drug Commission an interesting and instructive but inconclusive work.

The La Guardia Report15

Shortly after the passage of the Marihuana Tax Act and in response to the sensational press campaigns regarding the use of marijuana, Mayor Fiorello La Guardia of New York City requested the New York Academy of Medicine to make a complete

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14 Hemp Commission, op. cit., p. 263.

scientific study of the extent of marijuana use within the city.\textsuperscript{16} Thirty-one members were appointed to the committee including physicians, psychiatrists, clinical psychologists, pharmacologists, and sociologists.\textsuperscript{17} The actual field investigations for the sociological study were carried out by six police officers trained by the committee. The study lasted five years and the committee issued its report in 1944. The question of the relationship between marijuana and crime was examined by several methods. The sociological study included interviews with law enforcement officials, examination of the records of those arrested for possession or sale of marijuana, and sending investigators to "tea-pads."\textsuperscript{18} and other gathering places for marijuana users. The psychiatric team administered varying doses of marijuana to a group of volunteers to determine if the drug could precipitate a psychotic break with reality which could lead to unpremeditated acts of violence.

The confidential interviews with individual police officers revealed that contrary to the official position of most law enforcement agencies in the country, they did not necessarily recognize a direct relationship between marijuana and crime.

\textsuperscript{16}\textit{Ibid.}, p. 228.
\textsuperscript{17}\textit{Ibid.}

\textsuperscript{18}A "tea-pad" is a room or apartment where people gather to purchase and consume marijuana.
In most instances they unhesitatingly stated that there is no proof that major crimes are associated with the practice of smoking marihuana. They did state that many marihuana smokers are guilty of petty crimes, but that the criminal career usually existed prior to the time the individual smoked his first marihuana cigarette.\(^\text{19}\)

Dr. William Bromberg examined a random sample of 135 cases involving violation of the marijuana laws.\(^\text{20}\) He found that ninety-three of the offenders had no previous criminal record, eight had been arrested previously for drug offenses only, and thirty-four had previous arrests for other criminal charges.\(^\text{21}\) This would seem to indicate that there could be no connection between marijuana and crime in that the vast majority of marijuana offenders are guilty of no other violations. However, it might well be posited that these figures are unrepresentative in that those who would smoke marijuana and be involved in the commission of a crime such as robbery, would more likely be arrested for the robbery charge. Thus, the above figures would represent only the arrests of the otherwise non-deviant group of marijuana users.

The six investigators who were assigned to visit the various "tea-pads" and other gathering places reported little or no indication of violent activity:

\(^{19}\)La Guardia Report, p. 251.


\(^{21}\)La Guardia Report, p. 252.
His (the smoker) attitude in the "tea-pad" is that of a relaxed individual, free from the anxieties and cares of the realities of life. The "tea-pad" takes on the atmosphere of a very congenial social club. The smoker readily engages in conversation with strangers, discussing freely his pleasant reactions to the drug and philosophizing on subjects pertaining to life in a manner which, at times, appears to be out of keeping with his intellectual level. . . . A boisterous, rowdy atmosphere did not prevail and on the rare occasions when there appeared signs indicative of a belligerent attitude on the part of a smoker, he was ejected or forced to become more tolerant and quiescent. 22

For the medical study of possible psychoses seventy-seven subjects were chosen from a list of volunteers, all inmates at Riker's Island Penitentiary in New York. 23 Varying doses were administered to the subjects over a period of several days, during which time six cases were observed which were diagnosed as marijuana-induced psychosis. 24 Symptoms included hysteria, antagonism, fear, delusions, and hallucinations. The committee consequently concluded that "... given the potential personality make-up and the right time and environment, marihuana may bring on a true psychotic state." 25

There are some methodological problems with this last part of the study also which must be pointed out. Given the fact that the subjective reactions to the drug are variable depending on the environment in which it is consumed and the predispositions of the personality, can it be any great surprise that there are toxic reactions among a group of

convicted criminals consuming the drug in the prison ward of a hospital? The resultant inconclusiveness of the research is well documented by the concluding statement of the report quoted in the preceding paragraph. The conclusion is so fraught with conditions and qualifications that milk, cookies, or doorknobs might well be inserted in the place of marijuana without posing serious danger to the validity of the statement.

Both the Indian Hemp Drug Commission and the Mayor's Committee had great potential for clearing up the confusion surrounding the issue of marijuana and crime. However, with so many questions unresolved, both chose to pursue a multitude of issues, thus denying this particular question the emphasis and thoroughness of research it needed. Consequently, their conclusions regarding marijuana and crime, when not couched in technical terminology, might well read as, "It probably shouldn't cause crime, but it possibly does." Obviously such a conclusion provides little basis for the legislator or citizen who wishes to make an intelligent decision on the issue.

In addition to these two major pieces of work there are several minor studies prior to the report of the National Commission on Marihuana and Drug Abuse which must be considered to round out a review of the literature.
The Anslinger Study\textsuperscript{26}

Harry J. Anslinger, former Commissioner of the Federal Narcotics Bureau, was instrumental in securing the passage of the Marihuana Tax Act of 1937. The sensational press and pamphlet campaigns by the Federal Narcotics Bureau noted in Chapter I were under his personal direction. Mr. Anslinger's book, \textit{The Murderers}, co-authored by Will Oursler, is cited in support of the relationship of marijuana and crime and lends the legitimacy of the United States Government to that position. Unfortunately, his chapter on marijuana and crime is more in the nature of a diatribe than a study.

There is no apparent methodology to Mr. Anslinger's study other than reciting a series of inflammatory statements:

Those who are accustomed to habitual use of the drug are said eventually to develop a delirious rage after its administration during which they are temporarily, at least, irresponsible and prone to commit violent crimes. The prolonged use of this narcotic \textsuperscript{sic} is said to produce mental deterioration.\textsuperscript{27}

Apparently, Mr. Anslinger considers his name sufficient authentication for his statements since he includes no citations to inform the reader of his sources of information. Also included in his study are several descriptions of violent crimes allegedly caused by marijuana intoxication.

\textsuperscript{26}Harry J. Anslinger and Will Oursler, \textit{The Murderers} (New York, 1961).

\textsuperscript{27}\textit{Ibid.}, p. 37.
Much of the most irrational juvenile violence and killing that has written a new chapter of shame and tragedy is traceable directly to this hemp intoxication. A gang of boys tear the clothes from two school girls and rape the screaming girls, one boy after the other. A sixteen-year-old kills his entire family in Florida; a man in Minnesota puts a bullet through the head of a stranger on the road; ... Every one of these crimes had been proceeded [sic] by the smoking of one or more marijuana "reefers." 28

Again, Mr. Anslinger would have the reader accept these descriptions on faith, as there are no citations. It would be the height of folly to accept such unsubstantiated statements as evidence.

The Gardikas Study 29

Professor Gardikas, former head of Greek criminal services, studied the records of hashish-smoking inmates of Greek penitentiaries. 30 Over the period from 1919 to 1950 he collected a sample of 379 individuals. Of this group he found that 117 had no previous criminal record prior to their first hashish arrest, but subsequently went on to amass a record of 420 convictions for various crimes. 31 Professor Gardikas concluded from this data that these individuals

28 Ibid., p. 28.
30 Hashish, as was noted in Chapter I, is the pure resin of Cannabis indica, some five to six times the strength of American marijuana.
31 Kaplan, op. cit., p. 99.
... although not at all criminals before, after they have started to use hashish turned into habitual hashish smokers and habitual criminals with a strong propensity leading exclusively toward crimes of dishonesty and particularly theft and fraud. At least one-half of them are purely and undoubtedly to be characterized even [sic] as dangerous idle vagrants.\(^{32}\)

Several intervening variables render Professor Gardikas' data questionable if not entirely meaningless. The individuals involved were assumed not to have been criminals prior to their arrest for hashish simply because they had not been previously arrested. In addition, the possible criminogenic effects of incarceration upon subsequent arrests were ignored. Finally, the period in which the data was collected was marked in Greece by a war with Turkey, a civil war, and occupation by German and Italian troops.\(^{33}\) The effect of such social chaos upon criminality could by itself render his data virtually useless.

The Vogel Study\(^ {34}\)

Dr. Vogel conducted a study of one hundred heroin addicts at their release hearings from the California Rehabilitation Center in August of 1967. At these hearings twenty of the individuals reported having aggressive reactions or actually committing a crime as a result of marijuana

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\(^{33}\)Kaplan, op. cit., p. 100.

intoxication.\textsuperscript{35} This study, under the circumstances, is useless for the purpose of evaluating any relationship between marijuana and crime. To begin with, a heroin addict is far from being the typical user of marijuana. A heroin addict's body becomes physiologically addicted to heroin, and he must obtain it to avoid suffering the abstinence syndrome. Crime is common among such individuals. In addition, these statements were taken from these individuals at a time when each of them knew that his words could have a bearing on his securing release from the Rehabilitation Center. Thus, it would be foolish to accept such statements as evidence in a scientific investigation.

\textsuperscript{35}Kaplan, \textit{op. cit.}, p. 105.
CHAPTER III

THE NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

The National Commission on Marihuana and Drug Abuse was established by Congress in Section 601 of the Comprehensive Drug Abuse Prevention and Control Act of 1970. Its function was to make a comprehensive examination of the marijuana problem in the United States and report its findings to Congress. The Commission's two-volume report, the best work available on the subject, was issued in March of 1972.

With respect to the area of marijuana and crime the Commission found the question, as had others before it, confusing and inadequately researched.

The formulation and expression of strong opinions about the relationship of marihuana to criminal and delinquent behavior have persisted despite the inherent complexities of the issue, the relative absence of conclusive empirical evidence and the general lack of knowledge and understanding about the effects of the drug. For the most part, however, neither public nor professional opinion about marihuana and its impact on public safety has been explored in any systematic fashion. As a consequence, public policy with respect to the drug has been shaped by the most vociferous advocates of one position or another at any given time.

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2 Ibid., p. 439.
The Commission first set out to ascertain the opinions of professional criminal justice officials pertaining to the relationship between marijuana and crime. Surveys were mailed to judges, probation officers, and court clinicians with 781 responding. Table I shows the responses of these officials to two statements associating marijuana with criminal acts of violence. The results of the survey as depicted in the table show that over three-fourths of the respondents believe statement A to be either questionable or "probably untrue." Statement B was regarded as equally questionable or untrue by over sixty per cent of the respondents. However the table also reflects a lack of strong, consistent opinions on the question by officials who have numerous opportunities to be acquainted with it. It is also interesting to note that judges agree with both statements most often, probation officers the next most often, and clinicians the least.

As a result of the lack of systematic knowledge in the area of marijuana and crime the Commission performed its own study. Data for the study was gathered in August of 1971 by the Institute for Survey Research of Temple University in Philadelphia. The Institute interviewed a total of 559 respondents, all male age fifteen through thirty-four living in a section of West Philadelphia. The section of Philadelphia

3Ibid., p. 434.  
4Ibid.  
5Ibid., p. 447.
TABLE 1

CRIMINAL JUSTICE OFFICIALS BELIEFS ABOUT THE RELATIONSHIP OF MARIHUANA USE TO AGGRESSIVE ACTS

(Figures in Percentages)

A. "Most aggressive acts or crimes of violence committed by persons who are known users of marihuana occur when the offender is under the influence of marihuana."

<table>
<thead>
<tr>
<th></th>
<th>Probably True</th>
<th>Probably Not True</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judges</td>
<td>17.3</td>
<td>44.2</td>
<td>29.5</td>
</tr>
<tr>
<td>Probation Officers</td>
<td>14.5</td>
<td>60.0</td>
<td>21.8</td>
</tr>
<tr>
<td>Clinicians</td>
<td>6.1</td>
<td>76.5</td>
<td>13.0</td>
</tr>
</tbody>
</table>

B. "When the offender is not under the influence of marihuana but is attempting to obtain marihuana or the money to buy it."

<table>
<thead>
<tr>
<th></th>
<th>Probably True</th>
<th>Probably Not True</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judges</td>
<td>35.6</td>
<td>30.6</td>
<td>25.0</td>
</tr>
<tr>
<td>Probation Officers</td>
<td>27.3</td>
<td>44.5</td>
<td>21.8</td>
</tr>
<tr>
<td>Clinicians</td>
<td>20.0</td>
<td>60.9</td>
<td>15.7</td>
</tr>
</tbody>
</table>

involved is composed primarily of lower-middle-class, high school educated blacks, and university-associated whites--

6Ibid.
students and faculty of the University of Pennsylvania.\textsuperscript{7}

About forty per cent of the respondents were black, slightly over half white, and a small percentage were Oriental, Puerto Rican, or Mexican-American. Twenty-five per cent of the respondents reported never having used marijuana.\textsuperscript{8}

The first series of questions were framed to determine the effects experienced by users while under the influence of marijuana. Table II gives the results of this part of the survey. The data presented by the Commission in this table obviously do not support any direct relationship between marijuana and crime. Fifty per cent of the respondents reported feeling relaxed all the time under the drug's influence. Eighty-eight per cent reported never feeling more angry. Ninety-six per cent reported never wanting to hurt someone and ninety-five per cent reported never wanting to do something violent. These figures would indicate that marijuana inhibits the type of feelings which might stimulate criminal activity. However, a word of caution is appropriate. These responses came from users of marijuana who might well wish to minimize difficulties and bad effects from the drug.

The second and major portion of the study was devoted to ascertaining if marijuana users commit crimes more frequently than non-users and if there are other variables significantly related to the problem. Respondents were

\textsuperscript{7}Ibid. \textsuperscript{8}Ibid.
## TABLE II$^9$

**SUBJECTIVE EFFECTS OF MARIHUANA**

<table>
<thead>
<tr>
<th></th>
<th>Almost all the time</th>
<th>More than half the time</th>
<th>Less than half the time</th>
<th>Never or almost never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relaxation</td>
<td>50</td>
<td>22</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Care less what others think of what you do</td>
<td>16</td>
<td>18</td>
<td>21</td>
<td>45</td>
</tr>
<tr>
<td>More willing to follow others suggestions</td>
<td>6</td>
<td>5</td>
<td>13</td>
<td>77</td>
</tr>
<tr>
<td>Feel more angry</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>88</td>
</tr>
<tr>
<td>Feel less angry</td>
<td>31</td>
<td>22</td>
<td>13</td>
<td>34</td>
</tr>
<tr>
<td>Have hallucinations</td>
<td>9</td>
<td>8</td>
<td>16</td>
<td>66</td>
</tr>
<tr>
<td>Feeling of drowsiness, sleepiness</td>
<td>22</td>
<td>25</td>
<td>25</td>
<td>27</td>
</tr>
<tr>
<td>Feeling of wanting to hurt someone</td>
<td>*</td>
<td>0</td>
<td>3</td>
<td>96</td>
</tr>
<tr>
<td>Feeling of frustration</td>
<td>3</td>
<td>4</td>
<td>16</td>
<td>78</td>
</tr>
<tr>
<td>Feeling of wanting to do something violent</td>
<td>*</td>
<td>*</td>
<td>4</td>
<td>95</td>
</tr>
</tbody>
</table>

*Less than one-half of one per cent

$^9$Ibid., p. 454.
asked questions relating to some sixteen different categories of crime ranging from "disturbing people" to murder. The first part of this section then is to determine if marijuana users commit more offenses than non-users. The Commission found, as shown in Table III, that users do indeed commit more offenses. Furthermore, it was found that as users smoked marijuana more often they committed more offenses. Table IV depicts this relationship by frequency of smoking. The table indicates that almost twice the number of respondents who were regular smokers committed four or more offenses than did non-smokers. The Commission found these data statistically significant at the .001 level, employing chi-square.

\textbf{TABLE III}\textsuperscript{11}

\textbf{NUMBER OF OFFENSES BY EVER USED MARIJUANA}

\begin{tabular}{|l|c|c|c|c|}
\hline
 & \textbf{Number of Offenses} \\
 & None & One & Two or Three & Four or More \\
\hline
\textbf{Ever use marijuana} & & & & \\
Yes & 19 & 19 & 30 & 33 \\
No & 38 & 15 & 24 & 24 \\
\hline
\end{tabular}

\textsuperscript{10}\textsuperscript{Ibid.}, p. 450.

\textsuperscript{11}\textsuperscript{Ibid.}, p. 456.
TABLE IV\(^{12}\)
NUMBER OF OFFENSES BY FREQUENCY
OF SMOKING MARIJUANA

<table>
<thead>
<tr>
<th></th>
<th>Number of Offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Never</td>
<td>38</td>
</tr>
<tr>
<td>Rarely (1-2 #/yr.)</td>
<td>23</td>
</tr>
<tr>
<td>Occasionally (1-2 #/month)</td>
<td>19</td>
</tr>
<tr>
<td>Regularly (1 #/week or more)</td>
<td>12</td>
</tr>
</tbody>
</table>

In other words, these differences would have only one chance in a thousand of occurring at random.\(^{13}\)

The remainder of the study was designed to determine if this correlation described above for marijuana and crime would hold if controls were applied. Table V shows the correlation significantly weakened when controlling for use of other drugs. As the table shows, the differences in offenses between non-users and marijuana-only users are minimized when other drugs are brought into the picture. For example it may be seen that in the four or more offenses category only two percentage points separate the two classes

\(^{12}\)Ibid.  
\(^{13}\)Ibid., p. 450.
TABLE V\textsuperscript{14}

NUMBER OF OFFENSES BY MARIJUANA USE, CONTROLLING FOR THE USE OF OTHER DRUGS

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>One</th>
<th>Two or Three</th>
<th>Four or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-User</td>
<td>39</td>
<td>16</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>Marijuana Only</td>
<td>26</td>
<td>20</td>
<td>28</td>
<td>26</td>
</tr>
<tr>
<td>Marijuana Plus One</td>
<td>14</td>
<td>21</td>
<td>36</td>
<td>30</td>
</tr>
<tr>
<td>Other Drug</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Plus Two or</td>
<td>8</td>
<td>16</td>
<td>28</td>
<td>48</td>
</tr>
<tr>
<td>More Other Drugs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

of individuals. This comparison was further enhanced by controlling for marijuana and other drug use by friends and associates. In other words the variable tested was the state of being associated with a drug-using subculture. Table VI depicts this relationship to marijuana only. In this table the Commission reported that non-users with marijuana-using friends committed more offenses than did users. This relationship was strengthened by controlling for associates' use of other drugs as shown by Table VII. This table, in conjunction with Table VI, tends to wash out the correlation between marijuana per se and crime. Instead

\textsuperscript{14}\textit{Ibid.}, p. 456.
TABLE VI \(^{15}\)
NUMBER OF OFFENSES BY MARIJUANA USE, CONTROLLED FOR MARIJUANA-USING FRIENDS

<table>
<thead>
<tr>
<th>Marijuana Friends: None</th>
<th>Number of Offenses</th>
<th>None</th>
<th>One</th>
<th>Two or Three</th>
<th>Four or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ever use Marijuana</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>25</td>
<td>18</td>
<td>30</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>51</td>
<td>20</td>
<td>18</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marijuana Friends: At least one</th>
<th>Number of Offenses</th>
<th>None</th>
<th>One</th>
<th>Two or Three</th>
<th>Four or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ever use Marijuana</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>18</td>
<td>20</td>
<td>30</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>16</td>
<td>9</td>
<td>41</td>
<td>35</td>
<td></td>
</tr>
</tbody>
</table>

it would seem that the crucial variable is being a part of a drug-using subculture.

The Commission concluded on the basis of this data that there is no causal relationship between marijuana and crime:

\(^{15}\)Ibid., p. 458.
TABLE VII

NUMBER OF OFFENSES BY MARIJUANA USE, CONTROLLED FOR FRIENDS USE OF OTHER DRUGS

<table>
<thead>
<tr>
<th>At Least One Friend Uses Another Drug</th>
<th>Number of Offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Ever use Marijuana</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>12</td>
</tr>
<tr>
<td>No</td>
<td>9</td>
</tr>
</tbody>
</table>

If there were truly a causal relationship between marijuana use and crime, these disappearing correlations would not occur. The application of sociological variables cannot wash out a chemical reaction in the user. The enormous variability dependent on social factors indicates that marijuana effects do not inherently produce behavior of a criminal nature. . . . By itself, marijuana, [sic] use is not a potent producer of behavior, and certainly not criminal behavior. Individuals who commit criminal acts are those who would do so with or without marijuana. 17

With this study the National Commission answered many questions that had heretofore been the subject of speculation. Questions of additional variables which might alter the relationship between marijuana and crime had largely been ignored in previous work. However, it must be kept in mind that the Commission's study was performed in a small,

16 Ibid., p. 459.
17 Ibid., p. 453.
geographically contiguous section of one city. The number of respondents, 559, is miniscule when compared to some twenty million marijuana users in the United States today. Thus, in the next chapter new research will be proposed to complement the work done by the Commission.
CHAPTER IV

RESEARCH PROPOSAL

To complement the work done by the National Commission on Marihuana and Drug Abuse with a small sample from one locale, the proposal herein calls for research on a larger scale conducted at several points throughout the country. Two possible methodological approaches will be offered so that the prospective researcher will be able to choose that approach he deems more appropriate. Or he might utilize both on a complementary basis. This is not to say that there are only two possible approaches to this problem, but rather that these two forms seem to offer the most promise of clear and useful results. The basis for this research will be the phenomenal growth in the use of marijuana from 1965 to the present, particularly among one definable population: college students. The National Commission reviewed and examined some sixty surveys of marijuana use by college students conducted during these years:

Fourteen surveys conducted between 1965 and 1967 were reviewed by the Commission staff. In none of the 14 [sic] was the reported incidence of "ever use" of marihauna less than 4% or greater than 23%. The mean percentage of "ever use" was 14%.

A review of 26 surveys conducted during 1968 and 1969 revealed a lower limit of 11% and an upper limit of 67%. The mean percentage of students who had "ever used" marihuana was 27%—a figure almost twice that of the preceding period.
Of the 11 surveys conducted between 1970 and 1971, none provided an estimate of "ever use" lower than 28% or higher than 56%. The mean was 45%—more than three times as great as that for the first group (14%) and about 67% higher than that of the second group.¹

The Commission's own survey showed use by forty-four per cent of college students and the most recent national survey, conducted by the American Institute of Public Opinion (Gallup) in 1972 reports use by fifty-one per cent of college students.² These figures compared with the April, 1972, national survey of the general public by Gallup, which reported use by approximately ten per cent, indicate that proportionately five times as many college students use the drug.³ This spectacular growth and higher incidence of use among this particular group affords an excellent opportunity for testing the hypothesis stated in Chapter I. That hypothesis, that the use of marijuana leads to or bears a direct relationship to a higher incidence of crime, when applied to college students means that there should be a marked increase in crime for this group during the years 1965 to 1972. That college students, by their greater use of marijuana, are a convenient population upon which to test the hypothesis is obvious. But it might be objected that utilizing only one sub-group of the population for the


²Ibid.

study would jeopardize the validity of the results. For example, it might be noted that college students are predominantly white, upper-middle-class or upper-class individuals who are thus less apt to become involved in the commission of a crime. The point is valid but irrelevant.

The hypothesis here to be tested, and upon which law has been created for over fifty years,4 imputes to marijuana a direct causal link to violent criminal activity and, if it be valid, such sociological variables are superfluous. In other words, according to the hypothesis, the person under the drug's influence will lose his awareness of the moral standards with which he has been inculcated, and become prone to criminal activity. It has also been objected that the college student, being generally at a higher level of intelligence, education, and sophistication than his non-college contemporary, might be more adept at avoiding arrest for any criminal activity. This objection cannot stand for two reasons. First, if the objection refers to immediately following a criminal act allegedly caused by marijuana, staying with the hypothesis the individual under the influence of marijuana would no more be able to call upon his intelligence, education, and sophistication to help him avoid arrest than he was able to call upon his moral standards to restrain him from committing the act. Secondly, if the

4The first possession and sale prohibitions were passed by the city of El Paso, Texas, in 1914. National Commission, op. cit., p. 482.
objection refers to subsequent actions when no longer under the influence of marijuana, reason dictates that the individual with little or no formal education but who was reared in a criminogenic subculture would be much better-equipped to avoid arrest than his relatively naive college counterpart. Finally, if indeed there be any skewing of results by this choice of subjects, to study it would seem to be of a most desirable nature, for how better to demonstrate the criminogenic effects, or lack of them, resulting from the use of marijuana than in an identified sub-group with a high incidence of use?

The first method proposed by which to test the hypothesis is to create an index of crime based on that used by the Federal Bureau of Investigation in the preparation of its annual Uniform Crime Reports. These annual reports include an index of crime for every Standard Metropolitan Statistical Area of over 100,000 population in the country. The Crime Index rate used by the Bureau is the number of crimes in a given category per 100,000 inhabitants.\(^5\) The categories include violent crime and property crime. Violent crime is, for purposes of the Index, considered to be murder, forcible rape, aggravated assault, and robbery. Property crime includes burglary, grand larceny, and auto theft.\(^6\) It is


\(^6\)Ibid., p. 66.
strongly recommended that these categories be used, first because the Federal Bureau of Investigation deems them sufficiently important as to indicate the general level of criminal activity in the country, and second, to avoid confusing arrest statistics for college students by including the large numbers of arrests relating to the peace demonstrations and student rights demonstrations so prevalent in the late sixties.

The Standard Metropolitan Statistical Areas tentatively selected for this study are shown in Table VIII with their respective approximate populations and number of enrolled college students. Several criteria were employed in selecting these locations. The size of the areas was determined by a desire that they be large enough to make meaningful statistical comparison possible and so that adequate criminal records would be maintained, but not so large as to make the situation unmanageable. Thus, population limits were set at 100,000 and 300,000 respectively. A relatively large population of enrolled college students was also deemed necessary in order to obtain useful statistics. It was also thought desirable that the locations chosen for study be scattered around the country, so as to neutralize any unique local cultural variables which might color the findings. Whether or not such regional variables exist is a question open to debate, but one that should not be treated parenthetically. Rather, the geographical spread here is offered in order
TABLE VIII
LOCATIONS SELECTED FOR A STUDY OF MARIJUANA USE AND CRIME

<table>
<thead>
<tr>
<th>Location</th>
<th>Population</th>
<th>Enrolled College Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ann Arbor, Michigan</td>
<td>238,000</td>
<td>40,136</td>
</tr>
<tr>
<td>Urbana-Champaign, Illinois</td>
<td>163,000</td>
<td>37,016</td>
</tr>
<tr>
<td>Durham, North Carolina</td>
<td>195,000</td>
<td>11,642</td>
</tr>
<tr>
<td>Lafayette, Indiana</td>
<td>111,000</td>
<td>25,349</td>
</tr>
<tr>
<td>Lincoln, Nebraska</td>
<td>170,000</td>
<td>22,286</td>
</tr>
<tr>
<td>Lubbock, Texas</td>
<td>170,000</td>
<td>22,358</td>
</tr>
<tr>
<td>Santa Barbara, California</td>
<td>266,000</td>
<td>13,977</td>
</tr>
</tbody>
</table>

that the study not be objected to on such ancillary grounds. For those who contend that such variables do not exist, the study is not harmed by the regional spread. Other than the grounds noted above, the locations were selected arbitrarily and are offered to the prospective researcher on a tentative basis. It is not expected that changing the site of the research within certain obvious limits would produce any deleterious effects.

7Population figures for Standard Metropolitan Statistical Areas were taken from the 1972 Uniform Crime Reports. College enrollment figures were taken from the College Handbook, published annually by the College Entrance Exam Board.
The index should include the entire span of years from 1965 to 1972 so as to take full advantage of the tremendous increase in marijuana use during that period. In addition, a sufficient number of years prior to 1965 should be surveyed in order to establish a pattern in the crime rate. In this manner, any unusual deviation during the subject period may be more easily identified. The rate of the index would be established as the number of index crimes\(^8\) committed by students per 10,000 enrolled students. The data may be obtained from police arrest records within the Standard Metropolitan Statistical Areas or in some cases from state agencies.\(^9\) The index rate, as proposed, is marked by ease of computation, so that no computer time would be necessary. In addition, the index lends itself readily to graphic representation to facilitate visual comparisons.

This methodology is subject to certain limitations which should be noted. First, it is a simplistic, somewhat unsophisticated test of the hypothesis. However, this is not as serious a shortcoming as it may at first seem. The hypothesis to be tested is a simplistic, unsophisticated hypothesis which imputes direct criminogenic causality, irregardless of possible intervening sociological variables, to one variable: marijuana use. Thus, the test proposed

\(^8\)Index crimes refers to those crimes specified on page

\(^9\)California, for example, maintains excellent criminal statistics through its State Criminal Statistics Bureau.
can invalidate the hypothesis if the data does not reflect a dramatic increase in index crime by college students during the test period. However, the test cannot sustain the hypothesis regardless of the data obtained. Causality cannot be established with any degree of scientific validity without utilizing controls for possible intervening variables. Nor is this the only reason for wishing to control for other variables. The researcher who wishes to offer viable policy recommendations based upon his research, will want a more complete picture of the situation. Therefore, a second, more direct test of the hypothesis is proposed, ideally but not necessarily, to be conducted in conjunction with the first.

The second test here proposed would involve conducting interviews with a sample of college students. Again, the researcher might use the locations tentatively suggested here or choose his own. Using a table of random numbers the researcher might, for example, choose to interview 2,000 of the 40,000 enrolled students at the University of Michigan. A specific questionnaire will not be constructed here but there are certain types of information essential to this test. First, it must be determined whether or not the respondent uses marijuana. This will establish two test groups upon which to apply controls. Of these respondents who use marijuana it should be determined how much marijuana they use. Facts of family background are desirable such as
the education, income, and occupational status of the parents, and the relative degree of parental support or hostility. The religious background of the respondent should be ascertained. Further variables which should be controlled include use of other drugs and friends' use of marijuana and/or other drugs. This last variable tests the state of being immersed in a drug-using subculture. By testing these variables, and perhaps others here overlooked, for both users and non-users against the number of criminal offenses committed by the respondents, a much clearer picture of the relationship between marijuana and crime may be obtained. A word of caution is appropriate when discussing criminal offenses. There is the possibility that the respondents may be hesitant about admitting taking part in a criminal offense. The exact degree of such hesitancy is impossible to determine. The National Commission was able to obtain such information presumably by assuring complete anonymity and the researcher should be able to get the data if he is careful to do likewise. In addition, it can be checked if the index has been created by comparing the arrest records with the number of admitted offenses proportionately.

The question of marijuana's relationship to crime can be resolved with adequate empirical testing. It is believed that the above described research sill accomplish that goal. It is not claimed that every variable which might have the slightest bearing on the issue is tested in this proposal,
but to do so would tend to render the results long in coming and nonsensical when they arrived.

Conclusion

As was noted above the belief that the use of marijuana renders the user capable of committing violent crimes has for over fifty years been a cornerstone of some of the most stringent legal sanctions in the country. Past research has been largely inconclusive, but what useful data it has yielded indicates that there may be good reason to doubt the validity of the premise. The very recent report of the National Commission on Marihuana and Drug Abuse enlarges that doubt considerably and in a much more convincing manner. It is hoped that the research herein proposed, in conjunction with the work of the National Commission, will bring to this problem a degree of clarity and certainty heretofore unknown.

This is not research concerning the object of some quirk of intellectual curiosity. This research concerns a very real socio-legal problem which effects millions of people. Whether the hypothesis is validated or invalidated by the evidence, the course of the legal system is in need of some alteration, but the researcher should approach the matter of policy recommendation cautiously. If the hypothesis is valid, then presumably some prohibitory course is indicated. Of course, even this is an assumption, because it would be presumptuous to try to treat the question of society's right to protect a citizen from himself parenthetically. Assuming
then, that a prohibitory course is desired, the current regulation is obviously inadequate since twenty million people nonetheless smoke marijuana. Asking what kind of regulation would be adequate opens the door to a multiplicity of other questions.

If the hypothesis is invalidated, the researcher will face no fewer questions and problems which need resolution in recommending policy. Should all regulation be dropped? The first impulse would be to answer in the affirmative because the costs both to the user and society of the current system are too high. Tens of thousands are annually arrested for violation of the marijuana laws. A study published in 1971 by the Bureau of Narcotics and Dangerous Drugs estimated the cost per arrest at $780.10 Thus, in 1969, for example, with 96,000 arrests the monetary costs to society were approximately $75,000,000.11 Of course, no monetary value could be placed on the costs to individuals arrested. In addition to the necessary legal fees those arrested in states where marijuana violations are classified as felonies may face the loss of their civil rights. Even if not convicted they may find it difficult to obtain employment. Richard Schwartz and Jerome Skolnick assert that an arrest


11 Ibid.
is almost as effective as a conviction in foreclosing future employment.\textsuperscript{12} But is it indeed feasible to drop all statutory regulation? What about the individual who smokes marijuana and operates an automobile or other machinery? What about the adolescent who is in a period of great psychological adjustment? What of regulations to control additives and adulterants? This is only a small fraction of the questions that would have to be answered. Nonetheless, it is hoped that there are few who still find the status quo tolerable. A solution to a problem with such severe consequences cannot come too soon.

## APPENDIX

### STATE BY STATE SURVEY OF CURRENT MARIHUANA LAWS WITH PENALTIES FOR FIRST OFFENSES*

<table>
<thead>
<tr>
<th>State</th>
<th>Classification of Marijuana</th>
<th>Possession for Personal Use</th>
<th>Possession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Hallucinogen</td>
<td>NMT** 1 yr. +/- NMT $1,000</td>
<td>2-15 yrs. +/- NMT $25,000</td>
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<tr>
<td>Alaska</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/- NMT $1,000 or custody for rehabilitation</td>
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<tr>
<td>Arizona</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>1-10 yrs. &amp; NMT $50,000</td>
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<tr>
<td>Arkansas</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/- NMT $250</td>
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<tr>
<td>California</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>NMT 1 yr. in county jail or 1-10 yrs. +/- NMT $20,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Narcotic</td>
<td>NMT 1/2 oz.--NMT 1 yr. +/- NMT $500 or NMT 1 yr. probation with psychiatric treatment</td>
<td>2-15 yrs. + NMT $10,000</td>
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<tr>
<td>Connecticut</td>
<td>Controlled Drug</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/- NMT $1,000</td>
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<tr>
<td>Delaware</td>
<td>Dangerous Drug</td>
<td>No separate penalty</td>
<td>NMT 2 yrs. + NMT $500</td>
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## APPENDIX--Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Classification of Marijuana</th>
<th>Possession for Personal Use</th>
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<tbody>
<tr>
<td>Florida</td>
<td>Narcotic</td>
<td>NMT 5 g. NMT 1 yr. or NMT $1,000</td>
<td>NMT 5 yrs. +/or NMT $5,000</td>
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<tr>
<td>Georgia</td>
<td>Depressant or stimulant</td>
<td>NMT 1 oz. NMT 1 yr. +/or NMT $1,000</td>
<td>NMT 2 yrs. +/or NMT $2,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>NMT 1 yr. or 1-5 yrs.</td>
</tr>
<tr>
<td>Idaho</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 6 mos. +/or NMT $300</td>
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<tr>
<td>Illinois</td>
<td>Marihuana</td>
<td>2.5 g. or less--NMT 90 days; 2.5 g.-10 g. NMT 180 days; 10 g.-30 g.--NMT 1 yr.</td>
<td>30 g.-500 g.--1-3 yrs.; more than 500 g.--1-5 yrs.</td>
</tr>
<tr>
<td>Indiana</td>
<td>Dangerous Drug</td>
<td>NMT 25 g.--30 days-1 yr. + NMT $500</td>
<td>1-10 yrs. + NMT $1,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 6 mos. +/or NMT $1,000</td>
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<tr>
<td>Kansas</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or NMT $5,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Dangerous Drug</td>
<td>No separate penalty</td>
<td>Treatment and rehabilitation NMT 1 yr. or NMT 6 mos. +/or $600</td>
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<tr>
<td>Louisiana</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or $500</td>
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<tr>
<td>State</td>
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<tr>
<td>Maine</td>
<td>Marihuana</td>
<td>No separate penalty</td>
<td>NMT 11 mos. + NMT $1,000</td>
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<tr>
<td>Maryland</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or $1,000</td>
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<td>Massachusetts</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 6 mos. probation</td>
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<tr>
<td>Michigan</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 90 days +/or $500</td>
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<tr>
<td>Minnesota</td>
<td>Hallucinogen</td>
<td>NMT 1 oz.--NMT 1 yr. +/or $1,000</td>
<td>NMT 3 yrs. +/or $3,000</td>
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<tr>
<td>Mississippi</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 6 mos. +/or NMT $500</td>
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<tr>
<td>Missouri</td>
<td>Hallucinogen</td>
<td>NMT 35 g.--NMT 1 yr. +/or NMT $1,000</td>
<td>NMT 5 yrs. or NMT 1 yr. in county jail +/or NMT $1,000</td>
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<tr>
<td>Montana</td>
<td>Hallucinogen or Dangerous Drug</td>
<td>NMT 60 g.--NMT 1 yr. +/or $1,000</td>
<td>NMT 5 yrs.</td>
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<tr>
<td>Nebraska</td>
<td>Hallucinogen</td>
<td>NMT 1 lb.--NMT 7 days +/or $500</td>
<td>1 yr. in prison or NMT 6 mos. in jail +/or $500</td>
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<tr>
<td>Nevada</td>
<td>Hallucinogen</td>
<td>NMT 1 oz.--NMT 1 yr. in county jail +/or NMT $1,000</td>
<td>1-6 yrs. + $2,000</td>
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<tr>
<td>New Hampshire</td>
<td>Controlled Drug</td>
<td>NMT 1 lb.--NMT 1 yr. +/or $500</td>
<td>NMT 5 yrs. +/or NMT $2,000</td>
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### APPENDIX--Continued

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<tbody>
<tr>
<td>New Jersey</td>
<td>Hallucinogen</td>
<td>NMT 25 g.--NMT 6 mos. +/or NMT $500</td>
<td>NMT 5 yrs. +/or $15,000</td>
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<tr>
<td>New Mexico</td>
<td>Hallucinogen</td>
<td>NMT 1 oz.--NMT 15 days + $50--$100; 1-8 oz.--NMT 1 yr. +/or $100--$1,000</td>
<td>1-5 yrs. +/or $5,000</td>
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<tr>
<td>New York</td>
<td>Narcotic</td>
<td>NMT 1/4 oz.--NMT 1 yr.</td>
<td>1/4 oz.--1 oz.--2-7 yrs.;</td>
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<td>over 1 oz.--5-15 yrs.</td>
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<tr>
<td>North Carolina</td>
<td>Marihuana</td>
<td>No separate penalty</td>
<td>NMT 6 mos. +/or $500</td>
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<tr>
<td>North Dakota</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or $500</td>
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<tr>
<td>Ohio</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or $1,000</td>
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<td>Oklahoma</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr.</td>
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<tr>
<td>Oregon</td>
<td>Narcotic</td>
<td>NMT 1 oz.--NMT 1 yr. +/or $1,000</td>
<td>NMT 10 yrs. +/or NMT $2,500</td>
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<tr>
<td>Pennsylvania</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>2-5 yrs. + NMT $2,000</td>
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<tr>
<td>Rhode Island</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>NMT 15 yrs. +/or NMT $10,000</td>
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<tr>
<td>South Carolina</td>
<td>Hallucinogen</td>
<td>NMT 28 g.--NMT 3 mos. +/or $100</td>
<td>NMT 6 mos. +/or NMT $10,000</td>
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<tr>
<td>State</td>
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<tr>
<td>Tennessee</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or NMT $1,000 or treatment in a state facility</td>
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<tr>
<td>Texas</td>
<td>Narcotic</td>
<td>NMT 4 oz.--NMT 1 yr. +/or NMT $1,000</td>
<td>1-10 yrs. +/or NMT $10,000</td>
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<tr>
<td>Utah</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 6 mos. +/or NMT $299</td>
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<tr>
<td>Vermont</td>
<td>Regulated Drug</td>
<td>NMT $\frac{1}{2}$ oz.--NMT 6 mos. +/or $500</td>
<td>$\frac{1}{2}$ oz.--2 oz.--NMT 2 yrs. +/or $2,000; 2 or more oz. NMT 5 yrs. +/or NMT $5,000</td>
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<tr>
<td>Virginia</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or NMT $1,000</td>
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<tr>
<td>Washington</td>
<td>Hallucinogen</td>
<td>NMT 40 g.--NMT 90 days +/or NMT $250</td>
<td>NMT 5 yrs. +/or NMT $10,000</td>
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<tr>
<td>West Virginia</td>
<td>Hallucinogen</td>
<td>NMT 15 g.--Conditional discharge mandatory for first offense</td>
<td>90 days-6 mos. +/or NMT $1,000</td>
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<tr>
<td>Wisconsin</td>
<td>Dangerous Drug</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or NMT $500</td>
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<tr>
<td>Wyoming</td>
<td>Hallucinogen</td>
<td>No separate penalty</td>
<td>NMT 6 mos. +/or NMT $1,000</td>
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<tr>
<td>State</td>
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<td>Possession</td>
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<tr>
<td>District of Columbia</td>
<td>Narcotic</td>
<td>No separate penalty</td>
<td>NMT 1 yr. +/or $100-$1,000</td>
</tr>
</tbody>
</table>


**No more than
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Books


Grinspoon, Lester, Marihuana Reconsidered, Cambridge, Harvard University Press, 1971


Parts of Books


Articles


Reports

Gallup Opinion Index, Report No. 82, April, 1972.


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