

Pot's Benevolent Cousin

Narrator from Reefer Madness : These High School boys and girls are having a hop at the local soda fountain. Innocently they dance. Innocent of a new and deadly menace lurking behind closed doors.

Ava Robinson: Welcome to Trace Material. I'm Ava.

Alie Klits: And I'm Alie. This episode, we're looking at the legal battles surrounding cannabis in 20th century America.

Ava: Who's responsible for the downfall of hemp? How could a plant that was proven to be so useful just up and vanish?

This is Trace Material, a podcast from Parsons Healthy Materials Lab.

Alie: Just a heads up, this episode is going to get pretty historical. I'm talking dates, names, federal acts and laws. But don't worry, we're going to guide you through it with the help of a cannabis historian, so you won't have to pull out a pen and paper to keep it all sorted.

Ava: Before we talk to them, let's catch you up on some general cannabis history. When we left off in episode 1, hemp was still a cash crop supported by the institution of slavery. After the Civil War and emancipation, hemp production plummeted without the free labor of enslaved African Americans. But, American farmers were still producing it in smaller quantities.

Alie: Fast forward to 1938, Popular Mechanics Magazine deemed hemp the "New Billion Dollar Crop." The article claimed that hemp could be used to produce 25,000 different products, from dynamite to cellophane.

Ava: You would think a statement like that would have sent hemp stock soaring. But, this actually came out a year too late. In 1937 the US government passed the Marihuana Tax Act, which only allowed hemp to be grown with a special tax stamp. And it wasn't cheap. Under this act hemp production was stifled, and it dwindled until 1970, when it became federally illegal under the Comprehensive Drug Abuse Prevention and Control Act.

Alie: That's a mouthful. It's one thing to memorize these dates and laws, but that doesn't tell us why or how this all came to be. In order to better understand how hemp, and cannabis more generally, went from hero to villain, we talked with a marijuana historian and author.

Emily Dufton: Hi, my name is Emily Dufton and I'm the author of Grassroots: The Rise and Fall and Rise of Marijuana in America.

Ava: As we promised, Cannabis 102 is coming, and don't you worry, we will be getting extra technical. But for this episode, you just need a quick reminder. Marijuana and hemp are both types of the same plant, cannabis. Depending on the type of cannabis seed and how it's grown, you will get one or the other. To understand how we classify hemp today, we have to understand how marijuana was introduced to America.

Emily Dufton: Smokable marijuana, the drug marijuana as an intoxicant really was not widely used...it became more understood that this had this alternative value around the turn of the around the turn of the 20th century, around 1900 when numerous Mexican citizens were fleeing the dictatorship of General Porfirio Diaz and coming across the southern border and settling in areas like Arizona and Mexico.

Alie: Now, I know there are a lot of myths and theories about the founding fathers smoking their hemp plants, but that likely isn't true.

Ava: Yeah, as Emily explained, as soon as the practice of smoking cannabis came north, so did anti-marijuana and anti-immigrant sentiment.

Emily Dufton: And that was what was sort of the birth of the anti marijuana movement in the United States was a belief, and certainly not uncommon today that smoking this drug, which of course now was primarily seen as being done by Mexican immigrants and African Americans. So it was racialized, was a cause for concern because of the behavioral changes apparently that it induced.

Alie: Many Americans, not just Mexican immigrants and African Americans, embraced marijuana, but others thought it induced violent and, for lack of a better word, "crazy" behavior.

Emily Dufton: That's where this "loco weed" idea comes from.

Ava: And as smokable cannabis rose in popularity, a spattering of sentiments and complaints became a movement.

Emily Dufton: So the reason that the anti marijuana movement then really does take off and becomes more codified in law in the 1930s is because of an individual named Harry Anslinger.

Alie: You may not be familiar with Harry Anslinger, but he certainly left his mark on US Drug policy. He ran the Federal Bureau of Narcotics for over 30 years.

Emily Dufton: They were men who came in gained a lot of power within the federal government, used it to wield certain ideologies and to retain of course their own importance within the offices and remain in power for, for decades. So in 1930 when prohibition is ended,

he was then made the founding commissioner of the Treasury Department's Federal Bureau of Narcotics and he would stay there until 1962.

Ava: So to highlight what Emily just said: prohibition is lifted in 1930, and at that point Harry Anslinger needs a new job. The federal government creates a brand new Bureau of Narcotics and puts him in charge.

Alie: Yup, just one more time: The Federal Bureau of Narcotics did not exist until 1930, when the Bureau of Prohibition was shut down.

Emily Dufton: So Anslinger needs something to focus on. He needs to stay relevant at his job. And generally when political officials need to stay relevant, they create new crises to focus on. And so Anslinger was hearing these reports about the threat of marijuana, particularly from the South. These reports were often racialized and exaggerated and he realized that that would be a useful substance for him to focus on...So that's where basically the "reefer madness" of the 1930s, the Marihuana Tax Act of 1937 and all of that is born out of Harry Anslinger's desire to, to keep his job and he does for 30 years.

Reefer Madness: Marijuana! The burning weed with its roots in hell! ... Smoking the soul destroying reefer, they find a moment's pleasure, but at a terrible price! Debocery, violence, murder...suicide!

Ava: Federal policies are always at their best when they're born out of a bureaucrats desire to keep his job.

Alie: It's not, not true. Anslinger takes the racist reports from the South and the West, and he creates the "Marihuana Tax Act" in 1937. But what exactly did that do? Did it outlaw cannabis?

Ava: Well, not really. The Marihuana Tax Act was simply a tax on cannabis. It was paid when cannabis was purchased, so essentially it raised the prices of any and all cannabis products. But people were still technically able to grow and sell it.

Emily Dufton: So it did not distinguish between hemp and drug marijuana...but what it ultimately did was demand that purveyors of cannabis basically increase their prices to absorb the tax as well as to register with the government and make themselves known and punishable if they were selling cannabis products without paying the tax.

Alie: This hit anyone who was growing or selling cannabis pretty hard. I mean, if you're a farmer selling your hemp fiber for rope, your product just got much more expensive than the competition.

Ava: Exactly, but apparently hemp for fiber production was already decreasing. The invention of less expensive synthetic fibers were replacing natural fibers left and right.

Alie: Not only were farmers competing with synthetic fibers, but they were also up against cheaper hemp imports from the South Pacific.

Emily Dufton: Naturally in World War II those supplies are cut off because the United States is at war with Japan and Japan kind of controls the South Pacific. So the federal government puts a lot of interest and enthusiastic marketing campaigns to getting American farmers to grow hemp again, calling it the Hemp for Victory campaign...I love Hemp for Victory, I love it so much, it's so charming.

Hemp for Victory: In 1942, patriotic farmers at the governments requests, planted 36,000 acres of seed hemp. An increase of several thousand percent. All such plants will presently be turning out products from American grown hemp. Twine of various kinds for tying! Thread for shoes for millions of American soldiers! And parachute webbing for our paratroopers!

Ava: So after just a few years with this Tax Act, the government realized it needed hemp again?

Emily Dufton: Hemp takes on this brand new identity of being something enormously patriotic and very useful for American citizens to grow, not to smoke, you know, but to grow and to turn into rope.

Alie: But hemp's brand new patriotic identity only lasts for the duration of the war. In 1945, once the South Pacific opens for business again, the tax act comes right back.

Ava: So what happens to cannabis? At this point, people are really only smoking it, and hemp has disappeared from the American landscape.

Alie: And this might be where your cannabis history knowledge kicks in. Marijuana becomes very popular in the second half of the 20th century.

Emily Dufton: So you have the beats introducing marijuana use and creating very romantic depictions of it in their work. College campuses become places of experimentation and embrace of the avantgarde. And for the most part, there is a widespread use a wave of use of cannabis throughout the 1960s to the point where like, there's a life magazine cover in 1969 talking about marijuana, saying how great it is and showing that it's being used everywhere from college campuses to like swanky garden parties by the elites who are interested in trying the newest drug craze.

Alie: If we learned anything from smokable cannabis's original rise in popularity back in the 20s and 30s, it's that with increased popularity and use, comes swift and forceful backlash.

Emily Dufton: But of course, that also means that the laws started to clamp down more on users of the drug. Particularly after Richard Nixon was elected president in 1968. Pot became

really tied to the counterculture and it became one of the most visible a means by which the younger generations separated themselves from the older warhawk generation. The World War II generation. The man in the gray flannel suit as opposed to drinking martinis and Manhattans every night. The younger set would protest the Vietnam war and smoke a joint. It was a very clear generational divider and it became very important symbolically. So Nixon hated it 'cause he hated everything that the counterculture is symbolically represented. And so he saw a real opportunity to criminalize marijuana on the federal level.

Ava: Nixon was certainly part of that earlier, WWII generation. As counterculture protests mounted against his presidency, he wanted to strike back. So, at first, he went about it through the proper channels. He empowered the federal government to look into the kind of harm marijuana might be doing to the youth of America.

Emily Dufton: And that is known as the National Commission on marijuana and drug abuse, better known as the Shafer Commission after its chairman Raymond Shafer...And so by 1972, the Shafer commission finishes up its report. It has studied pot for two years and it comes down overwhelmingly on the side of federal decriminalization. Not even like a rescheduling, just straight up decriminalization because the committee determines that the drug is less harmful than legal intoxicants, like alcohol or tobacco, and that its effects on users make them fundamentally no different from non-users.

Alie: That's right. The commission Nixon appointed to help him take down marijuana, actually ended up disagreeing with him completely.

Emily Dufton: And Naturally Nixon hates what they've figured out. He dismisses the report entirely. And he keeps marijuana in schedule one which is where it still is today.

Ava: But the fight didn't end there. Many states read the Shafer Commission and did what was in their power to decriminalize cannabis.

Emily Dufton: So, between 1973 and 1978 a dozen states passed decriminalization laws.

Alie: But this whole movement for legalization, its focusing on marijuana, not hemp. And although we know they're legally tied at this point, was anyone talking about hemp and all that it's capable of?

Emily Dufton: One of the most prominent pro hemp activists certainly came out of this movement. His name was Jack Herer, and he was the author of the book, *The Emperor Wears No Clothes*. He believed that hemp could essentially save the planet. He thought that if we grew hemp rather than cutting down trees or growing resource intensive products like cotton, we could reverse deforestation. We could save the planet, we can meet all the world's transportation and home energy needs 'cause we could turn it into a biofuel.

Ava: What seemed like a radical statement in 1985 is now gaining a lot more traction. And it's part of the reason why we're doing this podcast.

Emily Dufton: I don't think he, you know, knew about global warming in the 1970s, but here he was offering essentially a solution to it. And he saw it all in hemp. He saw hemp as a means to alleviate the world ecological problems in the same way that marijuana was solving what he believed were social and psychological problems. So to him, the whole plant was essentially a panacea and he brought a lot of people into his movement, especially as the environmental movement really took off in the 1990s.

Alie: But it still remained stuck as a schedule 1 drug, and the war on drugs raged on. Meanwhile, both hemp and marijuana continued to be a symbol of the counterculture.

Emily Dufton: I do think that there was a lot of cross cultural exchange in that hemp made marijuana activism prominent again, but it also made it safe and it made it hip. It made it ecologically aware. It made it tie into the larger concerns of the time. I guess maybe as, as one might say, like pot's benevolent cousin, it's there, it can't get you high. But it can be used for these things and it makes the plant seem just so innocuous and so harmless and so useful and you know, this plant gives us so much.

Alie: Over the course of the 20th century, hemp went from being "the new billion dollar crop" to a schedule one drug embraced by the counterculture. While hemp and marijuana have wildly different uses, the US government has bound them together. Decades of racist policies, outsourcing, and technological advances wiped hemp from our countryside.

Ava: In that time, countries across the world continued to innovate with hemp. Meanwhile, in America, we lost our seeds, our knowledge, and the tools needed to take advantage of this miracle crop.

Alie: And we're still paying for those losses, even as hemp makes its return to American agriculture.

Join us next time as we explore the hemp boom set off by the 2014 Farm Bill. We'll visit a farm going all in on CBD, a politician looking to revitalize a manufacturing town, and we'll finally get schooled in Cannabis 102.

Trace Material is a project of Parsons Healthy Materials Lab at The New School. It is produced by Alie Kilts, Ava Robinson and Burgess Brown and the HML team. Thank you to Emily Dufton lending her expertise to this episode. And special thanks to friends of healthier materials who help make this possible. Our theme music is "Rainbow Road" by Cardioid. Additional music from Pisces and Blue Dot Sessions.