CARLETON UNIVERSITY

BY THE NOSE: THE ROLE OF THE MEDIA IN CANADA'S CANNABIS BAN

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BY MARK BOURRIE

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Canada

For my children

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ABSTRACT

This thesis examines the role of the media in the creation of Canada's cannabis laws. It focuses on the advocacy of writer Emily Murphy and *Maclean's* magazine owner J.B. Maclean for the 1923 ban of marijuana, and on the roles of newspapers in the 1938 prohibition on cannabis cultivation and subsequent enforcement of these laws in the 1930s. Because of their beliefs that government could, through the use of its power to prohibit possession and use of alcohol and drugs, create a better country, government and media leaders appear to have accepted the position of U.S. authorities that marijuana was addictive and inspired violence in its users. Working within the paradigms created by U.S. government and media propaganda, along with their own ideologies, this elite had an important role in influencing the government to impose cannabis prohibition in 1923 and enforce it in 1938 with no serious public debate.

INTRODUCTION

This thesis is not an argument for or against the banning of cannabis. It is an explanation of the flaws in the process by which marijuana was banned in Canada. Legislation and government policies – whether to regulate highway speed limits or to fight terrorism -- are not created in isolation. They are, ideally, developed in a system in which elected officials, public servants, business, labour, consumers and other stakeholders' views are, in varying degrees, considered by decision makers elected by the public. The media has the role of scrutinizing the decision-making process and providing information upon which the actors in the system may make decisions. Sometimes, as in the case of the 1988 "Free Trade" election, the entire country becomes embroiled in a debate of great national interest and importance. Media coverage of the debate is voluminous and reflects and reports the views of the various sides. More typically, however, laws and regulations are passed with far less discussion, debate and news coverage because there is a general consensus on the issues involved, based on prevalent ideology or social mores. Many people would indulge in arguments over the benefits and potential pitfalls of North American free trade. It would be far more difficult to find rational debaters to argue against a proposed law against homicide and extremely easy to assemble a debating team to argue that a law against murder is a good thing. In 1923, there was only one journalistic voice in the public debate on cannabis, that of Emily Murphy, and she argued for a cannabis ban. The law was imposed

with no parliamentary debate simply because cannabis was, to Canadians, a foreign, almost abstract issue. Today, as more people have been exposed to differing views on cannabis dangers and the pros and cons of prohibition, Murphy would have a fight on her hands, both from pro-cannabis activists and some members of Parliament. She would also have support from among those who would continue a ban. On the latter side, many of those actors are the same – Western populists, some police officers, and those entrusted with enforcing the present drug prohibition.

In the ongoing debate over marijuana decriminalization in Canada, policy-makers and opinion leaders should examine the origins of the Canadian prohibition against marijuana. They will see that marijuana prohibition fell into the type of policy debate where there was a consensus that was unchallenged by the media or any other major group within the decision-making system. Marijuana prohibition was a policy offshoot of the belief among 19th and early 20th century decision-makers that social ills could be reduced, or even eliminated, by government action.¹ These beliefs were shared by senior politicians, media, and progressive elements in society, especially women's activists, social reformers and farmers' movements.² Some media were active in pressing for social

¹ See Ramsay Cook, *The Regenerators: Social Criticism in Late Victorian English Canada* (Toronto: University of Toronto Press 1985). Cook shows liberal and progressive (by the definition of the times) publications were extremely aggressive in their reportage and editorializing of issues they believed warranted reform.

² Louis Aubrey Wood, *A History of the Farmer's Movement in Canada* (Toronto: Ryerson, 1924) provides a valuable examination of rural progressivism missing from much of the later literature. It should be used along with Cook in studies of progressivism and its political impact, as some 80 per

reforms in an age when child labour, abject poverty, exploitation of immigrants, substandard housing, political corruption, poor public health, rural disenfranchisement, workplace safety, racism, and political and economic discrimination against women gave social reformers and activist journalists much to campaign on.

In the case of cannabis, senior Canadian journalists, especially Joseph Atkinson, publisher of the *Toronto Star*, George McCullagh, founder, owner and publisher of the *Globe and Mail*; and J.B. Maclean, owner of *Maclean's* magazine; and members of their editorial staff were prepared to accept the official U.S. view that marijuana was addictive and drove its users to madness and violence. This acceptance was shown by the negative coverage *Maclean's*, written by Murphy, gave to cannabis in 1920 and the coverage of cannabis of the *Globe and Mail* and the *Star* in the articles printed in the months immediately after the Canadian government followed the U.S. lead in banning marijuana in the late 1930s. The *Maclean's* coverage of marijuana should be placed within the context of the anti-drug articles printed in the magazine in the 1920s and the private actions of the magazine's owner to press the government for more data for quite ambitious anti-drug journalistic campaigns.

The editorial positions of these publications stands in marked contrast to the attitudes of many of the public servants who had expertise in drug enforcement, health and agriculture, especially in the years before the

cent of Canadians lived on farms or in small towns in the first quarter of the 20th century. Unfortunately, it had a small press run and is almost impossible to find.

1938 Canadian ban on the growing of hemp/marijuana. According to previously unpublished correspondence between senior Department of Health and Pensions officials, in 1937, when the U.S. banned cannabis, there was virtually no marijuana used as a drug in Canada. Archival files show the leadership in the Department of Health and Pensions and their colleagues in the Department of Agriculture believed by 1938 a marijuana ban was unworkable, prohibition of marijuana cultivation and the resultant publicity would advertise the drug, rather than impede its spread into Canada, and there was no need for public education – including journalism – on the issue.³

The Canadian ban on marijuana (the 1923 regulation under the Opium and Narcotics Act) predates the U.S. national ban by fourteen years and is among the first national prohibitions on marijuana by a western country, yet the ban itself receives, at best, marginal mention in historical literature and the unique aspect is ignored completely by scholars in the field. U.S. writers either do not mention the Canadian ban⁴ or are confused about the genesis of Canada's marijuana prohibition laws.⁵ They accept the idea that Canada underwent the same type of politician and civil service-

³ See correspondence Archibald-Barton, Oct. 6, 1938, in Records of the Department of Health and Pensions (Narcotics Branch, Department of Health and Pensions, RG29, (National Health and Welfare), Library and Archives Canada Volume 548 Box 497-1.

⁴ See Jacob Sullum, *Saying Yes: In Defense of Drug Use* (New York: Putnam, 2003); John Kaplan, *Marijuana: The New Prohibition* (Cleveland: World Publishing, 1970); David Solomon (ed), *The Marijuana Papers* (New York: Signet, 1966).

⁵ See Jerome L. Himmelstein, *The Strange Career of Marijuana* (Westport, Conn.: Greenwood Press, 1983); Ernest Abel, *Marijuana: The First 12,000 Years* (New York: McGraw-Hill, 1982). Abel also erroneously dates the Canadian marijuana prohibition to 1929 (see Chap. 12)

inspired “reefer madness” campaign that spread through the U.S. in the mid-1930s. In fact, this was not the case. Government-media co-operation in demonizing marijuana was unique to the United States. In Canada, at the time marijuana was banned, there was virtually no mention of marijuana in the media, except Emily Murphy’s work. Canadian politicians appear to have acted for several reasons: Murphy’s publicizing of marijuana; the ban of marijuana by a small number of U.S. states; and the international discourse on marijuana and hashish among government officials and delegates to the string of drug conferences that began with the Shanghai meetings of 1908. It would be extremely simplistic to suggest that any one of these factors was solely responsible for the addition of cannabis to the schedule of restricted narcotics in 1923. We know that Murphy’s writings reached a wide audience through *Maclean’s* magazine and that her book was best-seller that has been in the Library of Parliament since 1921. We also know that marijuana was an issue in the U.S. southwest that was beginning to receive some national press coverage at the time; and we know that Prime Minister King, who had a personal interest in drug issues, had been at the Hague conference where cannabis (primarily hashish) was discussed and a proposed international ban was rejected. Unfortunately, the historical record is incomplete. There is no “smoking gun” memo in government archives or minutes of cabinet debates that assigns credit for the ban on marijuana to any one factor. Catherine Carstairs downplays the role other scholars have assigned Murphy. Murphy’s book, *The Black*

Candle, had one chapter on marijuana “only seven pages long and was easily lost in the shuffle.”⁶ Since the book sold extremely well, and these seven pages were the first and only time members of the public were to hear of marijuana for several years, Carstairs may be too dismissive. In 1921, the Canadian public was a *tabula rasa*. It was Murphy who made the first marks on this chalk board, and she did not do so in obscure publications. Carstairs also argues the narcotics “department had little respect for Murphy and was unlikely to take her views seriously”⁷. That may be so, but no one in the department came out to engage Murphy in public debate. While officials in the narcotics department may have had little faith in Murphy, the government chose, whether because it had faith in her, or respected the power of her political base, to appoint Murphy as an advisor to Canadian delegation to the first League of Nations drug conference in 1924-25.⁸ As well, the League of Nations purchased copies of her book for conference attendees.⁹ This conference was the first to accept the proposal for a full cannabis ban (of both hashish and marijuana).

From 1920, when marijuana was described in one *Macleans* magazine article, until 1940, marijuana and hashish are not mentioned in the *Canadian Periodical Index*.¹⁰ The *Globe and Mail* and *Toronto Star*,

⁶ Catherine Carstairs, “Hop Heads’ and ‘Hypes’: Drug Use, Regulation and Resistance in Canada, 1921-1961”, 49

⁷ Catherine Carstairs, “Hop Heads’ and ‘Hypes’: Drug Use, Regulation and Resistance in Canada, 1921-1961, 49

⁸ See the Alberta government web site on the Famous Five, <http://collections.ic.gc.ca/famous5/Profiles/murphy/murphy-public.html>

⁹ Christine Mander, *Emily Murphy, Rebel*, Simon and Pierre, 1981, 103

¹⁰ Periodical writers who search the index for their own ego’s sake know that the CPI is not complete. The indexers missed a short mention of marijuana in the June, 1938

representative of mainstream Canadian newspapers, did not print major articles on marijuana in 1923, and, in fact, ignored the drug until after the U.S. ban of 1937. While U.S. media stories quoted, and were sometimes written by, Harry Anslinger, head of the U.S. federal narcotics agency, Col. C.H.L. Sharman, Anslinger's Canadian counterpart, is not quoted in any of the *Toronto Star* or *Globe and Mail's* marijuana coverage during the time period covered by this thesis, nor is anyone else in his department.

Carstairs notes Parliament debated and passed the 1938 Opium and Narcotics Control Act and the government sent RCMP officers to find and destroy cannabis plants, almost always grown as hemp. She does not note the actions of municipal police forces, especially in southern Ontario, to root out cannabis plants and charge users of the drug, nor does she seem to have examined the news coverage prior to, and at the time of, the passage of the 1938 Canadian bill and the subsequent marijuana scare stories printed in the two largest Toronto newspapers in 1938-39.¹¹

Abel's study is the most authoritative work dealing with the history of U.S. marijuana prohibition, yet, while mentioning the 1923 Canadian marijuana prohibition under the Opium Act, Abel does not acknowledge its place as the first western cannabis ban since the fall of the Orleanist monarchy in 1848. He appears to be unaware that Canada passed a

issue of *Maclean's*. Canadian magazines did carry articles on opium and cocaine during this time. See Catherine Carstairs, "Innocent Addicts, Dope Fiends and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada". *Journal of Canadian Studies*, Vol. 33, No. 3, (Fall, 1998) 150-157

¹¹ Catherine Carstairs, 'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1921-1961," 50

second bill in 1938 to tackle a perceived new marijuana problem and launched a short-lived anti-marijuana policing initiative. Himmelstein, too, makes this lapse. Booth¹², writing from the British perspective, makes the same error. As well, they do not appear to realize that it was the 1938 cultivation ban, passed in the wake of the U.S. Marijuana tax Stamp Act of 1937, not the 1923 regulation, the spurred the first real crackdown on cannabis in Canada.

It is easy to miss the 1938 law's importance to the history marijuana prohibition. The 1938 bill was, in fact, a ban on hemp cultivation, but, at the time, it was seen as the prohibition of a new drug. Records of the 1938 debates of the House of Commons and the Senate show ignorance among members of Parliament on this issue, as does the newspaper reporting of these debates. Many of those who took part in the debates appear not to have realized that the legislation they were examining dealt with a substance that was already illegal to possess in Canada. This thesis shows much of this confusion is reflected in the newspaper coverage of cannabis in the 1930s. Canadian reporters writing about cannabis in the wake of the passage of the U.S. Marijuana Tax Stamp Act (August, 1937) do not appear to have realized that the "new" drug they wrote about was already banned in Canada. This thesis unscrambles the legislative history of the cannabis ban and, hopefully, sets the historical record, especially that of cannabis prohibition enforcement, straight.

¹² Martin Booth: *Cannabis: A History* (London: Doubleday, 2005), 28

The thesis also examines the short-lived crackdown, almost exclusively by municipal and provincial police forces, on marijuana in eastern Canada that lasted from the spring of 1938 until the fall of 1939. These events happened in the shadow of, and were inspired by, the U.S. marijuana prohibition, rather than any real problem in Canada. This thesis also the first to extensively use archival material of the Canadian Bureau of Narcotics that shows very limited support among Canadian public service officials for a crackdown on cannabis in the late 1930s. While Carstairs examined drug enforcement-related files in the National Archives and uses them extensively in her discussion of the British Columbia opium ban, she did not include in her thesis this material on the lead-up to the 1938 Canadian anti-cannabis legislation. This correspondence, confidential at the time but now declassified, provides a candid viewpoint on the problem, or, lack thereof, that Canada faced from marijuana in the 1930s.

In 1937, cannabis sale and possession was already banned but hemp (*Cannabis sativa*) could be grown for its commercial uses (mainly birdseed and as windbreaks for vegetable gardens) and there had been, with the exception of a single conviction, no serious police enforcement of the regulation prohibiting possession. Records of the Narcotics Division of the Department of Health and Pensions show that, despite the prohibition and Murphy's early 1920s claims that cannabis had entered Canada and was becoming an addiction and crime problem, the Narcotics Division was concerned in the 1920s and 1930s primarily with the international trade in

narcotics, the importation of opiates into Canada, and the sale and storage of prescription narcotics.¹³ It was only after the 1938 law that police, mainly in Ontario and the Montreal area, began a short-lived crackdown on hemp windbreaks, wild cannabis and the small number of marijuana users. This campaign ended in September, 1939, with the outbreak of World War II.

The *Toronto Star* and the *Globe and Mail* helped justify the 1938 legislation with a series of articles that began shortly before the Marijuana Tax Stamp Act was passed by the U.S. Congress in August, 1937, continued through the lead-up and passage of the Canadian amendments to the Opium and Narcotics Act in March, 1938, and ended with the outbreak of war in September, 1939. These newspapers rarely covered the cannabis issue again until marijuana became a staple of the 1960s counterculture. Coverage after the outbreak of the war focused mainly on celebrity arrests in the U.S. for marijuana possession. Of course, marijuana prohibition enforcement resumed in the mid-20th century, outside the scope of this thesis but under the same legislation mentioned herein. There have been amendments and the renaming of the Opium Act to the Narcotic Control Act and, later, the Controlled Substance Act, but this legislation is directly descended from the Opium Act regulations of 1923 and the Narcotics and Opium Act amendments of 1938.

¹³ The Narcotics Branch correspondence between agents of Canada and those of foreign governments deals almost entirely with international smuggling of opium, heroin, and cocaine. Hashish is mentioned rarely and marijuana is not mentioned at all. Domestic correspondence on the marijuana issue is limited to internal memoranda dealing with the wisdom of publicly raising the issue at all.

U.S. critics of their country's marijuana policies have laid the blame for the criminalisation of cannabis at the feet of Harry Anslinger, first director of the U.S. Drug Enforcement Administration, and on newspapers and movie producers who hoped to profit by joining with Anslinger to generate fear in the public that marijuana use would turn middle-class youth into violent marijuana addicts. These critics have blunted their argument by alleging that a conspiracy existed between industrialists, the media and police to demonize cannabis for economic reasons but there does appear to be a somewhat symbiotic relationship between Anslinger's department and the media, especially in the flow from Anslinger to the press of salacious anecdotal material and the subsequent appearance of that material in lurid news stories and films.¹⁴

There has been no lengthy examination of the development of Canadian policies on cannabis,¹⁵ but several scholars have studied it in the context of the country's anti-opium legislation and have concluded anti-Chinese racism underlay the drafting of those laws. I have found the argument that racism, especially in western Canada, did play a role in the drafting and passage of the Opium Act of 1908, to be quite credible. Racism does not seem to be a direct cause of the 1938 marijuana crackdown. While

¹⁴ This case is made most strongly as the central thesis of the commercially successful Jack Herer, *The Emperor Wears No Clothes: The Authoritative Record of Cannabis and the Conspiracy Against Marijuana* (New York: AH HA Publications, 2002) and the film *Grass* (Home Vision Entertainment) 2000.

¹⁵ In fact, there are no Canadian works dealing primarily, or even substantially, with Canada's early marijuana policy. Himmelstein, in *The Strange Career of Marijuana*, Abel in *Marijuana: The First 12,000 Years*, and Moore, in *Cannabis: A History*, provide an overview, though it is confusing and incomplete for reasons mentioned earlier in this thesis.

some people of colour were arrested, it would appear most of the people charged in 1938-39 were poor whites. Class, rather than race, may have been factor in these arrests, with police targeting the criminal underclass in downtown Toronto and, in the case of a suburban youth arrested for cultivation and possession of marijuana, a man with quite limited intellectual ability.

Canada also became active in multilateral initiatives, particularly the Shanghai and Hague conferences on illicit drugs, held prior to World War I, and the League of Nations meetings in the 1920s and 1930s that resulted in anti-opium resolutions and the creation of an international agency to track drug smugglers.¹⁶ It is important to remember that this diplomatic activity was directed toward the suppression of opiates and cocaine, with cannabis usually being absent from discussions (Shanghai, 1909) or debate deferred (The Hague, 1912). When it was on the agenda at The Hague conference, the short attention given to cannabis was focused on hashish, rather than marijuana. Most Canadians involved in anti-drug activism in the 1920s and 1930s were motivated by progressivism built on a belief in a society that would improve itself by respecting prohibitionist legislation of alcohol and drugs, and that these laws limiting individual

¹⁶ For an examination of Canada's role in the international campaign against opium, see R. Solomon, and M. Green, "The First Century: The History of Non-Medical Opiate Use and Control Policies in Canada, 1870-1970". *University of Western Ontario Law Review* Vol. 20:307 and, to a lesser extent, Sean Herr, Re-reading Fundamental Justice and the Prohibition of Marijuana. *Criminal Law Quarterly* 44 (May, 2001): 487-513

freedoms were enforceable and beneficial.¹⁷ In many countries, popular and political support for drug prohibition has been rooted in the widespread faith in the duty of the state to penetrate and police many aspects of daily life, both to protect the individual from self-destructive behavior, and for improvement of the common good. This paternalistic view of the coercive state became especially strong and popular from the late 18th century to the early twentieth centuries.¹⁸ Dissenters who insisted on adding the Bill of Rights to the U.S. Constitution in the 18th century and the members of many libertarian political movements on both the left and right sides of the political spectrum have challenged this idea since that time. In the 20th century, liberals, conservatives, fascists, communists, socialists, and populists have, to varying degrees, supported this construct of the parental state – provided they controlled it. Drug prohibition is one of the few things upon which most successful recent political movements have, at least at times, agreed.

Canada's marijuana laws were passed with very little serious debate, either in the media or in Parliament. These laws were supported by politicians of all parties who, in the parliamentary debates, discussed marijuana with the stated belief it was a highly addictive drug that made its users violently insane.

¹⁷ See Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003) 164-165.

¹⁸ Cook thoroughly examines the role of elites, including the media, in the formation and promulgation of these beliefs in *The Regenerators*.

This thesis will show that, rather than be a platform for rational debate, major Canadian newspapers fed into this mythology and sought, after the fact, to find a non-existent problem. In the end, the public was poorly served by a media and political elite that, while honestly trying to serve the public good, applied few tests of science, reason or rationality to their beliefs and actions.

This thesis begins with an examination of cannabis use before it became a law enforcement issue in the U.S. and examines the anti-cannabis campaign that culminated in the passage of the Marijuana Tax Stamp Act of 1937, the Opium Act regulations of 1923 and the Canadian Narcotics Act amendments of 1938 that criminalized growing and possessing marijuana and hemp in North America.

The prohibition of marijuana occurred when a strong class system existed in Canada. Progressive activism – whether for women's rights or against drugs and alcohol – often arose from what appears to me to be a sincere belief of elites that the lower classes (and immigrants, who were, at least in the first generation, usually poor) could be raised up to an idealized middle class with the paternalistic aid of the old-stock upper middle class British elites. In the first quarter of the 19th century, constitutionally, and in the minds of a strong section of its political and media elites, Canada was still an integral part of the British Empire. Until the Statute of Westminster (1931) Britain still controlled Canada's foreign policy and Canada sent delegates to international conferences, including those dealing with drug

suppression, at the sufferance of the British. There was no reason for elites to believe Canada's place as a mainstay of the British Empire, with the cultural norms and class structure of England, would, or should, change.

People who engage in paternalism use it both as a form of social activism and as a form of control, as Mary Jackman points out in her recent study on paternalism and power.¹⁹

In later years, when the British-Canadian paradigm was challenged in English Canada (it was never truly accepted in Quebec), this paternalistic attitude gave way to one of multiculturalism and pluralism, but, during the time period covered by this thesis, those who, according to Jackman, were in possession of "vital assets", including the media and the government, were advantaged members of the dominant culture able to set the moral standard for new Canadians and those less economically advantaged.

For a paternalistic reform system to work, the controllers of power must exercise some of it for the benefit of those below them. At the same time, Jackman says, there is a tacit understanding that those being "helped up" will not make violent or overt challenges to the over-all system, to, essentially, take what is given to them and, at least in the short term, be satisfied with it.²⁰

¹⁹ Mary R. Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations*. (Berkeley: University of California Press, 1994) 4

²⁰ Mary R. Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations*. 354

Force and coercion, (in the case of drug use, sanctioned by law), is used against nonconformists, those weaker people who do not accept the paternalistic relationship.²¹ Solomon and Green (1982) note that, once cannabis was added to the drug schedule of the Opium Act in 1923, “presumably as a result of Mrs. (Emily) Murphy’s warning”, tough sanctions against people possessing and selling marijuana, as well as sweeping police powers of search and seizure (under Writs of Assistance, virtual blank cheque search warrants issued by judges) were made available to authorities. However, drug convictions (for possession and sale of proscribed drugs, other than marijuana), actually peaked early in the 1920s and declined drastically thereafter, remaining low until the mid-1960s. As for marijuana, the statistics are quite simple: despite the outlawing of possession and the severe powers allowed to police, no one was convicted of illegal possession or sale of cannabis until 1932, nine years after the substance was banned.

Chapman²² argues that Murphy and other Western Canadian anti-drug crusaders were motivated by evangelical Christian religion that “would not tolerate the existence of non-Protestant values in their domain, nor the rapidly growing phenomenon of irreligion”.²³ Murphy was a member of a movement soundly based on the foundation of state prohibition of

²¹Mary R. Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations*, Chap. 2, who argues this point in regard to social and economic relationships as well as interpersonal relationships with severe power imbalances.

²² See T. Chapman, “The Anti-Drug Crusade in Western Canada 1885-1925”. In *Law and Society in Canada in Historical Perspective* D. Bercuson and L. Knafla (eds.) (Calgary: University of Calgary Press, 1985) 197

²³ T. Chapman, 1985: 89

alcohol. Murphy, along with Mackenzie King, who had supported stiffer drug penalties since his term as an investigator of the anti-Asian riot in Vancouver in 1908 and his subsequent appointment to the Shanghai conference on the drug trade, believed that the issue was one of morality, and that government could use its power of prohibition to improve the quality of individuals and of society itself.²⁴ After the examination of the U.S. media anti-marijuana coverage, which was sometimes carried as wire copy in Canadian newspapers' news sections and on editorial pages, this thesis examines the development of the anti-Opium movement in Canada and the ideological forces behind it, including racism and the paternalist belief in the power of government to prohibit, through legislation, perceived anti-social activities, including alcohol and drug use. It then discusses the lobbying role of feminist author and judge Emily Murphy and *Maclean's* magazine in the banning of cannabis use in Canada in 1923. This also thesis examines the liquor prohibitionist views of *Toronto Star* proprietor/publisher Joseph Atkinson, his son-in-law *Toronto Star* editor Harry Hindmarsh, and *Globe and Mail* publisher/proprietor George McCullagh and the way the liquor prohibitionist views were carried into the marijuana prohibition coverage of the late 1930s. The role of their newspapers, because of their huge circulation throughout English Canada and their reputations as quality newspapers, arguably the most politically-important in English Canada, is discussed. Their role in furnishing material

²⁴ T. Chapman, 93-96

for the 1938 Parliamentary debate on banning marijuana cultivation and in reporting the subsequent crackdown on cannabis in 1938-1939 is examined, with the media's actions placed in the context of those of the Canadian government and the federal bureaucracy.

METHODOLOGY:

Scholars seeking to write media history in Canada are encumbered by the lack of primary source material available to them. The papers of newspapers and their editorial executives rarely find their way into archives.²⁵ The *Globe and Mail* maintains no corporate archives whatsoever, while the Toronto Star's Atkinson Papers have been partially dissembled and loaned to retired *Star* writers who are working on a history of the newspaper.²⁶ Descriptions of Atkinson's management style by Cranston²⁷ suggest Atkinson put only the most bare-bones business information in writing and communicated verbally and by his presence in the newsroom at times when he wanted to forcefully put his views forward.

²⁵ There are several exceptions, including the fortuitous donations of papers to the National Archives of Canada (now Library and Archives Canada) of Richard J. Doyle, editor of the *Globe and Mail* from 1963 to 1983, editor emeritus 1983-1986 (and after 1986, a Canadian senator) (Ref. No. R877-0-1-E); and W.H. Eggleston, journalist, head of the English branch of the Wartime Censorship Department (World War II) (Ref. No R4882-0-3-E) and Canadian journalism education pioneer. Unfortunately, their careers post-dated the timeframe of this thesis.

²⁶ Personal conversation with Joe Fox, Toronto Star writer who has written extensively, both academically and commercially, on the history of the Toronto Star, May 11, 2004.

²⁷ William Cranston, *In On My Fingers* (Toronto: Ryerson Press, 1962)

The academic and quasi-academic literature is also sparse. The most intimate accounts of newspaper management have often been written by commissioned authors,²⁸ people who have left the employment of the newspapers on bad terms or have been squeezed out: the newspaper business is notorious for its vicious internal politics.²⁹ As Buxton and McKercher³⁰ note, many of the books written by newspaper editors are rather long on anecdote and short on details on how editorial decisions are made: whether this is a top-down, structured process; or one based on ad-hoc decision-making within a corporate culture by middle managers who are cognizant of the ideology of the publication's editorial policy setters. (My own 25-year career in newspapers and magazines convinces me that it is a mixture of both, with senior management taking control on major issues and delegating responsibility and authority for articles on those issues on which the newspaper or magazine sees itself having a lesser stake.) Therefore, to reconstruct the corporate culture of the *Toronto Star* and the *Globe and Mail* during the period covered by this thesis, I have extended my research outward from the slim historiography of Canadian newspapers to include

²⁸ Ross Harkness, *Joe Atkinson of the Star* (Toronto: University of Toronto Press, 1963). The potential for further productive study and writing in Canadian media history is highlighted by the fact that there is no biography of George McCullagh, the dashing young businessman who established the *Globe and Mail* at the age of 32 and who, after a tempestuous life, died young.

²⁹ Cranston, for example, was fired from the *Star* and used his severance money to buy the *Midland Free Press*, which he edited with distinction for twenty five years.

³⁰ William J. Buxton and Catherine McKercher, "Newspapers, Magazines and Journalism in Canada: Towards a Critical Historiography". *Acadiensis*, Vol. 28, No. 1: 103-126

primary source material from the Mackenzie King diaries (especially dealing with King's relationship with Joseph Atkinson) and to Neil McKenty's brilliant biography of Ontario premier Mitchell Hepburn³¹, which includes biographical material on *Globe and Mail* founder and proprietor George McCullagh and, by its examination of the Hepburn-McCullagh relationship, a great deal of material on McCullagh's personal beliefs and his style of conducting his newspaper business. Patrick Brennan's 1994 study of the relationship between the second King government, while dealing with the time period covered by part of this thesis, does, in fact, begin by focusing almost exclusively on the lead-up to World War II, but King's relationship with Atkinson is mentioned only in the introduction, and in passing. George McCullagh rates one mention in Brennan's work, in a time period outside the scope of this thesis. While this book's title had promise and the work itself is illuminating, it failed to deliver in the areas for which I needed it.³²

Academic and quasi-academic periodical literature on Canadian newspapers is also sparse. There is no scholarly journal dedicated primarily to Canadian media history, past and/or present, although some Canadian history journals print media history articles from time to time. With the closing of periodicals like *Content* and *The Carleton Journalism Review*, which brought a high standard of journalism (in the former) and scholarship

³¹ Neil McKenty, *Mitch Hepburn* (Toronto: McClelland and Stewart, 1997)

³² Patrick H. Brennan, *Reporting the Nation's Business: Press-Government Relations during the Liberal Years 1935-1957*. (Toronto: University of Toronto Press, 1994). Atkinson is mentioned on pgs. 7-8 in a brief and incomplete description of the relationship between Atkinson and King; McCullagh on p. 150, in a discussion of government-press relations in the 1950s.

(in the latter) to the examination of media issues, the avenues for publishing outside of historical journals have decreased considerably. Searches of the literature, though academic search databases and Minko Sotiron's indispensable bibliography of works on Canadian newspapers, (while now twenty years out of date),³³ show no studies have been done solely on the Canadian media's role in the 1923 cannabis prohibition and the 1938 cultivation ban and subsequent crackdown. They confirm, too, the lack of research in the field of newspaper management, leaving researchers to act rather like Cold War Kremlinologists trying to discern their inner workings. Sotiron's 1997 work, *From Politics to Profit* (McGill-Queen's) was more useful, being a study of the owners of Canadian newspapers and their early business methods.³⁴

The situation is not completely grim. While there are gaps in the historiography, the availability of primary source material, especially on newspaper coverage, has increased recently. A decade ago, it would have been extremely time-consuming to examine the coverage a metropolitan daily newspaper gave to an issue over a span of some 30 years. A researcher would have had to look at every page of every section, poring over some 250 issues a year. Only the most dedicated and focused researcher, with an almost superhuman immunity to boredom, could claim with certainty to have found every reference to the issue. Searchable PDF

³³ Minko Sotiron, (ed.), *An Annotated Bibliography of Works on Newspapers in Canada 1914-1983*. (Montreal: self-published, 1987)

³⁴ Minko Sotiron, *From Politics to Profit* (Montreal/Kingston: McGill-Queen's, 1997)

files of newspaper pages held in databases now allow a researcher to gather a complete picture of the coverage of a subject. Determination of the newspaper coverage given to the marijuana issue by Canada's largest circulation newspaper, the *Star* and the politically-important *Globe and Mail*, two very influential English-language newspapers in the first half of the 20th century (and since), has been made considerably easier because of this technology. The *Globe and Mail* back issues are searchable to 1844, while the *Toronto Star*'s files begin in 1892. Search terms such as "marijuana", "hashish" and "hemp", (along with slang and spelling variants of the time), were used to gather newspaper articles from these systems. While these searchable databases are not completely accurate, (mainly due to search engines being thwarted by the poor quality of some of the older newspaper copies), they do give a fairly representative snapshot of coverage. If used in several searches, these search engines sometimes found articles that were missed by earlier searches by the same retrieval system. As well, regional newspapers held on microfilm were consulted to determine if there was any substantial difference in coverage in smaller publications. (This showed newspapers outside of Toronto ignored the issue, at least in their major news pages). Magazine coverage was determined by using annual editions of the *Canadian Periodical Index*. The papers of the federal departments involved in cannabis prohibition enforcement, the diaries of William Lyon Mackenzie King (which are now also searchable by electronic means, with the same caveat about the effectiveness of single searches), departmental

and federal cabinet papers were examined in the National Archives of Canada (now Library and Archives Canada). As well, historical material, (including the very few biographies and autobiographies of early 20th century media figures) were used to determine the news agenda-setting capabilities of media executives and politicians.

Therefore, by combining foreign historiography on the use of marijuana and the development of attitudes towards it in the U.S. and to a lesser extent, Canada, reviewing primary source material, including Emily Murphy's *The Black Candle* and the commentary about it written by several authors in Canada and abroad, and the writings, public and private, of Mackenzie King, this thesis is able to explain and place into historical context the 1923 marijuana prohibition. By examining biographical and political material on senior executives of the two largest Toronto newspapers (both primary source, through the King diaries, and secondary source, from biographies) and by examining the primary source material on the 1938 marijuana debates in Parliament, the correspondence of senior public servants preceding it, and the media reportage in the *Toronto Star* and the *Globe and Mail* surrounding the 1938 ban, this thesis establishes the role played by the media in this debate and sheds more light on the history of Canada's cannabis ban itself.

CHAPTER I: Marijuana Prohibition in the U.S.

It is important to place the North American prohibition of cannabis into a historical perspective. Despite varying official attitudes toward cannabis drug use, the state-imposed ban on cannabis consumption enshrined in law in North America was the first attempt in 2,500 years by governments to restrict cannabis drug use. Cannabis prohibition is, then, an anomaly in history.

All cannabis is native to central Asia, where people have grown it as a fiber crop for thousands of years. It appears even before its use for rope and cloth was discovered, it was grown as a drug both for religious and recreational use.³⁵ It is that aspect of hemp use that is the focus of this thesis. The concurrent banning of hemp as an industrial crop will be treated as a side issue, as it was when the Canadian and United States governments banned the crop because of its potential use as a drug.

Marijuana smoking may be older than agriculture: 15,000-year-old bone tools believed to be cannabis smoking pipes were found at the Non Nak Tha archaeological site in Thailand. Some 10,000 years later, the Chinese began cultivating hemp for fiber. Chinese doctors learned of

³⁵ Richard Evans Schultes and Albert Hoffman, *Plants of the Gods* (New York: McGraw-Hill, 1979), 92-105.

cannabis' pharmaceutical uses, and, by 220 BC, the physician Hao-tho recommended surgeons mix it with wine as an anesthetic.³⁶

The effects of cannabis, even more than hallucinogens, are highly variable from person to person and from one plant strain to another. The recent underground development of strains of cannabis with very high tetrahydrocannabinol (THC) content has increased this variability. Refined further into hashish or hashish oil, the drug increases in potency. There appears to be no consensus on whether THC is physically or psychologically addictive, and, in fact, that aspect of the drug is at the center of the debate in western countries over legalization and decriminalization. Cannabis, a fringe drug in Western Europe and North America until the early 20th century, probably became popular because of one invention: the rolling paper, which (along with cigarettes) became popular in the first decade of the 20th century and mainstream when soldiers returning from the trenches of World War I brought the cigarette habit with them.³⁷

China was the first, and, until the Orleanist monarchy of the early 19th century, only, country to try to use laws to stamp out cannabis use. In 600 BC, the emperors of the Chou dynasty outlawed its use and successfully, through the use of state coercion and propaganda, appear to have stopped the traffic in the drug among the general public. More than 4,000 years ago,

³⁶ Ernest L. Abel, *Marijuana: The First Twelve Thousand Years*. (New York: Plenum Press, 1980), 12

³⁷ William Manchester, *Goodbye Darkness* (New York: Little, Brown, 1979)

Chinese authorities commissioned inscriptions mocking cannabis and its users. The ancient Chinese character for cannabis, Ma, has a negative connotation, one that suggests the stupefying properties of the drug.³⁸

The Scythians, a nomadic people of the southern Russian steppe, introduced cannabis smoking to Europeans.³⁹ The Romans knew about cannabis use in the eastern fringes of their empire and in Persia. After the Germanic and Hun invasions of Europe in the 5th century, cannabis use was, for about 500 years, confined to Persia and the area south of the Hindu Kush. Cannabis would come into its own in Islamic countries. In parts of the Islamic world, hashish smoking was encouraged as an alternative to the use of alcohol. Throughout Islamic history, Muslims have had mixed views about cannabis use. The Saudi Arabia–based Wahhabi sect forbids all smoking, while Sunnis and Shiites in North Africa, Iraq, Lebanon, Syria, and Pakistan accept it or, at least, tolerate it. All Muslims, however, consider excessive cannabis use and dependence as signs of emotional problems.⁴⁰

Europeans have tended to associate cannabis use with unfriendly or threatening foreign cultures. Napoleon's colonial administrators in Egypt managed to suppress the local hashish trade, only to find that it had been quickly taken over by Greek smugglers who imported cannabis from the

³⁸ Martin Booth, *Cannabis: A History*, 19

³⁹ Herodotus, *Histories*, 1: 202. He notes the Scythians made a sort of sauna and threw hemp flowers onto the hot stones and sent sheep among the plants to collect hashish resin in their fleece. The Scythians are famous for their incredibly artistic gold work

⁴⁰ Ernest Abel, *Marijuana: The First 12,000 Years*, Chap. 2.

Ottoman Empire. In Napoleonic times and for several decades afterwards, opium smoking was popular in bohemian circles, but hashish was considered more exotic and less dangerous.

At the same time, a rising fear of alcohol was gripping the newly-industrialized countries of Europe. Mass production, and consumption, of ever-cheaper hard liquor was causing obvious social problems, and the change in attitudes toward alcohol reflected this. The Romans heavily subsidized wine, and, in grape-growing countries such as France, wine continued to be cheap through the Middle Ages and into modern times. Through the Middle Ages, grain alcohol, usually consumed as beer, was by far the cheapest beverage available, in terms of cost versus calorific content, next to wine and water (and, considering the grim sanitation of those times, it was far safer than many water sources and non-pasteurized milk).⁴¹ The European pattern of alcohol consumption changed markedly in the 18th century, at the time when the English colonies on the eastern seaboard were growing quickly. In 1773, the brandy still was perfected, pushing down the price of liquor and increasing the amount available for export. The same technology changes that created an industrial revolution in cloth and metal production dramatically increased the supply of strong liquor. Rum made from West Indian molasses; gin; rye whisky; corn liquor; and vodka almost literally flooded into the rapidly-growing new industrial cities:

⁴¹ Fernand Braudel, *Civilization & Capitalism 15th-18th Century*, Vol.1. (London: William Collins, 1983, English translation), 133

Their great advantage was their modest price. By the early eighteenth century, the whole of London society, from top to bottom, was determinedly getting drunk on gin. The lands along the northern boundaries of the vine-countries naturally presented a mixture of tastes: England, which was open to brandy from the continent and rum from America (punch began to enjoy success there, drank its own gin as well as whisky from Scotland and Ireland. Holland was exactly at the meeting point of all the wine brandies and all the grain-based alcohols in the world, to say nothing of rum from Curacao and Guiana... Alcohol succeeded all too well in Europe, which discovered in it one of its everyday stimulants, a cheap source of calories and certainly an easily accessible luxury, with vicious consequences. And the watchful state soon found that it too could profit.⁴²

Thus, by the end of the 19th century, with the growth of cities spawned by the Industrial Revolution, the heavy use of industrially-produced hard liquor, and, as will be shown in the next chapter, the burgeoning opiate trade and the development of new drugs, patterns of drug use – alcohol and opiate had changed. The abundance of cheap, strong liquor became a problem in European and North American cities, and even on the frontier, where liquor became an important trade commodity between Europeans and Natives. The political and media elites would soon identify alcohol and drug consumption as new problems and advocate prohibition as the solution to them.

As will be shown later in the thesis, the United States set the pattern for prohibition of marijuana. Emily Murphy, the first important anti-marijuana advocate in Canada, drew almost exclusively on U.S. anecdotal and expert evidence for her writings on marijuana. As well, U.S. print media: books, magazines and newspapers, crossed the border freely, either as printed matter or syndicated copy. Prohibitionism of liquor and drugs found fertile ground in America. The development of eastern North America coincided

⁴² Fernand Braudel, *Civilization & Capitalism 15th-18th Century*, Vol.1, 246-247

with, and was stimulated by the emergence of evangelical Protestantism early in the 16th century that placed a high value on work, thrift and personal sobriety.⁴³

By the 19th century, the influxes of immigrants had loosened the social grip of evangelical English Protestantism. Along with cheap alcohol, now mass-produced with the efficiencies of the Industrial Revolution, the use of drugs, especially of opiates, increased in the United States dramatically during the Civil War and the years following, and, in fact, addiction issues and a societal backlash to drug use and alcohol have tended to be media fixations during every war from then on.⁴⁴ Opium was brought to the U.S. before the Civil War as part of the world-wide export trade in that drug, which was produced and sold by British companies based in India.⁴⁵ Morphine, the active ingredient in opium, was isolated in 1803 and was, after the invention of the syringe in 1845, the main painkiller of the U.S. pharmacopoeia. Wounding rates in the Civil War, often massive tissue injuries from slow-velocity musket balls, artillery and canister shot, are estimated at two for every fatality (putting the number of severely wounded at more than three million). Doctors, overstretched by the medical disasters of battles like Gettysburg, which left tens of thousands of wounded soldiers with an utterly inadequate medical infrastructure to care for them, engaged in the indiscriminate administration of morphine. Even after they

⁴³ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Scribners, 1958 English edition) 40

⁴⁴ Ernest Abel, *Marijuana: The First 12,000 Years* 189.

⁴⁵ Fernand Braudel, *Civilization & Capitalism 15th-18th Century*, Vol. 2, 223

recovered from wounds, soldiers continued to use the drug (because of addiction or as an analgesic for chronic pain), and psychiatric casualties (which went untreated until the late 20th century) self-medicated with easy-to-acquire morphine and liquor.⁴⁶ After the Civil War, morphine withdrawal came to be known across the nation as the "army disease."⁴⁷ Drunkenness was also endemic among returning soldiers nursing physical and psychiatric wounds faced with the pressures of readjustment to a civilian life that was often remarkably changed by the war itself. Fears of the effects of alcohol and drug use by those who were psychologically or physically disabled in combat shaped societal views towards all non-medicinal stimulants, depressants and pain-killers and was among the factors leading to the genesis of a strong liquor and opium prohibition movement that continued through the early decades of the 20th century, when World War I inflicted upon a new generation of soldiers the same types of grievous wounds and a medical structure inadequate to deal with them.

Before the Civil War, "recreational" cannabis use was known in the U.S. Six years before the Civil War began, popular travel writer Bayard Taylor wrote of his use of hashish in Africa.⁴⁸ Fitz-Hugh Ludlow stayed closer to home, writing in the *Atlantic Monthly* of his use of hashish (which

⁴⁶ Morphine and opium were sold over the counter. Pharmacists sold them as painkillers or in "elixirs", patent medicines that sometimes also contained cannabis and cocaine, alone or in combination with opiates. See Ernest Abel, *Marijuana: The First 12,000 Years*, 191.

⁴⁷ Ernest Abel, *Marijuana: The First 12,000 Years*, 190

⁴⁸ Baynard Taylor, *A Journey To Central Africa*. (New York: G.P. Putnam & Sons, 1855)

he had purchased legally at a New York pharmacy).⁴⁹ In 1869, Louisa May Alcott, author of *Little Women*, published a short story entitled "Perilous Play", in which she describes the effects of hashish.⁵⁰

During the small conflicts of the late 19th century and following World War I, millions of U.S. soldiers (and combatants on all sides) would find relief from their physical and emotional pain in morphine and synthetic opiates (in 1898 the Bayer company synthesized a powerful narcotic painkiller and marketed under the brand name Heroin)⁵¹, and would bring their addictions home with them. Soldiers in World War II would repeat the pattern, as would veterans of the Korean and Vietnam conflicts. After each of these wars, as with the Civil War, prohibition was put forward as the solution to the drug and alcohol problems of veterans who had little other recourse to deal with the chronic pain of wounds and the psychological scars of war. Societal fears of unstable returning soldiers—usually far overblown—became a handy tool of people who opposed the use of drugs and alcohol.⁵²

In the 1870s, Carrie Nation and her Prohibitionist colleagues smashed the saloons that gave comfort to Civil War veterans, many of whom, unable to fit into post-war civilian society, had moved to the western

⁴⁹ Reprinted in Fitz-Hugh Ludlow, *The Hasheesh Eater: Being Passages from the Life of a Pythagorean*. (New York: Harper and Brothers, 1857). The article in *Atlantic* was originally published anonymously.

⁵⁰ Louisa May Alcott, *Perilous Play*. In Stefan Dziemianowicz (ed) *Twelve Thrilling Tales* (New York: Barnes and Noble), 1996, 78

⁵¹ Richard Asquith, "How Aspirin Turned Hero", *Sunday Times*, Sept. 13, 1998

⁵² Ernest Abel, *Marijuana: The First 12,000 Years*, 198

frontier to live as on the fringe of society as itinerant railway and mine labourers and farm hands. In the next 50 years, Prohibitionism became mainstream and its advocates succeeded in convincing legislators to institute local bans, culminating in the amendment to the U.S. constitution banning the production, sale and possession of alcoholic beverages, which was instituted shortly before the return of soldiers from the battlefields of World War I. Prohibitionists had, during that war, already succeeded in having the possession and sale of morphine, opium and synthetic opiates tightly controlled. In the 1920s, despite the problems associated with the enforcement of liquor prohibition, some U.S. prohibitionists set their sights on cannabis. At that time, few people rose in the defense of marijuana smokers because only a tiny number of Americans had tried it.⁵³ Those who used it were among the most marginalized and racialized people: Mexicans, blacks, and poor whites. Marijuana use in the United States began slowly in the early part of the 20th century. Soldiers based in Puerto Rico after the Spanish-American War and U.S. servicemen stationed in the Panama Canal Zone are reported to have been smoking it by 1916. U.S. soldiers fighting Pancho Villa in 1916 also came into contact with it, as marijuana used by many of Villa's soldiers. Revolution broke out in Mexico in 1910.⁵⁴ The U.S. took an active role in the conflict, supplying arms and support to varying factions and occupying the port of Vera Cruz in 1914. The war very

⁵³ See Jerome L. Himmelstein, *The Strange Career of Marijuana*, Chap. 3. Himmelstein argues that marijuana use was all but ignored by the media and the public until the creation of a U.S. federal drug agency in the 1930s, except for a few local anti-marijuana newspaper crusades in New Orleans and Texas.

⁵⁴ Martin Booth, *Cannabis: A History*, 135

briefly spread into the U.S. when Villa attacked the tiny border settlement of Columbus, New Mexico, in 1916. Public attitudes toward Mexicans, never particularly favorable in the U.S. southwest, worsened.

The drug was relatively new to Mexico, where it may have arrived as late as the 1880s. Possibly its use spread from workers from India brought to the Caribbean, British Honduras, or British Guiana. In the early 1900s, marijuana smoking spread from Mexican laborers in the Southwest to Afro-Americans in New Orleans. Around the turn of the century, New Orleans became the Marseilles of America, a cosmopolitan port whose riverfront and slums were well-populated with sailors, traders, gamblers, prostitutes, thieves, con men, and gangsters of every nationality. Although every major city in the United States had its red-light district, New Orleans's Black ghetto, Storyville, was the best known of all the nation's prostitution neighbourhoods, where jazz musicians entertained the customers of the bawdy houses in which marijuana use was a common occurrence. By the 1920s, a popular culture link was made between marijuana, Blacks, jazz music and the white underclass, and media coverage shifted from a discourse of marijuana as an exotic substance used by foreigners to a substance of imminent risk to U.S. society.⁵⁵

It was, however, the use of drugs by soldiers that brought the first serious examination of the effects of marijuana. On April 1, 1925, a formal

⁵⁵ Jerome L. Himmelstein, *The Strange Career of Marijuana*, 53-54 and Ernest Abel, *Marijuana: The First 12,000 Years* Chap. 11.

committee was convened to investigate the traffic in marijuana in the Panama Canal Zone and to consider steps to prevent its usage. The committee invited army officers to express their opinions on the use of the drug by American soldiers, and at a hospital for the insane the committee watched while some soldiers, four physicians, and two policemen smoked marijuana in their presence. The committee also studied the military records of delinquent soldiers for any evidence that marijuana had produced unruliness.

A Colonel Chamberlain spoke for most of the committee's members when he concluded: "I think we can safely say, based upon the samples we have had of smokes here and upon the reports of the individuals concerned, that there is nothing to indicate any habit forming tendency or any striking ill effects. All of the statements to the effect that two or three puffs produce remarkable effects are nonsense, judging from our experience."⁵⁶

The 1933, the Military Surgeon, in his final report on marijuana use in the Panama Canal Zone, stated:

Marihuana as grown and used on the Isthmus of Panama is a mild stimulant and intoxicant. It is not a "habit forming" drug in the sense that the derivatives of opium, cocaine, and such drugs, are as there are no symptoms of deprivation following its withdrawal. Delinquencies due to marihuana smoking which result in trial by military court are negligible in number when compared with delinquencies resulting from the use of alcohol drinks, which is also classed as a stimulant and intoxicant.⁵⁷

⁵⁶ Jerome L. Himmelstein, *The Strange Career of Marijuana*, 41

⁵⁷ Quoted in Ernest Abel, *Marijuana: The First 12,000 Years*, 204

The report went on to say that marijuana presented no threat to military discipline, and "that no recommendations to prevent the sale or use of marihuana are deemed advisable." Despite the military surgeon's findings, the spread of marijuana in New Orleans, up the Mississippi to Chicago, and into the west, troubled U.S. state and federal officials. In 1920s, poor people in the U.S. South and Southwest had taken up marijuana smoking, partly as a substitute for alcohol, which was banned and therefore expensive, under Prohibition. Black deckhands, who did much of the labor on Mississippi barges, carried it up the river. Very quickly, it jumped from St. Louis to Chicago, then to cities along the Great Lakes. By the Depression, it was also fairly common in Black neighbourhoods of New York.

In 1926 the New Orleans Morning Tribune ran a series of articles about the spread of marijuana in the city. It warned readers:

*SCHOOL CHILDREN FOUND IN GRIP OF MARIJUANA HABIT BY INVESTIGATORS, WORKMEN OF CITY LURED BY MUGGLES (marijuana cigarettes), WELFARE WORKERS ARE POWERLESS TO COPE WITH SINISTER TRAFFIC.*⁵⁸

Marijuana was being sold by "unscrupulous peddlers [who] openly sell the drugs to boys of tender age who appear on streets under its influence." An interview with sixty children, all under age fifteen, revealed that all of them knew what marihuana was, where it could be purchased, and that all had used it.

⁵⁸ Ernest Abel, *Marijuana: The First 12,000 Years*, 215

By the mid-1920s, marijuana use had spread to the U.S. Midwest. On Oct. 24, 1926, issue of the Chicago *Herald-Examiner*, the newspaper reported:

A Kansas hasheesh eater thinks he is a white elephant. Six months ago they found him strolling along the road, a few miles out of Topeka. He was naked, his clothes strewn along the highway for a mile. He was not violently insane, but crazy - said he was an elephant and acted as much like one as his limited physique would let him. Marihuana did it.⁵⁹

The Sept. 10, 1929, issue of the Tulsa *Tribune* described the arrest of a Mexican "hot-tamale salesman" who, the paper claimed, had been selling marijuana to girls and boys in school. Still, articles about marijuana in the national and large-city press were quite rare in the 1920s.

In the United States, some local marijuana prohibition began before there was a federal anti-narcotic agency, criminal law being assigned to the states by the Constitution. Local media tended to focus on the "problem" first, then politicians and government administrators picked up the issue.⁶⁰. In 1914, the city council of El Paso, Texas, passed the first U.S. ordinance banning the sale or possession of marijuana. Between 1915 and 1937, 40 states passed criminal laws against the selling, possession, and use of the substance. Rocky Mountain and southwestern states, which had large numbers of Mexican transient workers, were the first places to outlaw it, with Texas, New Mexico, Colorado, and Montana the leaders. Hashish, on the other hand, was covered by international treaties, banned with opiates in multilateral prohibition agreements from 1908 onwards, and condemned

⁵⁹ Ernest Abel, *Marijuana: The First 12,000 Years*, 217

⁶⁰ Martin Booth, *Cannabis: A History*, 135

after 1920 by agreements made under the aegis of the League of Nations and its successor, the United Nations.

Racism and fear of Latino immigrants was a motivator of the earliest marijuana bans. One Texas senator didn't mince words about his feelings toward Mexican-Americans, most of whom didn't have the right to vote: "All Mexicans are crazy, and this stuff (marijuana) is what makes them crazy." A proponent of Montana's first marijuana law said, "Give one of these Mexican beet field workers a couple of puffs on a marijuana cigarette and he thinks he is in the bullring at Barcelona."⁶¹

Between 1910 and 1930, the percentage of Black blacks of the populations in Chicago, New York and Detroit trebled. Some 200,000 black southerners moved north between 1890 and 1910. In the next decade, the number was as high as one million and remained at that level through the 1930s.

Cities were associated with trouble – specifically, in the black case, with 'urban pathology,' cardsharps, pimps and prostitutes, jazz, and small savings frittered away on cigarettes and drink. Black and white leaders alike feared the newly urbanized black masses would simply exchange rural peonage for slum-dwelling criminality⁶².

By the early 1930s, "reefer" songs were popular among jazz musicians (many of whom used the drug), and their then mainly-Black audiences. Louis Armstrong's *Muggles* (slang for marijuana cigarettes), Cab Calloway's *That Funny Reefer Man* (actually an anti-marijuana song), Fats

⁶¹ Quoted in Martin Booth, *Cannabis: A History*, 135 and Ernest Abel, *Marijuana: The First 12,000 Years*, 165

⁶² Scott L. Malcolmson, *One Drop of Blood: The American Misadventure of Race* (New York: Farrar, Straus Giroux, 2000), 220

Waller's *Viper's Drag*, *Smokin' Reefers*, *Mary Jane*, and the *Mary Jane Polka*, were recorded by studios. As jazz spread to the mainstream, Benny Goodman's swing band recorded *Sweet Marihuana Brown*. One Broadway review, *Smokin' Reefers* acknowledged marijuana as "the thing that white folks are afraid of".⁶³

Race and the fear of marijuana's alleged aphrodisiac values played a major part in the marijuana scare. The *American Mercury* magazine printed an article by A. Parry entitled "The Menace of Marihuana", in which a black man was arrested and brought to a New York hospital after threatening two white women in the street. His actions were attributed to a marihuana-induced dream in which he saw "a bunch of naked wimmin, some of 'em in bed, black an' white together, like dey was expectin' men."⁶⁴ In the movie *Reefer Madness* (1936), an important subplot involves a wholesome middle-class girl losing her sexual inhibitions and her virginity when intoxicated by marijuana given to her by pushers who sell drugs to teens and to primary school children.

Connecticut and Rhode Island were the first eastern states to ban cannabis. New York passed a prohibition act, then repealed it and passed another one. The New York *Times* in an editorial in 1919 said:

No one here in New York uses this drug marijuana. We have only just heard about it from down in the Southwest but we had better prohibit its use before it gets here. Otherwise all the heroin and hard narcotics addicts cut off from their drug by the Harrison Act (passed in

⁶³ Martin Booth, *Cannabis: A History*, 164-165

⁶⁴ A. Parry, "The Menace of Marihuana", *American Mercury* 36 (1935): 489

1914 to prohibit non-prescription opiate sales) and all the alcohol drinkers cut off from their drug by 1919 alcohol Prohibition will substitute this new and unknown drug marijuana for the drugs they used to use.⁶⁵

Within the Prohibition years, marijuana use had spread to New York City. After the federal ban on marijuana, a commission appointed by the city's mayor, Fiorello La Guardia, found that about 500 "tea pads" (marijuana speakeasies) were operating in New York City in 1937. All were in Harlem. LaGuardia's investigators report described a tea-pad, a place that was in stark contrast to the apartment used as a headquarters by the marijuana pushers in *Reefer Madness*:

The 'tea pad' is furnished according to the clientele it expects to serve. Usually, each 'tea pad' has comfortable furniture, a radio, victrola, or, as in most cases, a rented nickelodeon. The lighting is more or less predominantly dim, with blue predominating. An incense burner is considered part of the furnishings. The walls are frequently decorated with pictures of nude subjects suggestive of perverted sexual practices. The furnishings, as described, are believed to be essential as a setting for those participating in smoking marijuana.

Most 'tea pads' have their trade restricted to the sale of marijuana. Some places did sell marijuana and whisky, and a few places also served as houses of prostitution. Only one 'tea pad' was found which served as a house of prostitution, and in which one could buy marijuana, whisky and opium.

The marijuana smoker derives great satisfaction if he is smoking in the presence of others. His 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 congenial social club. The smoker readily engages 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 constant observation was the extreme willingness to share and puff on each others' cigarettes. A boisterous, rowdy atmosphere did not prevail and on the rare occasions when there appeared signs indicative of a belligerent smoker, he was ejected or forced to become more tolerant and quiescent. One of the most interesting setups of a 'tea-pad,' which was clearly not along orthodox lines from the business point of view, was a series of pup tents arranged on a rooftop in Harlem. Those present proceeded to smoke their cigarettes in the tents. When the desired effect of the drug had been obtained they all merged into the open and engaged in a discussion of their admiration of the stars and the beauties of nature.⁶⁶

⁶⁵ New York Times, Aug. 2, 1919

⁶⁶ *Report of Mayor LaGuardia's Committee on Marijuana*. (New York: City of New York, 1944). This was the first study to combine criminological, medical and psychological studies with anecdotal evidence.

The report disputed the federal message³ that marijuana induced violence and insanity, and rejected media claims that marijuana was sold to school children.

By 1932, the newly-created Bureau of Narcotics, which, under the Republican Herbert Hoover administration, still did not see marijuana as a national problem, did give the spread of the drug a passing mention in its annual report:

The abuse of the drug is noted among the Latin-American or Spanish-speaking population. The sale of cannabis cigarettes occurs to a considerable degree in States along the Mexican border and in cities of the Southwest and West, as well as in New York, and, in fact, wherever there are settlements of Latin Americans.⁶⁷

The sober tone of the Bureau of Narcotics' warnings changed when the department began its anti-marijuana campaign midway through the decade. In its 1935 annual report, the agency said:

The rapid development during the past several years, particularly during 1935 and 1936, of a widespread traffic in cannabis, or marihuana, is regarded with much concern by the Bureau of Narcotics. Ten years ago there was little traffic in this drug except in the Southwest. The weed now grows wild in almost every State of the Union, is easily obtainable, and has come into wide abuse.⁶⁸

Two years earlier, the bureau reported the work that it had done to propagandize for state and federal laws against marijuana and other drugs:

Articles were prepared in the Bureau of Narcotics, at the request of a number of organizations dealing with this general subject (uniform state laws) for publication by such organizations in magazines and newspapers. An intelligent and sympathetic public interest, helpful to the administration of the narcotics laws, has been aroused and maintained.⁶⁹

⁶⁷ Federal Bureau of Narcotics. *Opium and Other Dangerous Drugs Report*, 1931.

⁶⁸ Federal Bureau of Narcotics. *Opium and Other Dangerous Drugs Report*, 1935

⁶⁹ Federal Bureau of Narcotics. *Opium and Other Dangerous Drugs Report*, 1933

In the late '30s and early '40s headline writers routinely called marijuana "the killer drug" and "the assassin of youth," picking up phrases used by Henry J. Anslinger, head of the Federal Bureau of Narcotics. Anslinger also said use of the drug caused insanity.⁷⁰ In the late '30s and early '40s, in five flamboyant murder trials, the defendant's sole defense was that he — or, in the most famous of them, she — was not guilty by reason of insanity for having used marijuana prior to the commission of the crime.

In the most widely followed of the five murders, two women passengers on a Newark, N.J. bus robbed and killed the driver. Defense lawyers called a pharmacist who told the jury about his own experiences with marijuana: "When you used the drug, what happened?" the defense lawyer asked. The drug expert answered: "After two puffs on a marijuana cigarette, I was turned into a bat. My incisor teeth grew six inches long and dripped with blood." He testified that he flew around the room for 15 minutes and then found himself at the bottom of a 200 foot (61 m) high ink well. The next day's (April 12, 1936) Newark *Star Ledger* main front-page headline read: "Killer Drug Turns Doctor to Bat!" A trial in New York was even more bizarre. A man who killed two police officers in cold blood after buying but not yet smoking a bag of marijuana used the marijuana insanity defense. From the time the bag of marijuana came into his room it gave off

⁷⁰Harry J. Anslinger, "Marijuana: Assassin of Youth". *American Magazine*, January, 1935.

"homicidal vibrations," so he started killing dogs, cats, and ultimately two police officers. Both defenses succeeded.⁷¹

By the mid-1930s, Anslinger's department and state officials from the Southwest, where Mexican laborers continued to smoked marijuana, and from New Orleans, with its community of marijuana-smoking jazz musicians and poor Blacks, asked the federal government to enact a national prohibition on marijuana. The press jumped eagerly on the bandwagon. Anslinger is said to have at first doubted the seriousness of the "problem," but, by 1935, was converted to the anti-marijuana cause. In public appearances and radio broadcasts Anslinger asserted that the use of this "evil weed" led to killings, sex crimes, and insanity. He wrote sensational magazine articles, including "Marijuana: Assassin of Youth" which were syndicated throughout North America. Anslinger, in his book *The Murderers*, blamed marijuana for the most heinous of crimes:

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 sixteen-year-old [sic] kills his entire family of five in Florida... Every one of these crimes has been preceded by the smoking of one or more marihuana "reefers".⁷²

The 1930s was a decade of deep economic suffering, rampant intellectual and political dishonesty that culminated in totalitarianism, and fear. Middle-class people who still held jobs lived in terror of those who did not, the poor who lived in shanties on the fringes of the cities or wandered

⁷¹ Martin Booth, *Cannabis: A History*, 159

⁷² Harry J. Anslinger and Will Oursler, *The Murderers*. (New York: Farrar, Strauss and Cudahy, 1961) 35. The book is Anslinger's autobiography, written shortly after he retired.

the country looking for work. Mussolini and Hitler tapped into the fear of the middle class and the misery of the poor, as did hundreds of other politicians and bureaucrats in the developed world who turned fear, anger, and scapegoating of minorities and the economically disadvantaged into ways of exploiting and defusing social unrest. People in countries that adopted fascism traded their personal freedom for false promises of prosperity and security. In North America, governments offered intervention in the economy and regulation of social mores as solutions to the destabilizing and frightening forces unleashed by the economic collapse.⁷³

Conspiracy theorists see the banning of marijuana and hemp as part of a plot between the inflammatory Hearst newspapers, the synthetic fiber industry, and the U.S. government. In his 1998 book, *The Emperor Wears No Clothes*, author Jack Herer accuses William Randolph Hearst, the DuPont Company, and Anslinger of conspiring to make cannabis illegal. Hearst, he says, gained by selling newspapers detailing marijuana horrors, and from sales from the press baron's string of wood pulp and newsprint mills. DuPont and other chemical companies acquired new markets for their wood fiber cellulose and petroleum-based synthetics; and Anslinger won his expanded bureaucratic fiefdom.⁷⁴

⁷³ The introduction and first four chapters of William Manchester's *The Glory and the Dream* (New York: Little Brown, 1975) are evocative descriptions of the American experience of, and reaction to, the Great Depression.

⁷⁴ Jack Herer, *The Emperor Wears No Clothes*. Self-published, 1991. This book is a probably the best-selling self-published book of the late 20th century and, despite its leaps of logic, has set the tone of the hemp legalization debate in the U.S. Even Booth,

Herer's argument is not convincing. There may have been some financial motives for Hearst's paper mills (although it is doubtful that hemp, which requires considerable work to separate its fiber, could compete with trees clear-cut in Canada and wilderness areas in the U.S) and the chemical companies to want hemp off the market, there was likely some journalistic interest in fostering marijuana fears, and Anslinger certainly had plans for a sweeping federal drug agency, but motives in themselves do not prove conspiracy. The hemp ban came at a time when steamships had replaced sailing ships. Synthetic fabrics could compete with high-priced imports like silk, (by World War II, nylon and other soft fibers would take over the stocking market) and in the post-war years synthetics offered consumers a cheap substitute for cotton. By the time hemp was banned, very little of it was being grown in the United States, most of that was used for bird seed, and, even with new developments in hemp fiber processing, hemp acreage was in a steady decline from the end of the U.S. Civil War until the imposition of the Marijuana Tax Stamp Act of 1937.⁷⁵

Instead, according to researcher Harry Levine, the media champion drug crackdowns not because of conspiracies, but because they make good copy. Without cost to publishers, they show the media to be public-spirited. As well, few people are willing to make the issue a controversy by taking a stand in favour of street drugs and users of illicit drugs:

whose writing is much more carefully researched than Herer's, also accepts some of this argument.

⁷⁵ Ernest Abel, *Marijuana: The First 12,000 Years*, 96

In the United States, newspapers, magazines and other media have long found that supporting anti-drug campaigns is good for public relations. The media regularly endorse government anti-drug efforts as a “public service.” For doing so, they receive praise from government officials and prominent organizations.

No doubt many publishers and editors deeply believe in the “war on drugs” and in defending the criminalized, prison-centred tradition of U.S. drug policies. But few of the other causes that people in the media support can be turned so easily into stories that are good for public relations and, simultaneously, that are very good for attracting customers and business.

Since at least the 1920s, top editors in the news media have recognized as an economic fact of their business that an alarming front-page anti-drug story will likely increase sales of newspapers and magazines, especially when it is about a potential drug epidemic that is threatening to destroy middle-class teenagers, families and neighborhoods. Editors know that a frightening story about a new, tempting, addicting drug attracts more TV viewers and radio listeners than most other kinds of news stories, including non-scary drug stories. In short, whatever their personal values, publishers, editors, and journalists give prominent space to scary drug articles because they know the stories attract customers agree. Drug prohibition has been part of what I think is appropriate to call the twentieth century’s romance with the state.”⁷⁶

Marijuana smokers—blacks, Mexicans, people who went to jazz clubs—were among the easiest targets of politicians looking for scapegoats for the Depression’s social problems. The anti-marijuana campaign, however, is more noticeable in hindsight than it was at the time, coming in an era when, with the rise of fascism, Nazism and Stalinism, the collapse of the economy and massive unemployment, and sweeping social changes wrought by the New Deal, there was much to be concerned with. The anti-marijuana campaign’s relative insignificance can be seen by the fact that none of marijuana’s slang – “reefer”, “muggles”, “tea-pad”, “joint” – is recorded in H.L. Mencken’s comprehensive survey of American idiom, *The American Language*, first published in 1933, or the two volumes of supplements published and regularly updated until Mencken’s death in

⁷⁶ Harry G. Levine, “The Secret of Worldwide Drug Prohibition”, in *Independent Review*, Vol. 7, Issue 2, p. 4.

1956.⁷⁷ Opium and its derivatives had been banned under the Harrison Act of 1914, and, somewhat ironically, Congress was, at that time, worried that people who had supposedly been driven off opiates would turn to cannabis and cocaine. But, by the mid-1930s, opiates were no longer seen as a pressing domestic issue, while the federal government's anti-marijuana campaign, led by Anslinger, found media and public support. In the U.S., state and local governments, the media, and citizens' groups worked to demonize marijuana. For example, a Los Angeles organization called The International Narcotics Education Association put out a brochure in 1936 warning:

Marijuana is a most virile and powerful stimulant. The physiological effect of this drug produces a peculiar psychic exaltation of the nervous system. The stage of exaltation and confusion, more marked in some addicts than in others, is generally followed by a stage of depression ...

Prolonged users of marijuana frequently develop a delirious rage which sometimes leads to high crimes, such as assault and murder. Hence marijuana has been called 'the killer drug.' The habitual use of this narcotic poison always causes a very marked mental deterioration and sometimes produces insanity. Hence marijuana is frequently called 'loco weed.' (Loco is the Spanish word for crazy).

While the marijuana habit leads to physical wreckage and mental decay, its effects upon character and morality are even more devastating. The victim frequently undergoes such degeneracy that he will lie and steal without scruple; he becomes utterly untrustworthy and often drifts into the underworld where, with his degenerate companions, he commits high crimes and misdemeanors. Marijuana sometimes gives man the lust to kill unreasonably and without motive. Many cases of assault, rape, robbery and murder are traced to the use of marijuana.

The U.S. anti-marijuana campaign spread across the political spectrum. Many left-wing newspapers would, much later, swing around to support decriminalization, but during those New Deal years they backed all

⁷⁷ See Mencken, H.L., *The American Language*. The last edition, including supplements, was updated by Mencken in 1954-1955, before he was felled by a disabling stroke, and issued posthumously by Knopf (New York) in 1957.

of President Franklin Roosevelt's drug war. Supportive newspapers like the New York *Daily Worker* printed sensational features about honest citizens whose lives were ruined by the marijuana pushed on them by drug dealers.

It destroys the willpower, releases restraints, and promotes insane reactions. Continued use causes the face to become bloated, the eyes bloodshot, the limbs weak and trembling, and the mind sinks into insanity. Robberies, thrill murders, sex crimes and other offenses result ... The habit can be cured only by the most severe methods. The addict must be put into an institution, where the drug is gradually withdrawn, his general health is built up, and he is kept there until he has enough willpower to withstand the temptation to again take the weed. The spread of this terrible fad can be stopped only when the unscrupulous criminals trafficking in the drug are rooted out.⁷⁸

Not only did the U.S. Narcotics Bureau supply information for journalists, it also sent out articles for publication. Anslinger's "Marijuana: Assassin of Youth" first appeared in *American Magazine* before being condensed and syndicated, and seven articles published between 1935 and 1937 explicitly credited the bureau or its commissioner as a source of information. The bureau's mistake that Mexican marijuana was the same substance as Asian hashish was repeated in many later articles (and in articles printed in Canada). The bureau's examples of marihuana crimes were retold in many print articles and in the movie *Reefer Madness* (1936), which was, itself, a morality tale with the message that a federal law was needed to stamp out marijuana. The message was stated in the opening crawl of the movie:

...If their (the troubles of the characters in the movie) stark reality will make you think, will make you aware that something must be done to wipe out this ghastly menace, then this picture will not have failed in its purpose. Because the dread Marihuana may be reaching forth for your son or daughter... or yours...OR YOURS!"

⁷⁸ *Daily Worker*, Jan. 19, 1937.

(This wasn't the first anti-marijuana movie. In 1924, the silent film *Notch Number One* appeared, starring Ben Wilson as a ranch foreman intent on keeping his cowhands from falling victim to marihuana's heinous spell. In the film, Wilson shows his cowhands a marihuana cigarette and warns them it is "a devilish narcotic" that will cause him to end up in "the bughouse, loco... [and will make him] want to raise H - - - in general." The ranch-hand does not take the fatherly advice, however. He tries marijuana and goes hopelessly insane.)⁷⁹

The anti-marijuana crusaders won an important victory early in 1937 when the U.S. Supreme Court upheld a Roosevelt administration law requiring owners of some types of machine guns to buy a federal tax stamp. Since the stamp was never offered for sale, the law was, in effect, a ban on a type of gun. Thus, the Supreme Court had allowed the administration to get around the U.S. Constitution Second Amendment's supposed guarantee of the right to own weaponry. The new anti-drug bureaucracy decided to invade the states' jurisdiction over criminal law by using the same tax power. A person who wanted a marijuana tax stamp had to pay \$1, but had to have the marijuana in hand to apply for the stamp. Having the marijuana was illegal, and no one was allowed to buy the stamp before producing the marijuana (or any hemp plant or product).⁸⁰ In June, 1937, the Marijuana Tax Stamp Act was referred to a House of Representatives committee,

⁷⁹Ben Wilson, producer, *Notch Number One*, (Los Angeles: Arrow Films) 1924. A brief clip from *Notch Number One* is shown in the documentary movie *Grass* (2000).

⁸⁰ Martin Booth, *Cannabis: A History*, 154

where Anslinger told congressmen: "marihuana is an addictive drug which produces in its users insanity, criminality, and death." The medical profession protested mildly in favor of leaving the drug legal. Its witness told the committee: "The American Medical Association knows of no evidence that marihuana is a dangerous drug." One of the Congressmen said, "Doctor, if you can't say something good about what we are trying to do, why don't you go home?" The next Congressman to speak added: "Doctor, if you haven't got something better to say than that, we are sick of hearing you."⁸¹

The bill banning marijuana and hashish was brought onto the floor of the House of Representatives on August 20, 1937. After dealing with one question from a skeptical Republican, the bill was passed on a Friday afternoon without a recorded vote.⁸² It sailed through the Senate with no debate at all. Those who believe the U.S. was caught in a full-blown marijuana panic may wish to consider the fact that the New York Times reported the passage of the bill in a brief buried inside the newspaper. On October 2, 1937, the day the Marijuana Tax Stamp Act was enacted, the FBI and Denver, Colorado, police raided the Lexington Hotel and arrested Samuel R. Caldwell, a 58-year-old unemployed laborer. Police also picked up a customer, Moses Baca, 26. The next day, both men were indicted by a grand jury, and, on October 5, 1937, Caldwell went into the historical trivia books as the first marijuana seller convicted under U.S. federal law. Baca

⁸¹ Ernest Abel, *Marijuana: The First 12,000 Years*, 243

⁸² Martin Booth, *Cannabis: A History*, 155

was found guilty of possession. Anslinger flew in from Washington to watch the trial.

Caldwell's dealings, two marijuana cigarettes, deeply offended Judge Foster Symes, who said as he sentenced the two men:

I consider marijuana the worst of all narcotics, far worse than the use of morphine or cocaine. Under its influence men become beasts. Marijuana destroys life itself. I have no sympathy with those who sell this weed. The government is going to enforce this new law to the letter.⁸³

Caldwell was sentenced to four years of hard labor in Leavenworth Penitentiary, and a \$1000 fine. Baca received 18 months incarceration⁸⁴. By then, the U.S. federal anti-narcotics agencies were busy trying to stamp out marijuana production, sale and use. Six months later, the Canadian government turned its attention to the use of marijuana.

The U.S. did, in 1937, have, in some urban areas, a trade in marijuana and some users of the drug. Local governments had, at first, tried to stamp out the recreational use of cannabis. In the 1930s, after an unsuccessful attempt to legislate liquor prohibition, federal officials used their taxation powers to attempt to put an end to marijuana use. They enlisted media support for this campaign, plying the media with anecdotal evidence that marijuana was addictive and induced violent behavior and insanity in its users. By 1937, a public consensus existed that a national effort had to be made, and the Marijuana Tax Stamp Act passed through

⁸³ Federal Bureau of Investigation (U.S.) *Law Enforcement Bulletin*, Feb. 1, 1939.

⁸⁴ Ernest Abel, *Marijuana: The First 12,000 Years*, 159. Several web sites have been set up in commemoration of Caldwell, a middle-aged farm hand who died soon after his release from Leavenworth Penitentiary. Denied parole, he served every day of his sentence.

Congress without vocal opposition. The anti-marijuana campaign spread to the media in Canada, where marijuana was already prohibited, but Canadian politicians, despite foot-dragging by public servants, decided to raise the issue in Parliament, in early 1938.

CHAPTER 2: Background to Marijuana Prohibition in Canada

Marijuana, whatever social and health problems it may have posed in the United States in the first four decades of the last century, was not widely used, or apparently even well-known, in Canada. There was, however, a long-running debate among members of Canada's political elite on the potential benefits, and the viability, of liquor prohibition. An examination of this debate shows many of the actors in this debate were involved in the prohibition of marijuana. Emily Murphy, who emerged as a leader of the liquor prohibitionist rural progressive movement, was an author and journalist who campaigned against drug use and, beginning in 1920, launched a personal campaign for a ban on cannabis. William Lyon Mackenzie King, who leaned toward liquor prohibition, was an anti-opium activist from 1908 onwards, and his government enshrined marijuana prohibition in regulations pursuant to the Narcotics Act of 1923. King was a close friend of prohibitionist *Toronto Star* owner Joseph Atkinson and cultivated other newspaper proprietors. As well, he corresponded with J.B. Maclean, owner of *Maclean's* magazine, which published Murphy's drug articles. Later, he approached King's government asking for cooperation for another series of articles.

While these political and media elites had reached a consensus that marijuana use could be stopped by a ban, senior public servants believed

the issue should be left alone. A campaign against cannabis use would only bring attention to a drug that was not a problem, they believed. The media raised the issue in the wake of the U.S. 1937 Marijuana Tax Stamp Act by questioning police on whether Canada had a marijuana problem, and, in February, 1938, the ban on cannabis was debated in Canada's Parliament for the first time.

While cannabis use was very rare in Canada during the time period covered by this thesis, the plant itself had a long history in this country, and was, in fact, growing wild or cultivated as hemp in most populated areas. Canada's aboriginal peoples were not known to have used cannabis as a narcotic, and the consumption of any traditional recreational drug, other than tobacco, ended by the time political authorities began legislating drug prohibitions. In eastern Canada, the Huron gathered wild hemp to make cordage for fishing nets, twine and threads but appear not to have used any recreational drug other than tobacco, nor was cannabis cultivated or smoked by other Native peoples.⁸⁵

Colonial governments, including those of France and Great Britain, pressured colonists to grow hemp that was made into rope for ship's rigging.⁸⁶ However, these governments kept prices low by exercising a monopoly over naval rope production: all British navy rope was made at the

⁸⁵ Bruce Trigger, *Children of Attawentac* (Montreal/Kingston: McGill-Queen's) 1972, Vol. 1 39. There is some confusion over whether the "Indian hemp" mentioned by the Jesuit missionaries who lived among the Huron was, in fact, *Cannabis sativa*.

⁸⁶ Martin Booth, *Cannabis: A History*, 33

Royal Navy yard in Portsmouth. Therefore, farmers chose other, more valuable and less labour-intensive crops⁸⁷, when they could.

New France and New England were expected to supply hemp for the ships of their colonial masters, although farmers in the colonies were not always enthusiastic. Colonists who did plant hemp could never find enough workers to grow and process it. Because of the chronic shortage of labourers in colonial North America, wages, both rural and urban, were relatively high, as were food prices. In colonial New England, where some towns doubled in size every year between 1630 and 1650, cattle sold for five times the amount that farmers received in England for the same animals.⁸⁸ Similar inflationary pressures were at work in New France. In times of war, speculators drove up the price of food to incredible heights, and naval blockades sometimes cut off supplies from the mother countries. Famine was a real possibility, especially in the young cities. It simply wasn't worth the effort to clear land and pay workers to grow a crop that had such a low profit margin.

Colonial governments alternated between using threats and incentives to make farmers grow hemp, which was so strategic to navies

⁸⁷ Hemp growing required the "retting" of stalk fibers. Stalks had to be soaked in standing water and the stalks pulled apart by hand to separate the fibers. Along with the extra work, farmers risked catching diseases such as cholera from these retting pools.

⁸⁸ Ernest Abel, *Marijuana: The First 12,000 Years*, 76-91. Abel also points out hemp prices rose in wartime and fell during episodes of peace. Fortunately for hemp farmers, these lean times were rare in the 18th century.

and trading fleets.⁸⁹ Nevertheless, in New France, colonists could make much more money going into the wilderness to trade with Natives for furs. Local administrations strongly discourage this, using fines, whippings, and incarceration to keep young men on the farms. The government was backed by the Roman Catholic Church, which had succeeded in keeping Protestants out of New France and wanted to create a feudal state in the St. Lawrence Valley. The unlicensed fur traders, called *coureurs de bois* (bush runners), were denounced as lawless men who peddled brandy to the Natives, married Native women, and were lost to the Church.⁹⁰

All of the propaganda had a positive effect on the hemp business in French North America. In 1709—a century after the founding of the colony—the colonial intendent (business manager) Jacques Raudot wrote to Colonial Minister Pontchartrain praising the local farmers for finally getting down to the business of clearing the land and doing something useful for the navy and the balance books of France:

It is true, monseigneur, that the colony of Canada, after having cost so much to His Majesty, is of very little use. This situation is attributable to the disorderliness of the inhabitants and the great value of the beaver pelts. The inhabitants of this country are now starting to see the error of their ways. They are cultivating their lands, and making hemp and linens; and if they are encouraged to stay this course, they will ultimately make this country useful to France ...; if the iron mines of Trois-Rivières are opened in the future, and

⁸⁹ Even in the late 18th century, the British government distributed hemp seed free to farmers in Upper Canada (Ontario). Much more money could be made far more easily by collecting wild ginseng in swamps, which sold via middlemen to Chinese for its weight in silver. See Edwin Guillet, *Early Life in Upper Canada*, (Toronto: T.H. Best, 1933) 100. He notes one reason Col. Thomas Talbot was granted vast acreages along the shore of Lake Erie was his promise to use much of the land for hemp cultivation (118).

⁹⁰ Yves F. Zoltany (ed), *The French tradition in North America* (Vancouver: Fitzhenry & Whiteside, 1972) 57.

if rope and sailcloth are produced in this country, everybody will start building, but only time can have this effect.

In the late 1600s, the farmers at manor farm of Platon Ste. Croix, near Quebec City, were among the most enthusiastic hemp growers in the colony. They held their farms in fief from the Ursuline nuns.⁹¹ The farmers of Acadia, along Canada's Atlantic coast, had been growing hemp since 1606, and kept supplying the French navy until the British expelled them to Louisiana in 1755. There, 150 years later, their descendants, the Mississippi Delta "Cajuns," would be among the first Americans to embrace marijuana smoking. There is no evidence, however, that colonists used cannabis for anything but its industrial applications. By the end of the 19th century, as steamships replaced sail, hemp cultivation in Canada virtually ceased, except for a brief and limited revival during World War I. However, as hemp is self-seeding, descendants of those crop plants were later found growing wild in the Montreal area and parts of Ontario in the late 1930s and identified as marijuana.

The first attempt to limit commerce in drugs (other than the ban by French colonial authorities of sales of liquor to Native people) was directed at the import and commerce in opium, a drug introduced into China literally at gunpoint in the 19th century. The opium trade was unregulated until 1908, when Canada became the first country to ban the un-prescribed use of a narcotic. Opiates were imported for patent medicines, pain medications,

⁹¹ Yves F. Zoltany (ed), *The French tradition in North America*. Extract from Gedeon de Catalogne's Survey of the Canadian Seigneuries, 171-2

and for recreational drug use, especially among the Chinese immigrants who had settled in British Columbia and in far smaller numbers in other Canadian cities. At the turn of the 20th century, reformers in Canada, the United States, Great Britain and other western countries turned against opium, saying opium use caused great suffering among its users. Chinese opium addiction strained the social fabric of that country until Japanese occupation of the former Western enclaves crippled the traffic. The Communist take-over in 1948 effectively ended this trade.⁹² The British, cognizant of opium's strong addictive properties, started regulating the over-the-counter sale of the drug in the United Kingdom under the Pharmacy Act of 1868.⁹³

It was ironic, in light of the British role in forcing opium into the Chinese market to reduce Britain's balance of trade deficit, the opium addiction endemic in British Columbia's Chinese community would be held up by reformers like Emily Murphy and William Lyon Mackenzie King as proof of the degeneracy of the Chinese race. As could be expected, official disapproval of the opium trade, and, after 1908, the outright prohibition of opium, spawned a busy illicit trade, which, in turn, sparked very negative press stereotyping of addicts as weaklings and dupes, and drug dealers as evil "pushers", usually non-white and non-Christian. At the same time that

⁹² Dennis Bloodworth, *The Chinese Looking Glass*, (New York, Farrar, Straus and Giroux, 1966) 366-368

⁹³ Report by W.L. Mackenzie King, C.M.G., "On the need for the suppression of the opium traffic in Canada". *Sessional Papers* Volume 17, 7-8 Edward VII (1908) 36b, p 15-16.

pressure was being brought to bear on politicians to prohibit the opium trade, a strong anti-Chinese immigration movement had taken shape in western Canada. Thousands of Chinese entered Canada in the 1870s and 1880s to work on railway construction and placer gold mines in British Columbia. By late in the century, however, many of those jobs had dried up and that region of Canada was in an extended economic depression. Some of these Chinese immigrants were opium users.⁹⁴ In 1879, the Canadian government imposed a duty of five dollars per pound on refined opium imports and twenty per cent on raw opium. Some municipalities in British Columbia imposed license fees of as much as \$500 per year on opium merchants, very high sums for the time.

By the early years of the 20th century, backlash to Chinese immigration manifested itself in head taxes imposed by the federal government on Chinese immigrants. In 1907, an anti-Asian riot broke out in Vancouver. Once this quite violent disturbance, involving some 9,000 non-Chinese people attacking the homes and businesses of ethnic Chinese residents, was quelled, the cabinet of Sir Wilfrid Laurier dispatched deputy labour minister William Lyon Mackenzie King to the west coast to determine the reasons for the riot, assess compensation for victims and to find ways of preventing further civic strife. Two ethnic Chinese opium merchants were among those who asked for compensation for losses caused by the rioters. King was scandalized by their request for compensation:

⁹⁴ See R.M. Solomon and S.J. Usprich,, "Canada's Drug Laws", in *Journal of Drug Issues*, 21:1 (Winter, 1991).

Regarding it as an anomaly that the Government of Canada should, under any circumstances, be bound to make good pecuniary losses in an industry so inimical to our national welfare, and having regard for the discretion given me by my commission, I feel it my duty respectfully to submit that the operation of the opium industry in Canada should receive the immediate attention of the parliament of the Dominion, and of the several legislatures, with a view to the enactment of such measures as will render impossible save in so far as may be necessary for medicinal purposes, the continuance of such an industry within the confines of the Dominion, and as will assist in the eradication of an evil which is not only a source of human degradation but a destructive factor in national life. This industry, I believe, has taken root and has developed in an insidious manner without the knowledge of the people of this country. Its baneful influences are too well known to require comment. The present would seem an opportune time for the government of Canada and the governments of the provinces to co-operate with the governments of Great Britain and China in a uniting effort to free the people from an evil so injurious to their progress and well-being. Any legislation which may be directed to this end, will have the hearty endorsement of a large proportion of the Chinese residents of this country, who, as members of an Anti-Opium league, are doing all in their power to enlighten their fellow citizens on the terrible consequences of the opium habit, and to suppress, as effectively as possible, the traffic which, for so many years, has been carried on with impunity.⁹⁵

King, his responsibilities as commissioner for the riot claim investigation having been completed, took it on himself to investigate the British Columbia opium trade and write a second sessional paper, this time as a private citizen. He visited some of the seven opium factories operating in Vancouver and talked to local anti-opium activists, some of whom were members of the Chinese community's Anti-Opium League. King appears to have been shocked by information that half of the opium sold in Vancouver was used by whites, among them women and children. If King's research is correct (and much of it was based on anecdote and second-hand information), opium, was, in fact, a large and profitable business in British Columbia, with seven factories in the southwestern part of the process employing as many as 100 people (all ethnic Chinese) and having a gross

⁹⁵Report by W.L. Mackenzie King, C.M.G., "Royal Commission to investigate into the losses sustained by the Chinese population of Vancouver on the occasion of the riots in that city in September, 1907". *Sessional Papers* Volume 17, 7-8 Edward VII (1908) 74:15-16

income of over \$600,000 in the money of the times. People in the trade admitted that much of the production of these factories was exported to the United States. King reported this information to the Laurier government,⁹⁶ which began drafting anti-opium legislation and dispatched King to a conference on the suppression of opium held in the Western Quarter of Shanghai in 1909. This was the first international meeting called specifically for the suppression of the international opium trade (three years after the Emperor of China had issued an edict declaring the growth, sale and consumption of opium had to stop in China within ten years)⁹⁷. In Canada, the 1908 Opium Act prohibited the import, refining and sale of opium and opium-based products such as morphine, allowing the sale of the drug through prescriptions only. A companion bill, the 1908 Proprietary or Patent Medicine Act, prohibited the use of cocaine and large percentages of alcohol in over-the-counter medicines. The federal government was allowed to add to the list of drugs proscribed by these laws through orders in council.⁹⁸ King was elected to Parliament in 1908 and the government drew on his expertise when it rewrote sections of the Opium Act in 1911. King mentions in his diaries that he convinced cabinet to include cocaine and morphine in the Opium bill. That year, the Laurier government lost a general election, King lost his seat in the House of Commons, and the Conservative

⁹⁶ Report by W.L. Mackenzie King, C.M.G., "On the need for the suppression of the opium traffic in Canada". *Sessional Papers* Volume 17, 7-8 Edward VII (1908) 36b.

⁹⁷ G.E. Trasow, "History of the Opium and Narcotic Drug Legislation in Canada". *The Criminal Law Quarterly*, Vol. 4: 277

⁹⁸ R.M. Solomon and S.J. Usprich, "Canada's Drug Laws", in *Journal of Drug Issues*, 21:1

government of Sir Robert Borden assumed power. In 1921, King led the Liberals to victory in a federal election. His government passed bills in 1921, 1922, 1923, and 1925 to tighten the government prohibition of opium, increase penalties for its possession and sale, limit defences and appeals for those arrested under these acts and increase police powers of search and surveillance.⁹⁹

It is important, however, to place drug prohibition into context in relation to the much more politically-charged debate on liquor prohibition. The first attempts to regulate alcohol sales in Canada were undertaken by French colonial authorities, who, at the instigation of the Roman Catholic Church, prohibited the sale of liquor to aboriginal people.¹⁰⁰ Throughout the colonial regime and in the first half-century after Canada acquired Dominion status, authorities continued to try to suppress the liquor trade between European sellers and Native buyers. In Alberta, force was used in the 1870s to evict U.S.-based whisky traders from Fort Whoop-Up and other illegal trading stations on the western plains.

By the middle of the 19th century, liquor prohibition was an important issue in the Canadian political discourse at all levels of government. The country's elite was split on the issue, with Conservatives such as John A. Macdonald (who died at the height of one of the prohibition campaigns), and, later, Stephen Leacock, siding with those

⁹⁹ Melvyn Green, "A History of Canadian Narcotics Control: The Formative Years". *University of Toronto Law Review*, Vol. 37 (1979)

¹⁰⁰ Minutes of the Assembly (of Canadian notables), Oct. 10, 1678, in Yves F. Zoltany (ed), *The French Tradition in North America*, 78-79.

opposed to prohibition, and Conservatives like Alexander Tilley Galt supporting prohibition. Those who opposed liquor prohibition did so at their political peril. Organizations like the Dominion Alliance for the Total Suppression of the Liquor Traffic, the Sons of Temperance, the Women's Christian Temperance Union, some Masonic lodges, and the Prohibition Federation of Canada, some of which had large memberships, actively campaigned for a ban on alcohol.

In 1888, a large group of prohibitionists met in a temperance hall in Parkdale (then a village on the western fringe of Toronto) to attempt to organize a new political party, but this campaign did not succeed in electing candidates. Prohibitionists did, however, publish books with titles such as *The Saloon Must Go or Law Will Go*, and mass circulation newspapers, including *The Vanguard*, *The Advocate*, and *The Camp Fire*. The country did, indeed, enjoy its liquor: for example, in 1882, there were 82 hotels selling liquor in downtown Winnipeg, and a British journalist claimed to have found "more drinking saloons and bowling alleys than dwelling houses" in Victoria in 1862.¹⁰¹

In many ways, Prohibition was a reaction to the assault on "British" Canada posed by the influx of refugees and immigrants that began with the Irish famines in the 1840s. Free land in the west and the lure of jobs in the growing cities attracted record numbers of immigrants, many of them from eastern and southern Europe. Others continued to arrive in the West

¹⁰¹ Craig Heron, *Booze: A Distilled History*. (Toronto: Between The Lines, 2003), 106

from China. These people became villains in the anti-drug narrative.

Carstairs notes:

Politicians, journalists and reformers conceived of drug use as a profoundly moral issue and drew on traditions of nineteenth-century melodrama to create their exciting tales. The three major characters of the drug narratives of the 1920s were creatively bricolaged from the imageries of older panics about white slavery, venereal disease and vice-ridden Orientals.¹⁰²

This was an extension of the demonisation of immigrants by liquor prohibitionists. Historian Joseph Schull noted that Prohibitionism, rather than being an attack on middle-class drinking customs of the time, was an attempt by its advocates to protect what they saw as their "Britishness". There was also a rural/urban split on the issue, in a country that was, at the time, predominantly agricultural. Most prohibitionists, whether of liquor or cannabis, as Schull notes, came from a rural background (Emily Murphy was from the village of Cookstown, Ont.; King from Berlin [Kitchener] Ont.; Joseph Atkinson from Newcastle, Ont.; George McCullagh from London, Ont.), and saw prohibition as part of a strategy to retain the "British" status quo in the face of changing demographics caused by immigration:

The farm constituency, largely Protestant and largely Anglo-Saxon, was (the Conservative Party's) oldest source of strength. It was confirmed now by many of the changes of the times. Drink had become to the voters of the rural areas a part of the evils of the city and the fruits of urbanization. In the city itself, to the respectable, comfortable and church-going, it was the curse of the lower classes, the prime cause of filth and misery in the slums. Prohibition stood first among the many causes of women. They saw the bar and the liquor shop as the keys to the broken home, as nurseries of prostitution and as the first enemies of the wife, the family and the child. The social reformers trooped to the ranks of the dries, citing the police court blotters and the long trains of statistics that associated crime with drink. Sabbatarians complained of the neglected Sabbath, and churches of thin attendance because of liquorous Saturday nights. It was easy to convince the defenders of an old way of society that liquor ate at its fabric...

¹⁰² Catherine Carstairs, "Innocent Addicts, Dope Fiends and Nefarious Traffickers: Illegal Drug Use in 1920s English Canada". *Journal of Canadian Studies*, Vol. 33, No. 3 (Fall, 1998), 146

(Prohibitionism) was also becoming a protector of Britishness as the immigrants flowed in. The French and the Germans of the province (Ontario), always notably cool to prohibition, were at least native and familiar. It was not so, however, with the pools and clusters of newcomers. The foreigners who came from the winelands or the lands of the week-long weddings was blandly, blankly indifferent to the injunctions to mend his ways. He was a threat of change and danger, sinking his alien roots, watered too often with drink.¹⁰³

Two Royal Commissions were appointed to examine the liquor prohibition question, reporting in 1874 and 1896. A Supreme Court of Canada ruling preventing national liquor prohibition legislation was appealed in 1895 to the judicial council of the Queen's Privy Council of the United Kingdom, where it was, in part, upheld. Plebiscites, at first provincial, and, after most provinces made the issue a municipal matter, local, were held in Canada from 1896 until the 1980s, when the last of the "dry" communities finally voted to allow liquor sales.

Prohibitionists could point to the destruction that alcohol caused to aboriginal peoples. As well, there was a visible problem of alcoholism that affected families in all social classes. Prohibitionists reacted to these social problems within the context of the paternalistic Protestant beliefs that were in the ascendancy during the British colonial administration and under the Dominion government until well after World War II. The same rural and small-town based Protestant progressives who sought to improve rural life in English Canada were also in the vanguard of prohibition. Activists who also championed political and economic rights for women and better social services for the disadvantaged, saw liquor as a social problem and were at the forefront of the movement to limit its sale or ban it:

¹⁰³ Joseph Schull, *Ontario Since 1967*. (Toronto: McClelland and Stewart/Queen's Printer (Ontario), 1978), 197-198

(T)he women's sections in the West have been in the vanguard of the forces fighting for the temperance cause. They have provided rest rooms for the farm women in the towns, taken a strong stand in defence of the property rights of women, delved into the vexing question of the parental custody of children, and elaborated their views on problems of marriage and divorce. They have given close study to the topic of immigration, particularly as it has been related to the introduction of domestic help on the farm lands of western Canada. Many of their locals have embraced the advantages of having traveling or permanent libraries; some have engaged in cooperative trading; others have been busy fostering community effort; while all have supplied their farm women members with programmes of a social and inspirational value.¹⁰⁴

These women believed that a combination of state action and public education could eradicate some of the social problems faced by rural Canadians: poverty; exploitation of farmers by railways and grain companies; a perceived lack of political representation at the provincial and federal level; the lack of markets for produce, which could be alleviated through free trade with United States; alcoholism; family breakdown; discrimination against women economically and politically.

Farmers' movements were a potent force in the five years following the end of World War I, electing governments in Ontario (the United Farmers of Ontario under E.C. Drury, a prohibitionist elected for one term in 1920) and in Alberta, where the United Farmers of Alberta took power in 1921, beginning a near-unbroken line of political successes by such rural-based political movements as the Social Credit Party and, to some extent, the Reform Party and Canadian Alliance.

By the mid-1920s, politicians in senior levels of government had realized the benefits of giving the prohibition question to municipalities. While Canada's federal government and many provinces had given up on full U.S.-style Prohibition, the King government did, in 1928, support

¹⁰⁴ Louis Aubrey Wood, *A History of the Farmers' Movement in Canada*, 299

Prohibition enforcement in the U.S., specifically by banning the export of liquor from Canadian ports unless the carriers of the spirits had been issued export permits. The government had opposition among its Ontario caucus, including from young Mitchell Hepburn, then a Member of Parliament and a future Ontario premier, whose riding took in a long stretch of the Lake Erie coast where liquor exports, legitimate and otherwise, were a major employer.¹⁰⁵

Politicians needed only look to fortunes of the Ontario Liberal Party, which had dominated the province from the time of Confederation, to see the political downside of full Prohibition. Its long-time leader, Oliver Mowat, was a rural progressive who championed provincial rights. He was also a low-key prohibitionist. By World War I, after a long stretch in government, the party had lost many of its rural progressives to the United Farmers of Ontario, leaving it with one divisive issue that severely hampered its electoral chances:

The party, particularly in the period from 1911 to 1917, under the leadership of Newton Wesley Rowell, a high minded, able, austere Methodist lawyer, had changed courses. Rowell obscured the Party's progressive program by channeling its reforming zeal into a moral crusade against the evils of booze. This campaign for prohibition transformed the liberals from broadly based coalition of voting groups into a minor political sect. By emphasizing the salvific effects of prohibition, Rowell alienated large portions of the urban vote, labour support, the minority Catholic community, and the growing ethnic groups. The energetic Harley Dewart, leader from 1918 to 1923, tried to revive the Liberal reform program but, after some limited success in which the Party's urban vote increased appreciably, the prohibitionists proved too much for him and Dewart resigned.¹⁰⁶

Prohibition of hard liquor survived two referenda in the United Farmers of Ontario administration and another one under Howard

¹⁰⁵ Neil McKenty, *Mitch Hepburn*, 27

¹⁰⁶ Neil McKenty, *Mitch Hepburn*, 30

Ferguson's conservative regime, which swept the divided United Farmers out of office in 1923. The actors in the debate on Prohibitionism did, to a certain extent, weigh the risks and benefits. Liquor prohibition did get a high level of risk/benefit assessment and debate: from church pulpits, in newspapers, during election campaigns and referenda. Two fairly evenly-matched sides with considerable political influence were able, over the course of some fifty years, to present any conceivable argument, pro or con, to prohibition: among them, that liquor addiction bred family breakdown, violent crime and poverty; that prohibition was unworkable, unenforceable and unfair to those who indulged in social drinking but did not succumb to alcohol addiction and the problems that went with it.¹⁰⁷

The "drys" found their strongest ally in "Holy" Joe Atkinson, owner-publisher of the *Toronto Star*, a friend of Rowell and a man whose social beliefs were very similar to those of the leaders of the rural progressive movement.

Atkinson was born in 1865 on a farm outside the village of Newcastle, a village about 50 kilometres west of Toronto. He was six months old when his father was run over by a train while walking home from an evening of drinking in the village.¹⁰⁸ His mother, Hannah, was left destitute with eight children to support. Taking up one of the few respectable lines of work for women of the time, Hannah Atkinson opened a

¹⁰⁷ Craig Heron, *Booze: A Distilled History*, 132

¹⁰⁸ Ross Harkness, *Joe Atkinson of the Star*, 8

boarding house in Newcastle for workers at a local iron foundry. Joseph Atkinson learned of the concerns of labour from the men who stayed in the rooms rented out by his mother. He was also horrified by the heavy drinking of some of these workmen. All of the Atkinson children found paying work as soon as they were able. Joseph Atkinson's first job was pumping the organ in the Methodist church. Hannah Atkinson had embraced that faith with fervor in the 1870s, raising her family in a home so impoverished and strict that the two books in the house were a Bible and a Methodist hymnal. The only newspapers that were allowed into the house were those published by the Methodist church.¹⁰⁹

Atkinson paid his way through high school by winning scholarships and working after school at the local post office. He considered studying for the Methodist ministry, but, instead, found a job with a local newspaper before working his way up through the trade to the job of managing editor of the Montreal *Herald* before returning to Toronto to buy control of the Toronto *Star*, allegedly with \$100,000 raised by the Laurier Liberals. He built upon his initial share of stock in the company by exercising rights of first refusal upon shares that came on the market, and, by 1912, was publisher, editor and controlling shareholder of the newspaper. By then, he was an important player in federal Liberal Party activities, including drafting the federal party platforms for the federal elections of 1911 and 1916.¹¹⁰

¹⁰⁹ Ross Harkness, *Joe Atkinson of the Star*, 10

¹¹⁰ Minko Sotiron, *From Politics to Profit*, 119.

In his memoirs, J.H. Cranston, founding editor of the *Star Weekly* and a twenty-year employee of the *Toronto Star*, wrote anecdotally of Atkinson's power within the *Toronto Star*. Writing about a woman who was found not guilty of murder by successfully arguing self-defence, Cranston wrote this headline over the story: ONTARIO IS EASY ON MURDERESSES.

Miss Davis promptly sued the *Star* for libel. There was, of course, no defence. She was not a murderess. She had been found not guilty. There was nothing to do but negotiate a settlement out of court. Her lawyer, Hartley Dewart, K.C., prominent Liberal politician, who had no chance of collecting fees for the defence of his client on the murder charge, jumped at this chance to make the *Star* Publishing Company pay the shot. But it is doubtful if his cleverness paid off in the long run. Atkinson gave orders that Dewart's name henceforth be kept out of the *Star* newspapers, and politicians live on publicity.¹¹¹

(This anecdote also has a lesson to historians not to take journalists' memoirs at face value. Cranston's "Carrie Davis" was actually "Carrie Davies". Cranston says Atkinson ordered Dewart's name to be kept out of the newspaper. He does not say the order was carried out. While *Star* coverage of Dewart was, indeed, sparse, it was impossible to ignore him in the newspaper, as he became Ontario Liberal leader in 1919, retiring in 1921. Dewart died in 1924. His funeral was covered by the *Star* but the story appeared on p. 17 of the July 10, 1924 issue, next to a story on the illegal traffic in strong beer.)

Harry Hindmarsh, who was married to Atkinson's daughter, Ruth, was a Baptist who had been hired by Atkinson partly because of his

¹¹¹Cranston, *Ink on My Fingers*, 100. The same anecdote appears almost verbatim in Ross Harkness, *Joe Atkinson of the Star*, 218.

Prohibitionist views.¹¹² He assumed the post of managing editor in 1928.

Cranston describes the Atkinson-Hindmarsh relationship as a business as well as a family partnership:

Hindmarsh... had come up through the editorial department, and had worked in close association with Atkinson senior in developing the policies which had won such glittering success for the star. They made a strong team.¹¹³

Even after Hindmarsh took over the management of the paper's journalists, Atkinson remained a strong figure in the newsroom:

There was an informal and cordial relationship between the Chief (Atkinson) and his staff. His office was on the same floor as the editorial rooms, and he would often drop in for a chat with editors and reporters. He expected hard work, of course, from everyone. But we looked upon ourselves as the Star family, with Atkinson as our kindly father. Though salaries were not large, even for key men, there was security of employment.¹¹⁴

But Cranston saw another side to Atkinson:

I believe that there were in reality two J.E. Atkinsons. The first was a young, ambitious, hard-working and thrifty idealist. He believed what he preached on his editorial pages and endeavoured to practice it, while building up the Star under conditions which demanded a close watch on expenditures. He endeavoured to be fair to his employees.

Mrs. Atkinson (his wife), a charming and friendly woman, did much at that time to help in establishing happy relations among the staff. When asked by a friend about the origin of his interest in social welfare, Atkinson replied: "The Christian religion, of course, and my wife. I found she was away ahead of me in her realization of the importance of social services and also of the obligation of the state to its people."

The second J.E. Atkinson was a product of the star skyscraper. He created it and it possessed him. It became his master, a Frankenstein monster which demanded of him that he make the *Star* and his bank balance ever bigger.¹¹⁵

Atkinson dominated the management of the *Star*. He was sole proprietor and publisher of the Toronto *Star* during the period covered by this thesis, and, in the 1920s, also editor of the newspaper. His liberal views survive in the Atkinson Principles, his political ideology cast as official editorial policy by the family trust that has controlled the newspaper since

¹¹² Joe Harkness, *Atkinson of the Star*, 147

¹¹³ Cranston, *Ink on My Fingers*, 147

¹¹⁴ Cranston, *Ink on My Fingers*, 160

¹¹⁵ Cranston, *Ink on My Finger*, 163

the issue of the ownership of his newspaper was settled after Atkinson's death.¹¹⁶ That is not to say Atkinson decided on the bias, length and placement of every story, but there can be no doubt that he set the ideological tone of the newspaper and had important powers to influence coverage. This power was respected by federal and provincial politicians who courted Atkinson's friendship.

The Atkinsons were among William Lyon Mackenzie King's closest friends and had known his parents as well. In 1927, King offered Atkinson a senate seat, but Atkinson turned him down. At the time, the *Toronto Star* editorial policy advocated abolition of the Senate.¹¹⁷ King, however, did not share Atkinson's thirst for Prohibition. King makes very clear in his diary that he personally favoured temperance, rather than abstinence, and often opposed outright Prohibition because it hurt the chances of the Liberal Party.¹¹⁸ He did, however, hold a rather paternalistic view of Prohibition:

This morning I voted against the importation of Liquor into the province of Ontario, learned tonight that the referendum had carried through the Province as I had expected it would, but Ottawa & several other large cities were opposed. The agricultural population is the saving of the nation. By coincidence, the two boxes of whisky I had asked Lemieux to purchase in Montreal came today. I have thought it well to have a small supply on hand for the year, and to use when members of parliament or others come in and when over-fatigued myself. My belief is in temperance, not abstinence, but to help others (I) would further legislation to prohibit.¹¹⁹

King's diaries show Atkinson and King were frequent visitors to each other's homes. The friendship lasted some fifty years. In 1911, Atkinson advised King and senior Ontario liberals on strategy for the federal election

¹¹⁶ See the Toronto Star's Atkinson Foundation web site, <http://www.atkinsonfoundation.ca/about/mission>

¹¹⁷ Cranston, *Ink on My Fingers*, 151-152

¹¹⁸ Diary of W.L. Mackenzie King, March 18, 1921.

¹¹⁹ Diary of W.L. Mackenzie King, April 18, 1921

(which the Liberals lost on the Canada-U.S. Free Trade issue)¹²⁰ and King, then a minister in the Laurier government, went to Atkinson's office at the *Toronto Star* on election night to watch the results arrive by telegraph.¹²¹ Three years later, Atkinson gave King personal advice about King's plan to run in a by-election in North York¹²² and offered King a job at the *Toronto Star* when he was defeated.¹²³ Between 1915 and 1935, the two men spoke often on the telephone and continued traveling to each other's homes. The day in 1935 when King was re-elected Prime Minister (by defeating R.B. Bennett's Conservative government in a general election), Mrs. Atkinson placed a wreath on the grave of King's mother and father in Toronto's Mount Pleasant cemetery.¹²⁴ At this time, Atkinson was extremely influential, dealing directly with King on the most serious matters of state.

On Oct. 18, 1935, King had a "long talk" with Atkinson by long distance telephone about Cabinet choices and the policies of the new government, including King's plan for an unemployment insurance commission. King invited Atkinson to visit him in Ottawa the following Tuesday and stay at Laurier House, King's home. Atkinson arrived on Oct. 23 and gave King advice on his cabinet selections.¹²⁵ In return, Atkinson put the pages of the *Toronto Star* at King's disposal:

He expressed himself greatly pleased with the little visit...I had not realized before that Mrs. Atkinson had felt toward me very much as though I were her own brother. Her friendship and Mr. Atkinson's with my father and mother was something I had always

¹²⁰ Diary of W.L. Mackenzie King, Nov. 27, 1911

¹²¹ Diary of W.L. Mackenzie King, Dec. 11, 1911

¹²² Diary of W.L. Mackenzie King, Nov. 11, 1914

¹²³ Diary of W.L. Mackenzie King, undated entry, early 1915

¹²⁴ Diary of W.L. Mackenzie King, Oct. 23, 1935

¹²⁵ Diary of W.L. Mackenzie King, Oct. 23 and 24, 1935

appreciated, though I had not recalled until they were gone that I had shared so fully the feeling which I knew she and Mr. Atkinson had felt toward them. As I walked from the door to the car with Mr. Atkinson, he said that if I ever wanted a paper wholly at my disposal I could count upon The Star.¹²⁶

When Atkinson died on May 8, 1948, King struggled all day to draft this tribute:

Our friendship began when he was a young reporter and came to Berlin (now Kitchener) to report the criminal assizes. I was then a student in the high school. He visited our home, 'Woodside', and the friendship he then formed with members of our family continued through the years.

For a short time during the election of 1896, when I was a reporter on the staff of the Toronto Evening Globe, I shared Mr. Atkinson's desk. He was then on the staff of the morning paper. When he subsequently became publisher of the Toronto Star, and when I was pursuing studies abroad, he bought and paid for articles from me. During my public life, Mr. Atkinson was as unfailing in his support of me as leader of the Liberal party as he was constant in his personal friendship.¹²⁷

Atkinson was one of the country's most outspoken prohibitionists, espousing the cause in his newspaper and in private conversations with politicians. He had access to these political figures because he had the ability to directly influence coverage in their news pages, as did other publisher-proprietors of the time:

(S)ome of the dynamic owners of newspapers, men such as Joseph Atkinson and George McCullagh, for example, have had a very direct influence on the ideological complexion of their newspapers. No one would seriously hold that owners make decisions all along the hard pressed and carefully timed schedule of newspaper production, but it can be said that they set down general boundary lines which will become known to the editorial staffs.¹²⁸

Still, the Liberal Party, federally and provincially, could never be sure of Atkinson's full support and its leaders constantly had to reassure the

¹²⁶ Diary of W.L. Mackenzie King, Oct. 24, 1936

¹²⁷ Diary of W.L. Mackenzie King., May 8, 1948. The tribute was printed in the Toronto Star, May 9, 1948.

¹²⁸ John Porter, *The Vertical Mosaic: an analysis of social class and power in Canada*. (Toronto: University of Toronto Press), 1965: 484

Toronto Star's publisher that the Liberals would pass legislation that advanced the causes espoused by Atkinson. In other words, it was Atkinson, not the Liberal party, that often led on social issues:

It was Atkinson who imbued the paper with the Liberal philosophy which has persisted since his death. Such Liberalism usually meant support of the Liberal party but such support was not automatic. Nor was the Liberalism of the "laissez faire" kind. It contained a strong infusion of social welfare thinking, consistent with the *Star's* concern for the underprivileged, the handicapped, and the victims of injustice.¹²⁹

In 1916, the *Star* urged the Conservative Hearst government in Ontario to "pass a war measure (for liquor prohibition) at once, without any referendum or device for delay. After the war have a referendum or plebiscite." The Hearst government did so, earning it Atkinson's support for the rest of its term of office, and, in the 1919 election, the *Star* supported Hearst as "the prohibitionist leader of a party opposed in the past to prohibition."¹³⁰

Hearst lost that election to the United Farmers of Ontario, a group of rural progressives, more an association of farmers' clubs than a political party, which formed the government with support from the provincial Labour Party. The party had no leader, but, the day after the election, chose E.C. Drury, one of the few university-educated U.F.O. MPPs, whose father had been agriculture minister in the Mowat government. Drury was a prohibitionist, but, unlike Hearst and Liberal leader Hartley Dewart, did not loudly proclaim his support for the idea during the election campaign. Atkinson quickly changed camps to support Drury, whose election had

¹²⁹ Ross Harkness, *Atkinson of the Star*, 87

¹³⁰ Ross Harkness, *Atkinson of the Star*, 27

come as a surprise to him (to be fair, it was also a surprise to the U.F.O., which had to hold a meeting at Massey Hall after the election to choose a leader who could serve as premier).¹³¹

Drury and Atkinson quickly developed a close relationship. Drury appointed a vocal prohibitionist to the post of Attorney General and instituted a series of progressive social programs, including broadening the Mothers' Allowance program, abolishing most patronage, improving the caliber of magistrates and coroners, and developing soil and forest conservation practices. The U.F.O.'s support cut into the strength of the Prohibitionist Liberals. By implementing most of the Liberals' social programs, the provincial Liberals were left with just one major policy, tougher liquor prohibition, to run on in 1923. That was enough to regain the support of Atkinson and the *Toronto Star*, which assailed the Conservatives with a venomous attack that bordered on a smear campaign. It grew more intense when G. Howard Ferguson, leader of the Conservatives, hinted he might relax liquor and beer laws.

The elevation to the premiership of G. Howard Ferguson it (the *Star*) regarded as a calamity. The only consoling feature it could find was that Ontario had returned to the two-party system. What worried it the most were hints from Ferguson that he might liberalize the Ontario Temperance act. "The Ontario Temperance Act is the best law on the statute books," the *Star* warned the new premier.

Since 1916, the *Star* had been militantly prohibitionist, and as pressure for the repeal of OTA increased after 1920, so did the *Star*'s militancy on its behalf. Editorials were infrequent, but the paper was loaded with "news" stories and feature articles purporting to show the great benefits that had resulted from prohibition. The *Star* admitted that prohibition as it was being enforced was ineffective, but even so believed it better than open sale or government sale, and that it could be enforced if the government was determined to do so. When enforcement agencies pleaded the difficulty of getting

¹³¹ The United Farmers of Ontario was one of the country's more interesting political phenomena. For an overview of the movement and its unusual assumption of power in Ontario, see Louis Aubrey Wood, *A History of The Farmers Movement in Canada*, Chap. XXVII.

evidence, the *Star* sent its own reporters to visit bootleggers and “blind pigs” and published the evidence they found.¹³²

Gordon Sinclair, then a reporter at the *Star*, would later say that many of these stories, including a series on liquor debauchery in British Columbia, where liquor was sold in government stores, were fabrications.¹³³ There were, however, *Star* prohibition stories that were true and that raised important policy questions. The *Star* sent reporters to cover the burgeoning trade in smuggled liquor that developed on the Great Lakes after the U.S. passed its constitutional amendment establishing prohibition. This publicity campaign is said to have backfired, convincing many Ontario voters that prohibition was unworkable, but it strengthened the resolve of some prohibitionists who still held public office. The Liberals were unable to shake their reputation as a party of stern prohibitionists, since the “drys” were still the backbone of the party and remained so with the support of Atkinson:

(T)he dry Stewart Liberals, comprising most of the members of Queen’s Park, still determined to hang onto their narrow base of rural Protestant “dry” votes. Their position was stronger than their numbers suggested because they had the support, on the liquor issue, of the *Toronto Globe* and Joseph E. Atkinson’s *Toronto Star*.¹³⁴

The Ferguson government began the sale of 4.4 per cent alcohol beer in 1925 (a mixture of beer and soda water wags called “Fergie’s Foam,”) then, in 1926, ran successfully for re-election on a platform that included liquor sale under government control.¹³⁵ If they believed their own *Toronto Star* coverage, the “dry Liberals” seemed to be doing well in the

¹³² Ross Harkness, *Atkinson of the Star*, 222-223.

¹³³ Ross Harkness, *Atkinson of the Star*, 180

¹³⁴ Neil McKenty, *Mitch Hepburn*, 31-32

¹³⁵ Neil McKenty, *Mitch Hepburn*, 31.

campaign, not realizing they were about to be crushed. The *Toronto Star* made prohibition the central issue in the 1926 Christmas season Ontario election campaign. Only after the votes were counted did the Ontario Liberals realize that full liquor prohibition was now a dead cause in Ontario, and that the Conservatives had developed a workable compromise on the issue. In 1927, the Ontario Temperance Act was repealed and superseded by the Ontario Liquor Control Act. The *Toronto Star* stopped its prohibition campaign but opposed any further loosening of liquor laws.¹³⁶

Unlike the liquor laws, there would be no such compromise on the question of cannabis possession and use, no senior politicians who would at least ask for some serious study into whether cannabis (or any other narcotics) should be banned, controlled or sold freely. While progressives such as Emily Murphy and William Lyon Mackenzie King worked hard for blanket drug prohibitions, believing they were an effective method of social improvement, drug use (especially that of cannabis) was so rare that, when the matter was debated, the errors of fact and the questionable science offered up by proponents of cannabis prohibition went unchallenged. Newspapers, especially the *Toronto Star*, and, later, the *Globe and Mail*, and *Maclean's* magazine reported just one side of the issue. This is not to say Atkinson did anything to push the prohibition of marijuana or other narcotics, as did Maclean. His role was to set the editorial boundaries of the newspaper, and it was clear to Atkinson's subordinates that the proprietor-publisher was an unflinching believer in the ability of the government to

¹³⁶ Ross Harkness, *Atkinson of the Star*, 224

improve the citizenry by banning alcohol. The *Star's* coverage of marijuana in 1938-39 shows little difference from its 1920s anti-alcohol campaign.

The passage of the Opium Act and the liquor prohibition laws enacted by all Canadian provinces in the second decade of the 20th brought the two issues together. Liquor prohibition would be swept away by the end of the 1930s, but its ethos would remain in the anti-drug crusade, which was carried on by many of the same people and groups that had campaigned for the liquor ban.

King was not completely naïve about drugs. He had seen, during his travels, Sikhs eating opium for medicinal reasons. After speaking to them, he could not, in good conscience, condemn them. However, while he could report to the Laurier cabinet in 1909 that the Sikhs could use raw opium without obvious harm, such information had to be kept from the Canadian public to ensure the debate on opium use among Chinese Canadians remained one-sided:

I would learn the part that opium played in the life of the (Sikh) people. Some persons, for example, were of the opinion that opium was used by many of the Sikhs in the same way that (Lord Morley) was using the cigar that he smoked; that it did not appear to harm them in that climate; that taken away from them, it might lead to other drugs being used... (Lord Morley) would give me the names of one or two gentlemen to whom I could speak freely as to the conditions in India; they would give me a true state of conditions, not to be given, for example, to the people in (King's riding of) North Waterloo. I would be informed on the real conditions so that the Government of Canada might be made fully aware of them.¹³⁷

The banning of cannabis came during a wave of anti- drug journalism in 1920 led by *Maclean's* magazine, which, for the next 15 years, would be a vocal advocate in print and behind the scenes for tougher drug

¹³⁷ King Diaries, 1907-1909, 85-86, quoted in Neil Boyd, "The Origins of Canadian Narcotic Legislation: The Process of Criminalization in Historical Context". *The Dalhousie Law Journal*, Vol. 8 (1984), No. 1, 124

enforcement. Carstairs said *Maclean's* publisher and owner, J.B. Maclean, deliberately set out to influence the legislation and hired Murphy to write this series because she "was one of Canada's best-known writers."¹³⁸ The magazine published five major articles on the illicit drug issue, all written by Murphy, an Alberta provincial magistrate. Murphy, a vocal social reformer, usually wrote under the pen name Janey Canuck. She was extremely well-connected: a friend and correspondent of many senior Liberal and Conservative politicians, senior members of the women's suffrage movement, and media owners. She was born to a wealthy, conservative family in Cookstown, Ontario. Her grandfather, a politician and newspaper proprietor, was a founder of the Ontario branch of the Loyal Orange Lodge, an association that opposed education and political rights for Roman Catholics, Francophones and other minorities. One of her uncles was a Supreme Court of Canada justice, while another was a senator.¹³⁹ After marrying an Anglican priest and moving to Alberta, she was appointed a police magistrate in Edmonton. While she used the honorific "judge" Murphy for the rest of her life, the appointment did not require her to have a law degree. The title, however, gave her writing and private advice added credibility.

The Opium Act was a tool with which both the social activists like Murphy and the King government hoped to shape and enforce social

¹³⁸ Catherine Carstairs, "Hop Heads " and "Hypes": Drug Use, Regulation and Resistance in Canada, 1920-1961, 33-34.

¹³⁹ Christine Mander, *Emily Murphy, Rebel*. (Toronto: Simon and Pierre, 1985) 20

conformity in mainstream cultural norms.¹⁴⁰ Temperance, and the later demand for prohibition, formed a basis of the Western Canada Christian/Progressive reform movement, of which Murphy was a leader. This was hardly a fringe group, since, at the time *The Black Candle* was published, rural progressives governed Ontario, Saskatchewan and Alberta and had elected MPs to the House of Commons. While Murphy was an outspoken advocate of social reform and rights for women, her supporters in her campaign against drugs hardly qualify as radicals: the Board of Trade, Ratepayers' Associations, Women's Institutes, Warner's Press Club, War Heroes' Association, Victorian Order of Nurses, Kiwanis, Rotary, Kwan-non and Gyro Clubs, Parent-Teachers' Association, Woman's New Era, and the One Hundred Per Cent Clubs, the Women's Church Temperance Union, the Imperial Order of the Daughters of the Empire, Trades and Labor Council, University Women's Club, King's Daughters, the Maccabees, Child Welfare Association, the Loyal Orange Lodge, American Women's Club, the Great War Veterans, the Local Council of Women, the "Y" Associations, the Canadian Medical Association¹⁴¹, as well as municipal and provincial authorities, and a hundred churches were among the groups she lists in her writings as proponents of tougher drug regulation.

What was so compelling about Murphy's arguments? Her anti-marijuana article in *Maclean's* was reprinted as CHAPTER XXIII of *The*

¹⁴⁰ Christine Mander, *Emily Murphy, Rebel*. (Toronto: Simon and Pierre, 1985) 20

¹⁴¹ Christine Mander, *Emily Murphy, Rebel*, 22

Black Candle, a Canadian best seller. It contains lurid descriptions of the insanity and social evils caused by marijuana use:

THIS drug is not really new but, as yet, is completely unknown in the United States and Canada, although three of the American States – California, Missouri, and Wyoming – have legislated against its use, the authorities and police officers being woefully ignorant of its nature or extraordinary menace...

Charles A. Jones, the Chief of Police for the city, said in a recent letter that hashish, or Indian hemp, grows wild in Mexico but to raise this shrub in California constitutes a violation of the State Narcotic law. He says, "Persons using this narcotic, smoke the dried leaves of the plant, which has the effect of driving them completely insane. The addict loses all sense of moral responsibility..."

"When coming under the influence of this narcotic, these victims present the most horrible condition imaginable. They are dispossessed of their natural and normal will power and their mentality is that of idiots. If this drug is indulged in to any great extent, it ends in the untimely death of its addict..."

As discussed above, during the late 19th century and the early decades of the 20th century, both alcohol and opium became associated with those immigrant groups considered to be of inferior stock: that is, alcohol was the social disease of the Irish and people from southern European, and opium, the vice of the Asian, especially Chinese people. By definition, 'the reputable' became those individuals who would not indulge in illicit practices, while 'the disreputable' would comprise those immigrants whose very nature would lead to their participation in such behavior.¹⁴² Western newspapers spoke of raids on gambling houses and opium dens which were allegedly owned and operated by "Chinese heathen". The equation of vice with non-Christian, pagan practice added a racial dimension to the conflict between the open frontier environment and of that of urbanization with its aura of respectability.

The Black Candle's attack on drug use and addiction had strong racial overtones. The book has three sets of photographic plates. In the first

¹⁴²Christine Mander, *Emily Murphy, Rebel*, 22

set, an illustration of a white woman with opium pipe has the caption: "An open-eyed insensate in the dread Valley of the Shadow of the Drug." Below it is a photograph of a (fully-clothed) white woman reclining with shirtless black man, torsos showing, with the caption: "When she acquires the habit, she does not know what lies before her; later she does not care."¹⁴³

Opposite p. 46 is a set of pictures of an Asian man smoking opium, captioned: "The long flute-like pipe through which the devotee of the drug takes deep inhalations, blowing the smoke through his nostrils." A photograph at the end of Part IV, Chapter I shows an elderly-looking Asian man, eyes shut, with the caption: "Sometimes his head looks like a mere mummified skull." Another picture in the section shows a dark-skinned man, white woman, posed together, torso showing, with opium paraphernalia, captioned: "Once a woman has started on the trail of the poppy, the sledding is very easy and downgrade all the way."

The text contains many reference to a sinister association known as "The Ring", which Murphy claimed ran the international drug trade. The "traffic is chiefly in the hands of Americans, Canadians, Chinese, Negros (sic), Russians and Italians, although the Assyrians and Greeks are running closely in the race." And goes on, in the next paragraph to add: "It is claimed also, but with what truth we cannot say, that there is a well-defined

¹⁴³ Mariana Valverde, in *The Age of Light, Soap and Water* (Toronto: McClelland and Stewart, 1991), places this photograph and the anti-Black remarks in *The Black Candle* within the context of what she argues was a wave of anti-Black racism in the West in the early years of the 20th century that included a massive recruitment to the Ku Klux Klan (112-114).

propaganda among the aliens of color to bring about the degeneration of the white race.”¹⁴⁴

While the photographs in the book show white women in somewhat intimate poses with Black men, most of Murphy’s racial invective is saved for Chinese, who are given the bulk of the blame for the spread of opium. Murphy sees the opium trade as part of a Chinese plan of racial conquest. These quotes from *The Black Candle* provide some insight into Murphy’s views on the supposed link between people of colour and drugs:

Not so long ago, a Scotch detective brought in a Chinaman and a girl whom he found smoking (opium) in a piano case, underneath a curtain of hemp sacking. The girl who was rarely beautiful and only seventeen years of age, was released from custody on suspended sentence to take a position as a stenographer in a legal firm.

This same Scotch detective, whose nose has been specially constructed for smelling cooked opium, found a Negro smoking the drug in a wardrobe with a white woman on either side of him. Over their heads they had a thick tartan which our detective calls a “pled”, and into this the Negro blew smoke which the women inhaled. By this means the three persons became intoxicated on one pipe. Folk must exercise thrift these days when card-cakes are high.¹⁴⁵

Murphy’s paternalistic racial and social views come through in this paragraph:

There is no doubt that on this continent there are thousands of Chinese of like honesty and sturdiness of character, and that if these men were allowed to deal with their renegade countrymen, much could be done to stay the progress of the drug traffic.

As far as we know, nothing of the educative campaign has been tried among the trafficking Chinese except what is taught them through the rougher methods of the courts. Their education might be an experiment worth trying. Perhaps, if we explained, through interpreters, what our ideals are and how we expect them in accepting our hospitality to maintain these ideals, it might help. We might also tell them that if they are to remain here, we insist on their observing our laws, and on their being clean alike in body and mind. We must tell them this again and again till they get the ideal – or they get out.¹⁴⁶

The solution, Murphy said, was the success of the campaign of “a few officials who are concerned deeply, and who are eager for a vigorous

¹⁴⁴ Emily Murphy, *The Black Candle*, 187

¹⁴⁵ Emily Murphy, *The Black Candle*, 45

¹⁴⁶ Emily Murphy, *The Black Candle*, 108-110

policy of suppression on the part of the Federal Government. May their tribe live and increase."¹⁴⁷

After the publication of her anti-drug articles, a few newspapers across the country, especially in western Canada, published negative stories about marijuana, based on Murphy's work and often quoting her. Murphy was so impressed with her own work that she nominated herself for the Nobel peace Prize in 1923.¹⁴⁸

James, an admiring biographer notes the influence of "Emily's" five articles in *Maclean's* "exposing the drug situation in Canada."

People were shocked by the terrifying facts she presented. Newspapers across the country followed up her comments with local stories. So intense was the interest in this formerly unmentioned subject that, in 1922, Emily published the first comprehensive book on drug addiction in North America, *The Black Candle*.

This book shattered many popular misconceptions about drug addiction. Emily pointed out that the habit was not confined to the Chinese as certain journalists maintained. She accused them of whipping up race hatred, for the facts indicated that many or more people of European descent were involved with drugs. It was not only the poor or the criminal element either; many rich people were also addicted. She pointed out that 15% of doctors, nurses, dentists, pharmacists, and veterinarians were addicted. Police found in Edmonton a doctor who prescribed 800 emergency prescriptions in one day. Some pharmacists could only produce records for a third of the drugs shown on their invoices from the wholesaler.¹⁴⁹

James says Murphy: "presented the medical facts in a non-emotional, non-sensational manner." She notes that some provinces adopted Murphy's recommendations on how to control the drug trade and to treat addicts.

¹⁴⁷ Emily Murphy, *The Black Candle*, 108.

¹⁴⁸ Christine Mander, *Emily Murphy, Rebel*, 105

¹⁴⁹ Donna James, *Emily Murphy*, 120

Giffen, Endicott and Lambert credit Murphy's writings with inspiring the 1923 ban.¹⁵⁰ Solomon and Usprich¹⁵¹ say the anti-marijuana articles in Murphy's *Maclean's* magazine writings¹⁵² and in *The Black Candle*, encouraged the Canadian delegation to push for the inclusion of cannabis in the Geneva Convention of 1925, the product of the first anti-drug conference to be held by the League of Nations.¹⁵³ Earlier, at The Hague conference of 1912, hashish was discussed at the insistence of Italy, which had recently acquired hashish-growing regions in North Africa, but the delegates to those conferences did not add cannabis to their list of controlled substances.¹⁵⁴

The policies and protocols of the League were assumed by the United Nations after World War II. Biographer Donna James notes Murphy was considered an authority on the subject and was asked to speak at public gatherings throughout Canada and the United States. The League of Nations ordered many copies of the book for its committee on narcotics traffic. Sir Robert Borden, then president of the Canadian delegation to the League of Nations, invited Emily to serve on one of the committees. While the U.S. was not a member of the League, its "observers" at the conference pressed for the addition of cannabis to the list of controlled drugs.¹⁵⁵

The LeDain Commission on the Non-Medical Use of Drugs reported in 1973: "Her writings were extremely influential in shaping Canadian drug laws," and many of her "original proposals are still reflected in our narcotics

¹⁵⁰ P.J. Giffen, Shirley Endicott and Sylvia Lambert, *Panic and Indifference: The Politics of Canada's Drug Laws*, CCSA 1991:180.

¹⁵¹ Solomon, R.M., S.J. Usprich,, "Canada's Drug Laws". In *Journal of Drug Issues* Vol. 21:1

¹⁵² Christine Mander, *Emily Murphy, Rebel*, 103

¹⁵³ Ernest Abel, *Marijuana: The First 12,000 Years*, 235

¹⁵⁴ Ernest Abel, *Marijuana: The First 12,000 Years*, 193

¹⁵⁵ Donna James, *Emily Murphy*, 36

legislation.”¹⁵⁶ Solomon and Green also credit her with having a major influence on the King government’s narcotics legislation.

The authors of the LeDain report argue that her attack on marijuana and other drugs, while coinciding with the revival of anti-Asian hostility in British Columbia, was orchestrated by *Maclean’s* magazine to try to create public demands for stricter drug legislation. The source of *Maclean’s* magazine’s tough anti-drug editorial policy may, in fact, have been the magazine’s owner, as will be shown below. Murphy’s writings, say the LeDain Commission report authors, helped swing public perception of drug users:

(F)rom that of a morally weak, but otherwise benign, individual to that of a fiendish criminal, obsessed with the need to addict others and motivated by lust and greed... The addict, at least in the public mind, more than deserved a full measure of fear, hatred and punishment. Public acceptance of this dope fiend mythology permitted the virtually unchallenged passage of legislation that defined addiction as a law enforcement problem, extended the range of the criminal sanctions, increased the punitive consequences of conviction, and encroached on traditional safeguards of civil liberties.¹⁵⁷

While almost all academic and commercial writers whose works deal with Murphy’s anti-drug work credit Murphy with varying degrees of influence over Canadian narcotics legislation, Carstairs does not. She says: “Although Murphy’s articles marked the beginning of a sustained anti-drug campaign, she had little impact on the Vancouver drug panic and her importance has been overstated by herself and subsequent drug

¹⁵⁶ *Report of the Royal Commission into the Non-Medical Use of Drugs*. Ottawa: Queen’s Printer, 1973, Vol. 1:322

¹⁵⁷ R.M. Solomon and S.J. Usprich,, “Canada’s Drug Laws”. In *Journal of Drug Issues*, 21:1 (Winter, 1991).

historians.”¹⁵⁸ She notes that one senior official in the Narcotics Department later regretted supplying information used in Murphy’s writings.¹⁵⁹ Carstairs fails to separate the marijuana issue from that of the opium ban, had been advocated by King since 1908 and had solid political and media support, especially in Vancouver. Her theory, backed by a 1974 quote of a statement of Alexander B. Morrison, the Deputy Minister, Health Protection Branch, Health and Welfare Canada, that Sharman had had placed marijuana on the list of proscribed drugs after returning from a League of Nations narcotics conference makes no sense. The Hague conference of 1912 deferred the issue after a few minute’s discussion¹⁶⁰ and, because of World War I and the time needed to establish the League of Nations after the signing of the Treaty of Versailles (1919), there were no international drug conferences until 1924. Sharman was not hired until 1927.¹⁶¹

Murphy was, indeed, one of many people, predominantly westerners, pushing for a crackdown on opium use, but on the marijuana issue she was alone. Nor is it fair to suggest she was seen as a crackpot by all policy-makers. The government, which, if it had wished, could have

¹⁵⁸ Catherine Carstairs, “Hop Heads” and “Hypes”: Drug Use Regulation and Resistance in Canada, 1920-1961, 31.

¹⁵⁹ Catherine Carstairs, “Hop Heads” and “Hypes”: Drug Use Regulation and Resistance in Canada, 1920-1961, footnote, 31.

¹⁶⁰ P.J. Giffen, Shirley Endicott and Sylvia Lambert, *Panic and Indifference: The Politics of Canada’s Drug Laws* 180.

¹⁶¹ Catherine Carstairs, “Hop Heads” and “Hypes”: Drug Use Regulation and Resistance in Canada, 1920-1961, 49. There is a typographic error in her text that may confuse its meaning. For more detail on the international conferences dealing, in part, with cannabis, see Ernest Abel, *Marijuana: The First 12,000 Years*, 235. Carstairs did know the year Sharman was hired, as she has it in a footnote on 162.

researched the work by the U.S. Surgeon General in Panama or checked the accuracy of some of the more inflammatory anecdotes in her book, did not challenge her allegations about marijuana. It appointed her an advisor to the Canadian delegation to the League of Nations conference on narcotics, held two years after the 1923 Canadian narcotics law amendments were passed. This conference did end with an international treaty banning cannabis. If there is not enough direct proof of her influence among Canadian policy makers (and a string of appointments by Conservative and Liberal governments to various advisory committees, suggest otherwise),¹⁶² she did have influence internationally. The League of Nations bought copies of *The Black Candle* for delegates to the 1924-25 Geneva narcotics conference. Later, the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs noted in a report “a smuggling trade in cigarettes containing Indian hemp (‘marijuana cigarettes’) appears to have sprung up between the USA, where it grows as a wild plant freely, and Canada” but no proof of this was offered other than Murphy’s magazine allegations and there is no mention of trans-border marijuana smuggling or Canadian marijuana use in any of the correspondence of Canada’s Narcotics Division.¹⁶³

After the Geneva meetings, signatory countries (other than Canada, which, of course, already had a cannabis ban) began passing domestic

¹⁶² For a biography of Murphy that includes a partial list of her government appointments, see the Alberta government web site on the Famous Five, <http://collections.ic.gc.ca/famous5/Profiles/murphy/murphy-public.html>

¹⁶³ Quoted in editorial, “Marihuana”, *Canadian Medical Association Journal* 31:545 (1934)

legislation to restrict cannabis importation and possession. This was more than the Geneva Convention required. Its scope was limited to obliging drug-exporting countries to restrict exports to amounts officially approved by importing nations. The convention did not compel signatory countries to outlaw the possession or use of cannabis products, nor did the agreement require the prohibition of distribution, sale, or domestic cultivation. It specifically required governments to allow for the medical trade in cannabis and permit production, export and import for legitimate medicinal purposes. Only India, then a British colony where significant amounts of cannabis were cultivated and used, objected to including cannabis in the agreement. The year after *The Black Candle* was published, the King cabinet added cannabis to the list of proscribed drugs in the 1923 Opium and Drug Act.

In 1920, the Liberal federal government had set up a new department, the Opium and Narcotic Drug Branch under the jurisdiction of the Minister of National Health and Pensions. Soon afterwards, the bureau was re-named the Narcotic Division and headed by Col. C.L.H. Sharman. That year, Parliament passed amendments to the Opium Act and, after the bill was proclaimed, placed cannabis on the schedule of controlled drugs. Almost concurrently, the Dominion Police and the Northwest Mounted Police were amalgamated, renamed the Royal Canadian Mounted Police, and given responsibility for enforcement of the drug statutes. The new national police force was to work with the Narcotics Branch and its successor, which gathered and analyzed information on known traffickers

and addicts and shared intelligence with foreign¹⁶⁴ police departments. Nothing was devised, however, to deal with the problems of opium addicts now cut off from legal sources of the drug, other than to charge and jail them.

The Opium and Narcotic Act's sanctions were severe: it banned the importing, manufacturing, sale or possession of any scheduled drug, including cannabis. Any person occupying a premise or vehicle in which drugs were found was deemed in possession, unless he could prove that the drugs were there without his authority, knowledge, or consent. These offences carried a mandatory minimum sentence of six months' imprisonment and a \$200 fine, and a maximum of seven years' imprisonment and a \$1,000 fine. In certain cases the judge could also order whipping and hard labour. Convicted offenders forfeited the article in which the drug was contained, the vehicle in which it was transported, and the money used in the transaction. Aliens convicted of the more serious offences were subject to mandatory deportation at the end of their prison sentence. The same amendments gave police stronger powers of search and wiretap and the right to appeal a drug conviction was severely curtailed.¹⁶⁵ As well, the onus was placed on the accused to prove his possession was lawfully authorized (if he chose that defence). Two years

¹⁶⁴ R. Solomon and M. Green, "The First Century: The History of Non-Medical Opiate Use and Control Policies in Canada", 1870-1970. *University of Western Ontario Law Review* Vol. 20:307

¹⁶⁵ R. Solomon, and M. Green, "The First Century: The History of Non-Medical Opiate Use and Control Policies in Canada", 1870-1970. *University of Western Ontario Law Review* 20:307

later, this provision was tightened further, forcing accused to prove they had the drug under the authority of a license issued by the Minister of Health, stripping the accused of the right to argue that he had the drug on by prescription or had come by it in some other lawful way.¹⁶⁶

The Narcotic Division developed as an intelligence agency, rather than a police force, relying on the RCMP to handle arrests of drug importers and wholesalers. Investigations of addicts and street-level drug dealers in major cities were usually left to municipal police forces. The Narcotic Division established a permanent file of all known drug addicts and sellers in Canada that became a crude official census of the drug underworld. The Narcotic Division and the RCMP developed a close working relationship with their American counterparts, co-operating in joint investigations of the traffic between the two countries, and, most importantly for the RCMP, trading information and intelligence on the movements of international drug smugglers and dealers.¹⁶⁷

The 1923 cannabis ban enshrined in law a prohibition on marijuana possession that has remained in effect since that time. It was a product of a one-sided public debate in which a nationally-famous writer, Emily Murphy, laid out a vocal and rather lurid case for marijuana prohibition. If the status quo remained unchanged, the inclusion of cannabis on the list of proscribed

¹⁶⁶ Malvyn Green, "Canadian Narcotics Control: The Formative Years". *University of Toronto Faculty of Law Review*, Vol. 37 (1979), 71

¹⁶⁷ R. Solomon, and M. Green "The First Century: The History of Non-Medical Opiate Use and Control Policies in Canada, 1870-1970". *University of Western Ontario Law Review* Vol. 20:307

narcotics would have had very little effect, as the drug was very rarely, if ever, used in Canada. Canada, likely for a combination of reasons – U.S. marijuana publicity, international discussions, Murphy's writings and the extreme ease of simply placing the word "marijuana" on a list, made Canada an early convert to marijuana prohibition. As Giffen, et al, notes: "The marijuana enactment remained a solution without a problem for many years."¹⁶⁸

J.B. Maclean used his periodical, *Maclean's* magazine, and hired well-connected social activist Emily Murphy to push for the ban on marijuana that was enshrined in law through regulation (rather than parliamentary debate) in 1923. Murphy, for her part, saw the media as a useful tool to press her campaign for drug prohibition. Liquor prohibition at that time was at its zenith, with a complete ban on alcohol sales and possession in the U.S. and varying degrees of liquor prohibition in Canada's provinces. At that time, there was considerable public acceptance of the idea that substance prohibitions were an effective way of dealing with suspected or alleged social problems. Murphy's anti-marijuana writings went unchallenged by the media, which as in the case of the government, did not check her more outlandish claims. Murphy was a respected member of the political/economic/media elite, a judge and a reform-minded activist. She (and her employer, Maclean) appears to have believed that her

¹⁶⁸ P.J. Giffen, Shirley Endicott and Sylvia Lambert, *Panic and Indifference: The Politics of Canada's Drug Laws* 182.

strongly-worded assault on marijuana could result in political actions that would protect society, and, in light of the positive actions she took to promote women's rights and other social issues, perhaps she should be given some credit for at least having her heart in the right place.

The paternalistic attitude prevalent among early 20th century liberals (and some activist conservatives), however, stopped far short of embracing multiculturalism or any other paradigms that challenged Canada's class system or British cultural (and to some extent, political) dominance. Murphy advocated laws to prevent non-conformity, in this case, recreational drug use. The idea that opium or marijuana use might be a valid lifestyle choice is not given consideration in Murphy's drug writings, nor does she tolerate interracial sex or what she sees as the laziness that she believed was endemic among people of colour. Proper use of English, hard work, sobriety, respect of class and racial lines, permeate her writings and were apparently reflective of the attitudes of the ruling elite and the dominant culture of the time. Thus, the 1923 ban on marijuana was added to Canada's statutes, with repercussions that did not become apparent until the 1960s and are still being debated as of this writing.

CHAPTER 3: The 1938 Opium and Narcotics Act Amendments

The reaction of the media to the perceived marijuana menace starkly contrasts with that of government officials and police who were charged with protecting the public from dangerous drugs. In the United States, local and national politicians, along with government officials like Anslinger, cultivated media coverage of marijuana through the 1920s and 1930s.

In 1937-1938, after the passage of the 1937 U.S. Marijuana Tax Stamp Act, it was Canada's media that led the way publicizing a supposed domestic marijuana problem, with politicians following the media, and public servants advising privately that the issue should be left alone.

In fact, after the 1923 legislation, it was quite difficult for Canadian journalists to find any domestic marijuana problem at all. While Emily Murphy's magazine articles and books demonized cannabis, it was several years before a Canadian was arrested for possession of the drug. After the passage of the Marijuana Tax Stamp Act of 1937, the police tried to reassure Canadians. The RCMP told newspaper reporters that Canada was pretty much free of the drug said to be the cause of thousands of crimes in the United States, particularly murder. The *Globe and Mail* reported the RCMP's observations and added:

Marijuana, peddled to many young people in the United States, causes insanity in many cases. Its effect is often unpredictable. It has been known to turn quiet, respectable youths into raving murderers, seeking victims to satisfy their delusions.¹⁶⁹

Mitchell¹⁷⁰ claims a close working relationship between Anslinger and Sharman to push for a marijuana crackdown: "Both Anslinger and Sharman marched to the beat of the same drummer and both played a central role in shaping drug legislation." This is a simplistic view of their relationship and of their anti-drug strategies and is a major error in the historiography of Canada's drug enforcement establishment. Correspondence in the National Archives of Canada shows that, until the passage of the U.S. Marijuana Tax Stamp Act and the resulting press coverage, there was very little worry in Canada's drug enforcement agencies about marijuana and no desire to publicize drug use as a worsening public menace. In fact, in 1933, when J.B. MacLean, owner of *Maclean's* Magazine, tried to interest the government in another series on the drug issue, he was rebuffed by senior Narcotics Division officials.¹⁷¹

Maclean, who had earned his fortune in the 1880s in the printing business, was a man of considerable influence. As long-time publisher of *Canadian Printer and Publisher*, Maclean was an arbiter, and reporter of, the reputation of other publications. He believed newspapers should serve

¹⁶⁹ *Globe and Mail*, June 12, 1937

¹⁷⁰ Mitchell, Chester N., "Introduction: A Canadian Perspective on Drug Issues". *Journal of Drug Issues*, Vol. 21, Issue 1 (Winter 1991)

¹⁷¹ All of the Correspondence of the Narcotics Branch, including Col. Sharman's reports, the Mclean correspondence and the notes between officials regarding the marijuana ban, are in Records of the Department of Health and Pensions, RG29, (National Health and Welfare), Volume 548 Box 497-1.

as boosters of the community, rather than critics of the established order.

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Writing from "The Breakers", his Palm Beach, Florida winter home, Maclean offered Murray MacLaren, the Minister of Pensions and National Health in the Conservative government of R.B. Bennett, the use of his magazine to fight the traffic in drugs:

I have taken the matter up with Napier Moore, the editor of *Maclean's* Magazine, and suggested to him that *Maclean's* take the matter up, with a view to informing the public as to the gravity of the whole drug scandal. Mr. Moore writes me that he is of the opinion that the best possible man to tackle the subject would be Lieutenant-Colonel George A. Drew¹⁷³, who has for some time been interested in the subject.

Mr. Moore also tells me that you and the officials of your department have considerable information with regard to the drug traffic. You will agree, I think, that one of the reasons why little is being done to stamp it out is that public opinion isn't sufficiently consolidated. This is unquestionably due in turn to the fact that the public has received very little information on the subject.

I think that *Maclean's* could render a service and help materially to get public opinion behind you in any move that might be made, and I would appreciate it very much if you could see your way to allow Colonel Drew to go into the matter with those of your staff who are best informed on the subject, and have access to whatever information might be available. We already have considerable facts, but we want to be sure of our source. I need hardly say that no mention would be made of the source of this information; that it would be scrupulously guarded. You can depend on the discretion and reliability of both Colonel Drew and Mr. Moore.¹⁷⁴

The charge that "little is being done to stamp it out" rankled the government officials. On March 16, Sharman wrote a memorandum to the minister suggesting the government, at most, use League of Nations figures to show that there was a serious international drug problem but it was not out of control. He also wanted Maclean to be told that Canada's domestic

¹⁷² Minko Sotiron, *From Politics to Profit*, 65.

¹⁷³ Drew later served as Premier of Ontario (1943-1948), leader of the Conservative Party of Canada, and leader of the Opposition in the House of Commons (1948-1956),

¹⁷⁴ Maclean to MacLaren, March 1, 1933, in Correspondence of the Narcotics Division, National Archives of Canada, RG29, (National Health and Welfare), Volume 548 Box 497-1

drug problem was in hand. He advised MacLaren some publicity might be useful, as only 10 of the 25 countries needed to ratify the League of Nation's new convention on narcotics, which outlawed cannabis and controlled the production and sale of opiates, had endorsed the agreement, and that the deadline to do so was looming¹⁷⁵. He added that the United States (which was not a member of the League) and the Vatican had put pressure on signatory countries to ratify the convention, and that negotiations were at a sensitive stage. The next day, he decided even this low-key approach would only inflame matters and wrote to MacLaren rejecting outright the idea of assisting *Maclean's* and suggesting the drafting of a letter to refute the charge that "little is being done".

He suggested a letter with this wording:

While undoubtedly there are certain angles of the narcotics problem in connection with which publicity, with a view of educating the public, would be helpful, I am afraid, however, that it is inapplicable as far as the international traffic is concerned. It has always been considered advisable to keep that angle of the work confidential, and I must confess to sharing that view.

The annual reports of my Department have in the past contained a considerable amount of material indicating the work being done in Canada itself. This, as of necessity, has had to be carefully scrutinized before publication, and I do not think it would be advisable to extend the scope of information previously furnished¹⁷⁶.

Three days later, J.J. Heagarty, the minister's chief executive assistant, wrote back to Sharman:

¹⁷⁵ Carstairs suggests the department did not co-operate with Maclean because officials did not want to help Murphy write about drugs again (See Catherine Carstairs, "Hop Heads" and "Hypes": Drug Use, Regulation and Resistance in Canada, 47). The correspondence is very clear about Drew being the prospective author. At the time, Murphy was gravely ill with diabetes and would, in fact, die seven months after this exchange.

¹⁷⁶ Maclean to MacLaren, March 1, 1933, in Correspondence of the Narcotics Division, , (National Health and Welfare), National Archives of Canada, RG29 Volume 548 Box 497-1

I saw the Minister this morning with regard to your memorandum. He wants a letter to Colonel MacLean (sic) somewhat on the following lines:

'Acknowledge that drug traffic regulatable and recognize value of press in bringing it before the people. He hopes that the press will draw attention to the excellence of the practice. With regard to the statement that 'little is being done,' he is pleased to state that the matter is under the active and efficient direction of this Department; and, from the nature of the problem, its control must be pursued without publicity. The valuable work that is being done is having a marked effect. Minister says we should not say that we are in a position to give information.

Maclean dropped the idea but, the next year, he tried to interest then-Opposition Leader Mackenzie King in a new publicity effort, this one a bizarre effort to link senior British politicians to the drug trade. King records this fantastic story in his diary:

I called on Col. J.B. Maclean who had been to the club to invite me out to dine with him that evening.

Col. Maclean told me he was preparing an article on the anti-narcotic drug campaign, which would include reference to a communication he had received from Mustafa Kemal, the president of Turkey, in which Mustafa Kemal claimed that the effort to drive the Turks out of Europe, at the end of the Chenak incident, had back of it a combination of people interested in the traffic of drugs; that he, Mustafa Kemal, had been trying to end the traffic by substituting tobacco and other plant growing for that of opium, but the financial backers of Lloyd George – Birkenhead and Churchill – were men connected with this drug circle. There may be nothing to this, though Col. Maclean is convinced there is. He re-emphasized what he said about my action in refusing to send troops to Chenak until we knew what the trouble was about, as having averted a war. His article on this appears in Maclean's magazine of Nov. 15, 1922. He wishes to revive the subject in an article he is now preparing on the drug question.¹⁷⁷

In another letter, this one dated Oct. 8, 1936 from E.S. Archibald, director of the Central Experimental Farm, to Dr. G.S.H. Barton, deputy minister of agriculture, Archibald dismissed the need for any type of publicity about marijuana:

I have your memorandum of September 30th and am herewith returning the enclosures which you forwarded in reference to Marihuana. This is just like any other warning

¹⁷⁷ Mackenzie King Diaries, Aug. 4, 1934.

concerning narcotics. I do not know what sort of educational campaign should be carried on or just how much damage would be done by advertising the matter.¹⁷⁸

In fact, Sharman and his department deliberately avoided publicity and discouraged reporting on its activities. In correspondence with John A. Crawford, a reporter with the *Cleveland Plain Dealer* who had an assignment with a major magazine that is unnamed in these letters, Sharman gave Crawford no information of any use and tried to convince him not to write his article. Crawford asked for information about a drug dealer convicted in Montreal in 1927. Sharman told Crawford he had no files on the case, no idea how the writer could obtain a transcript of the trial, and no longer had a copy of a speech he had given on the case. At the same time, Sharman wrote to Anslinger saying he had no information on the case. In correspondence with his own staff, Sharman said he discouraged the reporter (and Anslinger) because the drug trafficker had served his jail term, was staying off drugs, and could lose his job and family if his case was publicized. Sharman had chosen to respect the privacy of a citizen over the potential benefits to his department that might come with a U.S. style drug scare. The contrast to Anslinger's publicity-seeking style could not have been sharper.¹⁷⁹

This reticence to stoke public fears about marijuana existed at the cabinet level as well. The Minister of Health turned down a request from a Renfrew

¹⁷⁸ In Correspondence of the Narcotics Division (National Health and Welfare), National Archives of Canada, RG29, Volume 548 Box 497-1

¹⁷⁹ Correspondence of the Narcotics Division (National Health and Welfare), National Archives of Canada, RG29, Volume 548 Box 497-1

doctor that an anti-marijuana educational campaign should be launched. Like Archibald, the minister believed an education campaign would serve only to draw attention to the drug and to the ease of which it could be obtained.¹⁸⁰

However, at the time of the passage of the 1937 U.S. Marijuana Tax Stamp Act, the policy of the federal bureaucracy, especially of some of the senior officials in the Department of Health, changed. This time, Barton, whose department operated the Central Experimental Farm in Ottawa, was taken to task by his superiors for failing to make the connection between hemp and marijuana. The Experimental Farm had planted hemp for several years and, in August, 1937, set up a display of hemp at Ottawa's Central Canadian Exhibition. The department was trying to interest Depression-weary farmers to try alternate crops. By then, press coverage of marijuana and hemp, especially by the Toronto newspapers, had begun to intensify. R.E. Wodehouse, deputy minister of pensions and national health, wrote to Barton, demanding the removal of the display:

That the public is not altogether unaware of the opportunity offered to obtain marihuana (common name for the dried leaves) in large quantities, the illicit value of which is \$20 per pound, is instanced by the efforts some time ago of a Jew to obtain the leaves and flowering tops of all hemp plants grown at the Central Experimental farm, which, he stated, he intended to use in the manufacture of a 'rheumatic remedy'. His request was refused and as he was seen near the hemp fields some days later, the Mounted Policeman on duty was requested to keep an eye on him. Marihuana is a most dangerous product from the narcotic standpoint, and several people are now in gaol in Canada for the illicit possession thereof. A most serious situation in relation to addiction to this plant, particularly in young people, exists in the United States at the present time, and we have so far and to a comparatively large extent, escaped the duplication thereof in Canada, by prompt action against those illicitly possessing or trafficking in same, by the imposition of heavy sentences by the courts. While Cannabis

¹⁸⁰ P.J. Giffen, Shirley Endicott and Sylvia Lambert, *Panic and Indifference: The Politics of Canada's Drug Laws* 185.

Sativa is known to grow wild in this country, no cases involving the use of native-grown cannabis have come to our knowledge, but such supplies as reach Canada from time to time are smuggled in from the United States, the West Indies and West Africa.¹⁸¹

That position was opposed by bureaucrats within the agriculture department. Barton wrote back to Archibald that there was no likelihood that anyone would be encouraged by the display to take up marijuana use:

During all of these years (that the Experimental farm has been breeding hemp) it has been common knowledge that in the South the Negroes use the leaves and flowers for smoking or making steeped tea for sedative purposes. If the production of hemp has got to now be put under license, or if during the period of blossoming and harvesting it must be put under inspection by Preventative Officers of the Department of Pensions and Health, it seems to me that the same procedures should have been followed years ago.¹⁸²

In a follow-up letter to Barton, Archibald commented on the health department's plans to try to stamp out marijuana use in Canada by banning hemp, saying the health department's deputy minister was ill-advised to push for a quick banning of the plant:

Dr Wodehouse is certainly going to have a real job on his hands. I did not mention in my previous correspondence the use to which hemp is being put by tobacco growers and certain small fruit growers in Western Ontario. The wind-swept fields they are running rows of hemp through the fields for protective purposes. This applies also to the West, particularly in Manitoba where they are using hemp for a wind break and to hide ugly fences. They have been doing this for many years, and it seems to me that if Dr. Wodehouse is going to insist in the matter of licensing hemp growing he is going to have people who have never thought of its narcotic use pretty much stirred up. However, the matter is beyond our jurisdiction.¹⁸³

On Sept. 27, 1937, Archibald wrote to Barton to reinforce his point that hemp growing in Canada had a long history. He sent Barton a photostatic copy of an 1801 proclamation issued by the Lieutenant

¹⁸¹R.E. Wodehouse to Dr. G.E.S. Barton, Aug. 19, 1937, in Correspondence of the Narcotics Division (National Health and Welfare), National Archives of Canada, RG29, Vol. 548 Box 497-1

¹⁸²Barton to Archibald, Correspondence of the Narcotics Division (National Health and Welfare), National Archives of Canada, RG29, Volume 548 Box 497-1

¹⁸³Correspondence of the Narcotics Division (National Health and Welfare), National Archives of Canada, RG29, Volume 548 Box 497-1

Governor of Upper Canada and the Province and the Governor and Lieutenant Governor Commanding in Upper and Lower Canada, that provided for the free distribution of hemp seed.

At the same time, officials of the Narcotics Division had no plans for a campaign against marijuana. While the drug was illegal in Canada, there was no sign that anyone was using it. Until the passage of the Marijuana Tax Stamp Act and the 1937-38 campaign by the Toronto newspapers to push authorities to enforce the anti-marijuana regulation and to ban hemp, federal officials, in the mid-1930s, were far more concerned with the traffic in prescription drugs, especially over-the-counter medications with large amounts of codeine. The annual reports of the Narcotics Division show it kept track of about one hundred licensed narcotics wholesalers and hundreds of retail druggists. By 1935, according to an internal report, the department believed it had a handle on the country's drug problem.

Due to the increasing shortage of illicit narcotics in certain cities, the efforts to obtain narcotics unlawfully from legal sources have increased 300% in the past three years. At the present time, in Montreal for instance, illicit narcotics are practically unobtainable, due to the recent arrest of the leading Chinese trafficker, and which has closed down any supply of Opium available, and the arrest of the head of the Narcotics Squad of the Montreal City Police, and certain other people connected with him, whose activities were also very extensive. This cessation of the illicit traffic had its immediate repercussions amongst the addicts, who will naturally go to any lengths to continue their supply, and this in turn compels us to keep the closest possible check upon the legal traffic in that city...¹⁸⁴

In the 1936 report, drafted as the anti-marijuana campaign was in full bore in the U.S., Canadian officials argued convincingly that the drug problem in Canada was very limited, and, in fact, the department had less work to do than in previous years. The division had set its sights on the illicit

¹⁸⁴ Annual Report of the Narcotics Commissioner to the Minister of Health and Pensions, 1935, p.3.

trade of prescription pharmaceuticals, arguing that resources spent on searching for smugglers and addicts be re-directed to investigation of law-breaking pharmacists.

In the past ten years there has been a marked decrease in the number of cases of illicit traffic handled in Canada, resulting, however, in very much more attention being paid, by those formerly obtaining their drugs from illicit sources, to attempts to secure them by the legal trade, by means of thefts, forgeries of prescriptions, obtaining narcotics from one or more physicians, etc., etc., to say nothing of the use of codeine and the barbiturates, which was unknown in underworld circles until a few years ago. Comparing 1929 with 1936, the figures of convictions have decreased from 567 to 168, although to some extent this has resulted from the practical elimination of the less important cases of opium smoking, etc., so that the reduction in cases involving imprisonment with no option of a fine is, in the two years mentioned, from 192 to 133.

The expenditures for legal services has decreased heavily from \$36,000 in 1929, to \$12,000 in 1936, and while such a decrease is no doubt satisfactory from the criminal angle, it is, I think, beyond question that it should not be entirely looked upon as a saving, but rather that a proportion should be devoted to combating the steadily increasing trend towards improperly obtaining narcotics which enter Canada legally under the guarantee of the department that they are solely for medicinal and scientific use...¹⁸⁵

Cannabis was not mentioned in the report.

During the 1930s, the staff of the Narcotics Department numbered between fifteen and twenty people, most of them clerks.¹⁸⁶ In the 1939 annual report from the Chief of the Narcotics Division to the Deputy Minister of Health, there is no mention at all of cannabis in the five legal-sized page document. The report, covering the period one year after police began seriously looking for marijuana users and hunted wild and cultivated hemp, is, as were the reports of the previous years, focused on the illicit trade in codeine and other narcotics diverted from legal drug wholesalers and drug stores

¹⁸⁵ Annual Report of the Narcotics Commissioner to the Minister of Health and Pensions, 1936, 2.

¹⁸⁶ Annual Report of the Chief of the Narcotics Division to the Minister of Health, 1939. Records of the department show that most of members of its staff were female secretaries and there was a high turnover.

The few mentions of cannabis in the files of the Narcotics Division are mainly in reports from the Middle East. One rather gripping anonymous report from the Narcotics Intelligence Bureau of the League of Nations saved by the department describes the hashish markets at Abadan, Iran, where, in 1937, hashish was “sold to the crews of ships at 13 (pounds sterling) per kilo.”¹⁸⁷ On Dec. 15, 1936, Canada also received a report, dated Dec. 4, 1936, about Azizi Abi Akbei, an alleged hashish smuggler who, according to a reliable source, “has been engaged in the illicit traffic in cocaine. He is also suspected of being active in the White Slave Traffic. He states he is a journalist and speaks French, English, and a little Scandinavian,” the report said. An attached photograph shows a well-dressed young man wearing a fedora.¹⁸⁸

Sharman and his co-author Dr. C.P. Brown, in a short article, “The Control of Narcotics in Canada”, published in the *Canadian Medical Association Journal* in 1936 (two years after the journal had printed a short editorial condemning marijuana), make no mention at all of cannabis.¹⁸⁹ Instead, they focused their attention on synthetic and natural opiate drugs imported to Canada for use in hospitals and sold in drug stores. In fact, it was months after the passage of the King government’s anti-cannabis bill that Sharman sent out a Narcotics Division circular on cannabis. This

¹⁸⁷ Report of the Narcotics Intelligence Bureau of the League of Nations, Cairo, March 1, 1937.

¹⁸⁸ Circular of the Narcotics Intelligence Bureau of the League of Nations, Dec. 4, 1936.

¹⁸⁹ Brown, C.P., and C.J. Sharman, “The Control of Narcotics in Canada”. In *Canadian Medical Association Journal*, Vol. 35: 199-202.

circular contains the oft-quoted error that Anslinger often made, equating marijuana with hashish. Still, despite a warning that cannabis use has “deplorable” effects, the memorandum shows Sharman was not overly concerned about the cultivation of marijuana:

In the Schedule on page 12 you will note that Cannabis sativa, and its preparations, is listed as a narcotic. While this is its scientific name, it may be more familiarly known to you as Indian Hemp or Hemp. It is the same as Hashish, a very well-known Oriental drug of addiction, and on this continent is often known as marihuana. Its effects on those who smoke it, particularly young people, are deplorable...

From a recent survey of Canada it has been ascertained that there is considerable growth in this country, none of which is for commercial purposes. It has, however, been found in gardens and on farms, where it is used as a windbreak. There is also a very considerable wild growth, particularly on or near garbage dumps, as a result of bird seed from canaries' cages being included in garbage.¹⁹⁰

There was very minor media coverage of cannabis between the summer of 1937, when the U.S. marijuana ban was instituted, and February, 1938, when the King government introduced a bill in the House of Commons to ban the growing of hemp and the possession of drug use paraphernalia. The first mention of marijuana by the *Globe and Mail* was in a tiny story printed on June 4, 1937, on P. 27, a classified advertising page with a few “filler” wire copy stories:

MARIJUANA IN SCHOOLS

Pierre, S.D. (UP) – Federal authorities here are alarmed by reports of the increasing use of marijuana throughout the state by high school youths. Chief W.H. Gordon of the Division of Investigation of the Justice Department said that the use of the drug was common in the sections of the State inhabited by Mexicans.

The *Globe* merged with the *Mail* in the fall of 1936 under the new ownership of George Clement McCullagh, a 31-year-old London, Ontario-born stockbroker. McCullagh was the son of working class parents who

¹⁹⁰ Narcotics Division Circular N-195-F, Aug. 13, 1938

began his news career as a delivery boy, ran the *Globe's* circulation department when he was in his twenties, then transferred to the paper's business section as a financial writer. He must have been incredibly self-assured, since, in the first years of the Depression, he quit the newspaper, opened a brokerage business, made a fortune out of gold stocks and used some of the money to buy both the *Globe* and the *Mail*.

McCullagh was a liberal, a close friend of Ontario Liberal leader (and, after 1934, premier) Mitchell Hepburn. In fact, they were such good friends that, on the day the new *Globe and Mail* published its first issue, the paper carried a denial on its front page that Hepburn and other prominent Liberals owned any share of the newspaper.¹⁹¹ McCullagh and Hepburn had a stormy relationship, but the publisher remained friends with both the Ontario premier and Prime Minister King, sometimes acting as a mediator between these two very eccentric leaders.

The *Globe and Mail*, like most North American newspapers, did not cover the debate of, or the passing of the Marijuana Tax Stamp Act, but, the week after, it did print the article, mentioned above, with its official RCMP assurance that cannabis was not a problem. On July 6, 1937, the *Globe and Mail* carried a front-page story, "Marijuana Cigaretts (sic) Not Menacing Canada", which quoted an unnamed RCMP source saying Canada was pretty much free of the drug, "said to be the cause of thousands of crimes in the United States, particularly murder." Marijuana had been found growing "profusely in most states of the Union," the story said, "though curiously

¹⁹¹ Neil McKenty, *Mitch Hepburn*, 68

enough, it has not been found in the Dominion. The Royal Canadian Mounted Police, who are responsible for enforcement of the Federal Narcotics Act in Canada, do not consider this particular drug to be a problem in this country, but they are watching the situation in the United States closely." Police were quoted in the story saying a "Negro" caught by the RCMP somewhere in southwestern Ontario was found to be carrying marijuana cigarettes, but police couldn't prove he was selling them to anyone, so he was released. "Marijuana, peddled to many young people in the United States, causes insanity in many cases. Its effect is often unpredictable. It has been known to turn quiet, respectable youths into raving murders, seeking victims to satisfy their delusions."

In a small story on P. 7 of the Nov. 27 issue, the *Globe and Mail* reported:

MARIJUANA WAR IS ON

Nogales, Ariz. (UP) – Federal border inspectors and narcotics officers have declared war on secret gangs smuggling marijuana from Mexico and selling it at enormous profits.

At that time, Canadian reporters obviously knew very little about marijuana. Marijuana is first mentioned in passing in a *Toronto Star* story that was printed on the front page of the second section of the Aug. 6, 1935 issue, when a British toxicologist who was working on an oral insulin medication briefly describes earlier work detecting drugs slipped into drinks. In the Jan. 22, 1937, the *Star* carried a one-paragraph report from Monroe, Michigan, on the front page of the second news section, reporting the life

sentence at hard labour handed down to Alcide "Frenchy" Benoit, a Sudbury native and "marijuana addict" convicted for the kidnap-murder of a Michigan state trooper.

The first mention of an official Ontario position on marijuana was printed in a five-page story on p. 9 of the *Toronto Star's* July 8, 1937 edition, below a story about an angler catching a large lake trout in Georgian Bay:

GOV'T IS DETERMINED
TO ELIMINATE DRUG
Marijuana Creates Tendency
To Wilful Violence, Says
Health Minister

There are no records of anyone ever having been admitted to Ontario hospitals through addiction to marijuana, the narcotic drug which is becoming an increasing menace in the United States, Hon. J.A. Faulkner, (provincial) minister of health, stated today. The government is determined to keep it out of Canada if possible," the minister said. There is only one case of illicit marijuana dealing in Canada during the year 1935-1936. The vendor was sentenced to 12 months imprisonment and a fine of \$500 for each of three charges."

Information gathered by the department indicates the most popular method of use by addicts is mixing it with tobacco in cigarettes, Dr. Faulkner said. By some addicts, the drug is also mixed with alcoholic beverages.

The minister stated the comparatively new narcotic has unusual reactions in the addict, prolonged use creating a tendency to wilful violence, accompanied by a complete loss of judgment and restraint.

It produces first an exaltation with more or less of a feeling of well-being, a happy, jovial mood usually, and an increased feeling of physical strength and power," Dr. Faulkner said.

(Faulkner was in no real position to comment on the marijuana issue, as the federal government was in charge of drug control strategy. Since, at the time, there was very little marijuana use in the province, and, by his admission, no known cases of people with marijuana-induced insanity in the province's psychiatric hospitals, Faulkner had little first-hand knowledge of the drug. There is no correspondence between Faulkner's department and that of his federal counterpart to suggest the Ontario health department had gathered any data on marijuana use.)

Eight days later, the *Toronto Star* carried a one-paragraph story on p. 14 about three Detroit juveniles caught picking six pounds of marijuana growing wild on vacant lot. There are no other reference to cannabis in the *Toronto Star* until the early winter of 1937-38, after the passage of the U.S. Marijuana Tax Stamp Act.

In fact, newspapers like the *Globe and Mail* and the *Toronto Star* did not even have a consistent style for spelling the names of marijuana and hashish. "Marijuana", "marijuana," "marihuana," "hasheesh" and "hashish" found their way into coverage of the cannabis issue, with variations sometimes showing up in the same story. As well, there is no sign that journalists realized that the plants that were hunted by police in the summers of 1938 and 1939 were hemp, usually growing wild or sown as windbreaks or fiber crops, rather than for their drug properties. While some federal officials, especially those in the department of agriculture, understood the difference, politicians, media and police either did not, or, if they did know that the plants that were seized were planted by people with no inclination to smoke marijuana, they left that fact out of their statements. The *Star's* first story on marijuana, printed Dec. 27, 1937, on page 3, ran at a time of the year when news copy tends to be scarce. In this story, the synonymous use of "marijuana" and "hasheesh" follows the standard set by Anslinger, as do the claims that marijuana use is widespread, growing, and a danger to society because use of the drug caused insanity:

Flea Policemen Used to Catch
Suspects Concealing Marihuana

Indianapolis, Dec. 27 – The use of flea policemen in controlling widespread use of marihuana, a habit-forming narcotic, was reported to-day before the American Association for the Advancement of Science.

The insect is an almost microscopic and transparent water flea called *Daphnia*. It is widely used for fish food in home fish bowls and responds immediately to very small amounts of marihuana and some other substances placed in the water in which it lives, according to Dr. Arno Viehoever of the Philadelphia College of Pharmacy and Science.

Marihuana, known as hashish in the Orient, has come into extensive use in the United States in recent years. It has replaced, to some extent, the use of opium and other narcotics. Users of it become temporarily insane.

Heretofore there has never been any satisfactory method of quick identification of the narcotic, Dr. Viehoeven said. The fact that it will grow anywhere as a rank weed has made its control difficult.

Now, however, with the flea policemen, it is possible to identify the weed itself within a few minutes. As little as 1-300th of a gram is dissolved in chemicals and then poured over the water-fleas. If marihuana is present the insects die quickly.

Between that time and the passage of the federal government's anti-cannabis bill in February 1938, the *Star* introduced its readers to the menace allegedly facing Canada. Its coverage provided more background than the *Globe and Mail's* articles and tended to focus on the use of marijuana in Toronto. However, the influence of the *Star's* anti-marijuana coverage is apparent in the Parliamentary debates. There is a racial overtone to much of the coverage. Reports tended to point out U.S. users of the drugs tended to be blacks. While almost all of the arrests of Canadians are of whites, the reports often allege that they acquired the drugs from blacks in the U.S.

On Jan 17, 1938, the *Star* printed a two-paragraph story on page 3, "Marihuana cache seized at U.S. border". The story, with a Windsor dateline, reported a seizure of marihuana "sufficient to make 1,000 cigarettes, police said. A woman was searched by border police, then turned over to the police. Police say (suspect William) De Boxy was a grower of the Mexican drug weed."

At the same time, the *Star*, for six weeks ran a daily serialized novel on its heavily-read comics page that demonized marijuana as a drug used by unscrupulous men to seduce otherwise virtuous women.

As the federal government prepared to introduce the 1938 bill, which was drafted by Wodehouse and sponsored by his minister, C.G. Powers, the issue of marijuana was discussed by Toronto municipal politicians at a meeting which received front-page coverage in the *Star* but was not reported at all by the *Globe and Mail*. The *Star* story ran above the fold and was illustrated with a drawing of a marijuana plant. It contains considerable background information on the U.S. marijuana "problem", including claims the drug was responsible for murder, rape and insanity, that its users were primarily black Americans and that dealers of the drug directed their efforts toward school children:

Marijuana Probe Ordered

Board of Control has asked the health department for a report on the use of the marijuana drug in Toronto. Con. Canboy expressed fears the drug weed is being grown in flower pots. These leaves are said to be the basis for the drug which is held directly responsible for crimes of violence.

The board of control today launched a drive against a Mexican drug, the name of which none of the members could pronounce.

The drug is marijuana and was brought to public attention by reports it was used by "Shorty" Bryans, now held on a charge of murder following the slaying of John Ford on Saturday night...¹⁹²

In the United States, it is smoked most widely in the southwest and around New Orleans. It is also used extensively in Harlem, New York.

Authorities differ on the harmful properties of the weed in the human body. All, however, agree that it gives the addict a feeling of exhilaration, maddens his senses, overcomes him with a feeling of great importance and confidence in his ability to carry out any deed.

One reason for its popularity is said to be its cheapness. In New York and Detroit it sells for as little as five cents a cigarette, but more commonly for two for twenty five cents. One cigarette is said to be sufficient to intoxicate the smoker.

¹⁹² The Bryans case will be discussed below. Bryans was the only Canadian murderer to float the "reefer madness defence" in the 1930s and did so rather half-heartedly and without success.

The public prosecutor at New Orleans said recently that 30 per cent of all prisoners and 50 per cent of all murderers were habitual smokers of the plant. It is said to be responsible for many sex crimes. Some authorities say the weed, when used habitually, drives a person to insanity...

In some sections of the United States federal agents have reported the cigarettes sold to school children.

That is not to say there was absolutely no marijuana use in Canada at the time, but it is clear from information given out by the police that very few people smoked the substance and trafficking in the drug was very limited. In what was its largest border seizure to that point, the RCMP took two tobacco cans full of marijuana from a man in Windsor as he stepped off the ferry from Detroit. George Charboneau, a 21-year-old Windsor man, was the first Canadian charged with bringing marijuana into the country. The *Globe and Mail* reported the story in a three-paragraph news item.¹⁹³

The *Globe and Mail*, in early February, 1938, begin steady coverage of the marijuana issue, beginning Feb. 3 with a P. 4 story about the sentencing of William De Bazy, 22, of Plymouth, Michigan, who was jailed three years for possession of marijuana. The RCMP found "the largest amount of marijuana ever seized in Canada" in De Bazy's car on a Windsor street just after he arrived from Detroit. His lawyer said he had "picked the weed off a vacant lot" in Detroit for his own use, having acquired the habit "while serving with the United States Army in Panama". The story quotes special prosecutor Keith Laird asking De Bazy:

"Are you aware that marijuana causes murderous intent in some people?"
 "No," De Bazy replied. "It never affects me that way."¹⁹⁴

¹⁹³ *Man faces marijuana charge*. *Globe and Mail*, Dec. 6, 1937, 12

¹⁹⁴ *Jail for marijuana possession*. *The Globe and Mail*, Feb. 3, 1938, 4

In the Feb. 9, 1938 edition, the paper reported:

Marijuana Considered
Most Vicious Narcotic

Marijuana, a harmless-looking weed that grows in profusion in some Southwest States and is common in Canada is considered by the U.S. Federal Bureau of Investigations to be ten times more powerful than cocaine and the source of the most menacing narcotic problem facing the American Continent.

The drug is too powerful to be used as a snuff. The weed is usually cured like tobacco and smoked like cigarettes. In some parts of the United States people drink it in tea or coffee as part of their daily fare. Top price of the "reefer" or "muggles" as the cigarettes are known to addicts is about 25 cents each. Some sell for as low as 5 cents. One or two produce a three-hour "jag" inducing a feeling of exhilaration and superiority, which sometimes develops into aggressiveness and a desire to test his physical strength on imaginary foes.

Continued and regular use of the drug brings on hysteria, followed by exhilaration and superiority, which the Bureau circular (F.B.I.) asserts often ends in complete insanity within three months. While in the third and next dangerous stage, the addict becomes a fiend, with savage "cave man" tendencies. His sex drive is now aroused and horrible crimes result. He may be driving an automobile. To his drugged, distorted mind, he may think he is only creeping along at 25 miles an hour, while the car might actually be travelling 60 or 70 miles (per hour).

Only once since the drug became popular has the Toronto police had trouble here. Two years ago, several colored jockeys and stable boys were caught with a quantity of drugged cigarettes during a racing meet. Many criminals have admitted taking the dope, but the police believe none of their crimes can be attributed to it.

The plant is described as a straight-stalked weed, bearing elongated, highly dentated leaves which give off a narcotic odor.

In many Southwest States, the weed is cultivated and grown in huge quantities between rows of corn. In other sections it grows wild. Horses grazing in those areas have gone mad from eating the weed.¹⁹⁵

The day debate began on the federal government's anti-cannabis bill, the *Star* printed a small editorial about the pronunciation of the word "marijuana", which, for the first time, the paper spelled with the letter 'i', rather than "a" as the second vowel. It would maintain this spelling, the same one used by U.S. papers, while the *Globe and Mail* still haphazardly used the "marahuana" and "marijuana" spellings. On Feb. 11, the *Globe and Mail* printed a one-paragraph Associated Press story from Newark, N.J., about Ethel (Bunny) Sohl, the daughter of a police officer, who used marijuana intoxication as her defence for several armed robberies. Three

¹⁹⁵ *Marijuana Considered Most Vicious Narcotic*. *Globe and Mail*, Feb. 9, 1938, 3

days later, the newspaper carried a very short editorial note suggesting hay fever sufferers would be among the people who would welcome an all-out assault on marijuana growing, especially if marijuana could somehow be shown to be as allergy-inducing as ragweed.

On Feb. 8, 1938, as the House of Commons was about to debate the marijuana/hemp cultivation bill, the *Star* printed, on its editorial page, a précis of Anslinger's Marijuana -- Assassin of Youth, a magazine article that was now more than 18 months old. Conservative MP Alfred J. Brooks (Royal, N.B.) cited this report in the House of Commons Committee of the Whole discussion on the bill the day the *Star* printed the condensed Anslinger article.

(Anslinger) calls this drug the assassin of youth and states that it is one of the greatest menaces which has ever struck that country. It seems to me that very severe penalties should be imposed for the production or sale of this drug. The eradication is certainly necessary. If there are no good purposes to which it can be put, I do not see why licenses should be granted; rather steps should be taken to eradicate it entirely, because it is something that could undermine the youth of the country¹⁹⁶.

On February 22, the *Star* carried a story on a City news page (30), "Marijuana Smokers Seized With Sudden Craze to Kill", a 14" article from Detroit that quoted Ralph H. Oyler, district narcotics supervisor, saying: "We got some that has come from the Canadian side and some that went into Canada from here." Oyler said: "Hideous crimes have been committed by smokers of these cigarettes and we have had reports and investigations that show even school children have been smoking them. We have files that

¹⁹⁶ Debates of the House of Commons (Hansard), 1938:773

show many victims have been confined to institutions for the insane after smoking these cigarettes for a period of time.”

During debate in the Senate March 10, Liberal house leader J.H. King spoke for the government on the necessity of the bill. He, too, cited Anslinger’s article, adding, in error, that it discussed the situation in Canada:

Within the last few years the authorities in the United States have realized that this drug is being used extensively by the younger people. Cigarettes are manufactured from the leaf of Cannabis Sativa, commonly known as a hemp product, and sold to pupils in high schools and to the young people at dance parties, and so on. It is a rather interesting story, and I would refer honourable members to an article in the American Magazine of July, 1937. There they will find a full account of the increasing use of the drug in the United States and this country. The writer states that the police records indicate that the smoking of cigarettes made from Cannabis Sativa leaf has been the cause of many sex crimes, murders, robberies, and other crimes¹⁹⁷.

In a front-page story in the Feb. 25, 1938, edition of the *Globe and Mail*, the paper’s Parliament Hill correspondent reported on the House of Commons debate on second reading and committee of the whole of the Opium and Narcotic Drug Act, the bill to ban hemp cultivation. The report is in error when it says the bill’s intent was to “secure control and distribution of marijuana”. The government already had that power under the Opium Act (since renamed the Narcotics Act) regulations of 1923. The press, as will be discussed below, tailored their marijuana coverage over the next year to the idea that Canada, like the U.S., had just discovered marijuana’s existence and had quickly passed new laws to deal with it. Other aspects of the coverage of the debate are of interest to the examination of the media’s role

¹⁹⁷Debates of the House of Commons (Hansard), 1938: 775

in the banning of cannabis, including, yet again, Anslinger's use of hashish as a synonym for marijuana:

COMMONS
ADVANCES
DRUG BILL

Power's Measure Against
Marijuana Is Given
Second Reading

Government called a
Sham, D.J. Hartigan
Tells House

OTTAWA, Feb. 24— Lax administration of legislation governing the sale of codeine, opium and other drugs, was charged in the House of Commons today by D.J. Hartigan (Liberal, Cape Breton South).

Other similar charges were made on the floor of the House during debate on a Government measure to secure control of control and distribution of the drug "marijuana", the newest menace in the drug field, encountered by the police in the United States and Canada, which has received second reading.

"Marijuana is by no means a new drug," said Hon. C.G. Power, Minister of Pensions and National Health, who sponsored the bill. "It has been known as far back as the times of Homer. It was formerly known as hasheesh and is extremely stimulating."

The weed from which the drug came was introduced to Canada during the war years, when it was used for making twines, said Mr. Power. The stock (sic) of the plant is not harmful but the leaves are rolled into cigarettes and sold to men and women.

The bill would give the government absolute control, not only of sale and distribution, but of cultivation as well. Production will be prohibited as far as possible, but in rare cases, licenses may be issued, he said...¹⁹⁸

The minister went on to talk about how the weed had made it into Canada. It had slipped into the country, he said, during World War I, when hemp fibre was used for making twine and for stuffing furniture. Liberal members of parliament criticized their own government for its "sham" drug protection policies. J.K. Blair, a Liberal, worried that evil-doers were spiking ordinary cigarettes with marijuana and other drugs. "I think a great number of our highway accidents are caused by smoking cigarettes with dope in

¹⁹⁸ *Globe and Mail*, Feb. 25, 1938, p. 3

them,” he said¹⁹⁹. No one challenged that claim, but the House of Commons did stop short of adopting an amendment to ban codeine.

The *Star* gave less space to the marijuana cultivation bill in its coverage of the second reading debate, but used Anslinger’s famous “assassin of youth” phrase in the story’s lead paragraph. As much space was given to the official U.S. perception of marijuana as was afforded to the parliamentary debate itself. As well, the article had a confusing reference to drug stores, as the writer took out of context a part of the debate that dealt with federal inspections of pharmacies for violations of the rules on sales of opiates, especially codeine. The story ran on the front page of the Feb. 25, 1938 edition of the *Star*.

ADMIT DEADLY DRUG
FOUND GROWING WILD
IN SECTIONS OF WEST

Special to the *Star*

Ottawa, Feb. 25 – Federal action against production, cultivation and use of marijuana, described as “the assassin of youth”, was launched in the House of Commons yesterday. Parliament gave second reading to a bill to rid Canada of the weed which, dried and smoked, is blamed for many murders and sex crimes in America each year. Admitting the plant had been found growing in western Canada and was used as a wind-break in some areas, Hon. C.G. Power, minister of national health and pensions, announced a survey is being made of localities in which the plant is growing and to what extent. It is unlikely licenses will be issued for its production, he promised. D. J. Hartigan (Lib., Cape Breton South) charged laxity in the present administration of the Narcotic Act and urged a complete change. The Royal Canadian Mounted Police are not competent for the job, he asserted. He was willing to prove his allegations that reports submitted to Ottawa by the police did not always indicate what was revealed through their check-up of drug store sales.

The bill was given third reading March 2 and sent to the Senate.

There were no committee hearings held by either house into the details of

¹⁹⁹ Debates of the House of Commons (Hansard), 1938:776

the bill, suggesting the government did not see a need to publicly consult hemp farmers, police, doctors or its own officials.

On Feb. 27, while the bill was before the House of Commons, police in Hamilton, Ont., announced they planned to smoke some marijuana. The plan was reported on p. 15 of the *Globe and Mail*:

Its use is causing concern in many large centres but so far it has not appeared in Hamilton, according to Chief of police E.K. Goodman, but he fears that sooner or later officials will have to cope with the problem and he believes in being prepared.

In a March 11 story, the police chief said officers lit some marijuana "just to attune their nasal powers so in future by merely sniffing, they'll be able to detect the drug." As no marijuana had been seized in the city, Hamilton police had to ask the RCMP for some marijuana. The *Globe and Mail* reported, in a short article on P. 15, police put some marijuana in a tin can, set it on fire and took turns inhaling the smoke. "Even in a crowded room where cigars, good and bad, pipes and cigarettes are sending up a smokescreen, the trained nostrils of the officers, with the certainty of efficient bloodhounds, will be able to single out the marijuana addict and enable them to get their man," the *Globe and Mail* staff writer commented. "Constables declared they would have no difficulty in spotting anyone smoking the weed. They agreed that it has an aroma all its own." The *Globe and Mail* followed up coverage of this experiment with a short editorial that ran March 19, 1938:

Now it is the Senate that is interested in the suppression of the marijuana weed. Have senators followed the example of Hamilton policemen and tried a few puffs of a marijuana cigaret? This might liven up the proceedings.

In very short articles March 3 and March 4, the *Globe and Mail* noted passage of the Opium and Narcotic Drug Act through the House of Commons, but did not cover the debate on the bill in the Senate and its coverage shifted to the new police campaign against the drug.

Canada began the spring of 1938 with new legislation and, among some police and media, a resolve to find whatever marijuana existed in the country. Even though Canada had outlawed marijuana possession and sale in 1923, the issue did not make it into the pages of Canada's major newspapers until the weeks surrounding the passing of the U.S. Marijuana Tax Stamp Act in 1937, and subsequent coverage, through the time of the passage of the 1938 Canadian bill was based primarily on U.S. anecdotal evidence of a marijuana problem in that country, on Canadian officials quoting their U.S. counterparts' claims, and on a very limited number of arrests in Ontario. As in 1923, Canada had no real marijuana problem. However, by the summer of 1939, the *Globe and Mail* and *Toronto Star* would treat the arrests of a handful of people and the destruction of some wild hemp plots as though police were dealing with a new threat to Canadian society.

CHAPTER 4: The 1938-1939 Central Canada Marijuana Eradication Campaign

In 1938, Canada's two most prominent newspapers, the *Globe and Mail* and the *Toronto Star*, gave coverage to the 1938 amendments to the Narcotics Act that criminalized the cultivation of marijuana and possession of drug use paraphernalia, writing about the issue as though marijuana was not already a banned substance. The newspapers reported, without challenge, the assumption of Canadian and U.S. elected officials and police that marijuana was habit-forming and generated violent tendencies in its users. At the same time, the newspapers, especially the *Toronto Star*, with its reprint of Anslinger's "Marijuana: Assassin of Youth", stoked the debate. Marijuana was not seen by either newspaper as an issue warranting serious editorial comment, front-page story placement, the seeking out of independent sources, or the assignment of leading journalists to cover stories about it. At the same time, it was given long-running coverage based on the underlying assumption that marijuana was a menace that was, in fact, making its way into Canada.

In early April, 1938, the *Globe and Mail* published two stories playing into the fears that marijuana induced violent behavior in its users. On April 4, 1938, the *Globe and Mail* printed on its front page a dramatic story that linked marijuana importation to organized U.S. and Canadian smugglers and pointed to the "Negro" community in Buffalo, New York, as the source of the drug.

It was the first reported arrest of marijuana dealers in the city's history, three men picked up in a downtown flophouse. The writer noted police now had a grip on the marijuana problem, as "the extent of the sensational scheme which has been successful in flooding Toronto with marijuana was learned when detectives carried out a series of raids, two of them on a McGill Street rooming house." Police weren't sure whether the female buyer planned to smoke them herself or was buying the "Muggles," "reefers" or "Mary Warners" for an addict. Detectives said they found two of the men lying drugged on a bed while the third one danced around the room waving a red handkerchief. "Police received complaints from young girls who innocently smoked (marijuana cigarettes)," the *Globe and Mail* reported. "(Duncan) Campbell is reported to have told the police he made three trips to Buffalo's Negro district and brought back cigarettes... he claimed to have developed the connection with the Negro underworld himself."²⁰⁰ The *Globe and Mail* did not report on Campbell's trial, but the *Star* did: Campbell pleaded guilty a week after his arrest and was jailed for six months and fined \$200, the minimum sentence allowed by the law. In May, the *Star* reported, in a four-paragraph story, on the defence of Tubman and Short (men arrested with Campbell) at their trial on marijuana possession charges²⁰¹, and, in a one-paragraph brief in the May 7 edition, their acquittal.²⁰²

²⁰⁰ "Arrest in marijuana smuggling scheme" *The Globe and Mail*, April 4, 1938, 1

²⁰¹ "Evidence in Marijuana Case" *Toronto Star*, May 4, 1937, 32

²⁰² "Men Freed on Marijuana Charges" *Toronto Star*, May 7, 1938, 19

On April 22, 1938, the newspaper carried this story of marijuana's alleged role in a sensational murder in the U.S. This is one of the news articles of the late 1930s in which marijuana is spelled two different ways.

Marijuana suspected
When girl slays girl

Los Angeles, April 21 (UP)—The question of whether a half dozen puffs from a Marijuana cigaret could transform a mild-mannered nurse into a murderess puzzled police tonight as they sought to contemplate the evidence for the murder trial of Frances Woods.

The girl, 25, is accused of slaying Billie Maureen O'Shannon, an attractive waitress, who died last Monday in General Hospital of knife thrusts suffered in a sidewalk fight two weeks earlier.

Before Miss O'Shannon died, Miss Woods was brought to her bedside. The wounded waitress, her voice weak, told officers that Miss Wade offered her a Marijuana cigaret and then became furious when she refused it.

"I told her that any one who smoked one of those things ought to get a punch in the nose. She attacked me with the knife," Miss O'Shannon said, while Miss Woods stood in the hospital room.

The nurse denied Miss O'Shannon's story.

The two women, according to police, struck up an acquaintance in the café in which Miss O'Shannon worked. On that same night, they attended a party together. An hour after they had left the party, alarmed householders called police and told them "two young women are having a terrible fight on the street."

Officers found Miss Woods bending over the unconscious figure of her companion, trying to staunch the flow of blood from a dozen wounds.

In Miss Woods' purse, they found a bloody pocket knife and \$197 in cash. In the car which the two had used were two other knives.

No motive for the slaying has been uncovered, police said. The waitress identified Miss Woods at her bedside and insisted the story involving the "reefer" was correct.²⁰³

Coverage of sensational murders supposedly committed by people under the influence of marijuana continued in the *Star* and the *Globe and Mail* through the spring of 1938.

Finally, a Canadian murderer came forward to admit that marijuana had inspired him to commit his crime. Thomas (Shorty) Bryans, facing the gallows for fatally shooting an ex-convict named Norman Ford in the Toronto suburb of York Township, used the "reefer madness" defense in his trial. At trial in April, it became apparent Bryans, while in jail awaiting trial,

²⁰³ "Marijuana suspected when girl slays girl" *The Globe and Mail*, April 22, 1938, 10

came up with the excuse by overhearing police discussing marijuana. In his trial in late April, Bryans refused to testify or call witnesses to back his story. Prosecution evidence showed that, when police at the Keele Street station asked Bryans whether he wanted a cigarette, he asked for a marijuana reefer. That started a conversation between Bryans and Sgt. Earl Scott about the hazards of marijuana. Sgt. Scott saw himself as an expert on the drug, having just read some reports he'd received from the U.S. Bureau of Narcotics. The defence didn't work and Bryans was sentenced to hang.²⁰⁴ The *Globe and Mail* agreed with the guilty verdict: "Bryans, condemned murderer, is said to blame his downfall on smoking marijuana cigarettes. But murder is a very old crime, and marijuana is one of the most modern of drugs," the *Globe and Mail* noted sarcastically in a small editorial on April 30, 1938.

On May 21, the *Globe and Mail* noted the marijuana problem had spread to the United Kingdom, and that there was a Canadian tie-in to the British marijuana trade. The short story was carried on page two:

Attack Trade
In Marijuana

London (CP)—A move by Scotland Yard to stamp out traffic in marijuana has been made following a court statement that Andrew Vandenburg, Canadian war veteran sentenced here to ten years' imprisonment for gunplay, was under the influence of the drug at the time. A product of Indian hemp plant, marijuana may be eaten, drunk or inhaled. The most popular form of taking it is in cigarets.

The News-Chronicle declared a gang with a distribution centre in Soho had become increasingly active and the cleverest men in the Scotland Yard dope squad have been put on the track of pedlars of cigarets containing this dangerous drug. Enormous profits are made, and, as is often the case in the illicit drug trade, the customer is frequently swindled.

"Addiction is held responsible for many murders, suicides and particularly sexual assaults. It differs from that due to opium cocaine and alcohol because it does not produce a craving." (unattributed quote in original story.)²⁰⁵

²⁰⁴ *Globe and Mail*, May 27, 1938

²⁰⁵ "Attack Trade In Marijuana" *The Globe and Mail*, May 21, 1938,

By that time, police in Canada and the U.S. were searching for hemp and marijuana plants that had been sown (or had germinated on their own) that spring. Cannabis is an annual but, unlike some other field crops, it is hardy and quite able to reseed itself. On the Michigan side of the Detroit River, police were finding patches of the plants growing wild, burning five tonnes in one day. The Attorney-General of Michigan, Raymond Starr, was quoted in the June 27 *Globe and Mail* saying he was relieved that so much marijuana had been found. "Smokers of these drugged cigarettes are turned into raving maniacs. They are led to commit the most brutal crimes. The danger is particularly great since peddlers concentrate on schoolchildren."²⁰⁶

By the end of the summer, Canadian authorities, who had few arrests to show for their anti-cannabis efforts, changed their tack on the issue. Any marijuana being smoked in Canada, they said, was coming not from the old hemp fields of Quebec and the windbreaks planted along the edges of vegetable gardens across the country, but from dealers, most of them people of colour, operating from the United States. On August 15, Toronto police claimed the drug problem in the city, if it existed at all was very slight. In a small p. 13 article, the *Globe and Mail* noted:

Very little marijuana is sold in Toronto, it was learned yesterday, despite the fact that a negro arrested in Buffalo on Saturday claimed to have sold a quantity of the dope-filled cigarets in this city.

The negro, Charles Haines, alias Youngblood, was one of several men taken into custody by United States Narcotic Agents and Buffalo police. The latter claim they have smashed a drug ring which has been operating in western New York state and part of southern Ontario.

²⁰⁶ "Five Tons of Marijuana Are Seized" *The Globe and Mail*, June 27, 1938

Toronto police said yesterday there is quite probably some marijuana sold in Toronto but nothing like the amount the Buffalo report would indicate.²⁰⁷

Police did continue their search of the countryside for cannabis.

When Henri Brouillette's windbreak of hemp plants spread into a nearby field, neighbours of the Windsor-area farmer called the RCMP and the *Globe and Mail* ran a six-paragraph story on the raid under a six-column headline "\$250,000 Worth of Marijuana Weed Destroyed".²⁰⁸ Police pulled up about one ton of hemp. "Now the stuff is all over my farm," Brouillette was quoted. "I guess the pigeons are wild about it and they eat it and carry the seeds around. I haven't any use for the darned stuff and I certainly don't want to smoke it."

The paper also quoted H.F. Marwin, superintendent of the Dominion Experimental Station at Harrow (southeast of Windsor), a colleague of Central Experimental Farm's Archibald. Martin said, "it was difficult to estimate how much 'reefer' material can be extracted from a ton of marijuana weed or hemp.

"There are some parts of the plant which are more potent even than the leaf, if processed properly, but I feel that details of this information is something which should not be made public."

A similar hemp plot was found two days later by Hamilton police, with credit going to Sergeant McNair, "an expert on floriculture". The *Globe and*

²⁰⁷ "Very Little Marijuana Sold Here" *The Globe and Mail*, Aug. 15, 1938, 13

²⁰⁸ "\$250,000 Worth of Marijuana Weed Destroyed" *The Globe and Mail*, Aug. 23, 1938, 13

Mail reported the find in a two- paragraph story.²⁰⁹ The next day it ran a two-paragraph story saying London Ontario's weed inspectors were under orders to look for the plants.²¹⁰ A report of marijuana or hemp plots being found in Chatham ran on Aug. 29: "Mr. Satchell (owner of the farm where the plants were found) said the plants had been growing in a section of the farm for forty years, but he did not know its species. He said he remembers his mother originally plant the seeds to raise bird seed.)"²¹¹; Marijuana plants turned up in Napanee on Sept. 9²¹² (one-paragraph brief); Picton on Sept. 14²¹³ (two-paragraph brief). Some 20 acres of wild hemp were torn up at the Caughnawaga Mohawk reserve (now called Kahnawake), across the St. Lawrence River from Montreal, and burned on Sept. 28, 1938. The Globe reported the seizure in a five-paragraph story on p. 15 of the Sept. 29 edition:

The Indians say the weed has been growing wild on the reserve for as long as anyone can remember...

Chief J.K. Jocks, Indian police officer of the reservation, said to his knowledge none of the Indians was using the herb. Royal Canadian Mounted Police have lately made at least two raids on a dance hall within the reserve however and seized marijuana on young men found to be attending the dance. It is believed the raids led to the discovery of the growth in the district. Most of the Indians know of the property of the drug from friends who have visited those United States cities where its use is common.²¹⁴

In mid-November, 1938, the *Globe and Mail* reported the first arrest of marijuana sellers since the beginning of April. In a front-page story in the

²⁰⁹ "Police Uproot Hamilton Plot of Marijuana" *The Globe and Mail*, Aug. 25, 1938, 15

²¹⁰ "Weed Inspectors Told to Search for Marijuana" *The Globe and Mail*, Aug. 26, 1938, 17

²¹¹ "Marijuana Uprooted" *The Globe and Mail*, Aug. 29, 1938, 7

²¹² "Marijuana is Found on Farm Near Napanee" *The Globe and Mail*, Sept. 10, 1938, 4

²¹³ "Marijuana Is Found Growing in Picton" *The Globe and Mail*, Sept. 15, 1938, 7

²¹⁴ "Mounties Grab Tons of Dope" *The Globe and Mail*, Sept. 29, 1938, 15

Nov. 19 edition, the paper reported a raid on a house in suburban York Township (now the North York area of the amalgamated City of Toronto). Police searched the home of Norman Collotte, 27, who lived with his mother and grandmother in a suburban house. In his attic room, police found “a jar full of the weed, three silver cigaret cases containing more than 20 ‘reefers,’ cigaret rolling papers and a large newspaper parcel of prepared leaf.” Careful reading of the story suggests Collotte was not a typical Canadian of his age, and may, in fact, have had more problems than just an unhealthy curiosity about cannabis:

According to police, Collotte, who is unemployed, got the idea of making marijuana cigarets from an article which appeared in a nationally-circulated magazine. After having been taken to York County police station, he was booked on charge of illegal possession of narcotics. York Township police discovered a large patch of marijuana growing in the rear of a rubber factory on Dundas Street West last summer. They think Collotte may have obtained his supply of the drug from that crop before it was destroyed. Collotte’s room was filled with detective stories and other magazines of a lurid nature. Both his mother and grandmother denied any knowledge of the youth’s activities.”²¹⁵

On Nov. 18, in a ten-paragraph story on its Ontario news page, the *Star* reported Collette’s arrest (the *Star* and *Globe and Mail* spelling of the man’s name differed throughout the coverage). Collette, whose arrest was also covered by the *Globe and Mail* was found to have several small marijuana plants growing in his bedroom in the home of his parents, “enough marijuana to make 1,000 cigarettes” in a bundle in a clothes closet, and three marijuana cigarettes hidden in a tin can. The *Star* also reported on the finding of “sensational magazines”, one of which was said to be open at an article about marijuana.²¹⁶ On Nov. 21, the *Star* published, on P. 6, a picture of the police officer who arrested Collette, standing with a bundle of

²¹⁵“Police Raid House, Find Marijuana” The *Globe and Mail*, Nov. 19, 1938

²¹⁶ “Marijuana Seized From Man’s Bedroom” Toronto *Star*, Nov. 18, 7

very tall marijuana plants that, the police officer said, were found when Collette led investigators to a marijuana patch on the Humber River. Collette's conviction was reported Nov. 28. Evidence at Collette's trial showed he had read about marijuana in a magazine and had, along with a friend, found a wild patch of hemp growing near the Humber River. Collette said he had smoked two marijuana cigarettes, which made him sick, and decided to sell the rest. Sentencing was put over.²¹⁷ In the next day's paper (Nov. 29, 1938), York Township deputy reeve C.P. Cashman was quoted in a four-paragraph story demanding a police investigation into the growth of wild marijuana in the township:

"I want to know how long this weed has been growing," he said. "I have been informed the weed in this particular patch was cut down, then grew in again. If this is so, I want to know who is responsible for letting it grow again."²¹⁸

Finally, in late November, the *Globe and Mail* carried its last marijuana story of the decade. The newspaper reported, in a two-paragraph story on its front page, that Howard (Hod) Cramer, a musician, was sentenced to six months in jail and fined \$200 (the minimum sentence) by a judge in Montreal for possession of marijuana cigarettes. Cramer played the roadhouse circuit in the Ottawa area and was arrested by the RCMP.²¹⁹

²¹⁷ "Evidence Heard in Marijuana Case" *Toronto Star*, Nov. 28, 1938, 32

²¹⁸ "Reeve Wants Marijuana Out of Township" *Toronto Star*, Nov. 29, 1938, 6

²¹⁹ "Musician Jailed; Had Marijuana" *The Globe and Mail*, Nov. 24, 1938

The Toronto *Star* began its coverage of the 1938-39 marijuana crackdown with a short story in the March 15 issue: "Inspector and Professor Fail to Grow Marijuana in Toronto,"²²⁰ a somewhat humorous item about a University of Toronto botanist and a city police inspector who tried without success to grow marijuana in a hothouse. "All this makes Sgt. L. Bentley a little dubious of the claim that the narcotic weed is easily grown in any type of soil," the story said.

On March 19, the *Star* reported, in a brief on the front page of its second news section: "Jail 12 in Buffalo Marijuana Drive," reporting the "largest roundup in years" of suspected marijuana users²²¹. In a P. 1 story three days later, a *Star* writer made the link between liquor and marijuana prohibition in a story headlined "Alcohol More Fatal Than Ever is Claim," a report from a convention of the American College of Surgeons at Toronto's Royal York Hotel. Beer, an interviewee said, was a drink more dangerous even than hard liquor.

"If the man who drinks two or three quarts of beer a day thinks this is causing him no harm, he doesn't know his own body. It will get him in the end," a delegate told the *Star* reporter.

A Dr. Lohr said over-indulgence in alcohol resulted in many premature deaths, and a large number of people were also deliberately killed by assailants who spiked their drinks with poison. He claimed at least

²²⁰ "Inspector and Professor Fail to Grow Marijuana in Toronto" *Toronto Star*, March 15, 1938

²²¹ "Jail 12 in Buffalo Marijuana Drive" *Toronto Star*, March 19, 1938

20 people escaped prosecution in Ontario each year for deliberately poisoning people with alcohol mixed with carbolic acid and other toxins.

He went on to tell the reporter that the “most lethal poisons of the day in terms of the numbers of their victims are alcohol and marijuana.” He said he could easily spot these poisoning victims. “This marijuana, the so-called hemp cigarette, ruins mind and body. It drives people crazy, stimulates the body far beyond its capacity, drives people stark singing mad and breaks down the tissues... almost all the tissue. It ruins (tissue) beyond all hope of repair. Every sense and every feeling is stimulated to the point where it breaks down.”²²²

That month, the *Star* did, however, report for the first time, that: “Marijuana, according to findings of a commission of four medical men appointed by the governor of Panama, is not habit-forming in the same sense as opium and its derivatives.”²²³

On April 11, the *Star* reported the jailing of Campbell and the indictment of two others for possession of marijuana. Campbell pleaded guilty and was fined \$200 and sentenced to six months in jail. Most of this story, headlined “Man Who Had Marijuana Is Jailed For Six Months”, dealt with the preliminary hearing for Jack Short, 29, and Robert Tubman, 30, who were allegedly found by an undercover police officer to be smoking marijuana cigarettes. Their lawyer argued they were smoking hemp, “which

²²² “Alcohol More Fatal Than Ever Is Claim” *Toronto Star*, March 22, 1938, 1

²²³ “Narcotics Seizures Increase” *Toronto Star*, April 4, 1938. Perhaps this is a reference to the 1933 Report of the Military Surgeon in the Panama Canal Zone mentioned in Chapter 2.

is found on just about every farm in Ontario and Western Canada.” The *Star* reported: “Magistrate Jones produced from his desk his own book, called ‘Wildflowers’ and agreed with Mr. Heath (the prosecutor) that marijuana and Indian hemp belong to the same family. His book contained an illustration of the latter. He then committed Short and Tubman for trial. A police court story in the April 13 edition noted the fourth conviction of a person in Toronto for possession of marijuana, “a narcotic weed blamed for a variety of serious crimes”. It reported: “Samuel Morrison, 19-year-old colored ticket agent, was today given the minimum penalty for a first conviction -- \$200 and costs or six months, plus six months.” Morrison was caught with ten small marijuana cigarettes.²²⁴

Beginning April 27, the *Star* reported on the murder trial of Thomas Bryans. Despite Bryan’s claim of marijuana-induced temporary insanity, most of the evidence reported in the 20-centimeter-long P. 8 story described the events leading up to the shooting death of Norman Ford, with the marijuana issue limited to police testimony that jail guards had talked to Bryans after the murder about the dangers of marijuana.

By August, with the maturing of planted cannabis and wild hemp, police began hunting marijuana patches. Their efforts were covered in the *Star*, beginning Aug. 11. The newspaper reported, in a four-paragraph story in the Aug. 11 issue: “Destroy Over Ton of Marijuana Weed,” which quoted police saying that the confiscated plants, if turned into “doped” cigarettes,

²²⁴ “Man Who Had Marijuana Is Jailed For Six Months” *Toronto Star*, April 11, 1938,

would have a street value of \$250,000. The plant was growing wild in a six-mile (ten kilometer) stretch of Pt. Pelee National Park²²⁵. (The *Star* did not make clear, in a three-paragraph story printed Dec. 15, whether marijuana plants found drying in two cottages near Pt. Pelee were collected from the wild plants growing in the area. Glen Drey, a 24-year-old painter, was arrested Dec. 14 and held in custody over the Christmas holidays in connection with this seizure)²²⁶. On Aug. 22, in an article "Finds Marijuana on Hamilton Lot,"²²⁷ Police Sergeant George McNair, past-president of the Hamilton Horticultural Society, was credited with finding cannabis plants on a north-end Hamilton lot: "I do not think," said the sergeant, "that this particular lot was being cultivated, since the cultivated plant grows to greater heights." Universities and botanists throughout Canada had employed Sgt. McNair in their search for rare specimens, the officer said. "But the marijuana patch was right on my beat," he told the *Star*.

Police also found marijuana growing wild in the eastern Ontario towns of Picton and Belleville²²⁸; the southwestern Ontario village of Blenheim²²⁹; the town of Uxbridge, near Lake Simcoe²³⁰). While the plant is described as "marijuana" in these stories, close reading suggests these were, in fact, patches of wild hemp. None of the stories reported anyone charged with cultivating these plants.

²²⁵ "Destroy Over a Ton of Marijuana Weed" *Toronto Star*, Aug. 11, 1938, 18

²²⁶ "Man Charged in Marijuana Raid" *Toronto Star*, Dec. 15, 1938,

²²⁷ "Finds Marijuana on Hamilton Lot" *Toronto Star*, Aug. 22, 1938

²²⁸ "Picton Street Has Crop of Marijuana" *Toronto Star*, Sept. 14, 1938,

²²⁹ "Officer Finds Wife Growing Marijuana. Had Mistaken it for Garden Flower" *Toronto Star*, Sept. 15, 1938

²³⁰ Destroy \$2,000 Marijuana Discovered on Vacant Lot, *Toronto Star*, Sept. 27, 1938

On Nov. 8, the *Star* reported on the arrest of "a youth and his pretty 19-year-old wife" on marijuana possession charges after a raid on a rooming house on Jarvis Street in Toronto. Mr. and Mrs. Cyril Vandreuil of Windsor were allegedly caught with marijuana they had brought to Toronto to sell:

Searching, police found the (45) cigarettes in regular small packages of ten. The seed was rolled in a brown paper bag. Accused said, according to police, he purchased the seed for \$12 and the cigarettes for 25 cents each from a Negro in Detroit. Police investigation revealed that addicts are often charged between 40 and 50 cents for a cigarette but they say the use of the drug is not growing. Recently many girls have arrived in Toronto and according to Patrol Sgt. Crawford they are users of marijuana.²³¹

On Jan. 6, 1939, the *Star* carried a book review under the headline "Marijuana Menace Has Grown Rapidly. Acts of Violence and Behavior Disorders Result from its use. Is habit-Forming." The story, the first in either the *Star* or the *Globe and Mail* with a byline, was written by Logan Clendening, M.D.. It was a strongly-worded story repeating most of the contemporary allegations against marijuana, made all the more damning by the apparent credibility provided by the author's medical credentials:

When it is known that more than 100 peddlers were said to be selling marijuana cigarettes to school children in Detroit and that school children in St. Louis, New Jersey, New York and Ohio have bought these cigarettes from peddlers, the seriousness of the situation may be realized. In December, 1937, a 22-year-old girl held up and killed a bus driver. Her husband testified that he had previously supplied her with marijuana cigarettes purchased on a main street of his city.

The effects of the drug are to produce, first, a state of excitement and then a dreamy lethargy. It has particular effects upon the sense organs of smell and hearing. There is a peculiar stretching of the sense of time. One doctor who took a dose for experimental purposes got too much and his family got a doctor. He was seated in the window of his living room and he saw the doctor get out of the car at the corner. He said it seemed several centuries before the doctor arrived at the house.

Dreams and hallucinations usually terminate the first effects of the drug, but violent excitement, resulting in acts of violence and behavior disorders, may also follow.

²³¹ "Couple Charged With Marijuana Possession" *Toronto Star*, Nov. 8, 1938

Teachers and parents should be apprised of the situation and be on their guard.²³²

On Feb. 27, the *Star* carried a two-paragraph story about two men arrested in downtown Toronto for having a seed, supposedly of marijuana, sewn into a shirt.²³³ The *Star* went four months without another marijuana story, until July 4, 1939, when, in a one-paragraph Canadian Press brief from Montreal, it reported on the guilty pleas of two British West Indies sailors arrested for possession of marijuana²³⁴. In August, the newspaper began covering seizures of hemp and/or marijuana patches in Ontario, reporting Aug. 12 in a six-paragraph story of the seizure of “deadly marijuana plants”, “of a narcotic value of several hundred dollars” seized from Toronto and Etobicoke gardens, where they had been used as wind breaks. Other patches, police said, may have grown from discarded bird seed.²³⁵

Coverage of the issue, except for a few briefs in the fall of 1939, ended with the outbreak of World War II on Sept. 1, 1939. The *Star* carried four stories in 1940, all dealing with celebrity arrests in the U.S. and printed an advertisement on Jan. 27, 1940, for the showing, at the Madison Theatre, Bloor and Bathurst Streets, of the movie *Marijuana, Assassin of Youth*, which promised viewers “Marijuana exposed! IT MAY SHOCK YOU”. It carried no marijuana stories in 1941, 1942 or 1943.

²³² “Marijuana Menace Has Grown Rapidly. Acts of Violence and Behavior Disorders Result from its use. Is habit-Forming” *Toronto Star*, Jan. 6, 1939

²³³ “Men Arrested For Marijuana” *Toronto Star*, Feb. 7, 1939

²³⁴ “Sailors Found With Marijuana” *Toronto Star*, July 4, 1939

²³⁵ “Marijuana Found in Toronto” *Toronto Star*, Aug. 12, 1939

When analyzing media coverage, it is often as important to note what was not said, as what was said. In this case, in stark opposition to the U.S. media coverage of Anslinger and his campaigns, the head of the Narcotics Branch, Sharman, was not quoted in any of the press stories on marijuana. As well, after the passage of the 1938 Canadian legislation, neither Sharman nor any other federal officials, elected or in the bureaucracy, are quoted in any marijuana stories in the *Globe and Mail* or the *Star*. This fits with the tenor of the internal correspondence of the Narcotics Bureau and the Department of Health and Pensions, in which almost all key government officials are shown to have had little interest, or faith in, a marijuana ban and a publicity campaign. They had, in fact, argued that publicizing the drug properties of marijuana and hemp would serve as a form of advertising. Invariably, except for the Toronto Board of Control debate after Bryant's arrest and the quoting of the Etobicoke mayor in the Collette case, the sources for the *Star* and the *Globe and Mail* articles are local police.

It is not too much of a logical leap to come to the conclusion that all of the *Globe and Mail* and Toronto *Star* stories on "marijuana" plant seizures were, in fact, reports of the destruction of hemp plots that were either growing wild or were planted as windbreaks, a common practice alluded to in the correspondence of the Department of Agriculture and sent, as copies, to the Narcotics Branch. Even Collette, who was caught tending cannabis plants, insisted he had found them growing wild. In fact, in none of the *Globe and Mail* or Toronto *Star* stories is there a suggestion by police that the

“marijuana” they found and destroyed was planted by people engaged in drug sales or use. In the case of the marijuana found in Pt. Pelee cottages, it may well have been news reports of the large amount of wild hemp growing in the area that attracted the attention of those who harvested it.

If the coverage of the marijuana crackdown of 1938 is complete and accurate, no more than a dozen people were arrested in the marijuana crackdown that began after the passage of the 1938 Narcotics Act. Of the reported verdicts, two people were acquitted and the rest (four people) were given the minimum sentence of six months in jail and a \$200 fine for simple possession. No one was charged with cultivation or trafficking, although Collette did apparently say he planned to sell the plant material he found, as he did not enjoy smoking it. Considering these events took place in the later years of the Great Depression, when jobs were scarce and a considerable number of poor people had little money to spend on liquor, cheap – even free – marijuana, either bought from peddlers who supposedly knew how to select the more intoxicant part of the plants, or harvested from hemp plants growing wild or in gardens, did not catch on with the public. It therefore appears that there was, at most, a very small market for marijuana dealers and little economic opportunity for anyone who went into that business.

The newspapers reported the marijuana “problem” as a spill-over from a similar one in the U.S., and it is notable that the coverage often deals with people of colour who had come to Canada from the U.S. As well, both newspapers, until the fall of 1939, continue to print warning stories, the

most notable of which was Dr. Clendening's January 6, 1939, article in the Toronto Star.

The marijuana scare of 1938-39 happened at a time when there was already a great deal to be afraid of. The economy had been in depression for nine years, Hitler was in power in Germany, had annexed Austria and part of Czechoslovakia, and was preparing to launch further acts of aggression in Europe. A sort of dress rehearsal of World War II, The Spanish Civil War, coincided with the marijuana campaign and introduced newspaper readers to the aerial bombing of civilians and other atrocities of modern warfare. The Japanese had invaded China and committed atrocities upon the people of Shanghai and in the Chinese countryside. Stalin's purges were underway in Russia, with thousands of senior officials, military officers and supposed dissidents convicted in kangaroo courts and executed. These events, not a supposed marijuana problem, took up most of the front pages. Domestically, people worried about the possibility of war and whether Canada and her allies could overcome the threat of aggressive totalitarianism.

People wanted some sort of stability. Marijuana was another challenge to middle-class, safe Canadian society supposedly inflicted upon the country by foreigners. As months went by, however, it must have become obvious to newspaper editors and readers that marijuana, although it might (and arguably did) become a problem in the future, was no real threat to ordinary

Canadians. The stories became smaller, drifted into the back pages, and stopped when a real threat to Canada, World War II, began.

CHAPTER 5: Conclusion

Cannabis' use as a drug goes back many thousands of years, but, until the 19th century, government bans on it were atypical. In that century, marijuana and hashish use was limited to "bohemian" circles and to the Indian subcontinent, parts of Africa, the Caribbean, Central America and Mexico. U.S. nationals appear to have first used the drug during the construction of the Panama Canal, and use of marijuana spread into the U.S. southwest with the arrival of Mexican immigrants in the early years of the 20th century. It spread from there to New Orleans, New York, Chicago and other cities, where it was smoked by a small minority of the urban poor. By then, some municipalities and states had passed ordinances and laws against it.

At the same time, liquor prohibition was at its zenith, both in the U.S. and Canada. By the early 1930s, public pressure and electoral defeat had forced the U.S. government and Canadian provinces to roll back full prohibition of alcoholism. The paternalistic attitude of the media and political elites that had encouraged liquor prohibition still existed, and, in Canada and the U.S., many of the liquor prohibition arguments were to be applied to marijuana.

In the United States, federal officials, notably Harry J. Anslinger, harnessed anti-marijuana positions of elites in states where the drug was used. At the same time, he worked in collaboration with many U.S.

newspapers and some movie producers to extend the demonization of marijuana throughout the country (and, through wire services and U.S. publications sold in Canada, to this country). The result was the 1937 Marijuana Tax Stamp Act, which legislated a national ban on marijuana.

In the time period covered by this essay, Canada was, for the most part, governed by politicians who supported to varying degrees liquor prohibition. They were encouraged by temperance groups and, in the first three decades of the 20th century, powerful rural progressive groups that elected provincial governments in Ontario and Alberta. Emily Murphy, born into a well-connected upper-middle class family, emerged as one of the leaders of the rural progressive movement and the country's first anti-marijuana activist. Her writings, a collection of primarily anecdotal evidence, all of it collected from U.S. officials, was accepted as truth by policy makers. Marijuana was banned in Canada by regulation in 1923, and Murphy was appointed a delegate to the League of Nations anti-narcotics conference of 1925. Murphy's prohibitionist beliefs were in tune with those of her publisher, J.B. Maclean, owner of *Maclean's* magazine; Toronto *Star* publisher Joseph Atkinson, a vocal prohibitionist with strong ties to the national and Ontario Liberal parties; and George McCullagh, owner of the *Globe and Mail* and a supporter of the prohibitionist Ontario Liberal Party.

Marijuana faded as an issue in Canada until the passage of the U.S. 1937 Marijuana Tax Stamp Act. Within days of the passage of that bill in August, 1937, Canadian media took up the issue. Despite warnings from federal

bureaucrats, the King government passed a new marijuana bill in the winter of 1938. A police crackdown on marijuana and hemp began that spring with eager press coverage. This crackdown, and the newspaper coverage, continued until the outbreak of war in September, 1939. Marijuana was not a serious issue again in Canada until the 1960s, when growers, users and sellers began to be prosecuted under regulations and laws passed during the timeframe of this thesis.

It is politically easy for governments and Parliament to regulate and legislate against problems that do not exist, as they did in 1923, when marijuana was added to the schedule of proscribed drugs under the Opium Act, and, in 1938, when amendments were made to the Narcotics Act to ban marijuana (and hemp) cultivation. It is also bad public policy. Parliament, as the senior decision-making body of the country, has an obligation to give careful study to any law it makes, to seek expertise, and to test conventional wisdom before enshrining a prohibition in law. The same scrutiny mechanisms, including parliamentary committee hearings and Royal Commissions, that exist today were available to Parliament in 1923 and 1938 and were used for other issues. As well, Parliament had access to sessional papers, research documents commissioned by Parliament and written by bureaucrats and private citizens. Had marijuana not made a resurgence in the 1960s, the passage of the regulations of 1923 and the legislation of 1938 would have been relatively unimportant, affecting only the handful of people arrested and jailed in 1938-39. Opium-eating,

also banned under the Opium Act that banned marijuana, never became popular, nor did laudanum have a resurgence. Marijuana, as part of the 1960s counter-culture, did.

This left Canadian governments in a quandary. Beginning in the late 1960s, when the Trudeau government appointed the LeDain Commission to examine drug use, to 1973, when the commission recommended decriminalizing marijuana, and almost constantly since then, up to and including the 2004 bill to decriminalize possession of small amounts of marijuana, Canadian governments have sent signals that they would prefer a non-criminal means of dealing with people caught with marijuana for their own personal use.

The entire paradigm concerning marijuana has shifted: “marijuana-induced insanity” would be considered an unlikely defence for violent crime; at most, marijuana is seen to have psychological side effects that induce long-term lethargy, and marijuana smoke may inflict similar damage on the lungs to tobacco. Other effects, such as chromosome damage, are still under study. Critics of marijuana prohibition say it is the prohibition itself that spawns the black-market cultivation and sale of marijuana and point to European countries like Holland, where small amounts of marijuana are sold without criminal sanction, as models for Canada.

The Canadian media, too, has changed since the first half of the century. Opinion pieces like Emily Murphy’s *Macleans*’ articles would probably not be printed today without some sort of response from those with opposing

views, and her racial attacks would not be published at all by any mainstream publication. In fact, articles as racist as Murphy's would leave its author open to charges under the Criminal Code's provisions on hate crime. There is considerable criticism of "rolodex journalism" but today's political reporters expect parliamentary committee hearings on almost all legislation, with testimony by experts and stakeholder groups. They seek out expert opinion on an issue of this type.

Still, a similar situation to the marijuana ban of 1923 exists today with khat, a plant chewed by many people in East Africa and Arabia for its stimulating effects. Its users tend to be poor, Black, and foreign. It is alleged by correspondents covering the anarchy in Somalia in the early 1990s to have added to the violent tendencies of irregular soldiers employed by Somali warlords, and it is banned in the U.S.. Khat is also virtually unknown in Canada outside the East African community. Still, Canadian federal officials banned khat in 1996 by adding it to the list of controlled drugs under the Narcotic Control Act. They were challenged by Canadian journalists. The decision was made after a round of public hearings on Bill C-7, the law that imposed the ban. Both sides in the debate cited studies by the World Health Organization, which had tested khat's intoxicant and addictive properties. The Somali community spoke out on the issue (on which it was somewhat divided). While khat is banned in Canada, this

prohibition occurred with more debate and political due process than the 1923 ban on marijuana²³⁶.

The contrast between the mechanism of the marijuana ban and the ban of khat demonstrates in many ways the positive changes that have taken place in Canadian politics and journalism. Canada has moved from the early 20th century model of a British North American society with its emphasis on so-called Protestant virtues such as sobriety, thrift, and, above all, respectability, to a multicultural nation that is far more likely to challenge conventional wisdom. In many ways, especially in Canada's cities, now home to some 80 per cent of the population, the British bourgeois society that was the nurturing ground of Emily Murphy, J.B. Maclean, Joseph Atkinson, George McCullagh and William Lyon Mackenzie King can no longer impose its values, without question or debate, on a multicultural society

²³⁶ For print media articles dealing with Canadian khat ban, see "Bill C-7", in *Cannabis Culture*, Dec. 14, 1994; "Khat Running Out of Lives", *Cannabis Culture*, March 21, 1997; "Khat on a Hot Fed List", *NOW Magazine*, Aug. 8-14, 1996; "The Khat Smugglers," published on the British Broadcasting Corporation Internet site (www.bbc.co.uk) and available through the web site's archives. For Somali-Canadian discourse on khat, see Somali Talk Internet site (www.somalitalk.com/opiniom/qaad/2.html).

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