

# Cannabis Cures: American Medicine, Mexican Marijuana, and the Origins of the War on Weed, 1840-1937

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# Cannabis Cures: American Medicine, Mexican Marijuana, and the Origins of the War on Weed, 1840-1937

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**CANNABIS CURES: AMERICAN MEDICINE, MEXICAN MARIJUANA,  
AND THE ORIGINS OF THE WAR ON WEED, 1840-1937**

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This dissertation charts the medicalization and criminalization of the drug now widely known as marijuana. Almost no one in the United States used that word, however, until it was introduced from Mexico in the early twentieth century. Prior to that, Americans often called it hemp or hashish, and generally knew it as Cannabis - the scientific name given to a genus of plants by Carl Linnaeus. That transition in terminology from cannabis to marijuana serves as the crux of this project: It begins in 1840 with the formal introduction of cannabis into American medicine and ends in 1937 with the federal prohibition of marijuana. In between, it charts nearly a century of medical discourse, social concern, and legislative restrictions surrounding the drug – demonstrating that the origins of our nation’s war on weed are much older and more complicated than previous studies have suggested. In short, marijuana prohibition in the United States was not a swift or sudden byproduct of racism and xenophobia toward Mexican immigrants, but instead, the culmination of broad evolutions in public health and drug regulation coupled with a sustained concern about the potential dangers of cannabis use dating to the mid-nineteenth century.

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## INTRODUCTION

Victor Robinson received a Ph.G. at the New York College of Pharmacy, a Ph.C. at Columbia University, and an M.D. from the Chicago College of Medicine and Surgery. In 1912, he published a short book entitled *An Essay on Hasheesh: Including Observations and Experiments*. The book began with an overview of humanity's attempts at finding an "antidote for suffering" – chronicling the many plants from around the world that now contributed to "the eradication of disease and the alleviation of pain." Robinson, however, wanted to focus on just one. "Of all the narcotics," he wrote, "none is more alluring to the imagination than the intoxicating hemp-plant, scientifically known as *Cannabis Sativa* and popularly famed as Hasheesh."<sup>1</sup> His book chronicled all aspects of cannabis, remarking on its ancient history, its unknown chemical composition, its physiologic and pharmacologic actions, and its recognized therapeutic uses. Robinson highlighted the fact that cannabis "has never produced death," calling it "a poison which lacks a maximum and fatal dose." He stressed its remarkable variability, stating that, "No drug in the entire Materia Medica is capable of producing such a diversity of effects as cannabis." He also observed its uncanny ability to mislead the mind with uncontrollable

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<sup>1</sup> Observers often classified cannabis as a narcotic in the late-nineteenth and early twentieth centuries. In this instance, Robinson described a narcotic as "being roughly defined as a substance which relieves pain and produces excitability followed by sleep." The classification of cannabis as a "narcotic" is somewhat precarious, but the term stuck at various moments to many drugs, including those like cocaine, which is also widely regarded as a stimulant.



thoughts and distortions of space and time. In short, Robinson captured the crux of medicinal cannabis in the early twentieth century: a powerful but frequently inconsistent drug used for a variety of ailments but capable of producing a rather startling intoxication. “Not many drugs,” he wrote, “are used for both the brain and the feet, but with cannabis we have this anomaly: a man may see visions by swallowing his corn-cure.”<sup>2</sup>

In June of the same year, D. R. McCreesh, a writer from the *El Paso Herald*, published an exposé on patterns of drug use in the border towns of El Paso, Texas and Ciudad Juarez, Mexico. Though mainly focused on cocaine and opium, McCreesh also introduced readers to “a drug fiend of another type,” one he claimed was “different from the drug victims of any other place.” This, he wrote, was “the Marihuana victim.” According to McCreesh, experts considered “Marihuana, Cannabis Indica, or [more] commonly called Indian hemp ... to be the most deadly in its effects.” Nonetheless, he declared, “Juarez drug stores keep it on hand, and sell it to anyone who has the purchase price.” Smoked in cigarettes, marijuana most resembled “green tea.” Its effect, McCreesh said, “is to greatly magnify things,” while “the smoker becomes imbued with extraordinary courage,” and willing to “undertake any proposition.” More frightfully, “The tendency of the drug is to throw the user into a frenzied and uncontrollable state, and his desire to satiate himself runs to the commission of murders or other crimes.” Eventually, McCreesh wrote, marijuana “drives them insane.”<sup>3</sup>

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<sup>2</sup> Victor Robinson, *An Essay on Hasheesh; Including Observations and Experiments*, (New York: Medical Review of Reviews, 1912), 12, 11, 35, 41, 32. Advertised as remedies for hard and soft corns, bunions, and related issues, corn-cures often contained cannabis as a primary ingredient.

<sup>3</sup> D. R. McCreesh, “Hop Smokers Now Must Go to Juarez to Dream,” *El Paso Herald (El Paso, TX)*, June 15, 1912, Week-End edition, <http://chroniclingamerica.loc.gov/lccn/sn88084272/1912-06-15/ed-1/seq-10/>.

These writings mark a watershed moment in the United States, highlighting the period when two distinct perceptions of the same drug began to merge. In the twenty-five years that followed states legislatures across the country passed legal restrictions on the sale and use of marijuana, culminating in 1937 with the federal Marihuana Tax Act (MTA).<sup>4</sup> Focused almost exclusively on this period, most previous studies have located the impetus for this legislation in the xenophobic response to the arrival of Mexican immigrants and their unfamiliar drug. In contrast, this dissertation argues the origins of marijuana prohibition in the United States were already well established - rooted in the medical discourse, social concern, and legislative restrictions on cannabis that emerged during the second half of the nineteenth century. This understudied period was critical in categorizing cannabis as a potentially dangerous drug and establishing the cultural and legal basis for a bifurcated drug market, divided into legitimate and illegitimate uses. Combined, the sustained development of these medical, social, and legal structures set a broad precedent for the regulation of cannabis in the United States that served as a ready foundation for the arrival of marijuana rhetoric in the 1910s, the emergence of anti-marijuana sentiment in the 1920s, and federal prohibition of marijuana in the 1930s.

Beginning with the formal introduction of cannabis to American medicine in the 1840s and its subsequent placement in a range of regulations on medicines and poisons, this project argues the foundation for marijuana prohibition was rooted in a broad understanding of public health and drug regulation. In turn, these findings highlight the many ways in which existing interpretations have often failed to explain the emergence

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<sup>4</sup> Though usually spelled marijuana today, marihuana was the most common spelling in the United States during the early twentieth century. Different spellings from the period included: marajuana, mariguana, mariahuana, marahuana, marihuano, mariguan, and others. For consistency, marijuana is used throughout unless directly quoting sources with varied spellings.

of early twentieth century laws restricting cannabis and marijuana. Absent both Mexican immigrants and marijuana terminology, numerous state legislatures continued the work of their nineteenth century predecessors by curbing access to cannabis. In fact, even in states that grappled with Mexican immigration, the medical and legal frameworks established in the nineteenth century served as a clear structure for marijuana restriction. By privileging bureaucratic expediency, political pressure, and xenophobia in explaining the emergence of marijuana prohibition in the early twentieth century, previous studies have failed to engage with the important role of legal restrictions on cannabis in the late-nineteenth century. Moreover, by casting allegations of violence, addiction, and insanity aside as nothing more than myth, misinformation, or racism, these foundational studies have generally overlooked the long held medical concerns about its potential dangers chronicled below.

By charting a longer, more complex, and enduring history of cannabis regulation, this project explains its transition from therapeutic drug to frightful menace within the context of broader changes in American medicine, the role of federalism, and the ideological foundations of our nation's war on drugs. From this perspective, cannabis serves as a lens through which to view the emergence of a vast apparatus of legal mechanisms meant to restrict consumer access to drugs and police those in violation. That process began in earnest during the second half of the nineteenth century as medical professionals, social reformers, and state governments sought to control the sale and use of medicines and poisons in the name of consumer protection. Cannabis was indeed a commonly used medical remedy for a variety of ailments during this period. Yet, as Robinson noted, it was also capable of producing rather alarming symptoms. Part

medicine, part poison, cannabis was often included in these state-level regulations. This broad regulatory trend culminated with its inclusion in the federal Food and Drug Act of 1906.

None of these laws mentioned the word marijuana. In fact, very few uses of the word appeared in the United States before the 1910s. Fewer still made the explicit connection between cannabis and marijuana.<sup>5</sup> In this regard, McCreesh heralded the recent arrival of the Mexican term and its associations with violence and madness. So limited was this understanding that the word marijuana never appeared during the Congressional debate on whether cannabis should be included alongside opiates and cocaine in the nation's first major drug control legislation in 1914. Congress ultimately left cannabis out of that law, leaving its continued regulation and control with the states.<sup>6</sup>

By the early 1930s, more than forty states and a number of municipalities enacted legislation to restrict, regulate, and prohibit cannabis by many different names. The continued evolution of these state-level regulations produced new types of prohibitory drug laws that firmly established a strict binary between licit and illicit cannabis use. The long established perceptions of its potential dangers, embodied in Robinson's writing, left cannabis with few defenders as its medicinal uses rapidly declined. During the 1920s, marijuana smoking captured the attention of law enforcement and civic groups in cities across the country, drawing early cries for federal intervention. Largely devoid of medical status and fully merged with the alarming marijuana narrative, cannabis

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<sup>5</sup> For the best exploration of the arrival of the term marijuana in the United States, see: Isaac Campos, *Home Grown: Marijuana and the Origins of Mexico's War on Drugs* (Chapel Hill: University of North Carolina Press, 2012).

<sup>6</sup> This legislation, known as the Harrison Narcotics Act, regulated and taxed the production, importation, and distribution of opiates and coca products and closely monitored the prescribing habits of registered physicians.

regulation in the United States culminated with passage of the Marihuana Tax Act in 1937 – a law that federally codified our nation’s “war on marihuana weed.”<sup>7</sup>

## Literature

Despite the recent trend toward both renewed medicinal uses and recreational legalization in the United States, scholarly inquiries of marijuana prohibition remain generally dated and incomplete. A significant and influential bulk of these studies were written in the 1960s and 70s. The timing of this seminal output was no coincidence. By the mid-1960s, a young cross-section of the nation’s population had arrived at the conclusion that marijuana use was both pleasurable and benign. During the 1950s, however, Congress had passed both the Boggs Act and the Narcotics Control Act, thereby establishing mandatory minimum sentencing guidelines for first time cannabis possession. These penalties ranged from two to ten years in prison with fines of up to \$20,000. Because of both increased use and increased penalties a growing number of white, middle-class users arrested for the possession of marijuana found themselves in court facing harsh punishments. News coverage of these cases sparked a considerable outcry for the country to consider its “marihuana problem.” As Alfred Lindesmith, the famous sociologist and addiction specialist, put it in 1967, “Nobody worried very much when police sent thousands of ghetto dwellers to languish in prison for years for puffing on one joint, but now that the doctor, the lawyer, the teacher and the business executive

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<sup>7</sup> For contemporary examples of the war on weed terminology, see: “Federal Agencies Will Join War on Marihuana Weed,” *Times-Picayune (New Orleans)*, September 2, 1937, 2; “Finished War Ordered on Marihuana - U.S. Wages War to End On Dread Marihuana,” *Minneapolis Journal*, October 17, 1937, Box 5, File 15, H. J. Anslinger papers, HCLA 1875, Special Collections Library, Pennsylvania State University (hereafter Anslinger papers). For an insightful exploration of how cannabis became known as an urban weed, see: Zachary James Sopher Falck, “Controlling Urban Weeds: People, Plants, and The Ecology of American Cities, 1888-2003” (Dissertation, Carnegie Mellon University, 2004); Zachary J. S Falck, *Weeds: An Environmental History of Metropolitan America* (Pittsburgh, Pa.: University of Pittsburgh Press, 2010).

and their children are facing the same fate, marijuana has become a cause célèbre.”<sup>8</sup> That impetus led scholars to begin investigating the history of drug use and prohibitive policies in the United States, with special attention given to the origins of the Marihuana Tax Act.

This context ultimately shaped the nature of this scholarship in three important ways. First, it led to an intense focus on the two decades immediately preceding passage of federal marijuana prohibition. Second, it sparked a concerted attempt at explaining the stark differences between the softer, milder view of marijuana established in the 1960s and the “killer weed” characterization so often put forth in the 1930s. Third, given its significant contemporary consequences, the marijuana issue attracted keen interest from sociologists, medical doctors, and lawyers, rather than historians. These investigative threads often worked to reinforce each other. If illogical or irrational assessments of the drug’s effects formed the basis of federal marijuana law, it only made sense to investigate just how those ideas gained credence in the first place. Consequently, most of the foundational studies of marijuana prohibition honed in on the activities of Harry J. Anslinger, Commissioner of the Federal Bureau of Narcotics (FBN) from 1930 to 1962.

The intense focus on the two decades preceding the Marihuana Tax Act has resulted in a distortion of our nation’s history with cannabis. Indeed, existing studies have largely ignored or miscast the use and regulation of cannabis in the nineteenth century.<sup>9</sup> For example, the most widely cited scholars of marijuana prohibition, Richard J. Bonnie

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<sup>8</sup> Lindesmith as quoted in, Lee Berton, “Marijuana at Issue, Harsh Laws Challenged in Courts, Criticized Within the Government,” *The Wall Street Journal*, November 20, 1967.

<sup>9</sup> For other prominent examples, see: Lester Grinspoon, *Marihuana Reconsidered* (Cambridge Mass.: Harvard University Press, 1971); Jerome L. Himmelstein, *The Strange Career of Marihuana: Politics and Ideology of Drug Control in America* (Westport Conn.: Greenwood Press, 1983); David Musto, *The American Disease: Origins of Narcotic Control*, 3rd ed. (New York: Oxford University Press, 1999).

and Charles H. Whitebread, devoted just five pages of their seminal book to examining cannabis use prior to 1900. They asserted, in short, that cannabis “quickly achieved popularity as a treatment for a wide variety of problems” and that “there is no evidence that these pharmaceutical preparations of cannabis ... were used for intoxicant purposes here during the nineteenth century.”<sup>10</sup> By portraying this period as one largely devoid of problems with cannabis, these studies create the impression that it was a widely used wonder drug and that the anti-marijuana consensus of the early twentieth century must have emerged suddenly. Though subsequent scholars have occasionally provided a more extended analysis on the medical and recreational uses of cannabis in the nineteenth century, they have generally reached similar conclusions. Martin Booth, for instance, noted that, “the range of cannabis medicines was wide” in the nineteenth century but “there were several fundamental problems with them all which, in some instances, made doctors regard them with caution.” Booth nonetheless called it a “golden age,” and emphasized the many personal and experimental uses of cannabis intoxication.<sup>11</sup> He did little, however, to acknowledge the common classifications of cannabis as a narcotic and a poison in the nineteenth century, or note its widespread regulation as such.

By omitting or mischaracterizing cannabis use and regulation in the late-nineteenth century, previous studies of marijuana prohibition in the United States have generally begun from the premise that someone or something must have sparked a sudden outcry against the drug during the early twentieth century. This view was quite popular during the marijuana decriminalization movement of the late 1960s and early

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<sup>10</sup> Richard J. Bonnie and Charles H. Whitebread, *The Marihuana Conviction: A History of Marihuana Prohibition in the United States* (Charlottesville: University Press of Virginia, 1974), 4.

<sup>11</sup> Martin Booth, *Cannabis: A History*, First U.S. Edition (New York: Thomas Dunne Books/St. Martin's Press, 2004), 95, 97.

1970s as scholars sought to identify the impetus for anti-marijuana rhetoric and federal prohibition. Taken together, those studies produced two broad answers, now known as the “Anslinger hypothesis” and the “Mexican hypothesis.”<sup>12</sup> The Anslinger group generally focused on the machinations and motivations of Commissioner Anslinger and his federal narcotics bureau, while the Mexican group located the origins of marijuana prohibition in the xenophobic response to large numbers of Mexican immigrants who smoked marijuana in the south and west.

The focus on Anslinger emerged first. Beginning in 1963, sociologist Howard Becker highlighted the “moral entrepreneurship” so often present in public policy, and asserted that, “the Treasury Department’s Bureau of Narcotics furnished most of the enterprise that produced the Marihuana Tax Act.”<sup>13</sup> Becker charged that Anslinger and the FBN had acted on their own initiative to turn marijuana into a public issue, thereby sparking an outcry for legal action that would have otherwise not existed. Becker argued that Anslinger and the FBN facilitated a climate conducive to convincing Congress and the public of the need for a federal marijuana law.<sup>14</sup> Michael Schaller was among those who extended this focus on Anslinger by incorporating notions of moral reform and social control. Schaller argued that federal marijuana legislation “followed a campaign carried out by a dedicated group of reformers whose activity demonstrates how, under the cover of law, moral prejudice can become public policy.” Specifically, Schaller insisted

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<sup>12</sup> For use of these terms, see: Himmelstein, *The Strange Career of Marihuana*.

<sup>13</sup> Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1963), 138.

<sup>14</sup> Though Becker’s earliest work on marijuana appeared in the early 1950s, it did not gather much attention at the time. Nonetheless, his “Becoming a Marihuana User” has since become legendary for explaining how marijuana users became part of a broader community, initiating and conditioning novice users with the shared knowledge of how to use the drug and how to “get high.” See: Howard S. Becker, “Becoming a Marihuana User,” *American Journal of Sociology* 59, no. 3 (November 1, 1953): 235–42, doi:10.2307/2771989.



that Anslinger and the FBN “created evidence to prove its point,” and that they ultimately “failed to present any scientific evidence about patterns of marihuana use and the drug’s effects.”<sup>15</sup> For Becker, Schaller, and others, the efforts of Anslinger and the FBN provided a convenient explanation for how and why marijuana suddenly became both feared and illegal during the 1930s.<sup>16</sup>

The “Mexican hypothesis” emerged, at least in part, as a response to this focus on Anslinger. Rather than ignore Anslinger’s actions entirely, however, scholars in this group shifted their emphasis toward the social origins of marijuana users.<sup>17</sup> The early outlines of this explanation began to take shape in 1970 with Bonnie and Whitebread. In an article entitled, “The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition,” the two law professors noted that, beginning in the 1910s, states across the country started passing laws prohibiting the cultivation, possession, and sale of marijuana. The existence of these state laws led Bonnie and Whitebread to reduce the emphasis placed on Anslinger and the FBN in the 1930s. They did not, however, trace the origin of those laws back to the nineteenth century. This was a critical omission for a number of reasons, not the least of which was the fact that some of the laws they identified did not even use the word marijuana. Instead, they focused on the arrival of Mexican marijuana users and the attendant xenophobia that so often accompanied this association. Of the “three major influences,”

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<sup>15</sup> Michael Schaller, “The Federal Prohibition of Marihuana,” *Journal of Social History* 4, no. 1 (October 1, 1970): 61, 64, 66, 71.

<sup>16</sup> For other works that focused on Anslinger during this period, see: Alfred Ray Lindesmith, *The Addict and the Law* (Bloomington: Indiana University Press, 1965); Donald T. Dickson, “Bureaucracy and Morality: An Organizational Perspective on a Moral Crusade,” *Social Problems* 16, no. 2 (October 1, 1968): 143–56; Grinspoon, *Marihuana Reconsidered*.

<sup>17</sup> For early examples of the social origins emphasis, see: David Solomon, ed., *The Marihuana Papers* (Indianapolis: Bobbs-Merrill Co., 1966).

they said led to marijuana prohibition in the United States, “the most prominent was racial prejudice.”<sup>18</sup>

Dr. David F. Musto extended and solidified this focus on Mexican marijuana users.<sup>19</sup> Musto argued that a broad desire for drug prohibition in the United States emerged around the turn of the twentieth century based on a confluence of several major forces, including a rise in drug abuse, Progressive regulatory zeal, and racism toward ethnic minorities. In the case of marijuana, Musto alleged that Mexican immigrants brought the practice to the southwest and spread its use northward from the border. As prejudice against these immigrants ramped up during the early stages of the Great Depression, Musto argued that political pressure from southwestern states proved fundamental in pressuring the federal government into marijuana prohibition.<sup>20</sup> Countering notions that Anslinger and the FBN single-handedly produced the impetus for this legislation, Musto asserted that, “the anti-marihuana law of 1937 was largely the federal government’s response to political pressure from enforcement agencies and other alarmed groups who feared the use and spread of marihuana by ‘Mexicans.’”<sup>21</sup> In fact, Musto argued that for most of the 1930s Anslinger and the FBN had resisted federal marihuana prohibition, believing that such legislation would be a significant enforcement burden for the relatively small agency.

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<sup>18</sup> Richard J. Bonnie and Charles H. Whitebread, “The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition,” *Virginia Law Review* 56, no. 6 (1970): 971–1203. For quotes, see: 1010, 1011.

<sup>19</sup> David F. Musto, “The Marihuana Tax Act of 1937,” *Archives of General Psychiatry* 26, no. 2 (February 1, 1972): 101–8; David F. Musto, *The American Disease: Origins of Narcotic Control* (New Haven: Yale University Press, 1973).

<sup>20</sup> Musto conducted a series of personal interviews with Anslinger, who suggested that he had indeed responded to grassroots agitation about marijuana.

<sup>21</sup> Musto, “The Marihuana Tax Act of 1937,” 101.

In 1974, drawing on a decade of scholarly research on the issue, Bonnie and Whitebread published *The Marihuana Conviction: A History of Marihuana Prohibition in the United States*. This seminal book combined the various existing threads surrounding Anslinger's anti-marijuana campaign and anti-Mexican sentiment into a single compelling narrative. Their general interpretation maintained that Mexican immigrants began appearing in concentrated numbers across the southwest during the 1910s, introducing marijuana smoking to the United States. Those states in turn responded by passing prohibitive measures aimed at stifling marijuana use and the proliferation of crime that allegedly followed Mexican immigrants. In short, Bonnie and Whitebread argued that "whether motivated by outright ethnic prejudice or by simple discriminatory lack of interest" anti-marihuana legislation in these states developed "with little if any public attention and no debate." Most importantly, though, "pointed references were made to the drug's Mexican origins, and sometimes to the criminal conduct which inevitably followed when Mexicans used the 'killer weed.'" <sup>22</sup>

With regard to Anslinger, the FBN, and the Marihuana Tax Act, Bonnie and Whitebread treaded a middle ground. Given that many states had already passed laws regulating marijuana, they argued, "it is clear that the bureau did not single-handedly conjure up the idea of banning marihuana." Anslinger and the FBN nevertheless played "a pivotal part." <sup>23</sup> Bonnie and Whitebread traced that role to Anslinger's support of the Uniform Narcotic Drug Act and its supplemental marijuana provision during the mid-1930s. Bonnie and Whitebread argued that Anslinger and the FBN launched a nationwide

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<sup>22</sup> Bonnie and Whitebread, *The Marihuana Conviction*, 39. Subsequent research has shown that their dates for Massachusetts, Wyoming, Indiana, and California were incorrect.

<sup>23</sup> Bonnie and Whitebread, *The Marihuana Conviction*, 94.

campaign to raise public interest on the dangers of marijuana in the hopes of facilitating passage of the law in every state.<sup>24</sup> “The ‘marihuana menace,’” they wrote, “was an ideal concept for such a campaign.” Drawing on earlier assessments of Anslinger, Bonnie and Whitebread claimed that he and “the FBN supported all efforts, fact or fiction, to arouse public interest in the threat posed by marihuana and its users and to generate support for the otherwise unglamorous Uniform Narcotic Drug Act.”<sup>25</sup> Moreover, they argued that during this campaign, “the federal narcotics bureaucracy made no serious effort before the decision to seek federal legislation to find out what the drug’s effects were.”<sup>26</sup> As such, though Anslinger and the FBN were not solely responsible for prohibiting marijuana, Bonnie and Whitebread believed they were nevertheless critical in developing the “marihuana menace” concept that ultimately compelled Congress into action.

This interpretation has gone largely unchanged for the past forty years and remains the dominant paradigm for explaining marijuana prohibition in the United States.<sup>27</sup> Three important interventions have nonetheless called into question some of their influential conclusions.<sup>28</sup> In 1983, Jerome Himmelstein argued the real motivating

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<sup>24</sup> Bonnie and Whitebread also believed the campaign for the Uniform Narcotics Act stemmed from a desire to keep questions on the constitutionality of the Harrison Narcotics Act out of the federal court system.

<sup>25</sup> Bonnie and Whitebread, *The Marihuana Conviction*, 100.

<sup>26</sup> Bonnie and Whitebread, *The Marihuana Conviction*, 127.

<sup>27</sup> For some recent examples that draw heavily from Bonnie and Whitebread, see: Richard Davenport-Hines, *The Pursuit of Oblivion: A Global History of Narcotics*, 1st American ed. (New York: Norton, 2002); Booth, *Cannabis*; Martin A. Lee, *Smoke Signals: A Social History of Marijuana - Medical, Recreational and Scientific* (Simon and Schuster, 2013); Johann Hari, *Chasing the Scream: The First and Last Days of the War on Drugs* (Bloomsbury Publishing USA, 2015).

<sup>28</sup> There were additional publications on Commissioner Anslinger during this period, but they covered marijuana prohibition only tangentially. For examples, see: D. C. Kinder and W. O. Walker, “Stable Force in a Storm: Harry J. Anslinger and United States Narcotic Foreign Policy, 1930-1962,” *Journal of American History* (Bloomington, Ind.) 72, no. 4 (1986): 908–27; John C. McWilliams, “Unsung Partner Against Crime: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962,” *The Pennsylvania Magazine of History and Biography* 113, no. 2 (1989): 207–36; John C. McWilliams, *The Protectors:*

factor in driving marijuana federal prohibition was not its association with Mexicans, but the belief that marijuana use was rapidly spreading among schoolchildren.<sup>29</sup> In 1999, Dale Gieringer's study of marijuana prohibition in California demonstrated that Progressive Era regulatory zeal, rather than a xenophobic response to Mexican immigrants, drove the state's early legislation.<sup>30</sup> His findings opened the door to undermining the link between Mexican immigration and marijuana laws in other states. Most significantly, in 2012, Isaac Campos struck at the very core of the Mexican hypothesis in, *Home Grown: Marijuana and the Origins of Mexico's War on Drugs*. Campos has shown that marijuana use was far from common practice in Mexico. Instead, he found it confined largely to marginalized sites like prisons and soldiers' barracks. Moreover, Campos has proved that most Mexicans believed marijuana use often triggered violence and madness. These beliefs prompted Mexico to outlaw marijuana in 1920, some seventeen years before the United States. Campos's research has therefore cast significant doubt on the undergirding premise that marijuana was a "casual adjunct to life in the Mexican community."<sup>31</sup>

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*Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962* (Newark & London: University of Delaware Press & Associated University Presses, 1990); John C. McWilliams, "Through the Past Darkly: The Politics and Policies of America's Drug War," *Journal of Policy History* 3, no. 4 (October 1991): 5–41, doi:10.1017/S0898030600007417; See also: Rebecca Carroll, "Under the Influence: Harry Anslinger's Role in Shaping America's Drug Policy," in *Federal Drug Control: The Evolution of Policy and Practice*, ed. Jonathon Erlen and Joseph Spillane (New York: Pharmaceutical Products Press, 2004), 61–99.

<sup>29</sup> Himmelstein, *The Strange Career of Marihuana*, 54. Despite these insightful contributions, Himmelstein, like many before him, all but ignored nineteenth century regulations on cannabis and significantly underestimated the volume and scope of media attention given to marijuana throughout the United States.

<sup>30</sup> Dale H. Gieringer, "The Forgotten Origins of Cannabis Prohibition in California," *Contemporary Drug Problems* 26, no. 2 (Summer 1999): 237–88. Gieringer later substantially revised and re-published this article as, Dale H. Gieringer, "The Origins of Cannabis Prohibition in California," *Contemporary Drug Problems, Federal Legal Publication* 26, no. 2 (2006), <http://www.canorml.org/background/caloriginsmjproh.pdf>.

<sup>31</sup> Bonnie and Whitebread, *The Marihuana Conviction*, 33.

Building on these interventions, this dissertation further challenges the dominant paradigm for explaining marijuana prohibition in the United States. Yet, this project is also more than a history of marijuana prohibition. It bridges a significant binary in the historiography of drug regulation and engages with the broader literature on the history of medicine.<sup>32</sup> Drawing on the study of medical professionalization and pharmaceutical regulation, it employs the work of historians who have studied our nation's efforts to regulate and enforce labelling laws, drug purity standards, and a range of other legal measures designed to protect public health. These studies have shown that medical professionals and reformers sought to use the power of the state to both solidify their positions and rationalize society toward the goal of protecting individual consumers.<sup>33</sup> Despite these important contributions, these studies have rarely engaged with research on drug laws designed to prohibit consumer access and curb non-medical drug use. Likewise, studies on drug prohibition and enforcement have done little to include a systematic look at the influence of consumer protection legislation, focusing instead on

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<sup>32</sup> For influential texts on the broader history of medicine, see: Glenn Sonnedecker, Edward Kremers, and George Urdang, *Kremers and Urdang's History of Pharmacy* (Philadelphia: Lippincott, 1976); Paul Starr, *The Social Transformation of American Medicine* (New York: Basic Books, 1982); John Harley Warner, *The Therapeutic Perspective: Medical Practice, Knowledge, and Identity in America, 1820-1885* (Cambridge, Mass.: Harvard University Press, 1986); Jonathan Liebenau, *Medical Science and Medical Industry: The Formation of the American Pharmaceutical Industry* (Baltimore: Johns Hopkins University Press, 1987).

<sup>33</sup> Selected examples include: James Harvey Young, *The Toadstool Millionaires: A Social History of Patent Medicines in America Before Federal Regulation*. (Princeton N.J.: Princeton University Press, 1961); Sonnedecker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*; James Young, ed., *The Early Years of Federal Food and Drug Control* (Madison Wis.: American Institute of the History of Pharmacy with the cooperation of the American Pharmaceutical Association, 1982); James Young, *Pure Food: Securing the Federal Food and Drugs Act of 1906* (Princeton N.J.: Princeton University Press, 1989); Janice McTavish, *Pain and Profits: The History of the Headache and Its Remedies in America* (New Brunswick N.J.: Rutgers University Press, 2004); Joseph M. Gabriel, "Restricting the Sale of 'Deadly Poisons': Pharmacists, Drug Regulation, and Narratives of Suffering in the Gilded Age," *The Journal of the Gilded Age and Progressive Era* 9, no. 03 (November 8, 2010): 313–36.

the criminalization of drugs, the role of racism, and the nature of the illicit drug market.<sup>34</sup>

This influential divide in the literature reflects the present-day division of drugs into legitimate and illegitimate categories, each requiring different methods of regulation. As historian Joseph Gabriel has noted, “while occasionally historians try to write about the history of drug control in ways that bring the two areas together, for the most part the study of regulatory efforts intended to ensure product safety and the study of regulatory efforts designed to suppress consumer behavior have been conducted separately.”<sup>35</sup>

This dissertation works to collapse this binary by synthesizing both regulatory streams into a single history of cannabis. Methodologically, it collapses the licit-illicit binary, conceptualizing cannabis and other drugs as they were during the Gilded Age and Progressive Era - ordinary pharmaceuticals that had the potential to both help and harm. Throughout this period, drugs like cannabis, cocaine, and the opiates occupied social and cultural space as both medicines and poisons. By analyzing how cannabis occupied each of these categories, this project provides a more complete understanding of its perceived uses and potential risks, thereby demonstrating how and why states attempted to legislate and rationalize the dangers of cannabis use through regulatory mechanisms. Though often not outright prohibitions themselves, tracking the rise of early regulations and their categorizing impulses reveals the contours of a cultural and legal evolution that brought

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<sup>34</sup> Significant studies on the regulation of non-medical drugs include: Bonnie and Whitebread, *The Marihuana Conviction*; Howard Wayne Morgan, *Drugs in America: A Social History, 1800-1980*, First Paperback Edition (Syracuse, NY: Syracuse University Press, 1982); Jill Jonnes, *Hep-Cats, Narcs, and Pipe Dreams: A History of America's Romance with Illegal Drugs* (New York, NY: Scribner, 1996); Musto, *The American Disease*, 1999; David T. Courtwright, *Dark Paradise: A History of Opiate Addiction in America* (Cambridge Mass.: Harvard University Press, 2001); Joseph Spillane, *Cocaine: From Medical Marvel to Modern Menace in the United States, 1884-1920* (Baltimore MD: Johns Hopkins University Press, 2000); David T. Courtwright, *Forces of Habit: Drugs and the Making of the Modern World* (Cambridge Mass.: Harvard University Press, 2001).

<sup>35</sup> Gabriel, “Restricting the Sale of ‘Deadly Poisons,’” 315. Gabriel’s work on the late-nineteenth century has been particularly influential to this project.

about the present bifurcation of the nation's drug market. Indeed, as this binary solidified during the early twentieth century it served as the foundation for a system of policing and prohibition now known as the War on Drugs.

This dissertation also draws on a growing body of scholarship that recognizes drugs as active pharmacological agents but drug use as social and cultural phenomena.<sup>36</sup> Decades of clinical research and observation have demonstrated that a complex intersection of pharmacology, psychology, and culture – known as drug, set, and setting – combine to determine the effects of psychoactive drugs.<sup>37</sup> Therefore, the assumption that our current knowledge of a drug's effects explains a drug's effects in the past is a premise rife with complications. Thus, when Bonnie and Whitebread argued that Anslinger and the FBN made no serious attempt to “find out what the drug's effects really were” they did so with a specific, early 1970s perception of marijuana in mind. Accordingly, they readily dismissed findings from the late-nineteenth and early twentieth centuries that contradicted this view. In contrast, this dissertation analyzes the myriad perceptions of cannabis from this period alongside documented manifestations of cannabis intoxication to understand the origins and diffusion of these ideas in historical context, with a

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<sup>36</sup> Useful texts include: Timothy Hickman, *The Secret Leprosy of Modern Days: Narcotic Addiction and Cultural Crisis in the United States, 1870-1920* (Amherst: University of Massachusetts Press, 2007); Joseph Gabriel, “Gods and Monsters: Drugs, Addiction, and the Origins of Narcotic Control in the Nineteenth-Century Urban North” (Ph.D. Diss., Rutgers, the State University of New Jersey, 2006); Susan Marjorie Zieger, *Inventing the Addict: Drugs, Race, and Sexuality in Nineteenth-Century British and American Literature* (Amherst: University of Massachusetts Press, 2008); James Mills, *Madness, Cannabis and Colonialism: The “Native Only” Lunatic Asylums of British India, 1857-1900* (New York: St. Martin's Press, 2000).

<sup>37</sup> For use an extended explanation of these ideas in relation to cannabis, see: Campos, *Home Grown*.



particular focus on how these perceptions and stories helped form the basis for marijuana's 1930s reputation as a killer weed.<sup>38</sup>

## Sources and Methodology

The primary sources for this project come from three broad categories: medical, legal, and popular press. This study draws extensively from medical and pharmaceutical literature related to cannabis, especially commentary on its therapeutic uses, observable effects, and desire to regulate it. American medical journals and manuscripts documented the formal introduction of cannabis in the mid-nineteenth century and continued to debate its therapeutic uses and efficacy well into the early twentieth century.<sup>39</sup> During this period, medicinal classifications of cannabis included hypnotic, anodyne, narcotic, intoxicant, stimulant, and poison. These sources yield insight into the professional discourse concerning cannabis, and illuminate a clear set of commonly documented issues and symptoms. Most prominently, these sources explain the initial skepticism of American physicians, the continued problems with uncertain cannabis preparations, and the dangers of "cannabis poisoning." By tracing the development of these ideas from the 1840s, this dissertation undermines the notion that cannabis was something of a nineteenth-century wonder drug. While it is true that many physicians recommended medicinal cannabis, the sources used in this study show they generally did not do so unequivocally. Though cannabis clearly occupied a place in the nation's *Materia medica*,

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<sup>38</sup> For the most theoretically influential texts used here, see: Becker, *Outsiders*; Richard DeGrandpre, *The Cult of Pharmacology: How America Became the World's Most Troubled Drug Culture* (Durham: Duke University Press, 2006); Campos, *Home Grown*.

<sup>39</sup> Two important repositories for these sources included the Francis A. Countway Library of Medicine and the Harvey Cushing / John Hay Whitney Medical Library at Yale University. Digital access to expansive electronic databases at these institutions supplemented their physical collections.

the belief that it was a potentially dangerous drug in need of regulation was also firmly in place.

Propelled in large part by a growing fear of habitual drug use and a desire to protect consumers in an increasingly complex marketplace, states throughout the country passed legal remedies to alleviate these concerns. Many of these laws and ordinances, however, passed with little in the way of legislative commentary. Archival evidence for these measures is thus often scarce and fragmentary.<sup>40</sup> Nonetheless, published collections of laws related to the manufacture and sale of medicines, poisons, and other dangerous drugs were often compiled in large, comprehensive volumes.<sup>41</sup> Contemporary legal journals and law reviews also offered assessments on the nature of these laws and ready comparisons to those passed in different states. A review of these sources for this study reveals that cannabis often landed alongside arsenic, chloroform, opium and many other drugs as the target of these broad, state-level efforts to regulate the sale and use of medicines and poisons. Commonly enacted measures established a range of restrictions on these substances targeting the sale of adulterated drugs; erroneous or improper packaging and labeling; sales or transactions with minors; and inappropriate prescription refills. Few of these laws meant strict drug prohibition by the standards of the current war on drugs, but they were legal regulations on cannabis nonetheless. As the sources used in

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<sup>40</sup> Early trips to the Massachusetts State Archives and the Rhode Island State Library and Archive made this especially clear.

<sup>41</sup> Representative examples include: Martin I. Wilbert, Murray G. Motter, and United States Public Health Service, *Digest of Laws and Regulations in Force in the United States Relating to the Possession, Use, Sale, and Manufacture of Poisons and Habit-Forming Drugs* (Washington: Government Printing Office, 1912); Martin I. Wilbert, *Poisons and Habit-Forming Drugs: A Digest of Laws and Regulations Relating to the Possession, Use, Sale, and Manufacture of Poisons and Habit-Forming Drugs, Enacted During 1914 and 1915, Now in Force* (Washington: Govt. Print. Off., 1916); United States Public Health Service, *State Laws Relating to the Control of Narcotic Drugs and the Treatment of Drug Addiction*, Supplement to the Public Health Reports 91 (Washington D.C.: United States Government Printing Office, 1931).

this study show, laws of this nature ultimately formed the foundation for further restrictions on the sale and distribution of drugs during the early twentieth century. What transpired during this period therefore runs counter to the many previous studies that have suggested cannabis was unrestricted and widely available to the public until its associations with Mexican immigrants made it the target of irrational, xenophobic laws.

Archival collections and numerous digital collections of newspapers, magazines, and other publications supplement these medical and legal sources.<sup>42</sup> Digital databases have made both major publications and small town newspapers readily accessible. This large volume of sources helps illuminate the widespread diffusion of medicinal cannabis products, public discussion of cannabis laws, and the myriad terminology used to identify and describe cannabis. Previous studies have often alleged that there was very little evidence for nationwide concern about marijuana. Himmelstein, for example, claimed there were only seven articles published on marijuana before 1935. The sources used in this study suggest much the opposite. The New Orleans *Times-Picayune* alone published some eight hundred and forty five articles on marijuana between 1923 and 1935. New Orleans was certainly a special case, but newspapers from around the country often carried stories of marijuana's alleged dangers. In turn, these sources provide context for understanding the shifting perception of marijuana in the federal bureaucracy.

## Chapter Outline

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<sup>42</sup> These included the H.J. Anslinger Papers in the Special Collections Library at Pennsylvania State University and a wide range of government records held at the National Archives at College Park, College Park, MD (hereafter NACP). Examples from the latter included: Records of the Department of Agriculture's Bureau of Chemistry, Department of Treasury and related government agencies, including: Bureau of Internal Revenue (1914-21); Narcotic Division, Bureau of Internal Revenue (1921-27); Narcotic Division, Bureau of Prohibition (1927-30); and the Bureau of Narcotics (1930-68).

The first two chapters work together to analyze the arrival and reception of medicinal cannabis in the United States as well as its subsequent regulation. Chapter one explores the medical, scientific, and popular discourses surrounding cannabis from 1840 to 1860. This chapter highlights the influence of European and transatlantic knowledge of cannabis as well as the immediate skepticism of American physicians who called for continued medicinal experimentation. The chapter also examines the blurred lines between medical and literary descriptions of cannabis intoxication and the intellectual crossover between those fields. It finds that self-administration and personal experimentation emerged as critical and accepted modes of knowledge creation that produced a specific perception of cannabis. In short, it argues the near immediate classification of cannabis as a narcotic, poison, and intoxicant, led physicians to express fears about its potential dangers, even when used medicinally.

The second chapter focuses on medical and legal attempts to curb the dangerous and detrimental effects of drugs during the second half of the nineteenth century. It is broadly concerned with the ways in which individual states sought to alleviate these concerns by professionalizing aspects of American medicine and implementing a range of consumer protections. Specifically, the chapter demonstrates how and why cannabis was included in this legislation by exploring its evolving medical classifications alongside other potentially dangerous substances like opium, arsenic, and chloroform. Cannabis was, like all of these drugs, seen as both potentially helpful and potentially harmful. By analyzing both the medico-scientific and popular discourse it is clear that, despite rarely being the primary focus of this legislation, cannabis regularly considered among the dangerous substances in need of regulation.

Chapters three and four turn to the regulation of cannabis in the early twentieth century, following the evolution of more stringent drug control measures. The third chapter examines the emergence of state-level legislation designed to curb recreational drug use, with a specific focus on states and municipalities that included cannabis in these restrictions. These local regulations offer an excellent view on the evolving nature of drug control in the early twentieth century, illuminating the steady emergence of a bifurcated system of legitimate and illegitimate uses. Structured around prohibitive measures passed before and after Congress excluded cannabis from the nation's first drug major control legislation in 1914, this chapter explores cannabis regulation as a product of local control. In contrast to previous interpretations that have relied heavily on xenophobia as the driving force for marijuana legislation, this chapter demonstrates the dual influences of both ongoing nineteenth century medical concerns with cannabis as well as the arrival of Mexican ideas on the dangers of marijuana smoking. In doing so, it demonstrates that neither Mexicans nor marijuana were a pre-condition to restrictive cannabis legislation.

Chapter four provides a specific focus on the development of the “marijuana menace” concept that emerged in New Orleans during the early 1920s. It reveals the ways in which newspaper coverage, law enforcement, and social concerns coalesced and reinforced a negative characterization of marijuana that then informed and repeated itself at the federal level. This chapter argues that, rather than xenophobic fear of Mexican immigrants, it was the belief that marijuana represented a unique threat to schoolchildren and younger users that ultimately drove this hysteria.<sup>43</sup> By analyzing these events at their

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<sup>43</sup> This analysis supports the claims made by Jerome Himmelstein, but finds evidence for the focus on children in New Orleans and other cities before its appearance in Anslinger's campaign in the 1930s.

origin in New Orleans this chapter argues that when Commissioner Anslinger and the FBN began promoting the Uniform Narcotic Act as the best option against the dangers of marijuana, he did so by drawing on existing negative depictions of the drug. Aided by anti-narcotics organizations, the media, concerned social groups, medical doctors, and local police agencies, from cities around the country, Anslinger simply fed the marijuana menace into a newly orchestrated nationwide campaign that ultimately compelled its federal prohibition.

The fifth and final chapter analyzes the language and content of Anslinger's now infamous anti-marijuana campaign. Building on threads from each of the previous chapters, chapter five reveals the medical roots of Anslinger's "reefer madness" rhetoric. It explains why Congress and the nation were so receptive to his campaign and why he faced so few challenges to his zealous characterization of marijuana's dangers. In short, this chapter argues that Anslinger exploited violent incidents and crimes allegedly connected to marijuana by effectively tying them to the long held perception of cannabis intoxication in medical literature. By framing his push for federal legislation in this way, this chapter shows how Anslinger was able to construct a narrative of inherent danger around marijuana often stamped with scientific authority.

In light of ongoing debates on the failures of the war on drugs, the perils of mass incarceration, and especially the recent shift toward marijuana legalization, this project offers a new point of departure. Given the current state of affairs, it is easy to see how the existing historical scholarship on marijuana prohibition was, and continues to be, highly influential in these debates. Narratives of xenophobia, propaganda, and conspiracy make a powerful case for the folly of continuing an ill-conceived prohibition. Yet, as this

dissertation shows, there is clearly a great deal more to the history of cannabis regulation in the United States than the racism and misinformation so often attributed to Harry Anslinger and the FBN.<sup>44</sup> It is not that those aspects of marijuana prohibition are unimportant. They have simply sustained a sensational narrative that generally ignores other critical components of a much longer and more complicated history of cannabis in the United States.

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<sup>44</sup> For another recent look at Anslinger's role as portrayed in the existing literature, see: Matthew Pembleton, "Toiling in the Vineyards: American Security and the Federal Bureau of Narcotics, 1930-1968" (Dissertation, American University, 2014), 100–104.

## CHAPTER 1

# **“A Great Sensation ... Throughout the World”: Cannabis in Antebellum America, 1840-1860**

## INTRODUCTION

European settlers to North America introduced cannabis as the common hemp plant in the seventeenth century. Professional commentary on both its medicinal and intoxicating potential, however, did not formally emerge in the United States until the first half of the nineteenth century. The most critical pieces of that knowledge also originated with Europeans, especially an Irish physician working in India. Dr. William Brooke O’Shaughnessy conducted a series of medical experiments on cannabis in Calcutta during the 1830s, seeking to gauge its potential therapeutic uses. O’Shaughnessy was certainly not the first European to write about cannabis in Asia, but he was ultimately the most influential. While previous European writers had drawn largely on ancient texts and secondhand information, O’Shaughnessy combined existing information with personal research, testing cannabis medicines on both animals and humans.<sup>45</sup> Following these early tests, O’Shaughnessy confidently concluded that, “(Indian) Hemp was

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<sup>45</sup> James H. Mills, *Cannabis Britannica: Empire, Trade, and Prohibition, 1800-1928* (Oxford & New York: Oxford University Press, 2003), 39.



employed with results, which seem to me to warrant our anticipating from its more extensive and impartial use no inconsiderable addition to the resources of the physician.”<sup>46</sup> Within months of this publication, O’Shaughnessy’s reports made their way into prominent medical journals in the United States, launching a formal debate among American physicians on the potential merits and dangers of cannabis.<sup>47</sup> In fact, his work sparked a sustained scientific interest in the plant that triggered, as one observer put it, “a great sensation among the members of the profession throughout the world.”<sup>48</sup>

The influence of O’Shaughnessy and other European voices in the development of this transatlantic discourse on cannabis was unmistakable. So too, was an immediate skepticism of that knowledge among American physicians. Professional medical journals in the United States quickly engaged with cannabis research published in India and Europe, but frequently called for continued experiments and research at home to assess the safety and reliability of cannabis drugs.<sup>49</sup> During this investigative process American perceptions on cannabis were colored by the uncertainty of imported preparations – some

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<sup>46</sup> W. B. O’Shaughnessy, “ART. VII. - Extract from a Memoir on the Preparations of the Indian Hemp, or Gunjah, (Cannabis Indica) Their Effects on the Animal System in Health, and Their Utility in the Treatment of Tetanus and Other Convulsive Diseases,” *Journal of the Asiatic Society of Bengal* VIII, no. 93 (September 1839): 733.

<sup>47</sup> Examples include: J. V. C. Smith, ed., “New Remedy for Tetanus and Other Convulsive Disorders by W.B. O’Shaughnessy,” *The Boston Medical and Surgical Journal* XXIII, no. 10 (October 14, 1840): 153–55; G. C. M. Roberts et al., eds., “New Remedy for Tetanus and Other Convulsive Disorders By W.B. O’Shaughnessy,” *Maryland Medical and Surgical Journal and Official Organ of the Medical Department of the Army and Navy of the United States*, October 1840, 517–19; J. B. Biddle and W. W. Gerhard, eds., review of *New Remedy for Tetanus and Other Convulsive Disorders By W.B. O’Shaughnessy*, by W. B. O’Shaughnessy, *Medical Examiner* III, no. 33 (August 15, 1840): 530–31.

<sup>48</sup> As quoted in: Robley Dunglison, *New Remedies, Pharmaceutically and Therapeutically Considered*, Fourth (Philadelphia: Lea and Blanchard, 1843), 134, <http://archive.org/details/newremediespharm00dunguoft>.

<sup>49</sup> For example, see: Samuel Forry, ed., “Bibliographic Notices - Art. IX. - On the Preparations of the Indian Hemp, or Gunjah (Cannabis Indica:) Their Effects on the Animal System in Health, and Their Utility in the Treatment of Tetanus and Other Convulsive Diseases - By W.B. O’Shaughnessy,” *The New York Journal of Medicine, and the Collateral Sciences* I (November 1843): 390–98; Alfred Swaine Taylor, *On Poisons, in Relation to Medical Jurisprudence and Medicine*, ed. R. Eglesfeld Griffith (Philadelphia: Lea & Blanchard, 1848).

apparently inert, others particularly potent. The more inert doses brought about limited or no reaction, while potent doses often produced a commonly reported series of frightening symptoms. Questions of whether different strains of cannabis were all the same plant and whether American grown cannabis could match the resin content of imported varieties further compounded these issues. These varied outcomes and unknowns captured the attention of American physicians and led to debates on the best methods of administration, proper doses, and overall efficacy of cannabis drugs. In turn, the context of this debate laid the foundation for characterizations and perceptions of the plant that shaped its use and regulation for a century to come.

The blurred lines between professional medical writing and literary descriptions of cannabis intoxication that proliferated in mid-nineteenth century literature also influenced these debates.<sup>50</sup> At the heart of this blurring process was the accepted validity of self-administration and experimentation as a critical avenue for knowledge creation. Medical doctors and literary figures alike wrote of their personal experiences using cannabis, lending credence to both sources. Indeed, during the 1850s and 1860s, there was often significant crossover between literary and medical sources, with each side citing the other, and frequently highlighting a similar set of symptoms experienced by cannabis users.<sup>51</sup> Many literary accounts also readily associated cannabis with hashish and the Orient, utilizing hyperbole and allegory to bring this novel form of inebriation to life for readers in the western world. These authors regularly combined this literary

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<sup>50</sup> For the two most prominent, see: Bayard Taylor, "The Vision of Hasheesh," *Putnam's Monthly Magazine of American Literature, Science, and Art*, April 1854; Fitz Hugh Ludlow, *The Hasheesh Eater: Being Passages from the Life of a Pythagorean* (New York: Harper & Bros., 1857), <http://archive.org/details/66640730R.nlm.nih.gov>.

<sup>51</sup> For an excellent representative example, see: R.R. McMeens, "Report of the Ohio State Medical Committee on Cannabis Indica," *Transactions of the Fifteenth Annual Meeting of the Ohio State Medical Society at White Sulphur Springs, June 12 to 14, 1860*, June 12, 1860, 75–100.

flourish with direct references to authoritative sources of contemporary medical knowledge, thereby effectively conveying a set of influential perceptions on the effects of cannabis use.

In short, between 1840 and 1860, different people characterized cannabis in different ways. It gathered both champions and detractors. Nonetheless, what was usually present during this formative period was the ready classification of cannabis as a potentially dangerous substance. A narcotic, a poison, a stimulant, it could be - like most all drugs - both helpful and harmful. Even physicians who found it most useful as a medicine expressed caution about its use and recommended small, gradually increased doses. At the same time, literary figures that carried cannabis intoxication to a broader audience raised concerns about its often-frightening symptoms and possibly debilitating effects. In total, the broad characterizations of cannabis established during this period laid a foundational perception of the drug that urged its regulation.

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Dr. O'Shaughnessy's experiments with cannabis were both original and authoritative, breaking a chain of secondhand accounts written by Europeans dating back to the sixteenth century. Iberian doctors whose writings combined accounts on cannabis drawn from ancient texts produced many of these early volumes, and provided the basis for British and European thought on cannabis into the eighteenth century. In time, British travelers returning from Asia eagerly told their stories from abroad and filled them with lurid tales of exotic vice. This too influenced subsequent accounts of cannabis.<sup>52</sup> These

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<sup>52</sup> Mills, *Cannabis Britannica*, 2.

more literarily inclined authors simply drew on earlier medical texts and augmented them with a few personal inquiries and observations. In many cases, these sources shaped the way British scientists and doctors of the East India Company wrote about cannabis. This was especially true as they began further investigations of the plant in the nineteenth century. O'Shaughnessy's work transformed this corpus. His generally rosy assessment of cannabis and continued research rapidly appeared in a number of publications.<sup>53</sup> His *Bengal Dispensatory and Companion to the Pharmacopeia*, published in 1842, included a section on cannabis that ran some twenty-five pages.<sup>54</sup> Such a thorough treatment made it "the most comprehensive assessment" of cannabis produced by a British scientist in India during the entire period of colonial rule.<sup>55</sup>

Overall, O'Shaughnessy offered a balanced, but positive assessment of cannabis - which he called Indian hemp. He acknowledged the leisurely and intoxicating uses of the plant throughout parts of the Middle East, Asia, and Africa, while also making a case for its potential use as a beneficial medicine. In ascertaining the effects of cannabis, he conducted a series of experiments on patients suffering from rheumatism, cholera, hydrophobia, and tetanus.<sup>56</sup> To deflect any potential criticism of his experiments with an Oriental drug, O'Shaughnessy drew on many of the most familiar and famous European writers on cannabis. Among them, Cristoval Acosta, John Forbes Royle, and Whitelaw Ainslie, each of whom had affirmed the use of Indian hemp as a sedative and a painkiller,

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<sup>53</sup> W. B O'Shaughnessy, *The Bengal Dispensatory and Companion to the Pharmacopoeia*. (London: Allen, 1842); W. B O'Shaughnessy, *Bengal Pharmacopoeia and General Conspectus of Medicinal Plants* (Calcutta: Bishops College Press, 1844).

<sup>54</sup> O'Shaughnessy, *The Bengal Dispensatory and Companion to the Pharmacopoeia*.

<sup>55</sup> Mills, *Cannabis Britannica*, 41.

<sup>56</sup> O'Shaughnessy, *Bengal Pharmacopoeia and General Conspectus of Medicinal Plants*, 91.

as well as its ability to stimulate digestion.<sup>57</sup> O'Shaughnessy also argued that a chronic pathological condition resulting from cannabis use did not “appear to us so numerous, so immediate or so formidable as many which have been clearly traced to over-indulgence in other powerful stimulants or narcotics, viz alcohol, opium or tobacco.”<sup>58</sup> Any untoward side effects of cannabis use thus seemed minimal, or at least mild in comparison to the dangers of substances that were more familiar. As historian James Mills has noted, O'Shaughnessy's account of these cannabis experiments suggest it “was a merry time indeed,” including stories of intoxicated animals and patients emitting involuntarily bouts of hysterical laughter.<sup>59</sup> These were hardly the harmful effects described in earlier European accounts. By 1844, O'Shaughnessy described cannabis as a “powerful and valuable remedy” in treating a variety of ailments, as well as a “narcotic, stimulant and anti-convulsive” with clear therapeutic uses.<sup>60</sup>

O'Shaughnessy's research prompted widespread interest in cannabis throughout the western world. Discussions and perceptions of cannabis in the United States prior to the publication of his findings mainly focused on its important uses as hempen fiber. During the eighteenth century, hemp plants readily circulated back and forth across the Atlantic and around the globe, connecting ideas on the nature of the plant from India, Russia, England, and beyond. Convinced that hemp was vital to the establishment and maintenance of naval power, British metropolitan officials encouraged American

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<sup>57</sup> For example, see: Whitelaw Ainslie, *Materia Indica, or Some Account of Those Articles Which Are Employed by the Hindoos and Other Eastern Nations in Their Medicine, Arts and Agriculture*, vol. II (London: Longman, 1826), 108–11. The use of the word hemp in this context refers to Indian hemp, the widely used contemporary name to describe *Cannabis Indica*.

<sup>58</sup> Mills, *Cannabis Britannica*, 42.

<sup>59</sup> *Ibid.*, 44.

<sup>60</sup> O'Shaughnessy, *Bengal Pharmacopoeia and General Conspectus of Medicinal Plants*, 91, 428; See also, Mills, *Cannabis Britannica*, 45.

colonists to cultivate hemp. They achieved limited success, but failed in meeting the empire's massive needs. Following the American Revolution, the perception of hemp's strategic importance remained in the new nation, leading Americans to seek a steady supply of the plant from Russia while continuing to promote domestic cultivation. Americans thus "developed their perceptions of the political and economic advantages to be gained from the crop" via a transatlantic dialogue on the strategic necessities of hemp production rather than its medicinal potential.<sup>61</sup> English officials did much the same, but a shift toward India as a new source of hemp grown for the empire exposed Britons like O'Shaughnessy to the plant's remedial and intoxicating uses. European commentary therefore often made clear distinctions between industrial uses of the hemp and the intoxicating uses of cannabis favored by "Orientals."

Though few and limited, there were references to the medicinal and intoxicating uses of cannabis in the United States prior to the publication of O'Shaughnessy's work. Reports on cannabis were thus not entirely new during the early 1840s, but overall it remained a little known and rarely used plant in the *Materia medica* of the United States. In 1833, for example, a short description of *Cannabis sativa* appeared in a *Prodrome of a work to aid the teaching of the vegetable Materia medica*. Citing British surgeon and writer Whitelaw Ainslie, the manual briefly noted that the leaves were "narcotic" and that the "Turks," and "Hottentots," used various preparations for intoxication. The manual did not, however, refer to medicinal uses for cannabis.<sup>62</sup> In 1834, the second edition of *The*

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<sup>61</sup> Bradley J. Borougerdi, "Crossing Conventional Borders: Introducing the Legacy of Hemp into the Atlantic World," *Traverse* 1, no. 0 (January 12, 2011): 12.

<sup>62</sup> William P. C. Barton, *Prodrome of a Work to Aid the Teaching of the Vegetable Materia Medica: By the Natural Families of Plants, in the Therapeutic Institute of Philadelphia* (Philadelphia: [Therapeutic Institute], 1833), 84, <http://archive.org/details/61541080R.nlm.nih.gov>.

*Dispensatory of the United States of America* offered only one paragraph on “Cannabis sativa, Hemp.”<sup>63</sup> The *Dispensatory* was among the first set of nationally recognized publications on Materia medica in the United States and became a standard text for many physicians. In the section on cannabis, editors Dr. George B. Wood and Dr. Franklin Bache noted the plant’s growth in Asia, Europe, and North America. They highlighted its intoxicating uses via drinking and smoking “in Persia and the East Indies,” and suggested cannabis preparations could “produce effects analogous to those of opium.” Even the mere “odour [sic] of the fresh plant” was “stated to be capable of producing vertigo, headach [sic], and a species of intoxication.” Wood and Bache also noted that medicines and bird feed often used cannabis seeds. Nonetheless, the plant was “chiefly cultivated,” they wrote, “for the fibrous bark of hemp, and the various products manufactured from it.”<sup>64</sup> Similar descriptions appeared in the United States throughout the 1830s, and by the end of the decade, homeopathic medicine manuals offered terse references to its potential medical uses.<sup>65</sup>

Because of this limited exposure to cannabis, the emergent transatlantic dialogue that developed around O’Shaughnessy’s research exerted a heavy influence on American

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<sup>63</sup> George B. Wood and Franklin Bache, *The Dispensatory of the United States of America*, Second (Philadelphia : Grigg & Elliot, 1834), <http://archive.org/details/101539471.nlm.nih.gov>. The *Dispensatory* emerged out of the great dissatisfaction among physicians in the 1820s about the lack of uniform standards in medicine and pharmacy. Both well-known physicians, Bache was a grandson of Benjamin Franklin and a pupil of Benjamin Rush, Surgeon General to Washington’s Army. The book went through eleven subsequent editions in the thirty years prior to Bache’s death in 1864, selling a staggering 79,000 copies during a period when there were not more than 30,000 physicians in the United States. For more, see: Horatio C. Wood, Jr., “The History of the United States Dispensatory,” *Journal of the American Pharmaceutical Association* 20, no. 8 (August 1931): 791–94.

<sup>64</sup> Wood and Bache, *The Dispensatory of the United States of America*, 1074–75.

<sup>65</sup> Jacob Jeanes, *Homoeopathic Practice of Medicine* (Philadelphia: Printed by A. Waldie, 1838), <http://archive.org/details/64320280R.nlm.nih.gov>; John Tanner, *The Homoeopathist’s Pocket Reference*, trans. John Tanner (Philadelphia: Published by the Author, 1838), <http://archive.org/details/64340010R.nlm.nih.gov>; Paul Francis Curie and Gideon Humphrey, *Domestic Homoeopathy* (Philadelphia : Printed by J. Harding, 1839), <http://archive.org/details/64241240R.nlm.nih.gov>.

perceptions of cannabis as both an intoxicant and a medicine. Where earlier commentators judged cannabis use within a Western moral and religious framework that often made them wary of any intoxicating substance, O'Shaughnessy approached the plant as an ambitious and entrepreneurial medical doctor with an open mind and a desire to serve the British Empire. He applied for an assistant surgeon job in the Bengal Army in 1832, which took him to India and allowed him to work closely with Indian researchers as well as teach courses for Indians and mixed-race students of the upper class. O'Shaughnessy's work was a reflection of the British imperial project in India, and his writings "on the nature of the plant and its use were directly in line with perceptions of empire at the time." This meant that although O'Shaughnessy readily acknowledged the intoxicating and narcotic effects of cannabis, he also noted it was "employed as a medicine in these regions a long time ago." As such, he believed Europeans could "step in to bring civilization back to the Indians, whose climate led to degeneration." In short, with the help of British physicians, cannabis could resume its place as a useful medicine.

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O'Shaughnessy's comments on the degenerative tropical environment, and the clear contrast he drew between the intoxicating uses of cannabis in the Orient and the possible medicinal uses by Europeans reflected the imperial paradigm within which he worked.<sup>67</sup> As a Nabob in India O'Shaughnessy had a genuine interest in developing medicines that could benefit the Empire, and that process centered on the superiority of

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<sup>66</sup> Bradley J. Borougerdi, "Cord of Empire, Exotic Intoxicant: Hemp and Culture in the Atlantic World, 1600-1900" (Dissertation, University of Texas at Arlington, 2014), 138.

<sup>67</sup> For another example of this imperial mindset and O'Shaughnessy's belief in the superiority of European medical thought see his comments on two brothers suffering from tetanus, in: Samuel Forry, "Bibliographic Notices - Art. IX. - On the Preparations of the Indian Hemp, or Gunjah (*Cannabis Indica*;) Their Effects on the Animal System in Health, and Their Utility in the Treatment of Tetanus and Other Convulsive Diseases - By W.B. O'Shaughnessy," 395



European knowledge in utilizing and harnessing the Indian *Materia medica*.<sup>68</sup> This was indeed medical knowledge created in the shadow of the imperial project. Though surely tainted by this Orientalism, O'Shaughnessy had nevertheless conducted extensive experiments and trials with cannabis that matched the established scientific standards of the period.<sup>69</sup> As an honorary fellow of the Royal medico botanical Society of London and a professor of chemistry and medicine, he gave the drug a ringing endorsement. News of his findings spread rapidly to Europe and across the Atlantic to the United States triggering a wave of focus on the potential medical benefits of an otherwise rather common plant.

Medical journals in the United States began reprinting O'Shaughnessy's work immediately following his first publication on cannabis in 1839. *The Boston Medical and Surgical Journal*, *Maryland Medical and Surgical Journal*, and the *Medical Examiner* all ran excerpts of O'Shaughnessy's essay on the use of cannabis to treat tetanus and other convulsive disorders.<sup>70</sup> These reprints demonstrate just how quickly medical knowledge moved around the globe in the mid-nineteenth century, spreading widely and rapidly through networks of medical professionals and their publications. Nearly every major

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<sup>68</sup> For contemporary evidence that O'Shaughnessy worked for the benefit of the empire in an imperial framework, see: J. MacPherson, "Notes on Some Points of Indian Practice," *Medical Examiner* IV, no. 38 (September 18, 1841): 600. MacPherson lamented the limited development of the resources of the *Materia medica* in India, but noted that O'Shaughnessy had been engaged in preparing work on the subject of cannabis. O'Shaughnessy's appropriation of local knowledge on cannabis as a fundamental aspect of the colonial project is also in line with the contention that the promise of economic windfall may have influenced his enthusiasm for cannabis. The science of medicine was dramatically improving at the time and many imperial subjects realized medical advances or new drug preparation might yield large fortunes. Historian James Mills has argued that this financial incentive could have encouraged O'Shaughnessy's positive assessment of cannabis and potentially tainted the scientific outcomes of his research. For more, see: Mills, *Cannabis Britannica*, 45.

<sup>69</sup> Though often used by nineteenth century researchers, the words trial and experiment in this context should not imply the use of the same rigorous protocols now in place for clinical research today.

<sup>70</sup> Smith, "New Remedy for Tetanus and Other Convulsive Disorders by W.B. O'Shaughnessy"; Roberts et al., "New Remedy for Tetanus and Other Convulsive Disorders By W.B. O'Shaughnessy"; Biddle and Gerhard, "New Remedy for Tetanus and Other Convulsive Disorders By W.B. O'Shaughnessy."

American city possessed a prominent medical society that regularly circulated medical journals by the 1840s, as did many smaller cities and regional bodies.<sup>71</sup> Generally lacking in substantive editorial commentary, these first American reprints of O'Shaughnessy's claims plainly circulated his belief that "when given boldly, and in large doses, the resin of hemp is capable of arresting effectually the progress of formidable diseases, and, in a large proportion of cases, of effecting a perfect cure."<sup>72</sup>

In 1842, O'Shaughnessy published *The Bengal Dispensatory*, offering additional details on his ongoing experiments with Indian hemp and providing new material for reprint in American medical journals. He also brought specimens of the plant with him to London, where Peter Squire utilized them to develop a commercial extract of cannabis for medicinal use. In turn, western physicians utilized Squire's extract for further testing on a variety of ailments.<sup>73</sup> In addition, O'Shaughnessy traveled to New York City and met with prominent groups of medical men to discuss his findings, thereby furthering the proliferation of knowledge on Indian hemp and solidifying the importance of his work in the United States. It is thus no surprise that publications like *The New York Journal of Medicine* printed lengthy quotes and extracts of his experiments, noting that O'Shaughnessy was "due the merit of having directed attention to this ancient therapeutic remedy."<sup>74</sup>

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<sup>71</sup> Morgan, *Drugs in America*, 10.

<sup>72</sup> Roberts et al., "New Remedy for Tetanus and Other Convulsive Disorders By W.B. O'Shaughnessy," 519; Smith, "New Remedy for Tetanus and Other Convulsive Disorders by W.B. O'Shaughnessy," 155; Biddle and Gerhard, "New Remedy for Tetanus and Other Convulsive Disorders By W.B. O'Shaughnessy," 531.

<sup>73</sup> For more on Squire, see: Borougerdi, "Cord of Empire, Exotic Intoxicant," 144–46; Booth, *Cannabis*, 92–93.

<sup>74</sup> Samuel Forry, ed., "Indian Hemp or Gunjah, (Cannabis Indica)," *The New York Journal of Medicine, and the Collateral Sciences I* (1843): 132.

The diffusion of O'Shaughnessy's work in the United States provided a set of foundational impressions for additional research and writing on cannabis as both medicine and intoxicant. His work helped solidify the belief that intoxicating uses of Indian hemp were widespread throughout the Orient. He also introduced the claim that there was no narcotic resin found in European hemp, only Indian. This claim implicated American grown hemp as well, leading many to test the theory. Further extrapolating this East-West distinction, O'Shaughnessy developed a preparation of cannabis to treat his patients that was different from traditional intoxicating preparations used by Indians. This process further emphasized the expertise and superiority of European medical knowledge. Medically speaking, his treatment of tetanus best demonstrated the potential power of hemp, as it effectively reduced or eliminated muscle spasms. Cannabis intoxication nevertheless occurred among many of his patients. O'Shaughnessy downplayed these episodes of intoxication and praised the plant's medical potential. Even so, medical reprints of his work in the United States repeated these inebriating outcomes. In short, the initial circulation of O'Shaughnessy's research emphasized that cannabis intoxication was rife among Orientals and possible among patients. In the hands of western physicians, however, it remained a potentially powerful remedy for a variety of ailments.

Medical journals in the United States offered considerable space to O'Shaughnessy's experiments and often quoted his findings at length, but they frequently remained both critical and judicious in their assessment of his conclusions. *The New York Journal of Medicine*, for example, reprinted large sections of his work alongside original editorial commentary. In evaluating O'Shaughnessy's summary of previously published

material on cannabis, the journal felt that much of it seemed like nothing more than “the character of fabulous history.” On the “medicinal properties assigned to hemp by the ancient Arabian and Persian writers,” the editors felt O’Shaughnessy was too “rich in extracts.” The editorial was also critical of the way O’Shaughnessy conducted his cannabis experiments, suggesting that he used improperly heavy doses on his patients. The editors charged that, “Dr. O’S considers no trial of the drug at all conclusive, unless pushed to the extent of inducing stupor and insensibility.”<sup>75</sup>

Critical comments such as these reflected a broader skepticism and cautious hesitation among many American physicians. Many did not immediately echo O’Shaughnessy’s ready praise for cannabis. “The question now arises,” wrote one journal editor; “has the profession in this therapeutic agent gained an anti-convulsive remedy, of truly great value?” O’Shaughnessy no doubt felt it had. Yet, the editorial warned, “as new medicines have often cheated the most circumspect investigators a proper exercise of caution surely demands the frequent repetition of these experiments.” Indeed, “In medicine we find that fashion is not without its influence, and that a remedy extolled by one generation is wholly neglected by the next.” As such, though the journal acknowledged, “there can surely be no difference of opinion in relation to the degree of credit that justly belongs to Dr. O’Shaughnessy for his indefatigable researches,” the editor felt that the “ultimate and permanent value” of cannabis, “real or fictitious,” remained to be determined.<sup>76</sup>

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<sup>75</sup> Samuel Forry, “Bibliographic Notices - Art. IX. - On the Preparations of the Indian Hemp, or Gunjah (Cannabis Indica:) Their Effects on the Animal System in Health, and Their Utility in the Treatment of Tetanus and Other Convulsive Diseases - By W.B. O’Shaughnessy,” 392, 397.

<sup>76</sup> Ibid., 397–98. While far more accepting and positive in their initial review of O’Shaughnessy, editors from the *British and Foreign Medical Review* concluded their commentary in 1840 with a similar tone. They hoped, “some of our hospital physicians will, without delay, procure the remedy which Dr.

Such measured assessments of O'Shaughnessy stemmed from new and emerging sets of conflicting information on cannabis trials circulating in the transatlantic medical community. Following O'Shaughnessy's publications and Peter Squire's distribution of his cannabis extract, many others put Indian hemp to the test. *The New York Journal of Medicine*, for example, cited a recent meeting of London's Royal Medico-Botanical Society, noting the optimistic comments on cannabis. At the meeting, Mr. W. Ley described a series of positive reports on hemp's anti-convulsive powers from several cases featured in the *Provincial Medical Journal*.<sup>77</sup> In fact, *The American Journal of the Medical Sciences* reported that Ley went so far as to favorably compare hemp with opium in the treatment of numerous afflictions. Ley declared that, "It is a triumph in therapeutics to establish, as I do not doubt we shall be able, that this new remedy will effect by moderate doses, and safely, what our heretofore strongest power could only attempt with danger."<sup>78</sup> On the other hand, Dr. Jonathan Pereira, member of the Royal College of Surgeons, found less promise. The description of cannabis featured in his *Materia Medica* declared, "its powers have been overrated." Indeed, in Pereira's hands, "those striking effects described by Dr. O'Shaughnessy did not follow." Articles in the *Medico-Chirurgical Review*, published in both London and New York City, expressed similar reservations with cannabis. The journal's editors suggested that hemp-resin appeared a

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O'Shaughnessy has thus favorably introduced, and determine how far it may sustain its reputation as a 'powerful anticonvulsive' in [England]."

<sup>77</sup> Ibid., 398.

<sup>78</sup> Isaac Hays, ed., "Materia Medica and Pharmacy," *The American Journal of the Medical Sciences* VI, no. XI (July 1843): 190. Ley was not the only one to make such claims, Dr. Clendinning argued much the same, see: James Johnson, ed., review of *Observations on the Medicinal Properties of the Cannabis Sativa of India*. By John Clendinning, by John Clendinning, *Medico-Chirurgical Review*, no. LXXX (April 1844): 376.

“safe medical agent,” but expressed “fear that the Indian hemp will, from some cause or other, prove less effective in this than in its native climate.”<sup>79</sup>

A number of circumstances almost assuredly contributed to these differences in outcomes and opinions. Different methods of cultivation and growth at the source, different modes and methods of preparation, and the time elapsed during the passage from India or England were common issues in controlling for uniformity.<sup>80</sup> Variation in the quality of the cannabis specimens and the deterioration of both the plant material or drug extracts during transit also contributed to such concerns and failures with cannabis based medicines. In the United States questions and concerns on the issues of deterioration, proper preparation, and appropriate dosage worked to hinder the acceptance of cannabis as medicine during this initial assessment. When combined with the naturally complex chemical constituency of cannabis plants, many of these issues persisted well into the twentieth century and continually shaped American perceptions on the effectiveness and safety of cannabis use.

It is critical to note that the caution and skepticism of cannabis voiced by American physicians stemmed from their estimation of its potential use as a medicine and not from its status as a narcotic or Oriental intoxicant. Indeed, nearly every journal article in the United States reprinted and repeated the fundamental assumption that cannabis was a widely used intoxicant by non-westerners. Often these publications simply repeated some version of the opening lines from O’Shaughnessy. He suggested that, “The narcotic

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<sup>79</sup> James Johnson and Henry James Johnson, eds., “On the Preparations of Indian Hemp, or Gunjah, (Cannabis Indica), Their Effects on the Animal System in Health and Disease, &c. &c.,” *Medico-Chirurgical Review*, no. LXXVI (April 1843): 577.

<sup>80</sup> Samuel Forry, “Bibliographic Notices - Art. IX. - On the Preparations of the Indian Hemp, or Gunjah (Cannabis Indica:) Their Effects on the Animal System in Health, and Their Utility in the Treatment of Tetanus and Other Convulsive Diseases - By W.B. O’Shaughnessy,” 398.

effects of hemp are popularly known in the South of Africa, South America, Turkey, Egypt, Asia Minor, India, and the adjacent territories of the Malays, Burmese and Siamese. In all these countries hemp is used in various forms by the dissipated and depraved, as the ready agent of a pleasing intoxication.”<sup>81</sup> Many of these subsequent articles also included descriptions of individual cannabis preparations highlighting names such as churrus, gunjah, bhang, and “parts employed, in Asia, for the purpose of intoxication”<sup>82</sup> Descriptions and classifications of cannabis intoxication by medical doctors also appeared widely, providing an accumulating record of its many distinct effects on users. One such account noted that “its action on the system is decidedly narcotic, producing at first the effects of a powerful stimulant.”<sup>83</sup> Another description, in a book on diseases of the testis, claimed that cannabis “is indulged in by the inhabitants of certain countries, on account of the pleasurable excitement to which it gives rise.”<sup>84</sup> Originally produced in India, some of this information undoubtedly perpetuated an imperial mindset. O’Shaughnessy’s earliest work, for example, included a story of “naked coolies” running through hemp fields to gather the resin on their skin before

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<sup>81</sup> Augustine Duhamel, “Some Account of Gunjah, or Indian Hemp and Its Preparations,” *The American Journal of Pharmacy*, January 1844, 253.

<sup>82</sup> Jonathan Pereira, “Other Medicinal or Poisonous Urticaceae,” in *The Elements of Materia Medica and Therapeutics*, vol. II (Philadelphia: Lea & Blanchard, 1843), 203. Though all derived from the cannabis plant, these preparations are generally described as follows: Churrus/Charas is the name applied to the resinous secretion when collected separately; Gunjah/Ganja consists of the dried flowering tops of the plant, usually the female; Bhang/Bang is the dry leaves of the plant, often made into a drink.

<sup>83</sup> J. Moore Neligan, “Chapter XV. Narcotics. Cannabis Indica. Indian Hemp. [Apocynum Cannabinum, U.S.P.],” in *Medicines, Their Uses and Mode of Administration; Including A Complete Conspectus of the Three British Pharmacopaeias, An Account of All the New Remedies, and An Appendix of Formulae* (New York: Harper & brothers, 1844), 223.

<sup>84</sup> Thomas Blizard Curling, *A Practical Treatise on the Diseases of the Testis: And of the Spermatic Cord and Scrotum*, ed. P.B. Goddard (Philadelphia: Carey and Hart, 1843), 451.

scraping it off and preparing it for intoxicating uses.<sup>85</sup> This story in particular circulated widely in Great Britain and the United States and was reprinted frequently well into the early twentieth century.<sup>86</sup>

Such descriptions of cannabis as an intoxicant, narcotic, aphrodisiac, and oriental vice thus colored the initial medical accounts of cannabis in the United States. Yet, few publications cited these concerns as barriers to its use by American physicians. Instead, these journals highlighted the emerging research on its medicinal potential and encouraged continued domestic experimentation with medicinal cannabis. The idea that those cannabis medicines might intoxicate a patient was, in many ways, taken for granted, particularly in light of the growing use of opium and morphine at the time. Nonetheless, all of this mixed information on cannabis regularly appeared together in the same article, creating a clouded picture of both its potential uses and its possible effects.

A second source of European influence promptly joined this initial assessment of cannabis in the United States, generated by the French doctor Jacques Joseph Moreau de Tours. Medically trained in Paris, Moreau's extensive travel throughout the Middle East and his association with Dr. Louis Aubert-Roche ultimately piqued his interest in hashish. Moreau's journeys exposed him to cannabis intoxication and apparently led him to experience it personally for the first time.<sup>87</sup> Later, he became an active participant in the

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<sup>85</sup> O'Shaughnessy, "ART. VII. - Extract from a Memoir on the Preparations of the Indian Hemp, or Gunjah, (Cannabis Indica)," 726.

<sup>86</sup> C. R. Marshall, "Cannabis Indica," *Pharmaceutical Journal: A Weekly Record of Pharmacy and Allied Sciences* LXIX (September 6, 1902): 263. Marshall questioned the veracity of these reports from the preceding six decades.

<sup>87</sup> Bo Holmstedt, "Introduction to Moreau de Tours," in *Hashish and Mental Illness*, ed. Helene Peters and Gabriel Nahas, trans. Gordon J. Barnett (New York: Raven Press, 1973), ix–xxii; Bo Holmstedt, "Historical Survey," in *Ethnopharmacologic Search for Psychoactive Drugs: Proceedings of a Symposium Held in San Francisco, California - January 28-30, 1967*, Workshop Series of Pharmacology Section,



Paris-based meetings of the *Club des Hashishins*, where he and a small group of others ingested cannabis preparations. This group included an important circle of French literati, including Alexander Dumas, Théophile Gautier, Charles Baudelaire, and Honoré de Balzac, thereby laying the foundation for a more literary expression of the effects of cannabis intoxication.<sup>88</sup> Moreau also encouraged experiments among his medical students, leading Edmond DeCourtive to write the first formal thesis on hashish.<sup>89</sup>

Moreau's personal studies compiled the findings of his own experiences with cannabis preparations as well as his observation of its use among willing pupils and in the treatment of patients suffering from mental illnesses. Moreau developed a firm belief from these early experiments that the effects of hashish could help researchers experience the symptoms of mental disorders for themselves. His exposure to the drug convinced him that during hashish intoxication users remained readily aware of their consciousness and innermost feelings. He also believed that hashish use could temporarily provoke changes in the brain like those experienced by the mentally ill. Combined, these beliefs meant researchers could undergo the symptoms of mental illness firsthand while also remembering the entire progression of the disease. Moreau's theory rested on a hypothesis that "manic excitement" caused all diseases of the mind, and thus served as

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N.I.M.H. 2 (Washington, D.C.: U.S. Government Printing Office, 1967), 3–32, <http://www.scribd.com/doc/27486686/Ethnopharmacologic-search-for-psychoactive-drugs-1967>.

<sup>88</sup> Holmstedt, "Introduction to Moreau de Tours," x. Moreau was most likely the Doctor X mentioned by Gautier in his account of the group's activities. In addition, Dumas's *The Count of Monte Cristo* helped reinforce the idea that cannabis was an Oriental substance that could produce intoxication, noting that hashish produced erotic visions and delusions of grandeur, induced heavy sleep, and enhanced music among its other effects.

<sup>89</sup> For excerpts of the thesis, see: Ronald K. Siegel and Ada E. Hirschman, "Edmond De Courtive and the First Thesis on Hashish: A Historical Note and Translation," *Journal of Psychoactive Drugs* 23, no. 1 (March 1991): 85–86. DeCourtive developed his own extracts of cannabis and was generally positive in his assessment, suggesting that, "Science and humankind can only gain..." from the use of cannabis.

“the primitive source of all the fundamental phenomena of delirium.”<sup>90</sup> Hashish intoxication could thus simulate this process in the brain of a trained physician, giving them direct insight into these mental symptoms. Moreau believed there was “not a single, elementary manifestation of mental illness that cannot be found in the mental changes caused by hashish, from simple manic excitement to frenzied delirium, from the feeblest impulse, the simplest fixation, to the merest injury to the senses, to the most irresistible drive, the wildest delirium, the most varied disorders of feelings.”<sup>91</sup>

It was in this capacity that news of Moreau’s experiments initially reached the United States. Though initially less prominent than O’Shaughnessy, Moreau and associates nonetheless made undeniable ripples in transatlantic perceptions of cannabis use.<sup>92</sup> His work quickly bolstered the link between cannabis and Oriental intoxication while raising concerns about the possibility of insanity and mental health problems following its use. Reviews of Moreau’s 1845 tome, *Hashish and Mental Illness*, promptly appeared in American medical journals adding to the accumulating rush of information on cannabis and its potential uses. Editorial references frequently repeated claims that cannabis was a widely used intoxicant in India, Egypt, and Syria. Likewise, journals repeated the vivid descriptions of the hashish experiences of Moreau and others, including symptoms of delirium, bouts of laughter, strange actions, and a range of visual and auditory hallucinations.

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<sup>90</sup> As quoted in, Isaac Hays, ed., “Bibliographical Notices - Art. XXII. Psychological Researches in Reference to the Indian Hemp and Mental Alienation. By J. Moreau,” *The American Journal of the Medical Sciences* XXI (April 1846): 425–26.

<sup>91</sup> Jacques Joseph Moreau, *Hashish and Mental Illness*, ed. Helene Peters and Gabriel Nahas, trans. Gordon J. Barnett (New York: Raven Press, 1973), 19.

<sup>92</sup> Booth, *Cannabis*, 66–75.

Moreau's work, much like O'Shaughnessy, found a receptive but critical and skeptical audience among American physicians. Continued questions surrounding the uncertain effects of cannabis preparations produced only tempered optimism and led many medical journals in the United States to call for further trials on the drug.<sup>93</sup> *The American Journal of Insanity*, for example, took issue with the positive fervor of Moreau's recommendations, registering their "regret" that "he had not waited until a further trial of this remedy had enabled him to speak from that large experience." The journal's editors further stressed that findings from additional experiments "would be far more convincing than a dozen books of conjectures, and predictions of future results obtained from its use." In assessing Moreau's claims of patient recoveries the journal asserted, "we do not feel at all certain that the Cannabis had much to do with their restoration, as such cases, we should expect, would recover with equal rapidity without it." Nevertheless, in an effort to test the efficacy of cannabis themselves the editors acquired two ounces of pure cannabis extract direct from Calcutta and put it to use at the Lunatic Asylum in Utica, New York. Though the editors found the extract to be "a very energetic remedy, and well worthy of further trial with the insane," they could not say, "in what class of cases it is likely to prove beneficial," because its observable effects varied so widely among different patients.<sup>94</sup>

Information on the use of cannabis and its effects also filtered beyond the confines of professional medical journals and into the wider public. These accounts

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<sup>93</sup> Though often used by nineteenth century researchers, the word trial in this context should not imply the use of the same rigorous protocols now in place for clinical research.

<sup>94</sup> The Officers of the New York State Lunatic Asylum, Utica, ed., "Bibliographical Notices - 2. Du Hachisch et de Alienation Mentale Etudes Psychologiques, Par J. Moreau, (de Tours)," *American Journal of Insanity* II (January 1846): 276, 280.

brought cannabis to a popular audience, exposing them to many of the diverse effects of its intoxication chronicled by physicians and writers around the Atlantic Ocean. In 1849, for instance, highly similar summaries of hashish intoxication appeared in newspapers printed in Kentucky, Vermont, and Illinois.<sup>95</sup> These particular snippets highlighted the experiments of Moreau and other prominent voices in the dissemination of the transatlantic knowledge on cannabis. Focusing on the French experiments with Indian hemp, these stories quoted heavily from Théophile Gautier - a close collaborator of Moreau. Gautier published a number of accounts drawn from meetings of the *Club des Hashishins*. One of his experiences recounted lavish visions of beautiful butterflies, alongside figures of misshapen men with half-plant parts or with the wings of an ostrich. All accompanied by an overwhelming sensation that his body was dissolving. Gautier also described acute auditory powers and reported being able to see sounds and hear colors – a phenomenon known as synesthesia, the admixture of senses.<sup>96</sup> Under the influence of cannabis, he also burst into fits of laughter and childishly threw cushions into the air catching and turning them rapidly. From these experiences, Gautier claimed that, “for the first time he comprehended what might be the state of existence of elementary beings, of angels, of souls separated from the body.” Though these accounts focused on the consumption of hashish, the newspaper articles carrying them readily

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<sup>95</sup> “The Hashish,” *The Examiner* (Louisville, KY), April 7, 1849; “The Hashish,” *Vermont Watchman and State Journal* (Montpelier, VT), May 31, 1849, Vol XLIII, No. 29 edition; “The Hashish,” *The Ottawa Free Trader* (Ottawa, IL), September 28, 1849, Vol X, No. 9 edition.

<sup>96</sup> Many others under the influence of cannabis intoxication, including Fitz Hugh Ludlow, also reported this symptom. For a list of Gautier’s symptoms, see: Booth, *Cannabis*, 69. For Ludlow, see: Ludlow, *The Hasheesh Eater*, 322. For another recorded example of synesthesia, see: C. J. S. Thompson, “Hashish and Its Effects -- with Some Curious Experiences,” *American Druggist and Pharmaceutical Record* (1893-1922) 25, no. 2 (July 25, 1894): 59. For recent research on this phenomenon, see: Mitch Earleywine, *Understanding Marijuana: A New Look at the Scientific Evidence* (Oxford & New York: Oxford University Press, 2002), 106.

identified it as “the produce of the Indian hemp,” clearly connecting the two for the reader.<sup>97</sup>

The 1840s were thus a critical decade in the history of cannabis in the United States, bringing information that formed the foundation for its reception and perception for decades to come. This period saw a significant rise in scientific inquiries on cannabis published in American medical journals, prompting calls for additional research by American physicians. Newspapers across the country also began reprinting reports of hashish intoxication for a general audience, bringing to life the many effects of this novel form of intoxication. From India, O’Shaughnessy lent professional credence to the notion that cannabis intoxication was rampant among Orientals. His widely circulated research also suggested that intoxication regularly occurred in patients treated with cannabis preparations. Though he noted that cannabis often produced euphoria in many patients, it also occasioned temporary madness and delirium in others. O’Shaughnessy also wrote that cannabis consumption caused an escalation of the natural tendency toward violence among those patients with a quarrelsome disposition.<sup>98</sup> From Moreau Americans received a clear outline of hashish intoxication. He charted eight stages through which users progressed, beginning with general feelings of pleasure and then onto increased excitement, distortions of space and time, persistent ideas bordering on mania, disturbances of emotion, irresistible impulses, and finally illusions and hallucinations. In the end, users lost control of their faculties.

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<sup>97</sup> “The Hashish,” May 31, 1849.

<sup>98</sup> O’Shaughnessy, “ART. VII. - Extract from a Memoir on the Preparations of the Indian Hemp, or Gunjah, (Cannabis Indica),” 735.

These vivid descriptions helped set the nature and tone of the discussion on cannabis in the United States. When “extractum cannabis” entered the Pharmacopeia of the United States in 1850, it carried a wide range of attributes and characterizations.<sup>99</sup> Part medicine, part intoxicant, and regularly considered a narcotic or stimulant, cannabis was many things at once. There remained a good deal of skepticism among the early medical reviewers of both O’Shaughnessy and Moreau, but American physicians nevertheless considered cannabis worthy of continued therapeutic trials. This skepticism nevertheless led to a cautious reception of cannabis among medical professionals. Much of this hesitation stemmed from the unreliable effects of cannabis in subsequent trials. By the end of the 1840s, a popular medical book on poisons and medical jurisprudence noted that the effects of cannabis “appear to be very uncertain.” The problem was that “in some instances, large doses, either in the form of extract or tincture, have been given with impunity, while in other cases, symptoms resembling those of narcotic poisoning, have resulted from small quantities.”<sup>100</sup> These circumstances left most American physicians calling for additional experiments with cannabis in an effort to better identify possible treatments and gain increased certainty of its potential.

A steady stream of mid-nineteenth century homeopathic medical manuals charted many of these same trends on cannabis among the growing number of unorthodox physicians. These early homeopathic publications were heavily dependent on the work of German physician and founder of the homeopathy movement, Samuel Hahnemann.<sup>101</sup>

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<sup>99</sup> “Pharmacopoeia of the United States of America.: I. Substances Introduced into the Materia Medica. Ii. Preparations Introduced.,” *American Journal of Pharmacy (1835-1907)*, April 1851, 194.

<sup>100</sup> Taylor, *On Poisons*, 633.

<sup>101</sup> For Hahnemann on cannabis, see: Samuel Hahnemann, *Materia Medica Pura*, trans. Charles J. (Charles Julius) Hempel, vol. 1 (New York: William Radde, 1846), <http://archive.org/details/64310340RX1.nlm.nih.gov>. For examples of his influence, see: Jeanes,

Hahnemann and many others were part of a large wave of revolt against orthodox medical teaching – especially practices like bloodletting.<sup>102</sup> Homeopathic practitioners, believing that orthodox medicine often did more harm than good, sought out plants that produced the symptoms of diseases in healthy individuals. Built around the “law of similars” principle, this idea posited that when it came to treatments, “like cures like.” American homeopathic texts mentioning cannabis actually appeared slightly ahead of O’Shaughnessy’s work.<sup>103</sup> These early homeopathic sources usually mentioned cannabis only by name, one among many possible remedies for a specific ailment. They rarely included any specific descriptions of the plant or its effects, reference to first-hand experiments, or personal trials with cannabis. By the mid-1840s, however, homoeopathic manuals in the United States began listing cannabis tinctures among their trusted preparations. This trend reflected both the most popular medicinal cannabis preparation

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*Homoeopathic Practice of Medicine*; Tanner, *The Homoeopathist’s Pocket Reference*; Curie and Humphrey, *Domestic Homoeopathy*; A. J. Friedrich Ruoff, *Ruoff’s Repertory of Homoeopathic Medicine: Nosologically Arranged*, trans. Abraham Howard) Okie (Philadelphia: Dobson, Kay & Bros., 1840), <http://archive.org/details/64330780R.nlm.nih.gov>.

<sup>102</sup> Other threads of unorthodox medicine also sought a natural alternative to existing orthodox medical thought and treatments. Samuel Thomson launched the most popular of these alternative systems in the United States, known as Thomsonianism.

<sup>103</sup> The most famous and oft cited of these sources among previous histories of cannabis has been the material produced by the American Prover’s Union. Yet, as Bradley Borougerdi has recently discovered, there is a major problem with these sources in the historiography. In his dissertation, Borougerdi notes that, “In all the books that mention the American Provers’ Union over the last forty years, the authors mention that the organization published an article on Cannabis indica in 1839. It seems that the first secondary work to record this mistake was Ernest Abel in his book, *Marijuana: the First Twelve Thousand Years* (New York: Plenum Press, 1971), p 182, in which he cites T.F. Allen (ed.) *The Encyclopedia of Pure Materia Medica* (New York: Boericke and Tafel, 1875), p. 448. Indeed, this source cites 1839 as the date, but it was a mistake. Apparently, Abel did not consult the actual source, and since his publication everyone has merely repeated what he said without consulting the source either.” See, Borougerdi, “Cord of Empire, Exotic Intoxicant,” 150–51. This mistake has therefore altered previous ideas on the timeline of cannabis uses in the United States. Nonetheless, though the American Prover’s Union did not produce works on cannabis before news of O’Shaughnessy’s experiments many others did. As such, though Abel’s research error demonstrates a lack of attention to provenance among previous scholars, correcting the mistake complicates rather than undermines the notion of cannabis knowledge in the United States prior to O’Shaughnessy.

of the period as well as the evolving medical uses of the plant in orthodox and unorthodox medicine.

Homeopathic manuals, like those of their allopathic counterparts, often noted many of the ongoing questions and confusion surrounding the classification, properties, and effects of cannabis. Much of this debate centered on whether or not *Cannabis indica*, *Cannabis sativa*, and common hemp were identical plants or if they differed in meaningful ways. Most all of them followed O'Shaughnessy's belief that climate ultimately influenced the production of the intoxicating resin – meaning it could be found on cannabis in India but not Europe or America.<sup>104</sup> There were, however, counter observations and ideas on these differences. Homeopath Alphonse Teste, for example, acknowledged the climate argument, but asserted that he was “disposed to believe” that “the medicinal properties of the attenuated *Cannabis indica* do not differ very much from those of the *Cannabis sativa*.”<sup>105</sup> Still others noted the difference in appearance between *Cannabis indica* and *Cannabis sativa*, suggesting the former “grows more bushy and not so high; it branches from the ground to within two feet from the top. The fruit is smaller and rounder, and its flowers more crowded.”<sup>106</sup> Homeopathic writers also noted the many

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<sup>104</sup> Jean-Baptiste Lamarck, the concept of acquired characteristics, and theories about race and climate almost surely influenced the basis for this theory. For more on these influences, see: Borougerdi, “Cord of Empire, Exotic Intoxicant”; Mark Harrison, “‘The Tender Frame of Man’: Disease, Climate and Racial Difference in India and the West Indies, 1760-1860,” *Bulletin of the History of Medicine* 70, no. 1 (March 1, 1996): 68–93, doi:10.1353/bhm.1996.0038.

<sup>105</sup> Alphonse Teste, *The Homoeopathic Materia Medica: Arranged Systematically and Practically*, trans. Charles J. (Charles Julius) Hempel (Philadelphia: Rademacher & Sheek, 1854), 601–2, <http://archive.org/details/64340070R.nlm.nih.gov>.

<sup>106</sup> M. (Martin) Freligh, *Homoeopathic Materia Medica: Being a Summary of the Curative Action of the Principal Remedial Agents Employed in the Homoeopathic Practice: Compiled from Hahnemann, Jahr, Boenninghausen, Hull, Teste, and Hempel, and from the Clinical Provings of Rückert, Herring [I.e. Hering], Vanderburgh, Barlow and Other Distinguished Members of the Profession, Together with Additions, References, and Notes* (New York: Hurlburt, 1859), 108, <http://archive.org/details/1302312.nlm.nih.gov>.



physiologic and pharmacologic characteristics attributed to cannabis. Some practitioners actively resisted the “improper appellations of narcotics, stupefying, narcotic-acrid, etc. medicines” so often accorded to cannabis by allopathic doctors.<sup>107</sup> Others offered descriptions of cannabis that matched many of those same effects.

Publications on homeopathic medicine also reflected the continued accumulation and evolution of transatlantic cannabis knowledge. Edward Hamilton’s *The Flora Homoeopathica*, for example, devoted an entire section to cannabis, complete with illustrations and insights into its current uses. Hamilton’s descriptions highlight the influence of ongoing experiments on cannabis as well as its tenuous but recognizable place in both allopathic and homeopathic medicine. For instance, he noted that, “medical men and authors of the old school entertain varied views of the action of hemp.” He also observed contradictions found among homeopathic applications of cannabis. “Hemp is everywhere considered a specific against gonorrhea,” he wrote of homeopaths, “but it is also certain that Hemp produces gonorrhea, as is proved by the results of experiments put together by Hahnemann.” Likewise, Hamilton commented on the ongoing debate surrounding the proper botanical classification of cannabis and the many contemporary medicinal uses of the plant. The latter included treatments for rheumatism, tetanus, hydrophobia, and many of the same diseases and disorders previously suggested by O’Shaughnessy and other orthodox physicians. Yet, Hamilton also drew some distinction with these cures by suggesting homeopathic cannabis use for a range of other conditions, including nymphomania, irritating cough, and swelling of the breasts.<sup>108</sup>

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<sup>107</sup> Teste, *The Homoeopathic Materia Medica*, 556.

<sup>108</sup> Edward Hamilton, *The Flora Homoeopathica: Or, Illustrations and Descriptions of the Medicinal Plants Used as Homoeopathic Remedies*, vol. I (London & New York: London : H. Baillière, 1852), 136, 138, <http://archive.org/details/florahomoeopathi01hami>.

Despite the fundamental differences in approach between homeopathic and allopathic practitioners, there was often a good deal of similarity in their descriptions and assessment of cannabis and its effects. This was especially true of its potentially dangerous outcomes. One early homeopathic publication, for example, included a clear warning for cannabis use in the treatment of asthma. The essay advocated that, when using cannabis, patients “must stand at the window, with body bent forwards, to prevent suffocation.”<sup>109</sup> Another manual of homeopathic treatments wrote only that, “the effect of cannabis was very striking,” but did not elaborate.<sup>110</sup> Alphonse Testé’s *The Homeopathic Materia Medica: Arranged Systematically and Practically* noted that, “almost all authors have been struck by the resemblance which the effects of hashisch bear to some form of mental derangement.” Testé devoted an entire section to cannabis and chronicled the symptoms on himself and others, offering detailed descriptions on the many phases of intoxication. At its height, he wrote, cannabis intoxication brought on “illusions [that] are often followed by real hallucinations.” Testé nonetheless noted, as many others had, “the mental effects of haschish may be very different in different provers, and may give rise to many odd extravagances in company.” In short, he believed cannabis was useful in a wide range of medical conditions but not without a general caveat of its potential dangers. Cannabis, he wrote, carried “none of the consequences and features of any other intoxication,” such that, “I should call [it] delightful if my

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<sup>109</sup> Ruoff, *Ruoff’s Repertory of Homoeopathic Medicine*, 15.

<sup>110</sup> Franz Hartmann, *Hartmann’s Theory of Chronic Diseases and Their Homoeopathic Treatment*, trans. Charles J. (Charles Julius) Hempel, Third German Edition, vol. IV (New York: William Radde, 1849), 101, <http://archive.org/details/64310550RX4.nlm.nih.gov>.

reason did not tell me that the continued use of such an intoxicating agent must finally prove injurious.”<sup>111</sup>

This too reflected the influence of transatlantic knowledge on the perceptions of cannabis among both orthodox and unorthodox physicians. Homeopathic practitioners like Testé also offered vivid descriptions of cannabis intoxication and its effects on the mind. Much like their allopathic counterparts, homeopaths readily linked its usage with connotations of mental illness. John Peters’ *A Treatise on Nervous Derangements and Mental Disorders*, for example, drew heavily on the work of Moreau de Tours. Peters highlighted a range of symptoms in describing the effects of cannabis, including exhilaration of the spirit, a tendency toward unreasonable laughter, a restlessness and twitching of the limbs, and many others. Like Moreau, his objective was to use cannabis intoxication to elucidate the nature of mental disorders. Indeed, Peters believed that cannabis “should prove a most important homeopathic remedy” given that “its action throws much light upon mental derangement in general.”<sup>112</sup> According to Peters, the rapidity of thought experienced under the influence of cannabis intoxication induced healthy patients into a state of madness, but seldom gave rise to “a settled delusion.” The effect of cannabis therefore had “its counter-part in the different stages of natural insanity.” Peters argued that the symptoms of cannabis intoxication were quite powerful, but with a “strong effort of the will,” patients could initially beat them back. Nonetheless, as the intoxication progressed it slowly begin “exerting more and more influence on the

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<sup>111</sup> Testé, *The Homoeopathic Materia Medica*, 602, 603, 604.

<sup>112</sup> John C. (John Charles) Peters, *A Treatise on Nervous Derangements and Mental Disorders: Based Upon Th. J. Rückert’s Clinical Experience in Homoeopathy* (New York: Willaim Radde, 1854), 27, <http://archive.org/details/66540440R.nlm.nih.gov>; John C. (John Charles) Peters, *A Complete Treatise on Headaches and Diseases of the Head: Based on T.j. Rückert’s Clinical Experience in Homoeopathy: With Introductions, Appendices, Synopses, Notes, Directions for Doses and Many Additional Cases* (New York: William Radde, 1859), 353–56, <http://archive.org/details/66241000R.nlm.nih.gov>.

general current of thought.” At its peak, Peters found, the effects of cannabis acquired “complete mastery” over the patient so that “the reasoning and controlling process can no longer be called into effectual operation.”<sup>113</sup>

These homeopathic sources help illuminate the ways in which accumulating transatlantic knowledge of cannabis and its potential medicinal uses appeared in many different areas of American medicine and established itself among both orthodox and unorthodox practitioners.<sup>114</sup> Despite their fundamental differences in approach, however, both groups found initial cause for concern with cannabis cures. Reviews of experiments and medical commentary on cannabis from American physicians showed a healthy degree of skepticism. Problems with inert preparations and proper doses produced a range of opinions on the efficacy of cannabis, ranging from those who found it useful in treatments to those who dismissed such claims and saw little potential.<sup>115</sup> An 1852 volume of *Materia medica* for students, for instance, was clear that, “opinions are by no means settled in the United States and Great Britain as to its effects.”<sup>116</sup> Similarly, following more than a decade of American research, Dr. George Anderson observed that cannabis had been put to use by many respectable physicians, but the accounts “given of its effects on the economy by different experimenters, are somewhat contradictory.” For his part, Anderson nonetheless argued that, “experience abundantly proves it to be a most

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<sup>113</sup> Peters, *A Treatise on Nervous Derangements and Mental Disorders*, 30.

<sup>114</sup> This brief look at homeopathic cannabis use does not provide a comprehensive elucidation of the differences between the various evolving sects of American medicine during this period. It shows only that similar threads on cannabis emerged on both sides of the major divide. Chapter 2 discusses the influence and professionalization of allopathic medicine through the American Medical Association and similar organizations.

<sup>115</sup> For an example of such reviews, see: Robley Dunglison, *New Remedies: With Formulae for Their Administration* (Philadelphia: Blanchard and Lea, 1851), <http://archive.org/details/101507035.nlm.nih.gov>.

<sup>116</sup> John B. (Barclay) Biddle, *Review of Materia Medica: For the Use of Students* (Philadelphia: Lindsay and Blakiston, 1852), 56, <http://archive.org/details/61550370R.nlm.nih.gov>.

powerful narcotic, capable of answering important indications in the treatment of disease.”<sup>117</sup>

This was the position taken by most American physicians in the United States during the 1850s. In fact, Anderson’s extensive comments summed up the general medical attitudes surrounding cannabis. Though at times uncertain, many physicians still trusted it could be a powerful and often practical treatment. At the same time, many also considered cannabis undeniably dangerous. “Like all other potent medicines,” Anderson cautioned, “it should be administered with caution and judgment.” This meant, at the very least, slowly increasing the administered dose. This caution was necessary because “an over-dose produces alarming symptoms; so much so, that one who has witnessed the effects ... might be induced to abandon it altogether as a medical agent.” This had actually happened to Anderson and led him to suspend his use of cannabis in treating patients for some time. In spite of this, continued research led him to believe abandoning its use entirely was ill advised. Instead, he argued that cannabis was similar to many drugs “capable of doing harm when incautiously or unskillfully administered.” That, however, was “not ground sufficient for rejecting it as a therapeutic agent.”<sup>118</sup> Following continued personal experiments and trials on patients suffering from a range of ailments Anderson was convinced “of the extraordinary powers of the medicine.” He was convinced that when used with proper caution, cannabis “will, in time, become one of our most valued and esteemed medicinal agents.”<sup>119</sup>

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<sup>117</sup> George S. D. Anderson, “Art. IV.--Remarks on the Remedial Virtues of Cannabis Indica, or Indian Hemp.,” *The Western Journal of Medicine and Surgery (1840-1855)* 4, no. 6 (December 1855): 427.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid, 430.

Anderson's measured assessment, balancing the potential dangers of cannabis against the potential benefits, was quite common among American physicians. Dr. John Bell, for example, expressed similar sentiments in two lengthy articles published by the *Boston Medical and Surgical Journal*. Covering the uses of "*Haschisch*, Cannabis Indica, or Indian Hemp," Bell claimed to provide a "resume of what has been written on the subject, seen through the medium of personal experience."<sup>120</sup> Like many others, he reproduced standard references to the use of cannabis as an intoxicant in the East, but his main concern was with the use of cannabis as a medicine and therapeutic. Interestingly, Bell argued that "The defective pharmaceutic processes employed by the inhabitants of its native countries, render its preparations of very different strength, and admixtures of various foreign substances make its effects uncertain."<sup>121</sup> This was a novel argument in addressing the issue of unreliable doses. It also revealed an ongoing belief in the supremacy of western medicine and a faith that pharmaceutical firms could standardize cannabis preparations. Indeed, Bell asserted, "The extracts prepared in this country from the Indian plant, contain all the properties of the *Haschisch*, and are every way preferable to it." Bell clearly had experience with faulty cannabis preparations, as he believed that at "the dose usually recommended, of from one to three grains, it is absolutely inert." Instead, Bell argued for much higher doses, claiming, "five grains is the smallest quantity from which any perceptible effects are to be expected, and generally more will be required." When utilizing Tilden & Co.'s Extract of cannabis at these larger doses it is

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<sup>120</sup> John Bell, "On the Haschisch or Cannabis Indica," *The Boston Medical and Surgical Journal* 56, no. 11 (April 16, 1857): 209, doi:10.1056/NEJM185704160561101.

<sup>121</sup> Ibid.

perhaps not surprising that Bell found, “On the first trial, one is generally frightened at the intensity and violence of its action.”<sup>122</sup>

Dr. Bell also relied heavily on Moreau’s beliefs about the potential uses of cannabis in the treatment of mental illness, and hoped to employ it as such in the United States. He noted that the use of cannabis had “not been extensive in this country,” or at least not as “extensive as it deserves to be.” Bell’s belief stemmed from the fact that while American physicians had conducted trials at several hospitals for the insane, “the results have not been encouraging.”<sup>123</sup> In fact, Bell noted, “in most cases they have been completely null.” So much so, “that the suspicion has been engendered that it does not possess the physiological action attributed ... to it.”<sup>124</sup> In his estimation, this conclusion was unfounded. For “functional diseases of the brain,” Bell argued, “no article in the whole *materia medica* ... is more to be depended upon to induce its peculiar effects” than cannabis.<sup>125</sup> The problem, he argued, was in the doses - which he believed were often too small. If physicians used much larger doses, they would produce the desired result more reliably. Bell firmly believed that anyone under the true influence of cannabis indica “has seen what the human mind is capable of becoming,” and therefore “cannot but feel a lively interest in those who are suffering under mental alienation.”

Like Dr. Anderson and many others in the 1850s, Bell saw great potential in cannabis despite the attendant risks. It nonetheless acquired both champions and skeptics. Both sides remained relevant to the ongoing professional discussions of its potential uses.

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<sup>122</sup> Ibid., 210.

<sup>123</sup> John Bell, “Dr. John Bell on the Haschisch or Cannabis Indica,” *Boston Medical and Surgical Journal* LVI, no. 12 (April 23, 1857): 230.

<sup>124</sup> Ibid., 230–31.

<sup>125</sup> Ibid., 231.

For Bell, the action of cannabis was “powerful and unique,” and thus it possessed “valuable therapeutic virtues.”<sup>126</sup> Those who agreed argued that continued questions about the efficacy of cannabis could be “set at rest by a series of experiments more careful and extended than has yet been made.”<sup>127</sup> Yet, even proponents of medicinal cannabis cautioned against its use. Medical journals increasingly documented the alarming symptoms resulting from “cannabis poisoning.” Alternatively, problems with inert preparations and uncertain dosage contributed to underwhelming experiences with cannabis medicines. In short, when cannabis extracts were particularly “active” they caused terrifying experiences – including rapid thoughts, out of body sensations, and fear of eminent death. When they produced no effect, they caused skepticism about the fundamental usefulness of cannabis. This, in turn, fueled an ongoing medical debate. Dr. A. Bryan Clarke, for example, wrote to the editors of the *Boston Medical Surgical Journal* in response to Dr. Bell’s emboldened use of cannabis. Clarke noted that he had experienced the same “peculiar effects” described by Bell, but at much lower doses. As such, Clarke believed that Bell’s advice to use at least five grains of the extract “should be received with caution.”

Such mixed information meant that many in the medical community remained uncertain in their assessment and use of cannabis. Calls for further experimentation with cannabis preparations continued apace alongside recommendations of caution when employing it in treatment. In general, by the end of the 1850s, most physicians felt that both the dangers and the usefulness of the drug remained undetermined. After nearly two decades of commentary in American medical journals, the usefulness of cannabis as a

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<sup>126</sup> Ibid., 236.

<sup>127</sup> Ibid.



medicine remained an open question. American formularies regularly surveyed the many, varied preparations and extracts of cannabis being used and tested by physicians.<sup>128</sup> The wide range of these products also produced debates on the merits of different processes and methods used in deriving cannabis preparations.<sup>129</sup> Continued debates on whether or not *Cannabis Indica*, *Cannabis Sativa*, and common hemp were all the same plant also contributed to this debate. Some speculated that it was possible any differences between the three might explain the wide range of results and opinions of efficacy. Despite recognized variations in height, shape, and the secretion of resin most observers believed the plants were indeed one in the same. Like O'Shaughnessy, they ascribed these differences to variations in cultivation and climate. The mere presence of uncertainty, however, meant that questions about the efficacy and potential standardization of cannabis remained.

Professional medical journals were not the only place where these wide-ranging characterizations and questions about cannabis emerged. Many Americans also encountered a series of popular literary works and periodicals that familiarized them with the use of cannabis as an intoxicant during this period. The emergence of these popular publications on cannabis helped blur and blend the line between professional medical writing on its uses and literary descriptions of its powerful intoxication. The fact that personal knowledge and self-administration were often central to describing the nature of cannabis intoxication in both medical and literary sources facilitated this blurring process.

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<sup>128</sup> For example, see: Henry Beasley, *The Pocket Formulary and Synopsis of the British & Foreign Pharmacopoeias: Comprising Standard and Approved Formulae for the Preparations and Compounds Employed in Medical Practice*, First American from the Last London (Philadelphia: Lindsay and Blakiston, 1852), <http://archive.org/details/61541240R.nlm.nih.gov>.

<sup>129</sup> For example, see: M. J. Laneau, "Remarks on Haschiscin and Its Pharmaceutical Applications," *American Journal of Pharmacy (1835-1907)* 4, no. 4 (July 1856): 361.

O'Shaughnessy, Moreau, and others central to the birth of western medical knowledge on cannabis often relied on personal experience to document their descriptions of Indian hemp or hashish. This initial trend continued among American physicians throughout the second half of the nineteenth century as they published the effects of cannabis on themselves, their patients, or their colleagues.<sup>130</sup> In turn, Bayard Taylor, Fitz Hugh Ludlow, and other literary figures also published their personal experiences with cannabis and recounted them for a wider audience.<sup>131</sup>

The line between medical and literary perceptions of cannabis, however, was not always clear. Medical publications often reprinted lurid excerpts of cannabis intoxication directly from literary figures, while medical knowledge on cannabis regularly appeared alongside sensational stories on cannabis in works of literature. The accepted validity of personal experimentation in both of these venues therefore had a profound influence on the developing perceptions of cannabis, blurring the line between its categorization as a medicine and intoxicant, and playing a critical role in shaping the myriad perceptions and characteristics ascribed to the plant for decades to come.

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<sup>130</sup> For antebellum examples of this medical experimentation, see: Kirtley Ryland, "Experiments with Indian Hemp, or Hashish," *The Iowa Medical Journal* Second (1855): 103–7; A. Bryant Clarke, "On The Cannabis Indica," *Boston Medical and Surgical Journal* LVI, no. 16 (May 21, 1857): 315–16; William Wright, "A Poisoning Cask from Haschish, with Notes," *The New Hampshire Journal of Medicine* 8, no. 6 (June 1, 1858); F. H. Brown, "Case of Poisoning by Cannabis Indica," *Boston Medical and Surgical Journal* 67 (November 13, 1862): 291–92; W.W. Campbell, "Report of an Experiment with Cannabis Indica," *Medical Times and Gazette* 2 (1863): 194–95; Carl Bower, "Notes and Queries: Cannabis Indica (Indian Hemp -- Haschish)," *American Druggists' Circular and Chemical Gazette* 8, no. 3 (March 1, 1864): 46.

<sup>131</sup> For an excellent argument on how their American audience was one often deeply interested in the culture and customs of Europe and the Orient, see: Susan Nance, *How the Arabian Nights Inspired the American Dream, 1790 - 1935* (Chapel Hill: Univ. of North Carolina Press, 2009). Popular characterizations of the Orient framed it differently than those descriptions found in medical texts. The popular literature was undoubtedly colonialist in its own way but not in such instrumentalist ways as those found in the medical literature, which often included orientalist commentary on the East, but generally believed Western knowledge and skill could transform cannabis from exotic Oriental vice into a modern medicine.

From a transatlantic view, the work of Moreau and other members of “Le Club des Hachichins,” were pivotal in bringing cannabis from the medical field into the wider public domain. The “Club,” immortalized by Gautier’s 1846 article of the same name, met and experimented with a preparation of cannabis known as *dawamesc*, a confection of sorts. In many ways, Moreau and the group set the stage for medical and literary figures alike. Self-administration and experimentation were at the heart of that process. Indeed, Moreau’s initial interest in the drug stemmed from a personal curiosity about its effects. Ultimately, his use led him to believe he could explore the boundary between states of consciousness and dreams with cannabis. Many in the medical field subsequently utilized his methods in exploring and understanding the true nature of mental disorders. These doctors followed his lead in experimenting with cannabis, both personally and on patients, producing a ripple effect for cannabis use and self-experimentation. As Stephen Snelders, Charles Kaplan, and Toine Pieters have suggested, “Moreau started a systematic study of the psychological action of psychotropic drugs, which became a model for later research in experimental psychopharmacology and psychopathology.”<sup>132</sup>

A similarly influential process resulted from publications by Moreau’s Paris companions. Dramatist, novelist, journalist, and critic, Theophile Gautier, along with the poet Charles Baudelaire, and fellow “Club” member Alexandre Dumas also documented their personal experiences with cannabis. Though specific references to “Le Club des Hachichins” were rare in Britain and the United States during the mid-nineteenth century,

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<sup>132</sup> Stephen Snelders, Charles Kaplan, and Toine Pieters, “On Cannabis, Chloral Hydrate, and Career Cycles of Psychotropic Drugs in Medicine,” *Bulletin of the History of Medicine* 80, no. 1 (2006): 100, doi:10.1353/bhm.2006.0041.

they did exist – including at least one London based advertisement for Gautier’s work available in 1846.<sup>133</sup> Other contemporary sources showed a less overt, but still evident connection. Amariah Brigham’s review of Moreau’s *Du hachisch*, for example, appeared in the *American Journal of Insanity* barely a year after its publication. Brigham studied in Paris, immersed himself in French science and literature, and might have first learned of cannabis by reading Gautier.<sup>134</sup> The review also outlined his personal experiments with cannabis at the Lunatic Asylum in Utica, New York.<sup>135</sup> Likewise, David Urquhart’s, *Pillars of Hercules, or, A Narrative of Travels in Spain and Morocco in 1848*, dedicated some ten pages to describing hashish, including its uses and effects.<sup>136</sup> A British Member of Parliament from 1847-1852, Urquhart may have encountered hashish during these travels in Greece and Turkey during the 1830s.<sup>137</sup> He nonetheless acknowledged French writing on the drug and included passages that appear lifted straight from Gautier.<sup>138</sup> Highly similar descriptions of Gautier’s cannabis experiences also appeared in newspaper stories in the United States. Each of these stories reproduced specific portions of Gautier’s work, often highlighting the same lurid passage. In it, Gautier described, “a sudden overwhelming sensation,” that “his body was dissolved, that he had become

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<sup>133</sup> Borougerdi, “Cord of Empire, Exotic Intoxicant,” 182–83.

<sup>134</sup> Snelders, Kaplan, and Pieters, “On Cannabis, Chloral Hydrate, and Career Cycles of Psychotropic Drugs in Medicine,” 101.

<sup>135</sup> The Officers of the New York State Lunatic Asylum, Utica, “Bibliographical Notices - 2. Du Hachisch et de Alienation Mentale Etudes Psychologiques, Par J. Moreau, (de Tours).”

<sup>136</sup> David Urquhart, *The Pillars of Hercules; Or, a Narrative of Travels in Spain and Morocco in 1848*. (New York: Harper, 1850).

<sup>137</sup> Urquhart reputedly introduced Turkish baths to Great Britain by touting them in his book, see: Sidney Lee, ed., “Urquhart, David,” *Dictionary of National Biography* (London: Smith, Elder & Co., 1899).

<sup>138</sup> Borougerdi, “Cord of Empire, Exotic Intoxicant,” 182–83.

transparent,” and that in his chest the hashish he had swallowed took “the form of an emerald.”<sup>139</sup>

The transatlantic dissemination of these types of experiences in the United States demonstrates the degree of influence derived from European medical and literary writing on cannabis. In one such example, a compelling story of personal experience with cannabis originally written by a physician in the *Paris Medical Times*, later appeared in a diverse set of American publications, including *Scientific American*, *Spirit of the Times*, and the *Jeffersonian Republican*.<sup>140</sup> The story and the types of publications that reprinted it reflect the blurred lines between literature and medicine during this period. The original account, printed in professional journals, came from a French physician. A variety of popular publications then reprinted the story for a wider audience, broadening its scope and significance. When *Scientific American* carried the story it noted both that hashish had been used in French experiments and that its most “peculiar effect” was “the inversion of time.” Drawing on both medical and literary descriptions, the magazine asserted, “a minute becomes an hour, and scenes like those described in Arabian Nights Entertainments flit before the mind.”<sup>141</sup> Each subsequent iteration of the story revealed both the range of effects attributed to cannabis during the 1850s as well as the blurring process between medical and literary sources. In this instance, a widely identified side

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<sup>139</sup> Versions of this Gautier story appeared in: “The Hashish,” May 31, 1849; “The Hashish,” April 7, 1849; “The Hashish,” September 28, 1849.

<sup>140</sup> “Curious Drugs for Producing Hallucinations,” *Scientific American*, April 13, 1850; “Extraordinary Effects of Indian Hemp,” *Spirit of the Times: A Chronicle of the Turf, Agriculture, Field Sports, Literature and the Stage*, April 13, 1850; “Curious Drugs for Producing Hallucinations,” *Jeffersonian Republican* (Stroudsburg, Pennsylvania), April 18, 1850.

<sup>141</sup> “Curious Drugs for Producing Hallucinations,” April 13, 1850.

effect of cannabis, distortion of time, merged with familiar scenes of Orientalist literature.

Similar overlaps between the literary and medical world were common throughout the mid-nineteenth century and had a profound effect on the perception of cannabis as both medicine and intoxicant. This blurring process was especially prominent in an oft-cited report on *Cannabis Indica* issued by members of the Ohio State Medical committee, led by Dr. R.R. McMeens. Prior to publishing the report, McMeens gave significant attention to cannabis for several years and frequently administered and tested preparations. The report also cited the work of prominent physicians like Pereira, Royle, Dunglison, O'Shaughnessy, Wood, Fronmueller, Bell, and other well-known studies on cannabis.<sup>142</sup> As a summary of the current and often conflicting medical information written on cannabis in the preceding two decades, the report was thoroughly informed, highly instructive, and largely positive in its endorsement of cannabis use in a range of ailments. Yet, the report also cited the work of Bayard Taylor, a well-known American poet, literary critic, travel author, and perhaps “the first American to write about eating hashish” for a popular audience.<sup>143</sup> As McMeens noted, Taylor had recently given “a highly ornate and exquisite delineation of the physical sensations and mental phantasmagoria produced by an extreme dose of the Oriental preparation of the drug.” McMeens wrote that Taylor’s “description of his second trial is too poetically and elaborately depicted to be introduced in a report of this character, but a summary of the prominent phenomena will serve to show the striking analogy, as portrayed in the account given by Drs. Bell and Fronmueller, already referred to.” Providing a magnificent

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<sup>142</sup> R.R. McMeens, “Report of the Ohio State Medical Committee on Cannabis Indica.”

<sup>143</sup> Booth, *Cannabis*, 76.

example of how the line between medicine and literature blurred around cannabis. When comparing both these medical and literary sources on the effects of cannabis side by side, McMeens asserted that, “The same rapid scintillations of thought, brilliant coruscations of light, shifting adumbrations of scenery, and transient flashes of lucid intervals, eddying through the brain in inextricable confusion, are observed and illustrated in both cases.”<sup>144</sup>

When these mirrored descriptions of cannabis were cross published between medical journals and popular periodicals the line between medicine and intoxicant was decisively blurred. Bayard Taylor’s lurid experiences with hashish in Damascus first appeared in *Putnam’s Monthly Magazine*.<sup>145</sup> Founded in New York City in 1853, *Putnam’s Monthly* generally catered to the upper socioeconomic strata and reached a general circulation between 12,000 and 20,000. The magazine sought to be the explicit voice of American authors, straddling both serious and entertaining topics. Taylor’s exposition on hashish intoxication therefore occupied a place of some literary prestige alongside the likes of Longfellow and Thoreau.<sup>146</sup> Yet, as the report from McMeens and the Ohio State Medical Committee show, it also gained medical credence. This process reversed when professional medical knowledge appeared in publications aimed at the general population, thereby lending credence to the validity of both.

Fitz Hugh Ludlow’s *The Hasheesh Eater* - likely the most famous literary work on cannabis that appeared in the United States during the nineteenth century - further

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<sup>144</sup> R.R. McMeens, “Report of the Ohio State Medical Committee on Cannabis Indica,” 120.

<sup>145</sup> Taylor, “The Vision of Hasheesh.” For more on Taylor, see: Nance, *How the Arabian Nights Inspired the American Dream*.

<sup>146</sup> For more on *Putnam’s* founding, mission, and circulation, see: Ezra Greenspan, *George Palmer Putnam: Representative American Publisher* (University Park: Penn State Press, 2000), Chapter 9, “*Putnam’s Monthly* and ‘the Putnam Public.’”

demonstrates this blurring process.<sup>147</sup> The son of a learned abolitionist minister, Ludlow's childhood in the shadow of the Underground Railroad had a profound effect on his writing. First published in 1857, Ludlow's corpus on cannabis drew on a vast array of literary sources, ranging from nineteenth century poetry, to Roman oratory, to the Bible. He also demonstrated clear familiarity with contemporary medical knowledge on cannabis and its effects, occasionally using the term "cannabine" to describe the drug and signaling that he knew the latest scientific terms used to describe the active constituent of the plant. Ludlow nevertheless chose the word "hasheesh" for his title due to the profound influence of Bayard Taylor and the public's fascination with Orientalist writings. In reality, Ludlow's "hasheesh" was a common preparation of medicinal cannabis known as Tilden & Co's Extract, administered to him directly by an apothecary friend named Dr. Anderson.

It was there, in Anderson's pharmacy, that Ludlow became intimately familiar with drug use and the process of personal experimentation. Over the course of his early years at Union College in Schenectady, New York, Ludlow claimed that he subjected himself to "the effects of every strange drug and chemical which the laboratory could produce"- among them chloroform, ether, opiates, and of course, cannabis.<sup>148</sup> Before beginning his trial with cannabis, however, Ludlow cautiously sought to ascertain information on the effects of the drug and its proper dosage. Based on his recollections in *The Hasheesh Eater*, Ludlow consulted Dr. Anderson's official pharmaceutical dispensatory as well as popular medical texts such as Pereira's *Elements of Materia Medica* and Dunglison's *New Remedies: Pharmaceutically and Therapeutically*

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<sup>147</sup> Ludlow, *The Hasheesh Eater*.

<sup>148</sup> Ibid., 17.



*Considered*.<sup>149</sup> The “invaluable,” *Chemistry of Modern Life* by James F. W. Johnston, also provided Ludlow with “much additional information” on cannabis. Johnston’s tome was among the most widely read medical texts of the period and devoted an entire chapter to cannabis in a section entitled, “The Narcotics We Indulge In.”<sup>150</sup> With references to the seminal work of O’Shaughnessy, Moreau, and many others, Johnston ably summarized the existing medical knowledge on cannabis. He also offered insights into the debate on the differences between cannabis grown in northern and southern climates, its many preparations, its potential uses, and its chemical constituents.

Armed with the weight of this information, Ludlow brushed aside Dr. Anderson’s warning that cannabis was a “deadly poison.” Instead, Ludlow concluded that his friend and apothecary was, “both right and wrong.” As Ludlow explained it, “right, inasmuch as a sufficiently large dose of the drug, if it could be retained in the stomach, would produce death, like any other narcotic, and the ultimate effect of its habitual use had always proved highly injurious to mind and body.” Yet, “wrong, since moderate doses of it were never immediately deadly, and many millions of people daily employed it as an indulgence similarly to opium.”<sup>151</sup> Secure in this knowledge and with a clear understanding that cannabis was also “the hasheesh referred to by Eastern travelers, and the subject of a most graphic chapter from the pen of Bayard Taylor,” Ludlow boldly decided to “add it to the list” of his drug experiments.<sup>152</sup>

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<sup>149</sup> Ibid., 15–19; Dunglison, *New Remedies, Pharmaceutically and Therapeutically Considered*; Jonathan Pereira, *The Elements of Materia Medica and Therapeutics*, Second (Philadelphia: Lea and Blanchard, 1846).

<sup>150</sup> James Finlay Weir Johnston, *The Chemistry of Common Life*, vol. I (New York: D. Appleton and Company, 1854).

<sup>151</sup> Ludlow, *The Hasheesh Eater*, 18.

<sup>152</sup> Ibid., 18–19.

Ludlow thus made it abundantly clear to his readers that he was well informed and critically aware of both the medical research on cannabis as well as Taylor's literary descriptions before he began experimenting with the drug. Ludlow went on to describe his experiences with cannabis intoxication in vivid, often surreal language, bringing the apparitions and hallucinations of his inebriation to life for nineteenth century readers with literary flourish and hyperbole drawn from wide ranging sources. Among these was *The Arabian Nights*, which included "The Tale of Two Hashish-Eaters." According to Ludlow, "The singular energy and scope of imagination which characterize all Oriental tales, and especially that great typical representative of the species, the Arabian Nights, were my ceaseless marvel from earliest childhood."<sup>153</sup> Ludlow was also well versed in the classics. He read the Bible in Ancient Greek, regularly drew from famous speeches delivered in the Roman Senate, quoted popular nineteenth century poetry, and utilized a rather obscure and archaic vocabulary even for his time.<sup>154</sup> The appendix to *The Hasheesh Eater* also cited *The Count of Monte Cristo*, written by Alexandre Dumas, a member of the Paris-based *Club des Hashishins*. In a footnote, Ludlow remarked, "For the benefit of those who have not read this novel of Dumas, let me say that in it quite a lively hasheesh vision is recorded."<sup>155</sup> Such was the range and depth of Ludlow's inspirations.

His most significant contemporary influence, however, was Bayard Taylor. As Susan Nance has shown, Taylor "was one of the nation's most popular authors and public personalities," and his writings of the Orient "spoke to the stereotypes and expectations"

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<sup>153</sup> Ibid., ix.

<sup>154</sup> Fitz Hugh Ludlow, *The Annotated Hasheesh Eater: Being Passages from the Life of a Pythagorean*, ed. David M Gross (North Carolina: Ludlow Press], 2007).

<sup>155</sup> Ludlow, *The Hasheesh Eater*, 368.

of Americans in readily accessible ways.<sup>156</sup> According to Ludlow, reading Taylor had moved him forcefully “to curiosity and admiration.”<sup>157</sup> In 1856, Ludlow went so far as to reach out to Taylor through the editors at *Putnam’s Monthly Magazine*. The two men formed something of a friendship. At Taylor’s suggestion, the younger Ludlow began recording the details of his experiences with hasheesh. The first of these reflections became the basis for Ludlow’s, “The Apocalypse of Hasheesh,” an article printed in the December 1856 edition of *Putnam’s*.<sup>158</sup> Ludlow’s vivid descriptions of cannabis intoxication included many similarities to Taylor; including the unmistakable “thrill” that signaled the impending action of cannabis, a perception of twoness and out of body experiences, as well as the vivid sensation of blood flowing through the body.<sup>159</sup> Ludlow, like Taylor before him, initially found cannabis intoxication joyous and pleasurable. As his experiments went on, however, Ludlow’s cannabis-induced hallucinations degraded and developed into a series of frightening fantasia, less paradise and more hell.

Heavily infused with literary influences and vivid imagery, Ludlow’s writing on cannabis also included references to the types of well-documented symptoms often chronicled by physicians in contemporary medical sources. Like other writers and medical professionals, Ludlow experienced hallucinations, distortions of space and time, uncontrollable “peals of laughter,” fear of impending death, and the thirst of dry mouth. Other literary and medical descriptions of cannabis use regularly repeated these same

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<sup>156</sup> Nance, *How the Arabian Nights Inspired the American Dream*, 65.

<sup>157</sup> Ludlow, *The Hasheesh Eater*, 18.

<sup>158</sup> Booth, *Cannabis*, 84–85. In this article, Ludlow laid the groundwork for the title of his subsequent book, advancing the premise that the ancient Greek philosopher and mathematician Pythagoras had used hasheesh.

<sup>159</sup> Ludlow, *The Hasheesh Eater*, 20, 26.

types of symptoms.<sup>160</sup> Ludlow wrote, for instance, of his “ability at times to feel sights, and see sounds,” a sensation that Gautier and others detailed a decade earlier.<sup>161</sup> Ludlow also noted the widely varied strength of cannabis preparations he used. He quickly learned the need to alter his doses accordingly – a warning nearly every medical journal of the period suggested when discussing cannabis use.<sup>162</sup>

These similarities are critical to understanding the blurred nature of literary and medical knowledge produced on cannabis during the antebellum period. *The Hasheesh Eater* quickly made Ludlow one of the most famous drug users in the Western world. His scintillating descriptions of cannabis intoxication drew immediate commentary and have continually attracted a great deal of scholarly attention. Indeed, many consider Ludlow as important to cannabis “as De Quincey was to Opium.”<sup>163</sup> Yet, unlike the credence given to the addiction and withdrawal symptoms outlined by Thomas De Quincey in his autobiographical, *Confessions of an English Opium-Eater*, there are few who believe Ludlow’s similar characterizations of cannabis. Most have simply dismissed his claims as the embellished tales of a talented literary mind.<sup>164</sup> There is little doubt that Ludlow drew heavily on the imagery of Oriental hashish use and regularly used hyperbole and allegory to bring this novel form of inebriation to life. He nevertheless combined these stylistic

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<sup>160</sup> Ibid., 22,39,30,71.

<sup>161</sup> Ibid., 322. For a description of Gautier’s experiences, see: Booth, *Cannabis*, 69. For another recorded case of synesthesia, the admixture of senses, from the nineteenth century see: Thompson, “Hashish and Its Effects--With Some Curious Experiences,” 59.

<sup>162</sup> Ludlow, *The Hasheesh Eater*, 66.

<sup>163</sup> Booth, *Cannabis*, 78.

<sup>164</sup> The legitimacy of Ludlow’s cannabis experience is no doubt worthy of such analysis. For examples, see: Booth, *Cannabis*; Robert P Walton, *Marihuana, America’s New Drug Problem. a Sociologic Question with Its Basic Explanation Dependent on Biologic and Medical Principles*. (Philadelphia, London [etc.: J. B. Lippincott company, 1938); Solomon, *The Marihuana Papers*; Grinspoon, *Marihuana Reconsidered*; Ludlow, *The Annotated Hasheesh Eater*.

measures with citations and references to the most current contemporary medical knowledge on cannabis. Indeed, much of what he experienced with cannabis mirrored the findings of renowned physicians published in prominent medical journals - thereby bringing literature and science together. His experiences with cannabis should therefore not simply be discarded as mere creative and imaginative writing, but rather seen as a critical part of a dual process that blurred the lines between literary descriptions of cannabis intoxication and the symptoms of cannabis often elucidated by medical journals.

At the center of this blurring process was the professional validity of individual experimentation and personal narrative as an accepted form of knowledge creation. The myriad accounts produced on the effects of cannabis served as the venue through which medicinal trials and literary works fused together and shaped early American perceptions of the drug. Contemporary medical journals were commonly included articles on the use of cannabis by both physicians and their patients. Dr. John Bell, for example, tested cannabis by engaging “in a series of self-experimentations.” He wished to “ascertain why a drug represented to induce such remarkable effects on the psychical condition in Oriental countries, should have been dropped [in America] ... as inert and useless.” In 1857, the same year Ludlow published *The Hasheesh Eater*, editors at the *Boston Medical and Surgical Journal* stressed that personal experiments like those from Dr. Bell should be “repeated on others equally capable of noting and recording the results.”<sup>165</sup> American physicians undoubtedly heeded their call. For his part, Ludlow positioned himself directly within this form of knowledge creation. He wrote that, “One day, about the hour of noon, a little more than a week after my first experiment, I rolled twenty

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<sup>165</sup> “Dr. Bell’s Experiments with the Indian Hemp,” *The Boston Medical and Surgical Journal* 56, no. 11 (April 16, 1857): 224, doi:10.1056/NEJM185704160561101.

grains of hasheesh into a pill and swallowed it, saying as I did so, ‘Here is the final test for the sake of science.’” Though it was certainly not his last experience, and while he wrote with a stylistic flair more than the likes of Dr. Bell or the editors of the *Boston Medical and Surgical*, Ludlow appropriately perceived his personal experiments as a regular part of science and medicine.

## CONCLUSION

What emerged from this period of widespread self-experimentation was a distinctive blend of scientific inquiry and artistic expression, one that fed an already wide-ranging discourse on perceptions of cannabis as a medicine and intoxicant. The decades before the Civil War witnessed publications from both physicians and literary writers who experimented with cannabis firsthand. The lines between the two, however, were often blurred. From O’Shaughnessy and Moreau to Gautier and Dumas, descriptions of cannabis use in Europe were regularly and “explicitly linked to an orientalized dreamworld.” In these striking descriptions, users encountered both their desires and their fears.<sup>166</sup> In the United States, the lurid literary experiences of Ludlow and Taylor appeared in publications like *Putnam’s Monthly Magazine*, but they also ended up in professional medical publications like those from McMeens and the Ohio State Medical committee.<sup>167</sup> This process reversed when knowledge derived from medical research appeared in newspapers and literary works aimed at the public. Taylor,

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<sup>166</sup> Snelders, Kaplan, and Pieters, “On Cannabis, Chloral Hydrate, and Career Cycles of Psychotropic Drugs in Medicine,” 105.

<sup>167</sup> R.R. McMeens, “Report of the Ohio State Medical Committee on Cannabis Indica.” Bayard Taylor, *The Visions of Hasheesh*, *Putnam’s Monthly Magazine of American Literature, Science, and Art*, April 1854, 402-408

Ludlow, and many others who followed their footsteps into altered states of consciousness, described both the fantasies and the dangers that resulted from recurrent use. For Ludlow, the roots of this peril lie in “the repetitious habit of consumption.”<sup>168</sup> While similar concerns about cannabis addiction had not yet appeared in medical texts, most physicians readily conceded the inherent dangers of cannabis. This was true even among those who employed cannabis regularly to treat a range of ailments. An 1858 medical thesis on cannabis, for example, described it as “perhaps one of the most wonderful, the most useful, & the most dangerous that Botany has furnished us.”<sup>169</sup>

As cannabis slowly found a place in the *Materia medica* of the United States in the mid-nineteenth century, most observers called for abundant caution and continued research. Both American physicians and American authors had reached similar conclusions. The knowledge created by these overlapping sources on cannabis laid the foundation for a perception of its dangers. The ready classification of cannabis as a poison, stimulant, and narcotic as well as direct comparisons to opium ultimately prompted its inclusion among a range of consumer protection laws that emerged in the United States during the late-nineteenth century. As the next chapter shows, these laws were part of a much broader movement to mitigate the risks of an increasingly complex market for drugs and pharmaceuticals. Though often limited in scope and enforcement, these laws nevertheless marked the first American restrictions placed on the “great sensation.”<sup>170</sup>

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<sup>168</sup> Gabriel, “Gods and Monsters,” 154.

<sup>169</sup> Francis Marion Nye, “On Cannabis Indica” (Medical College of the State of South Carolina, 1858), 5.

<sup>170</sup> “Great sensation,” quoted in: Dunglison, *New Remedies, Pharmaceutically and Therapeutically Considered*, 134.

## CHAPTER 2

# **“Remedy for an Acknowledged Evil”: Medical Jurisprudence, Consumer Protection, and the Origins of Cannabis Regulation, 1860-1900**

## INTRODUCTION

“The legal control of the sale of poisons and dangerous drugs,” wrote Dr. C. B. Guthrie in 1860 “is a question not new even in purely scientific or deliberative bodies like the present.” The answer to that question, however, remained elusive. Indeed, Guthrie noted, “to acknowledge the existing evil ... has been a much easier task than to point out the effectual remedy.” His report, issued at the Fourth National Quarantine and Sanitary Convention in Boston, detailed many proposed approaches to drug regulation. Drawn from “judicial and legislative assemblies” in Europe and the United States, some of these legal measures depended entirely on “the integrity and intelligence of the vendor of such drugs.” While others sought to impose “stringent regulations bearing alike upon seller and purchaser.” All met some form of resistance.

In short, not everyone agreed that the regulation of poisons and dangerous drugs was necessary, proper, or even legal. Guthrie noted, for example, that a recent report from the American Pharmaceutical Association showed many of the nation’s



apothecaries bristled at the idea of being told, “when and in what manner he shall sell poisons.”<sup>171</sup> Some of Guthrie’s colleagues gathered in Boston felt much the same. One declared his desire to “object entirely” to the proposed notion of furnishing “instructions to any legislature as to what drugs they shall define as poisons, or as to what special law they shall enact upon the subject of the sale of drugs.”<sup>172</sup> In the United States, arguments from both sides of the “poison question” often turned on the desire to maintain a constitutional balance between the authority of states to pass such legislation and the individual rights of each person to buy, sell, and profit in the free market. The core difficulty, according to Guthrie, lay both “in specifying just what should be embraced in a list of poisons,” and in determining how to “guard their sale sufficiently without materially interfering with the legitimate trade of the apothecary.”<sup>173</sup>

Over the final four decades of the nineteenth century, state legislatures across the country struggled to balance these issues while developing and implementing legal restrictions on the sale of medicines and poisons. Three critical factors shaped this process: the professionalization and specialization of medicine, the development of the modern pharmaceutical industry, and a growing concern with the effects of habitual drug use and addiction. All three occurred during a gradual shift in American medical practice from traditional heroic therapy to a specialized profession, defined by a belief in the knowledge produced and substantiated by experimental science.<sup>174</sup> Beginning in the 1870s, an exponential rise in the number of state boards of pharmacy brought about a

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<sup>171</sup> C. B. Guthrie, *Report Upon Legal Restrictions for the Control of the Sale of Poisons and Dangerous Drugs* ([United States : s.n.], 1860), 2, <http://archive.org/details/101184269.nlm.nih.gov>.

<sup>172</sup> *Proceedings and Debates of the Fourth National Quarantine and Sanitary Convention* (Boston: Geo. C. Rand & Avery, 1860), 26.

<sup>173</sup> Guthrie, *Report Upon Legal Restrictions for the Control of the Sale of Poisons and Dangerous Drugs*, 3.

<sup>174</sup> Warner, *The Therapeutic Perspective*, 1.

concomitant rise in new legislative acts, creating a range of legal restrictions on the sale of drugs and poisons.<sup>175</sup> While they were largely successful in achieving their desired regulations, their efforts also helped advance the bifurcation of the drug market into legitimate and illegitimate realms.<sup>176</sup> Ultimately, these laws laid the foundation for the classification of licit and illicit drugs that came to dominate restrictive legislation in the early twentieth century.<sup>177</sup>

Though it was often less of a concern than opium or alcohol in the late nineteenth century, as this chapter demonstrates, cannabis was frequently included in this legislation. Dr. Guthrie's proposed law, for instance, included arsenic, nicotine, opium and its salts, strychnine, and many others alongside cannabis.<sup>178</sup> This was due in large part to the existing and evolving perceptions of cannabis as a medicine and poison. By the 1860s, medical classifications of cannabis included hypnotic, anodyne, narcotic, stimulant, poison, and inebriant. Literary descriptions of cannabis frequently mentioned many of these same medical classifications, but also reinforced its associations with powerful intoxication, fantasia, and Oriental depravity. Moreover, the symptoms commonly associated with cannabis overdose - a distortion of space and time, hallucinations, and erosion of the will - exacerbated late nineteenth century fears that drug use could

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<sup>175</sup> Sonnedecker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*, 213–25.

<sup>176</sup> For an excellent examination on the rise of these regulations and the implications of a bifurcated consumer culture, see: Gabriel, "Restricting the Sale of 'Deadly Poisons,'" 313.

<sup>177</sup> On the present day ramifications of the divide between licit and illicit drugs, see: DeGrandpre, *The Cult of Pharmacology*.

<sup>178</sup> Guthrie, *Report Upon Legal Restrictions for the Control of the Sale of Poisons and Dangerous Drugs*, 8.

undermine the autonomy and agency of individual users. In short, like most all drugs, observers considered cannabis both helpful and harmful.<sup>179</sup>

Over the course of the late-nineteenth century, cannabis also became an increasingly fringe medicine in the nation's *Materia medica*. Medicinal cannabis eventually lost its initial favor among American physicians for a variety of reasons. Individual preparations proved difficult to standardize. Owing to the time, distance, and conditions specimens and preparations traveled before arriving in the United States as well as the complexity in identifying and isolating the plant's active constituents. Doctors also found that cannabis affected individual patients quite differently, leading to underwhelming or frightening results. The varied strength of cannabis preparations, some being inert, and others particularly potent, undoubtedly played a role. Individual sensitivity to the drug and natural disposition of the user also played a role. Finally, cannabis still had ties to the ancient world and Oriental degeneration, leaving it in stark contrast to rapidly developing modern medicines.<sup>180</sup> At a time when pharmaceutical standardization, universal diagnostics, and broad therapeutic categories were increasingly vital to the medical profession, cannabis was not considered among the latest scientifically developed laboratory drugs.

Each of these factors contributed to the perception and classification of cannabis as a dangerous substance, its inclusion in emerging legal restrictions, and its subsequent

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<sup>179</sup> For two examples of these classifications and comparisons, see: George Miller Beard, *Stimulants and Narcotics: Medically, Philosophically, and Morally Considered* (G. P. Putnam & Sons, 1871); Hermann Nothnagel and M.J. Rossbach, "Drugs That Act Similarly to Opium," in *A Treatise on Materia Medica (Including Therapeutics and Toxicology)*, trans. H. N. Heineman, H. W. Berg, and Fred Valentine, vol. III (New York and London: Bermingham & Company, 1884), 671–81.

<sup>180</sup> For a broad outline of what the authors refer to as the "Seige Cycles" of cannabis and other psychotropic drugs, see: Snelders, Kaplan, and Pieters, "On Cannabis, Chloral Hydrate, and Career Cycles of Psychotropic Drugs in Medicine."

declining use among medical doctors across the late nineteenth century. As the nature of those state laws evolved so too did the place of cannabis in American medicine.

Examining these trends reveals an ongoing desire to protect individual consumers from a wide variety of potentially dangerous drugs and poisons, including cannabis. The goal, as Dr. Guthrie proclaimed in 1860, was “a remedy for an acknowledged evil.”<sup>181</sup>

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Concern surrounding the non-medical use of drugs in the United States emerged slowly during the mid-nineteenth century - aligning with the nation’s gradual transition between traditional “heroic therapy” and the consolidation of a professional medical practice more closely allied to experimental science.<sup>182</sup> As homeopaths and orthodox physicians quarreled over the nature of medical practice during the mid-nineteenth century, so too did the time-honored apothecary slowly give way to the formally credentialed pharmacist. As customary medical treatments yielded to a broad therapeutic revolution, so too did the traditional drug business gradually transform into the modern pharmaceutical industry. With new journals, new professional associations, new pharmacopoeia, and new educational institutions and curricula physicians and pharmacists alike experienced these profound transformations.<sup>183</sup>

A central part of these changes was a desire to establish professional space and limit consumer access to dangerous substances. The original 1847 code of ethics for the American Medical Association (AMA), for example, drew a firm distinction - and

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<sup>181</sup> Guthrie, *Report Upon Legal Restrictions for the Control of the Sale of Poisons and Dangerous Drugs*, 1.

<sup>182</sup> Morgan, *Drugs in America*, 10.

<sup>183</sup> For brief summaries of these changes see: Ibid., 10–11; Warner, *The Therapeutic Perspective*, 1–8.

preference - between ethical and proprietary drugs. The term ethical served to designate drugs advertised only to doctors and used under their skilled care. Proprietary, on the other hand, including the so-called patent medicines, served to delineate drugs advertised directly to the public for their consumption.<sup>184</sup> Marking such distinctions signified that the ingredients of the medicines were secret, not patented. In fact, to patent them would mean revealing their ingredients. Most importantly, proprietary drugs did not carry the ethical seal of approval from medical professionals. Alarm surrounding the contents of patent medicines as well as the seemingly widespread sale of adulterated drugs in the United States ultimately spurred legislative efforts toward consumer protection and standardization in the drug market. The divide between ethical and proprietary medicines defined the late nineteenth century in a way that allowed the classification of licit and illicit drugs to dominate restrictive legislation by the early twentieth century.

The tumultuous decades between the Civil War and the turn of the century thus served as the backdrop for the formation of laws and regulations aimed at controlling the buying, selling, manufacture, and use of dangerous drugs and poisons. As historian Joseph Gabriel has shown, “a seemingly endless number of tragic stories involving drugs” helped prompt these laws. Published in newspapers and magazines around the country, these stories detailed “accidental poisonings, suicides, dangerous habits and degraded practices, even murder.” The proposed regulations were also the product of a desire to professionalize the status of medicine and pharmacy as well as to protect the average consumer from an increasingly specialized, complex, and potentially dangerous marketplace. Pharmacists and medical reformers sought to use the power of the state to

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<sup>184</sup> Peter Temin, *Taking Your Medicine: Drug Regulation in the United States* (Cambridge, Mass.: Harvard University Press, 1980), 3.

both solidify their positions and rationalize society toward the goal of protecting individual consumers. Their success often brought about desired regulations, but their efforts also helped build the foundation for the “bifurcation of consumer culture into legitimate and illegitimate realms.”<sup>185</sup>

The first federal attempt at consumer protections coalesced in early 1848 and centered on curbing access to dangerous and adulterated substances, especially foreign products imported to the United States.<sup>186</sup> The widespread belief that American soldiers faced unnecessarily harmful medical conditions during the Mexican American War due to ineffective, adulterated drugs helped propel this legislation.<sup>187</sup> In its report to Congress on these issues the House Select Committee on the Importation of Drugs noted the “herculean portions of active medicines prescribed” to soldiers and concluded that, “the adulteration of the medicines used accounts for and fully justifies these seemingly extravagant prescriptions, and also explains the lamentable mortality attendant upon our troops.”<sup>188</sup> Though pinning these extraordinary rates solely on adulterated drugs likely

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<sup>185</sup> This paragraph is drawn from: Gabriel, “Restricting the Sale of ‘Deadly Poisons,’” 313–14. For more on the origins of this divide and the influence of drug classification on ethical and patent medicines in the nineteenth century, see: Temin, *Taking Your Medicine*, 3. For more on the influence of this divide on subsequent drug control measures, see: Joseph F. Spillane, “The Road to the Harrison Narcotics Act: Drugs and Their Control, 1875–1918,” in Jonathan Erlen and Joseph F. Spillane, eds., *Federal Drug Control: The Evolution of Policy and Practice* (New York, 2004), 1–24: 4–5.

<sup>186</sup> “An Act to Prevent the Importation of Adulterated and Spurious Drugs and Medicines,” Pub. L. No. 237 (1848).

<sup>187</sup> Angela Walch, “A Spurious Solution to a Genuine Problem: An In-Depth Look at The Import Drugs Act of 1848,” *Digital Access to Scholarship at Harvard Third Year Paper* (2002): 4–6; Dennis B. Worthen, “Pharmaceutical Legislation: An Historical Perspective,” *International Journal of Pharmaceutical Compounding* 10, no. 1 (February 2006): 21–22. Many alleged that these drugs resulted in a high rate of death on and off the battlefield.

<sup>188</sup> As quoted in: Walch, “A Spurious Solution to a Genuine Problem,” 4. Walch concluded that, “Ultimately, Congress may have been too willing to place the blame for soldiers’ deaths on foreign adulterated drugs. The lack of funding for good doctors and adequate sanitary conditions, as well as the soldiers’ own refusal to follow the sanitary regulations the army did have, likely contributed to the high number of deaths from disease—probably more so than any adulterated drugs.”

overstated and oversimplified the problems, similar concerns about the threat posed to the nation's civilian population also circulated among many American physicians, providing further momentum for action. New York City served as the port of entry for roughly three quarters of all medicines imported into the country during this period, and complaints about the poor quality and potential danger of those drugs gained early voices there. Both the New York College of Pharmacy and the New York Academy of Medicine petitioned Congress for legislation to halt the flow of adulterated products into the country. The fact that Europe already banned many of these products left the United States as the sole remaining market, and strengthened these calls for action.<sup>189</sup>

President James K. Polk signed “An Act to Prevent the Importation of Adulterated and Spurious Drugs and Medicines,” in June of 1848. The law, however, addressed only medicines imported from outside the country. There remained no provisions for substandard or adulterated domestic products. The new law mandated inspection of all imported drugs by the customs service - an arm of the Treasury Department - prior to their entrance into the country. Scientific analysis of questionable drugs helped customs inspectors compare samples to the official standards drawn from the pharmacopeias and dispensaries of the United States, United Kingdom, France, and Germany. Following a second failed inspection, granted on appeal by the owner, all inferior products faced destruction or deportation at the owner's expense. The law also stipulated proper labelling of all imported materials, complete with the location and true name of the manufacturer. All mislabeled drugs were subject to forfeiture by their owner. Overall, the new law provided some degree of improvement within the first few years,

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<sup>189</sup> Sonnedecker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*, 198; Worthen, “Pharmaceutical Legislation,” 21.

but problems with its application and enforcement continued to worry pharmacists and physicians.

In 1851, the College of Pharmacy of the City of New York invited representatives from prominent colleges in Philadelphia, Boston, and Cincinnati to meet in an effort to develop concrete steps to remedy these ongoing problems. Prompted in part by a statement on drug adulteration from the AMA, one significant outcome of this conference was an agreement to meet in Philadelphia the following year to form a national body for drug oversight – later known as the American Pharmaceutical Association (APhA).<sup>190</sup> In September of 1857, the APhA's committee on the sale of poisons, and the legal means of restraining it noted that, "the interest connected with this subject has been very much increased, within the last year or so, from the very numerous cases of criminal and accidental poisoning which have occurred in this country and England." The committee's report on the issue nonetheless conceded that, "much caution is required in approaching a subject on which the opinions of the pharmaceutical profession so widely differ."<sup>191</sup>

The APhA report thus captured the various arguments over how best to proceed in providing immediate and lasting legal oversight on issues related to drug adulteration and poisons. Some feared that naming poisons in restrictive legislation would readily offer a clear list of deadly substances to would-be poisoners. Others suggested a method for generalizing poisons by setting a uniform standard for all substances, with only those causing death at certain doses attaining the status of poison. Still others felt that any legal measure that could aid in securing convictions and providing punishments would help

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<sup>190</sup> Worthen, "Pharmaceutical Legislation," 22; Sonnedecker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*, 199.

<sup>191</sup> *Proceedings of the American Pharmaceutical Association at the Sixth Annual Meeting*, vol. 6 (Philadelphia College of Pharmacy: Merrihew & Thompson, 1857), 45–47.



deter criminal uses across the board. Some measures, such as those that required certain poisons kept under lock and key, led the committee to assert it “would interfere much with the convenience of the pharmacist, and would not ensure that safety which is proposed to be gained by the arrangement.” Highlighting the crux of the debate over such legal measures throughout the mid-nineteenth century, the committee concluded, “it would seem that legislation on this subject has always been looked on, by practical men, as a difficulty, never having aimed at superseding the judicious uses of the senses, by legislation, or by precautions no less complicated.”<sup>192</sup>

Well-educated druggists and common sense, it seemed, could best prevent many of the accidental poisonings and related dangers of these substances. In 1857, the APhA’s research led it to conclude that no state had yet passed legislation with regard to the sale of poisons. Therefore, the committee did not yet “deem it desirable to attempt at present the passage of laws in the different States bearing upon the subject.” Instead, the APhA committee adopted an appeal to all pharmacists and druggists of the United States, recommending a series of precautions “as are deemed expedient under existing circumstances.” These proposals included a range of provisions they believed could mitigate the current risks. In considering a substance poisonous, the committee recommended a baseline of sixty grains by weight or a fluid drachm. Numerous other measures laid out protocols for labeling and storing poisons via colors and signs. Likewise, the APhA developed standards for writing and supplying prescriptions as well as documenting and recording each sale of a designated poison. Many of these recommendations eventually formed the basis of state level legislation aimed at

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<sup>192</sup> Ibid.

professionalizing pharmacy, protecting consumers, and curbing access to poisons and dangerous drugs in the decades to come.<sup>193</sup>

APhA members in attendance at the 1857 meeting also heard a large number of “interesting papers,” on the current state of medicine and therapeutics, including one on the “active principle in Indian Hemp Resin.” That particular essay, written by M. Personne of France, recently received a prize of one thousand francs offered by the Society of Pharmacy of Paris for the best analysis of the hemp plant. First reported in the *Journal de Pharmacie*, Personne’s work abandoned “the idea, heretofore adopted, that the active principle was a resin” previously named “cannabin” or “haschishin.” This was a clear rejection of the original, pioneering work with cannabis extracts by Thomas and Henry Smith of Edinburgh. Instead, Personne found “a volatile oil with an alkaline distilled water” that he called “cannabein.” According to Personne, cannabein exhibited the same physiological effects as hemp, but for shorter durations. Interestingly, his report also suggested, “its peculiar effects were strongly manifested” when it was smoked - a rare mode of cannabis consumption for the period.<sup>194</sup>

The presence of Personne’s work at the sixth annual meeting of the American Pharmaceutical Association demonstrated the ongoing evolution of a transatlantic discourse on cannabis. As ever more experiments and studies sought to identify the active constituents of the plant and its potential uses, cannabis acquired a rather multifarious reputation that continued to change. Many medical professionals continued to believe that cannabis had significant potential and continued to call for further experimentation.

Opinions on the outcomes of these trials, however, continued to range widely. Some

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<sup>193</sup> Ibid., 6:48–50.

<sup>194</sup> Ibid., 6:60–61.

experimenters were left unimpressed, due to the unreliable and underwhelming results of weak or inert cannabis preparations. Others ceased using cannabis altogether due to the difficulties encountered in determining a proper dosage and the startling symptoms brought on by particularly potent preparations.<sup>195</sup> Cannabis nevertheless remained a valuable - if potentially dangerous - remedy for many. Dr. Charles Lee, for example, acknowledged that, “occasional doubt is expressed, concerning the reputation it has attained as a valuable medical agent.” Lee nonetheless believed, “the evidence in its favor, so far as my experience goes, as well as the evidence I have accumulated ... make it one of our most valuable agents, and deserving of the confidence of the profession to the same extent as other articles of equally diversified application.”<sup>196</sup>

In the literary world, descriptions of cannabis ranged even further afield, some touting its fantastic wonders, others sounding the alarm against its use, and many suggesting both. In 1860, for instance, a writer from Cincinnati’s *The Dial* magazine wrote, “That from the sublime to the ridiculous is but a step, has never been so fully illustrated as in the hasheesh fantasia.” The article further suggested, “the ludicrous in this madness is only bounded by its unutterable sublimities; and the transitions from grave to gay, from unquenchable burnings in Gehenna to the multitudinous laughter of a

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<sup>195</sup> For examples on unreliability, see: “Cannabis Indica,” *Medical and Surgical Reporter* 3, no. 20 (February 11, 1860): 440; “Uncertain Composition of Commercial Fluid Extracts of Cannabis Indica,” *New Remedies* (1871-1883), July 1, 1873, 243; Henry W. Buchman, “Examination of the Fluid Preparations of Cannabis Indica: Comparative Strength of the Various Commercial Fluid Extracts of Cannabis Indica,” *The Pharmacist* (1873-1885) 7, no. 4 (April 1, 1874). For doctors that ceased its use, see: Anderson, “Art. Iv.--Remarks on the Remedial Virtues of Cannabis Indica, or Indian Hemp.” On the difficulties of proper dosing and startling symptoms, see: J.R. Lynch, “A Case of Accidental Poisoning by Seven Minims and a Half of Tincture of Cannabis Indica; Recovery,” *Lancet* ii (1871): 493; A. L. Fisher, “Experience with Potencies and Doses,” *Medical Investigator* (1864-1874) 11, no. 123 (March 1, 1874).

<sup>196</sup> Charles A. Lee, “Cannabis Indica: (East Indian Hemp.),” *Journal of Materia Medica* 3, no. 4 (April 1, 1861): 130.

Bacchanalian feast, is instantaneous.”<sup>197</sup> Narratives such as these both created and drew on a series of themes that were repeated time and again in confessional narratives of experimental opium and hashish use. Embodied in the narratives like those from Bayard Taylor and Fitzhugh Ludlow, these themes included, “the oscillation between wonder and horror, the experiences of the self as alternately omnipotent and powerless, the danger of habit, and the occasional outburst of violent frenzy.”<sup>198</sup> Versions of these descriptions also appeared in medical texts of the day, sometimes as citations to the literary work and sometimes as the experiences of physicians or their patients. In the early 1860s, informed commentary also began drawing on abolitionist sentiment, making associations and parallels between habitual drug use and slavery.<sup>199</sup> Contemporaries of Ludlow, for example, argued that “Like De Quincey, he was reduced to appalling slavery; all his life was poisoned by the vampire which he hugged to his bosom. In his made thirst after sensual gratification he had prostituted the virgin purity of his soul, and she in turn dragged him into the nethermost depths of human misery. Death or insanity stared him in the face.”<sup>200</sup>

Thus, from both the medical and literary perspective, the varied outcomes of cannabis use produced characterizations of the drug ranging from beneficial and enlightening to dangerous and destructive. Such was the perception of cannabis in 1860

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<sup>197</sup> M. D. Conway, “Psychology of Opium and Hasheesh,” *The Dial: A Monthly Magazine for Literature, Philosophy and Religion*, September 1860, 611.

<sup>198</sup> Gabriel, “Gods and Monsters,” 198.

<sup>199</sup> For nineteenth century examples, see: Conway, “Psychology of Opium and Hasheesh,” 615; Harry Hubbell Kane, *Drugs That Enslave: The Opium, Morphine, Chloral and Hashisch Habits* (Philadelphia: Presley Blakiston, 1881). For more on the connections between the language of slavery and addiction, see: Susan Marjorie Zieger, *Inventing the Addict: Drugs, Race, and Sexuality in Nineteenth-Century British and American Literature* (Amherst: University of Massachusetts Press, 2008); Hickman, *The Secret Leprosy of Modern Days*, 25–31.

<sup>200</sup> Conway, “Psychology of Opium and Hasheesh,” 615.

as reformers like Dr. C. B. Guthrie began pushing individual states to take concrete steps toward regulating the sale and use of medicines and poisons. This is not to suggest that attempts aimed at curbing adulteration, regulating poisons and abortifacients, and restricting the practice of pharmacy did not exist previously. Rather, it is to mark the beginnings of a clear and conscious effort toward a more comprehensive and organized regulation on the eve of the Civil War.<sup>201</sup>

New York, for example, was among the first states to pass a “poison law” highly similar to the one Dr. Guthrie presented to his colleagues in 1860. This is not surprising given that Guthrie was an active member of the fledgling APhA and an original delegate to its meetings from the New York College of Pharmacy. The Empire State’s poison law declared, in part, “that no person shall sell or give any poison or poisonous substance, without recording in a book to be kept for that purpose, the name of the person receiving said poison, his or her residence (together with the name and residence of some person as witness to such sale).” The statute provided exceptions to these regulations with “the written order or prescription of some regularly authorized practicing physician, whose name and residence shall be attached to such order.” In addition, the law required the labeling of vials, boxes, and parcels with the “name and residence of such person” as well as the word “poison,” displayed in red ink with the precise name of the poison written in “plain and legible characters.” Many of these stipulations corresponded with those suggested by the APhA’s committee on the sale of poisons. Violations of the New York

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<sup>201</sup> For a brief history of this legislation and related dates of passage, see: David L. Cowen, “America’s First Pharmacy Laws,” *Journal of the American Pharmaceutical Association*, 1942, 162–69, 214–21; Sonnedecker, Kremers, and Urdang, *Kremers and Urdang’s History of Pharmacy*, 381–82.

law carried a fine of \$50 for persons living within villages and incorporated cities of more than one thousand inhabitants.<sup>202</sup>

Of particular interest was the inclusion of cannabis indica among the enumerated poisons in New York's law. The statute listed cannabis alongside arsenic, chloroform, opium and its preparations, deadly nightshade, henbane, poison hemlock, nux vomica and its preparations, ergot, and many others.<sup>203</sup> Providing this list flew in the face of those who believed a clear list of poisons would either be incomplete or make it easier to use them. In 1862, Wisconsin followed suit and passed a similar poison law that also included cannabis, evidently drawing their list of poisons directly from the New York legislation.<sup>204</sup> Replication of this nature was quite common among state legislatures throughout the late nineteenth century, especially as professional bodies like the APhA circulated suggestions and model laws for specific legislation.

Early legislative provisions like those established in New York and Wisconsin illuminate the early foundation for codifying the perceived dangers of cannabis and other dangerous substances. Given the many characterizations surrounding cannabis intoxication, it is clear why early poison laws often featured it among the substances

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<sup>202</sup> "The Sale of Poisons," *American Medical Times (1860-1864)* 1, no. 5 (August 4, 1860): 82; "Report of the Committee on Legislation Regulating the Practice of Pharmacy," in *Proceedings of the American Pharmaceutical Association at the Sixteenth Annual Meeting*, vol. 16 (Philadelphia: Merrihew & Son, 1869), 357.

<sup>203</sup> "Report of the Committee on Legislation Regulating the Practice of Pharmacy," 357; "The Sale of Poisons," 82. The complete list read as follows: "The provisions shall apply to the following poisonous substances, except when sold in wholesale quantities of one pound or over, viz.: arsenic and its various preparations, oxalic acid, corrosive sublimate, chloroform, sugar of lead, tartar emetic, opium and its preparations, oil of bitter almonds, cyanurets of potassium, mercury, silver and zinc, deadly nightshade, henbane, poison hemlock, prussic acid, aconite and its various preparations, atropia and its salts, cantharides, croton oil, datura and its salts, delphinia and its salts digitalis and its preparations, nux vomica and its preparations, elaterium, ergot and its preparations, veratria and its salts, cannabis indica and its preparations."

<sup>204</sup> "Report of the Committee on Legislation Regulating the Practice of Pharmacy," 359.

listed and regulated. Dr. Charles Lee, for example, summarized much of the existing research on cannabis by citing work of Dr. Alfred Stille, Professor of the Theory and Practice of Medicine and of Clinical Medicine at the University of Pennsylvania. Dr. Lee wrote that, “Its habitual use is said, by Dr. Stille, to produce consequences no less mischievous than are produced by alcohol and opium; the face becomes bloated, the eyes injected, the limbs weak and tremulous, the mind sinks into a state of imbecility, and death by marasmus is the ultimate penalty for the overstrained pleasures it imparts.” Nonetheless, Lee noted that, “We are not acquainted with any case of death directly from the poisonous action of cannabis.” Instead, he cited several recorded cases of frightening symptoms “which illustrate its effects in excessive doses.”<sup>205</sup>

It is not enough, however, to rely solely on clearly enumerated lists of poisons in state level statutes to capture the extent of the dangerous perception surrounding cannabis and attempts to remedy it with legal regulations. In fact, there was significant debate on whether or not to include detailed lists of poisons at all in these types of laws. Just two years after its initial passage, New York legislators, for example, removed the identified list of poisons from the state’s existing law. For their part, members of the APhA declared, “The enumeration by law of the poisons of which registration shall be required, we consider objectionable, since it could at best be incomplete and would burden the law with numerous names of articles perhaps never called for except upon the written order of a physician.”<sup>206</sup> Thus, even if state level regulations did not explicitly list individual poisons by name, or even include cannabis among a suggested list of selected poisons,

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<sup>205</sup> Lee, “Cannabis Indica (East Indian Hemp),” 137.

<sup>206</sup> “Report of the Committee on Legislation Regulating the Practice of Pharmacy,” 361.

the legislation may still have restricted its sale under generalized regulations aimed at medicines and poisons.

A series of interconnected issues further defined the shifting perceptions surrounding cannabis in the United States as states continued to pursue solutions to the poison question over the course of the 1860s. The first related to its evolving classification as a hypnotic, anodyne, narcotic, stimulant, poison, and intoxicant. The second revolved around continued problems isolating its active principles, standardizing those preparations, and determining proper doses in treatments. These difficulties fed concerns about both the underwhelming results of inert or weak preparations as well as the adverse symptoms related to its excessive use or particularly potent doses. Finally, there was a small but growing perception of danger surrounding the habitual use of certain drugs. In general, most physicians continued to find merits in using cannabis, but concern and skepticism remained. Indeed, unlike the “speedy and enthusiastic acclaim” that surrounded the introduction of chloral hydrate in 1869 most investigators and medical journals “remained cautious in their praise” of cannabis and its potential.<sup>207</sup>

Throughout the second half of the nineteenth century, physicians, chemists, and pharmaceutical companies engaged in an ongoing, concerted effort to isolate and identify the active principles of cannabis as well as standardize its preparations.<sup>208</sup> The desired model, of course, was opium. Morphine, the main psychoactive alkaloid found in the opium poppy, was first isolated in 1804. Its near universal adoption in medicine drove the

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<sup>207</sup> For an excellent comparison between cannabis and chloral hydrate, see: Snelders, Kaplan, and Pieters, “On Cannabis, Chloral Hydrate, and Career Cycles of Psychotropic Drugs in Medicine.”

<sup>208</sup> For one such example from 1861, see: Lee, “Cannabis Indica (East Indian Hemp),” 141. Dr. Lee concluded that, “I would particularly urge, however, the necessity, in all such trials, of making certain, by experiment on healthy persons, that the preparation to be used is good. For the present there is no other satisfactory test of quality.”



belief that researchers and chemists could isolate the active principles of other plants that showed medical promise.<sup>209</sup> William Procter, co-founder of Procter & Gamble Company, was among those interested in developing a test to standardize medicinal cannabis preparations. Following an examination of available products in 1864, Procter concluded, “the commercial extract of Indian Hemp is made by processes variable in their details, as it is found to differ materially at one time and another, both as regards its medicinal activity and the proportion of matter insoluble in alcohol in the extract.”<sup>210</sup>

Lacking the ability to isolate specific alkaloids in cannabis or a reliable test for the active constituents of existing cannabis products left American physicians guessing about its power and dosage. As Procter put it, “The variableness in the medicinal power of this extract has been the cause of much disappointment to physicians; for whilst some samples prove effective in half-grain doses, ten or even twenty grains of other specimens have failed to produce its peculiar influence on the nervous system.”<sup>211</sup> Some four years later in 1868, Horace Day further lamented that, “It has been one of the *opprobria medicine* that in a drug known to possess such wonderful properties so little advance has been made toward the isolation of the alkaloid or resinoid on which it depends for its potency.” According to Day, he had “for years been endeavoring to interest some of our great manufacturing pharmacutists [sic] in the attainment of a form – condensed, uniform, and portable – which should stand cannabis in the same relation which morphia

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<sup>209</sup> William L. White, “The Lessons of Language: Historical Perspectives on the Rhetoric of Addiction,” in *Altering American Consciousness: The History of Alcohol and Drug Use in the United States, 1800-2000*, ed. Caroline Jean Acker and Sarah W. Tracy (Amherst Mass.: University of Massachusetts Press, 2004), 5; Hickman, *The Secret Leprosy of Modern Days*, 36–37.

<sup>210</sup> William Procter, “Remarks on the Preparations of the U. S. Pharmacopoeia, 1860.: Fluid Extracts.,” *American Journal of Pharmacy (1835-1907)*, September 1864, 395.

<sup>211</sup> William Procter, “On a Test for the Resin of Cannabis Indica.,” *American Journal of Pharmacy* 37 (January 1865): 23.

bears to opium.”<sup>212</sup> Nearly twenty years later in 1884, the author of *A Treatise on Materia Medica* noted that, “the active constituent of Indian hemp is not yet absolutely known.”<sup>213</sup> Nor would it be for nearly another century.<sup>214</sup>

One of the major barriers to standardizing nineteenth century preparations of cannabis was the time and distance that both specimens of the plant and finished pharmaceutical products traveled before arriving in the United States. Highly valued plants from India took months to arrive. While poor specimens and exposure to sources of degradation such as air and light hampered manufactured preparations from Europe. This prompted some observers to suggest that rather than importing cannabis, physicians and chemists could use American grown plants. In 1869, Dr. Horatio C. Wood, Jr. published a prize-winning essay entitled, “On the Medicinal Activity of the Hemp Plant, As Grown in North America.” Earlier studies conducted in Great Britain often affirmed the reigning belief that cannabis plants grown in India contained more active resin than plants grown in Europe. Dr. Wood, an extensive contributor to medical literature and faculty member at the University of Pennsylvania, wanted to explore the possibility of using American grown cannabis to prepare a uniform extract. According to Wood, the modifying influences of soil and climate could easily explain the differences in resin content. To prove this hypothesis, he obtained a quantity of cannabis plants raised near

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<sup>212</sup> Horace B. Day, *The Opium Habit: With Suggestions as to the Remedy* (New York: Harper & Brothers, 1868), 328, <http://hdl.handle.net/2027/miun.aeu2766.0001.001>.

<sup>213</sup> Nothnagel and Rossbach, “Drugs That Act Similarly to Opium,” 671. For excellent summaries of contemporary attempts to isolate the “active principle,” see: Warden and Waddle, “The Active Principle of Indian Hemp,” *American Journal of Pharmacy* (1835-1907), May 1885, 264–66; Henry F. Smith, “Cannabis Indica: Does It Contain an Alkaloid?,” *American Journal of Pharmacy* (1835-1907), August 1891, 386–91.

<sup>214</sup> Tetrahydrocannabinol (THC), the principal psychoactive constituent of cannabis was first isolated in 1964. Researchers have since identified a large number of additional cannabinoids in the plant. For more, see: Earleywine, *Understanding Marijuana*.

Lexington, Kentucky, which he used to prepare a resinous extract in a manner similar to that used by Messrs. Smith of Edinburgh, among the most prominent manufacturers of cannabis products during the period. Wood's results were quite similar to those experienced by other self-administering physicians, including distortions of space and time, excitation, hilarity, disordered thoughts, and even "a foreboding, undefined, horrible fear, as of impending death" that slowly crept over him during his intoxication.<sup>215</sup> His American grown extract was thus sufficiently powerful to produce the generally recognized symptoms of "cannabis overdose." Though tentative, Wood concluded that, "the above experiments are certainly sufficient to prove that the hemp plant, as grown in Kentucky, contains a sufficient abundance of the active principle, to be capable of yielding a supply to the pharmacist [sic]."<sup>216</sup>

Growing cannabis in the United States, under the watchful eye of local pharmacists, could therefore provide a more uniform strength extract, thereby alleviating the frustrations and fears associated with varied and inert preparations experienced by physicians. Yet, despite attempts by Wood, Procter, and others, problems surrounding

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<sup>215</sup> Horatio C. Wood, Jr., "On the Medical Activity of the Hemp Plant, as Grown in North America," *Proceedings of the American Philosophical Society* 11, no. 81 (November 19, 1869): 226–27. Self-administration by medical doctors was very common in the nineteenth century. For excellent examples of the narrative style found in these personal experiences with cannabis, see: W. A. D. Pierce, "A Proving of Cannabis Indica," *American Journal of Homoeopathic Materia Medica and Record of Medical Science (1871-1876)* 1, no. 1 (September 1, 1871): 11–17, 49–55; G.B. Kuykendall, "Personal Experience of the Effects of Cannabis Indica," *Medical and Surgical Reporter (1858-1898)* 32, no. 22 (May 29, 1875): 421–23.

<sup>216</sup> Wood, Jr., "On the Medical Activity of the Hemp Plant, as Grown in North America," 229. Wood's work spread elsewhere in the medical literature, and prompted the use of American extracts as well as discourse on the comparisons between American and Oriental cannabis. For further examples of this comparison, see: "The Medical Activity of the American Hemp Plant," *Medical and Surgical Reporter (1858-1898)* 22, no. 6 (February 5, 1870): 112; Alfred Stillé, "Cannabis Indica - East India Hemp. Cannabis Americana - American Hemp.," in *Therapeutics and Materia Medica. A Systematic Treatise on the Action and Uses of Medicinal Agents, Including Their Description and History*, Fourth, vol. I, II vols. (Philadelphia: Henry C. Lea, 1874), 955–68.

cannabis standardization persisted into the twentieth century.<sup>217</sup> Indeed, these issues were central to the shifting perception of cannabis during much of the late nineteenth century. The unreliability of cannabis preparations inevitably brought undesirable results. In some cases, this meant no effect at all. In others, it meant the startling symptoms of “cannabis poisoning” brought on by particularly potent doses. Over the course of the second half of the nineteenth century, these incidents helped drive physicians away from the medical uses of cannabis, particularly as the pharmaceutical boom that began in earnest during the late 1860s ushered in “the chemical age” of medicine.<sup>218</sup>

During the second half of the nineteenth century, the nation’s small, disorganized, and geographically dispersed pharmaceutical industry became large, consolidated, and global in nature. Prior to the Civil War, pharmacists usually compounded their own formulas on-site as necessary, often relying on locally available botanicals. Pre-manufactured remedies represented only a small portion of their specialized practice and business revenues.<sup>219</sup> This changed dramatically following the war as pharmaceutical manufacturing plants arose, one after another, transforming from modest operations into sizable establishments, some with world-wide reach and importance.<sup>220</sup> Among them, Frederick Stearns (1855 - Detroit), E.R. Squibb and Sons (1858 - Brooklyn), Parke, Davis

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<sup>217</sup> For a small sample of complaints surrounding cannabis extracts and their standardization, see: Procter, “Remarks on the Preparations of the U. S. Pharmacopoeia, 1860.”; Procter, “On a Test for the Resin of Cannabis Indica.”; “Uncertain Composition of Commercial Fluid Extracts of Cannabis Indica”; Buchman, “Examination of the Fluid Preparations of Cannabis Indicae.”

<sup>218</sup> The term “Chemical Age” is used in: Gabriel, “Gods and Monsters,” 320. For additional discussion of the changes that occurred during this era, see: Sonnedecker, Kremers, and Urdang, *Kremers and Urdang’s History of Pharmacy*; Gabriel, “Restricting the Sale of ‘Deadly Poisons’”; Joseph M. Gabriel, “A Thing Patented Is a Thing Divulged: Francis E. Stewart, George S. Davis, and the Legitimization of Intellectual Property Rights in Pharmaceutical Manufacturing, 1879–1911,” *Journal of the History of Medicine and Allied Sciences* 64, no. 2 (2009): 135–72; Morgan, *Drugs in America*; Warner, *The Therapeutic Perspective*.

<sup>219</sup> Gabriel, “Restricting the Sale of ‘Deadly Poisons,’” 318.

<sup>220</sup> Sonnedecker, Kremers, and Urdang, *Kremers and Urdang’s History of Pharmacy*, 330.

& Company (1866 - Detroit), and Eli Lilly (1876 - Indianapolis) all experienced rapid growth in size, capital, and number of products manufactured and sold. In sum, “Scientific and technological innovation, large-scale investment in manufacturing facilities, a growing commercial emphasis on manufactured and preassembled products” brought about “a flood of pharmaceuticals” including new alkaloids, fluids extracts, and ready-made - often secret - formulas onto the domestic market during the late nineteenth century.<sup>221</sup>

Among the most significant of these products was chloral hydrate. As the first synthetic compound used in mental health care, the introduction of chloral hydrate in 1869 marked the beginning of modern psychopharmacology and helped usher in a widespread confidence in the supremacy of chemical drugs developed in the laboratory.<sup>222</sup> This trend also brought about a concomitant decline in more natural based products such as cannabis extracts. By 1884, for example, many medical professionals acknowledged that, “Cannabis indica is far less important now than formerly, because of the power given us through hydrate of chloral.”<sup>223</sup> The changes wrought by this rapid expansion of the pharmaceutical industry, including a significant decline in price for both wholesale and retail products, had a profound effect on both the nature of pharmacy and the evolving perception of cannabis.

The lives of druggists and apothecaries were hit especially hard by an increasingly competitive economic environment where more and more of their products were pre-manufactured and widely available to anyone. Low prices meant that the advance capital

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<sup>221</sup> Gabriel, “Restricting the Sale of ‘Deadly Poisons,’” 318.

<sup>222</sup> Snelders, Kaplan, and Pieters, “On Cannabis, Chloral Hydrate, and Career Cycles of Psychotropic Drugs in Medicine,” 98.

<sup>223</sup> Nothnagel and Rossbach, “Drugs That Act Similarly to Opium,” 674.

required to join the retail drug market was increasingly modest, leading to an increasing number of competitors. For many pharmacists, the proliferation of goods and competitors “threatened to turn a once honorable trade into the drudgery of endless and perhaps unethical labor.” By 1870, their response was to organize into state associations that might allow them to advocate for the passage of laws to regulate their trade and solidify their specialized, professional status. Education, licensing, proper training, and other barriers to entry sought to “weed out careless, ignorant, and disreputable pharmacists who might bring public critique down on the trade as a whole.” For example, the practice of cutting or adulterating drugs gave organized pharmacists an opportunity “to define their own professional expertise in terms of their ability to resist the temptations of unfair profit.” The answers they devised to these issues were not always clear or uniformly acceptable to all, but “as pharmacists struggled to reconcile their trade to the dangerous nature of the goods that they sold, they came to the conclusion that one part of their professional role was to limit the act of consumption toward the goal of health.”<sup>224</sup>

Many pharmacists organized through their state-based and professional bodies during the late nineteenth century and devised legislation aimed at restricting the practice of pharmacy in ways that constrained access to the dangerous substances those pharmacists dispensed. At the heart of this legislation lay a firm belief in the “benevolent scientific authority” of the licensed pharmacist, cast against the unethical practices of unscrupulous retail dealers.<sup>225</sup> By creating and defining the educational and professional standards required to dispense medicines and poisons, pharmacists hoped to stem the erosion of both their status and their economic security. Indeed, as products like

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<sup>224</sup> Gabriel, “Restricting the Sale of ‘Deadly Poisons,’” 321, 324, 323.

<sup>225</sup> *Ibid.*, 322.

morphine and as arsenic became increasingly available to the public in the late-nineteenth century, the role of the pharmacist as guardian of such dangerous substances occupied a central place in the debate driving such legislation.

So too did concerns about addiction and the non-medical use of these potentially dangerous substances. The rhetoric of danger that developed around the use of drugs in the United States emerged out of a period now associated with the “discovery of addiction.” First utilized by Harry Levine, the term described a shift in the classification of alcohol consumers at the end of the eighteenth and beginning of the nineteenth century from a single, homogenous group of “drinkers” into separate groups of “normal and abnormal drinkers.”<sup>226</sup> Swedish physician Magnus Huss first introduced the word “alcoholism” in 1849, but the term did not achieve widespread use in the United States for another century. Instead, during the late nineteenth and early twentieth century, clinical terms like dipsomania and inebriety held primacy.<sup>227</sup> Likewise, between the Civil War and the turn of the century, the terminology used to describe the problematic use of drugs also developed. Similar to those used for alcohol, terms such as opium-eater, narcomania, morphinism, chloralism, and narcotism dominated the drug-related discourse among physicians. Addiction, a term derived from Latin to denote adoration toward or surrendering oneself to a master, first came into common use among medical

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<sup>226</sup> Harry Gene Levine, “The Discovery of Addiction; Changing Conceptions of Habitual Drunkenness in America,” *Journal of Studies on Alcohol and Drugs* 39, no. 01 (January 1, 1978): 143–74.

<sup>227</sup> White, “The Lessons of Language: Historical Perspectives on the Rhetoric of Addiction,” 33–35. According to William L. White, “The term dipsomania, taken from the Greek meaning ‘thirst frenzy,’ was introduced in 1819 by Christopher Wilhelm Hufeland,” and “came to be associated with a pattern of binge drinking characterized by periods of abstinence followed by what were sometimes called ‘drink storms.’” White also suggests that “Inebriety, derived from the Latin root *inebriare* – meaning, to intoxicate – was a generic term for what today would be called addiction or chemical dependency” and gained prominence in the latter third of the nineteenth century. For additional, brief discussions on the terminology of addiction, see: William L. White, *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* (Bloomington, Ill.: Chestnut Health Systems/Lighthouse Institute, 1998), xiii–xvi.

professionals in the 1890s. At nearly the same moment, terms such as “dope fiend” first appeared in newspapers and magazines in the United States.<sup>228</sup>

The evolution and development of this terminology during the second half of the nineteenth century was critical for defining the early outlines of the concept of drug addiction. Interestingly, Fitz Hugh Ludlow, the nation’s most famous cannabis user played an especially prominent role in laying this foundation. Ludlow died in 1870 at the young age of thirty-four; addicted, by his own admission, first to hasheesh and then to opium. His death came just three years after penning “What Shall They Do to be Saved” - a personal reflection on the dangers of habitual drug use.<sup>229</sup> Published in *Harper’s Magazine*, Ludlow’s essay introduced many of the themes that ultimately dominated discussions of narcotic use in the United States during the late nineteenth century. Though opium occupied a central place in “What Shall They Do,” Ludlow was still quite famous for his literary adventures with hasheesh.<sup>230</sup> Drawing on well-worn themes from both the temperance and abolition movements, Ludlow sketched a narcotic habit that was “particularly threatening to American individualism – as a menace to the liberty and independence born of self-possession.”<sup>231</sup> Habitual use, according to Ludlow, compromised the freedom and independence of the will. He therefore advocated shifting

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<sup>228</sup> White, “The Lessons of Language: Historical Perspectives on the Rhetoric of Addiction,” 40–41. William L. White suggests that “the first known appearance of the term ‘dope fiend’ was in an 1896 article in the *New York Sun*: A. Hess, ‘Deviance Theory and the History of Opiates,’ *The International Journal of the Addictions* 6, no. 4 (1971) 593.”

<sup>229</sup> Fitzhugh Ludlow, “What Shall They Do to Be Saved,” *Harper’s New Monthly Magazine*, August 1867; Hickman, *The Secret Leprosy of Modern Days*, 25–32. Much of the summary found in this paragraph is drawn from Hickman.

<sup>230</sup> For an example of Ludlow’s continued prominence, see: “A Cure for Cholera,” *The Daily Picayune* (New Orleans), May 3, 1866. For more on Ludlow and hasheesh, see Chapter 1. Ludlow, *The Hasheesh Eater*.

<sup>231</sup> Hickman, *The Secret Leprosy of Modern Days*, 31.



the perception of habitual opium use from an issue of moral failure to one best understood as disease. A shift based on his belief that drug users were “a proper subject, not for reproof, but for medical treatment.”<sup>232</sup>

Ludlow was not alone in this belief. Just a year later, Horace B. Day compiled the existing commentary on opium and habitual drug use into *The Opium Habit: With Suggestions as to the Remedy*.<sup>233</sup> Day’s work helped anthologize Ludlow’s views alongside others who shared the same concerns about spreading narcotics use. Day offered lengthy descriptions from De Quincy, Coleridge, Ludlow, and others afflicted with the “opium habit,” chronicling the harmful effects of its use, alongside the outlines for “the opium-cure.” In this manner, Ludlow and Day were two prominent voices among a growing chorus of those concerned with the habitual use of drugs, and they helped lay the foundation for an emerging discourse on addiction in the late-nineteenth century as it gained broader attention among medical professionals.

The addiction-as-disease model quickly gained professional prominence thanks in part to a group of physicians organized under the American Association for the Cure of Inebriates (AASCI).<sup>234</sup> Though the group’s primary concern was habitual drunkenness, the Association’s *Quarterly Journal of Inebriety* also regularly contained articles on the narcotic habit.<sup>235</sup> Among those present at the first organizational meeting of the AASCI was Dr. Alonzo Calkins, author of *Opium and the Opium Appetite: With Notices of Alcoholic Beverages, Cannabis Indica, Tobacco and Coca, and Tea and Coffee, in Their*

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<sup>232</sup> Ludlow, “What Shall They Do to Be Saved.”

<sup>233</sup> Day, *The Opium Habit*.

<sup>234</sup> White, *Slaying the Dragon*, 26. The group soon changed their name to the American Association for the Study and Cure of Inebriety, known as the AASCI.

<sup>235</sup> The first of these articles on narcotics appeared in 1874. For more on the AASCI and the Journal, see: Hickman, *The Secret Leprosy of Modern Days*, 46–47.

*Hygeienic [sic] Aspects and Pathologic Relations*.<sup>236</sup> Rather than rely on the literary fame and romanticism that Coleridge and De Quincey had given opium, Calkins wanted to offer clinical and scientific insight.<sup>237</sup> He was deeply concerned with what he saw as the growing threat of habitual narcotics use. He asserted, “the morbid craving for narcotic stimuli, artificial and of forced production as it may have been in its incipency, grows to be as imperious in its exactions as it is inexpugnable when confirmed.”<sup>238</sup>

Many others echoed Calkins fears.<sup>239</sup> Dr. George Miller Beard, for example, also wrote on the dangers of habitual drug use. Most famous for his work in naming and treating neurasthenia, Beard’s interest in the issue stemmed from the fact that among the many symptoms he identified for the period’s most conspicuous neurological disorder was a “susceptibility to stimulants and narcotics and various drugs.”<sup>240</sup> In his 1871 work entitled, *Stimulants and Narcotics: Medically, Philosophically, and Morally Considered*, Beard argued that “the discovery and invention of new varieties, or new modifications of old varieties,” helped exacerbate “narcotism,” which had “greatly extended and multiplied with the progress of civilization.”<sup>241</sup>

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<sup>236</sup> Alonzo Calkins, *Opium and the Opium-Appetite: With Notices of Alcoholic Beverages, Cannabis Indica, Tobacco and Coca, and Tea and Coffee, in Their Hygeienic [Sic] Aspects and Pathologic Relations* (Philadelphia: J.B. Lippincott, 1871), <http://catalog.hathitrust.org/Record/001581469>.

<sup>237</sup> Hickman, *The Secret Leprosy of Modern Days*, 47.

<sup>238</sup> Calkins, *Opium and the Opium-Appetite*, 20.

<sup>239</sup> His work also received reviews in prominent medical journals. For examples, see: “Reviews and Bibliographical Notices,” *American Journal of Pharmacy* (1835-1907), August 1871, 382; “Reviews and Notices of Books,” *Medical Record* (1866-1922) 6, no. 13 (September 1, 1871).

<sup>240</sup> Hickman, *The Secret Leprosy of Modern Days*, 42. Dr. Beard described neurasthenia - the most prominent and representative neurological disorder of the period - as a “lack of nerve strength.” He believed it was “a functional nervous disease of modern, and largely, though not entirely, of American origin,” and “a malady that has developed mainly during the last half century” as a manifestation of “the cry of the system struggling with its environment.”

<sup>241</sup> Beard, *Stimulants and Narcotics*, 6, 24, 84. These included new modes of delivery like the hypodermic needle.

The work of Beard and Calkins alongside the birth of professional organizations like the AASCI reflected the maturation of a much broader trend toward specialized institutions of care for indigent, orphaned, mentally ill, or inebriate persons. The desire to care for such individuals prompted a concomitant desire to organize likeminded treatment professionals. In the case of inebriety, the AASCI brought together a series of stakeholders to establish an official statement of principles and purposes. Their statement declared intemperance was a disease, often inherited or acquired, but curable like other diseases since its primary cause was a constitutional susceptibility to the alcoholic impression. The Association also criticized the penal approach to treating inebriety. Instead, they called for the creation of medically and scientifically informed institutions for the treatment of inebriates. Though not an entirely original set of ideas, what organized professionals achieved “was to develop a well-articulated disease concept of addiction and to operationalize this concept within a system of institutional care.”<sup>242</sup> Such beliefs gave professional credence to those of popular writers like Ludlow and Day.

Though opium, morphine, and alcohol elicited the most attention from medical professionals, a range of additional substances also garnered their concern, including chloral hydrate, arsenic, and cannabis. Indeed, at a moment when alcoholism, inebriety, and the habitual use of drugs began receiving significant medical attention, both the medical and non-medical literature considered cannabis a potentially dangerous substance. Moreover, some temperance advocates felt that habitual drinkers cut off from alcohol might turn to the drug store, where “Opium, morphine and Indian hemp would

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<sup>242</sup> This quote and much of the information summarized in this paragraph can be found in: White, *Slaying the Dragon*, 26.

take the place of rum.”<sup>243</sup> Moreover, the fear that alcohol and drugs could undermine the freedom of rational individuals meant that the habitual use of these substances was also readily tied to the language of bondage and slavery.<sup>244</sup> An article on “Hasheesh Eaters” from the *Boston Daily Globe*, for example, noted that, “A man can very easily become a slave of the habit.”<sup>245</sup>

Just how medical professionals should classify all these potentially dangerous substances, however, remained the source of some debate. Both Beard and Calkins, for example, included sections on a range of poisons, stimulants, and narcotics.<sup>246</sup> Calkins devoted a chapter to comparing and contrasting opium and cannabis indica, arguing that the latter was a “stimulating narcotic,” and that “hashisch far surpasses opium in relative power.”<sup>247</sup> In his introduction, Beard lamented, “It is impossible, I may say at the outset, to give any definition of stimulants and narcotics that can be universally acceptable.” He nonetheless tried to alleviate any confusion by identifying “three grand divisions” of “stimulants and narcotics that are in habitual use.” In the second division – “plants and vegetables used in substance or in infusion or decoction, by chewing, smoking, snuffing, or injection” – Beard placed “tea, coffee, cocoa, chocolate, opium, tobacco, haschish,

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<sup>243</sup> “The Augusta Chronicle,” *Salt Lake Daily Herald*, June 2, 1883, Saturday edition.

<sup>244</sup> Hickman, *The Secret Leprosy of Modern Days*, 25–31; Zieger, *Inventing the Addict*, 2008.

<sup>245</sup> “Hasheesh Eaters,” *Boston Daily Globe*, June 4, 1882.

<sup>246</sup> Other prominent examples include: M. C Cooke, *The Seven Sisters of Sleep: Popular History of the Seven Prevailing Narcotics of the World* (London: James Blackwood, Paternoster Row, 1860); Francis Edmund Anstie, *Stimulants and Narcotics, Their Mutual Relations: With Special Researches on the Action of Alcohol, Aether, and Chloroform, on the Vital Organism* (London: Macmillan & Co., 1864); Alfred Stillé, “Cannabis Indica - East India Hemp. Cannabis Americana - American Hemp.,” in *Therapeutics and Materia Medica. A Systematic Treatise on the Action and Uses of Medicinal Agents, Including Their Description and History*, Fourth, vol. I, II vols. (Philadelphia: Henry C. Lea, 1874), 955–68.

<sup>247</sup> Calkins, *Opium and the Opium-Appetite*, 320–21.

Siberian fungus, etc.”<sup>248</sup> He further argued that, “all stimulants and narcotics, so far as they have been studied, contain active principles that are more or less poisonous, and it is mainly for the sake of these active principles that they are so eagerly sought for.” In sum, Beard concluded, these substances “all contain active principles which are capable of producing not only noxious, but actually dangerous effects on the human system.”<sup>249</sup>

Some twenty years later, Dr. William Ronaldson also divided a list of “Drugs that intoxicate, and to whose use one may become habituated” into “Alcohols and Narcotics,” the latter including “opium and its preparations, morphia, chloral, hyoscyamine, cannabis indica, coca, bromides, caffeine, and paullinia.”<sup>250</sup>

Despite such classifications and warnings, cannabis, like most of these drugs, remained utilized in a wide variety of ways. Writing on cannabis in 1861, Edward Parrish, Lecturer on Pharmacy, claimed that, “Of all the narcotics, none has received so great an impulse, in our time, as Indian hemp.” Of its medical uses, Parrish declared the “extract of cannabis” was “one of the most popular” remedies, “as it is one of the best of its class.” Parrish asserted, “its chief advantages are the exhilaration which accompanies, or rather precedes its complete narcotic effect, the remarkable control it exerts over nervous inquietude and the absence of any noxious effect, either in diminishing the appetite, checking the secretions or constipating the bowels.”<sup>251</sup> These descriptions were

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<sup>248</sup> Beard, *Stimulants and Narcotics*, 5–7.

<sup>249</sup> *Ibid.*, 31–32.

<sup>250</sup> William D. Ronaldson, “Drugs That Intoxicate,” *Medical and Surgical Reporter (1858-1898)* 51, no. 18 (November 1, 1884): 468.

<sup>251</sup> Edward Parrish, “Notes on the Narcotics,” *Medical and Surgical Reporter (1858-1898)* 7, no. 5 (November 2, 1861): 105–6.

in direct comparison to opium, the reigning palliative of the day, and the standard measure of efficacy for all other drugs.<sup>252</sup>

The post-bellum period saw a noted explosion of advertising for pharmaceutical products, and those containing cannabis were no exception.<sup>253</sup> In 1869, for example, French manufacturer Grimault and Company introduced “Cannabis Indica Cigarettes” aimed at treating asthma and advertised them in Europe as well as Mexico and the United States.<sup>254</sup> Extracts and tinctures of cannabis received a fair share of positive reviews and as medical physicians put them to use in treating a range of ailments.<sup>255</sup> Demonstrating this breadth, an advertisement for McKesson & Robbins’ Gelatin-Coated Pills and Granules suggested that extract of cannabis indica was “specially recommended” in the *United States Dispensatory* for treating “neuralgia, gout, rheumatism, tetanus, hydrophobia, epidemic cholera, convulsions, chorea, hysteria, mental depression, delirium tremens, insanity, and uterine hemorrhage.” Cannabis preparations were also “found to cause sleep, to allay spasms, to compose nervous inquietude, and to relieve

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<sup>252</sup> For examples of comparisons between cannabis and opium, see: Joseph Bates, “Narcotics,” *Journal of Materia Medica* 4, no. 7 (July 1, 1862): 265–75; Nothnagel and Rossbach, “Drugs That Act Similarly to Opium.”

<sup>253</sup> For examples of these, see: “Seek for Truth and Ye Shall Find It,” *Maine Farmer*, December 12, 1867, *American Periodicals*; “Twenty Years Ago,” *The Morning Star and Catholic Messenger (New Orleans)*, October 31, 1875, Sunday edition; “Advertisement -- Lazell, Marsh & Gardiner, Powdered Medicinal Extracts,” *Medical Record (1866-1922)* 12, no. 30 (July 28, 1877); “Parke, Davis, & Co., Normal Liquids,” *Medical Record (1866-1922)* 24, no. 16 (October 20, 1883).

<sup>254</sup> The cigarettes received some medical attention, for example see: *Medical Times and Gazette*, “Cigarettes of Cannabis Indica,” *Medical News (1843-1879)* 28, no. 334 (October 1870): 158. Newspapers also advertised the cigarettes. Advertisements appeared quite frequently in *The Daily Picayune* of New Orleans between 1869 and 1873. Some forty years after their original introduction, E. Fourgera & Co. of New York advertised “Cannabis indica cigarettes; for asthma, laryngitis, insomnia and irritation of the air passages” as the U.S. agents for Grimault & Co.

<sup>255</sup> For a sample of these, see: “Reports of Societies: New York Academy of Medicine, Section on Theory and Practice of Medicine Stated Meeting, Nov. 20, 1877 - The Therapeutics of Migraine,” *Medical Record (1866-1922)* 12, no. 49 (December 8, 1877); “Cannabis Indica in Epilepsy,” *Nashville Journal of Medicine and Surgery (1851-1920)* 23, no. 5 (May 1, 1879).

pains.”<sup>256</sup> Such claims helped cannabis achieve a status that placed it among the many regularly used medical remedies of the mid-nineteenth century.<sup>257</sup>

Nonetheless, documented cases of “poisoning by cannabis” tempered these uses. Indeed, the adverse effects cannabis could have on patients and users often occupied the pages of medical journals and newspapers, leavening the positive applications with the need to exercise caution.<sup>258</sup> For example, when treating tetanus - one of the most widely recommended uses for cannabis – Dr. Charles Lee found that “a state of intoxication was excited by large doses of the extract.”<sup>259</sup> Perhaps even more alarming, in several other cases, Dr. Lee found that with cannabis use “no good followed, and, on the contrary, unpleasant effects were produced.”<sup>260</sup> Newspapers also documented cases of cannabis use and warned of its alleged dangers. In 1878 the *Times Picayune* of New Orleans relayed the story of a “Hasheesh-Eater in Louisville,” calling it a “dreadful drug” while noting its limited use in the United States “because it is said to eat into the brain and undermine the health.”<sup>261</sup> An 1882 story of “A Hashish Party” recounted in the *Omaha Daily Bee* told of three persons who took a preparation of the drug procured from Persia by an English physician, noting distortions of space and time alongside hallucinations

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<sup>256</sup> “Advertisement -- McKesson & Robbins’ Gelatine-Coated Pills and Granules,” *Medical Record* (1866-1922) 13, no. 3 (January 19, 1878).

<sup>257</sup> There were some who advocated the use of cannabis in treating habitual opium use, for example see: C. H. Hughes, “The Opium Psycho-Neurosis,” *Alienist and Neurologist* (1880-1920) 5, no. 1 (January 1, 1884).

<sup>258</sup> See for example, “Reviews and Bibliographical Notices,” *American Journal of Pharmacy* (1835-1907), October 1884, 559; Anonymous, “Poisoning by Cannabis Indica,” ed. William Brodie, *Therapeutic Gazette* VIII (November 15, 1884): 514–15; A.J. Manasseh, “Symptoms of Poisoning from a Small Dose of Tincture of Cannabis Indica,” *Lancet* i (1899): 723; Brown, “Case of Poisoning by Cannabis Indica.”

<sup>259</sup> Lee, “Cannabis Indica (East Indian Hemp),” 137.

<sup>260</sup> Charles A. Lee, “Cannabis Indica. (East Indian Hemp.),” *Journal of Materia Medica* 3, no. 6 (June 1, 1861): 213.

<sup>261</sup> “A Dreadful Drug,” *Daily Picayune*, December 14, 1878.

among the participants.<sup>262</sup> There were also regular reports of “hashish houses” in New York City, Philadelphia, and other cities “where hemp is used in every conceivable form, and where the lights, sounds, odors, and surroundings are all arranged so as to intensify and enhance the effects of this wonderful narcotic.”<sup>263</sup>

The perceived dangers of cannabis thus appeared in reports of physician-administered treatments as well as among individuals who experimented with cannabis of their own volition.<sup>264</sup> Some of these experiences were no doubt part of a research trend that encouraged doctors to experiment with medical remedies on themselves and their patients, but additional documented cases of cannabis poisoning belie the idea that “there is no evidence that these pharmaceutical preparations of cannabis, most of them imported, were used for intoxicant purposes here during the 19th century.”<sup>265</sup> For instance, a druggist’s clerk who was “experimenting with Indian Hemp” took six grains

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<sup>262</sup> “A Hashish Party,” *Omaha Daily Bee*, October 13, 1882.

<sup>263</sup> For New York, see: Harry Hubbell Kane, “A Hashish-House in New York,” *Harper’s New Monthly Magazine*, 1883, 944; “Hashish Eating,” *Boston Daily Globe*, October 28, 1883; “A New and Hurtful Habit Amongst American Ladies,” *The Blue Ribbon Official Gazette and Gospel Temperance Herald*, November 21, 1883. For Philadelphia, see: “Smokers of Hashish,” *The Daily Picayune (New Orleans)*, April 27, 1884, Sunday Morning edition, sec. Quadruple Sheet.

<sup>264</sup> For examples, see: Brown, “Case of Poisoning by Cannabis Indica.” For similar examples, see: Sherley Hibberd, “Experiences of Haschisch,” *The Eclectic Magazine of Foreign Literature*, June 1863; “Haschisch Eating,” *American Phrenological Journal* 38, no. 5 (November 1863): 129–30; Carl Bower, “Notes and Queries: Cannabis Indica (Indian Hemp -- Haschisch),” *American Druggists’ Circular and Chemical Gazette* 8, no. 3 (March 1, 1864): 46; Maxwell Paine, “An Opium Experience,” *Potters American Monthly*, July 1880. Paine writes that he was inspired by De Quincy and Ludlow, to the point that, “Once, while still in college, I had secretly administered to myself a dose of *Cannabis Indica*, or hasheesh.” For another personal description, see: “The Horrors of Hashish: Described by a Young Man of Maine, from Personal Experience,” *Boston Daily Globe*, July 7, 1881; “Delusion of a Hemp Eater,” *The Weekly Messenger (St. Martinsville, LA)*, August 18, 1888; “Took Hashish,” *Boston Daily Globe*, March 9, 1890.

<sup>265</sup> Richard J. Bonnie and Charles H. Whitebread, *The Marijuana Conviction: A History of Marijuana Prohibition in the United States*, Drug Policy Classic Reprint from the Lindesmith Center (New York: Lindesmith Center, 1999), 4. The idea that there was little cannabis use for intoxicating purposes in the nineteenth century has been a central tenant to the historiography on marijuana prohibition in the United States. The idea has served to form the foundation of a general belief that cannabis was used widely and liberally in medicine without issue prior to a wave of xenophobic backlash toward Mexican marijuana smokers in the early twentieth century.



of solid Cannabis Indica extract at one time. Like many user experiences with cannabis, this amount produced startling results. The clerk's symptoms included a desire to be physically active, an urge to urinate, dry throat and great thirst, intermittent spasms of the whole body followed by exhaustion, mental confusion, and visual hallucinations.<sup>266</sup> It is nonetheless difficult to gauge how frequent or widespread such non-medical uses of cannabis occurred. An editorial on the issue published in the *Boston Medical and Surgical Journal* asked lamentingly, "How largely Cannabis indica is used amongst us for purposes of pleasurable intoxication cannot of course be definitely known, but we believe much more generally than is commonly supposed." This particular article focused on one of the most novel of these intoxicating uses - haschisch candies. In fact, the journal claimed that twice in the last six months persons "who exhibited its poisonous effects to an alarming extent," summoned some of the journals contributing physicians. Noting that overdoses in general were quite rare in relation to the overall use of dangerous substances, the journal editors believed these two incidents were evidence that consumption of these cannabis candies "must prevail to a wide and injurious extent." As a result, they concluded that, "if the manufacture of this candy cannot be prohibited or its sale restricted in this country by law, the public should at all events be made acquainted with its dangerous character."<sup>267</sup>

The concern surrounding haschisch candies and the non-medical consumption of cannabis drugs highlights a broadening late-nineteenth century anxiety with the

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<sup>266</sup> Brown, "Case of Poisoning by Cannabis Indica."

<sup>267</sup> "Haschisch Candy," *The Boston Medical and Surgical Journal* Lxxv, no. 17 (November 22, 1866): 348–50. The journal was not alone in its assessment of the candy as a danger. For another example, see: P. B. Randolph, "The Guide to Clairvoyance, and Clairvoyant's Guide: A Practical Manual for Those Who Aim at Perfect Clear Seeking and Psychometry; Also, a Special Paper Concerning Hashish, Its Uses, Abuses, and Dangers, Its Extasia, Fantasia, and Illuminati," Paper (Boston, 1867).

inappropriate use of poisonous substances and medicinal products. Opium and its derivatives drew the most significant amounts of this attention, but others also garnered concerns, including chloroform, ether, arsenic, cannabis. The pleasurable and habitual consumption of these substances demonstrated the ways in which a rapidly changing pharmaceutical industry produced goods and remedies that could benefit medical treatments but also bring about moral and physical deterioration. Criminal poisoning and suicide by intentional overdose with these substances also captured significant attention. Public and professional alarm often rose and fell in cycles as usage patterns and fads came and went. Arsenic eating, for example, drove a mini-panic in the two decades following the Civil War. Like many drugs in the mid-nineteenth century, arsenic was used for a variety of medical applications, but it also gained notoriety for non-medical and nefarious reasons. It first gained prominence among women of the middle and upper classes as a means to give their skin a fashionable pale, whitened look. This type of use occasionally led to accidental deaths among a highly sympathetic population. Criminal uses of arsenic also emerged, especially poisoning with the intention to kill.<sup>268</sup> As non-medical uses of these substances generated social and medical concern, calls for restrictions on their use became more frequent. Combined with a growing fear of addiction and the rapid growth of professional and state associations, this climate helped foster the onset of state-level regulatory mechanisms aimed at curbing access to these drugs.<sup>269</sup>

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<sup>268</sup> On the arsenic scare and the double meaning of consumption, see: Gabriel, “Gods and Monsters,” 320–21.

<sup>269</sup> For an excellent illustration of the exponential rise in state Sonnedecker, Kremers, and Urdang, *Kremers and Urdang’s History of Pharmacy*, 215.

By the late-1860s legislation aimed at restricting the sale and use of medicines and poisons largely centered on attempts to regulate the practices and protocols of pharmacy. This was of great concern to members of the American Pharmaceutical Association and was the focus of their 1868 nationwide survey. The hope was to understand the current legal regulations placed on pharmacists in each state and then provide professional guidance to individual state legislatures on how to best move forward. The influential report produced from the survey identified a rather haphazard state of affairs around the country, highlighted by a series of laws the APhA found generally ineffective, ill conceived, and mostly incomplete. In broad terms, the existing regulations only partially addressed the critical factors considered most important to ensuring consumer safety. As a result, the APhA report recommended legal guidelines for the educational qualifications of pharmacists, the proper treatments for diseases, the manufacture and sale of secret patent formulas, the adulteration of drugs and medicinal preparations, and the retail sale of medicines and poisons.<sup>270</sup>

An ongoing desire to carve out professional space, preserve their economic standing as educated dispensers of drugs, and safeguard consumers led to continued action by the APhA. Like their counterparts in the AASCI and similar organizations, APhA members pushed for specific legal changes. This was especially true of state level associations that lobbied directly for what they believed was more properly designed drug and pharmacy legislation. Armed with the information obtained from their 1868 survey, the APhA drafted a model state law and encouraged its passage in legislatures throughout the country. Though it lacked a formal endorsement from all association members due to

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<sup>270</sup> “Report of the Committee on Legislation Regulating the Practice of Pharmacy.”

a continued skepticism surrounding the “advisability of encouraging pharmaceutical legislation,” the APhA published the model law out of a fear that states might take undesirable legislative action in the absence of their professional guidance.<sup>271</sup>

The APhA model law included provisions on licensing pharmacists, their education requirements and registration, the proper labelling and sale of poisons, adulteration, the organization of state boards, as well as a list of recognized poisons.<sup>272</sup> That list did not include cannabis, but such classifications - and the wisdom of including them in legislation - were often fluid and disputed. Moreover, cannabis was often included in similar lists elsewhere and clearly considered dangerous by many.<sup>273</sup> Following its formal introduction in 1870, the APhA model law met with mixed results. A version of the law passed in Rhode Island almost immediately, while similar laws suffered defeat in at least seven other states. By 1878, however, eight additional states and the District of Columbia adopted legal statutes inspired by the APhA model law.<sup>274</sup>

As laws of this nature evolved over the next three decades, they formed the foundation for greater restrictions on the sale, distribution, and possession of drugs in the United States. Related laws also reflected a growing fear of habitual drug use and the effects such use could have on otherwise users. In 1872, for example, the Kentucky state legislature passed “An Act to Provide for the Preservation of the Estates and Security of

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<sup>271</sup> Sonnedeker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*, 216. This resistance to legislative restrictions by some members stemmed from a range of issues, including: the differences and difficulties facing pharmacists in rural areas versus those in urban cities and a distrust of state administrators and office holders among others.

<sup>272</sup> “Draft of a Proposed Law to Regulate the Practice of Pharmacy and the Sale of Poisons, and to Prevent the Adulteration of Drugs and Medicines,” *American Journal of Pharmacy* XLI (November 1869): 562–69.

<sup>273</sup> Calkins, *Opium and the Opium-Appetite*; Beard, *Stimulants and Narcotics*.

<sup>274</sup> Gabriel, “Gods and Monsters,” 345; Sonnedeker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*, 217.

Persons of Unsound Mind, Who, by Habitual or Excessive Use of Poisonous Drugs, Have Become Incompetent to Manage Themselves and Estates with Prudence and Discretion.”<sup>275</sup> The law required investigative action “upon the petition of any two or more respectable citizens” who claimed by verified affidavit “that any person has, by the habitual or excessive use of opium, arsenic, hasheesh, or any other drug, become incompetent to manage themselves or estates.” If those allegations proved true, “the court may order him and his estate into the custody and control of a committee of one or more persons, with power to confine such person in any private asylum, or in one of the lunatic asylums of this Commonwealth.” None of this was to come at the expense of the state, “except those who have become destitute of means by the excessive use of the drugs mentioned.” Medical journals and periodicals across the country quickly spread the news of the Kentucky law, further spreading the notion of the inherent dangers of cannabis and other drugs.<sup>276</sup>

Similar legislative considerations on drugs appeared elsewhere in the country. In 1878, for example, New York debated the merits of amending the state’s laws covering habitual drunkards and lunacy. John Ordronaux, Professor of Medical Jurisprudence at Columbia College Law School, noted that the current statute consistently used only terms such as “strong or spirituous liquors or wines.” According to Ordronaux, this served to “inferentially exclude the idea of any substances which may be eaten or smoked like

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<sup>275</sup> “Section 621 - An Act to Provide for the Preservation of the Estates and Security of Persons of Unsound Mind, Who, by Habitual or Excessive Use of Poisonous Drugs, Have Become Incompetent to Manage Themselves and Estates with Prudence and Discretion,” in *Acts of the General Assembly of the Commonwealth of Kentucky* (Frankfort: Kentucky Yeoman Office, John H. Harney, 1872), 56–57.

<sup>276</sup> For example, see: “Opium Eating,” *The Medical and Surgical Reporter* 26 (May 18, 1872): 468; “[Untitled],” *The Daily Picayune (New Orleans)*, May 19, 1872, Sunday Morning Edition edition, sec. Quadruple Sheet; “Opium-Eating in America,” *The Medical Time and Gazette* I (May 25, 1872): 603; *American Annual Cyclopaedia and Register of Important Events of the Year 1872*, vol. XII (New York: D. Appleton and Company, 1873), 429.

opium or hasheesh.” As such, Professor Ordronaux believed that in the state of New York “an opium or hasheesh eater or smoker might be habitually intoxicated by these” substances but would not “in legal intendment” be a “habitual drunkard.”<sup>277</sup> In similar fashion, an 1893 law passed in Colorado stipulated that “habitual drunkards” included any “person who has acquired the habit of using morphine, opium, or other narcotics to such a degree as to deprive himself of reasonable self-control.” The measure stipulated that, on the sworn testimony of three concerned petitioners, the state could confine these habitual users to a sanatorium for treatment.<sup>278</sup>

Widespread concern with habitual drug use and the legal remedies employed to curb it after 1870 reflected a broader social perception of fin-de-siècle cultural crisis.<sup>279</sup> The idea of an “autonomous individual, whose only moral master was himself,” undergirded nineteenth century bourgeois identity.<sup>280</sup> The physical and mental anguish, the loss of self-mastery, and erosion of will that De Quincey, Ludlow, and credentialed medical doctors alike associated with the habitual use of drugs could easily strip away the capacity for individual human agency. In this environment, the unregulated use of narcotics and a growing sensitivity toward addiction provided “many experts and reformers with a concrete example of modernity’s worst-case scenario.”<sup>281</sup> The

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<sup>277</sup> John Ordronaux, *Commentaries on the Lunacy Laws of New York and on the Judicial Aspects of Insanity at Common Law and in Equity, Including Procedure, as Expounded in England and the United States* (Albany, NY: John D. Parsons, Jr., 1878), 168.

<sup>278</sup> Henry O Whiteside, *Menace in the West: Colorado and the American Experience with Drugs, 1873-1963* ([Denver, Colo.]: Colorado Historical Society, 1997), 12.

<sup>279</sup> Hickman, *The Secret Leprosy of Modern Days*, 33–36. Hickman situates “the addiction concept within a menacing, contemporary vision of turn-of-the-century historical change: the sense of modernity as cultural crisis.”

<sup>280</sup> T. J. Jackson Lears, *No Place of Grace: Antimodernism and the Transformation of American Culture, 1880-1920* (New York: Pantheon Books, 1981), 12–13.

<sup>281</sup> Hickman, *The Secret Leprosy of Modern Days*, 35–36.

perception of a growing crisis of addiction therefore required both legal and medical intervention.

Though alcohol and opium continually received the most prominent scorn among late-nineteenth century reformers, cannabis was nonetheless regularly included among their targets. The symptoms most associated with cannabis overdose - distortion of space and time, illusions and hallucinations, and the loss of control over thoughts and actions - were well suited to capture cultural fears that habitual drug use could undermine the autonomy and agency of individual users. Many observers thought that cannabis readily undermined the mental and moral character of its users, further helping to solidify its status as a potentially dangerous substance. In the August 1878 edition of *Popular Science Monthly*, for example, Charles Richt outlined his personal experiences with hasheesh. Richt suggested that, “when taken in moderate doses,” cannabis “produces a kind of intoxication that is very pleasant, highly advantageous for a correct knowledge of intellectual phenomena, and at the same time free from serious consequences.”<sup>282</sup> The latter attribute was a common reference, pointing more to the lack of a hangover or other immediately lingering effects than a statement on any long-term damage.<sup>283</sup> Nevertheless, Richt also referred to hasheesh preparations as “poison,” and asserted that when under its influence “power over ourselves” was “entirely vanished.” Moreover, Richt believed that during cannabis intoxication, “we can no longer retain the mastery, no longer govern ourselves: we are abandoned without restraint to the more or less

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<sup>282</sup> Charles Richt, “Poisons of the Intelligence - Hasheesh,” trans. A. M. Fitzgerald, *Popular Science Monthly*, August 1878, 483.

<sup>283</sup> There were others who claimed this lack of after effects as well, for example see: “A Hashish Party.” The story writes, “Prof. Beattoy and other say that its general effects are similar to those of opium, but do not involve the unpleasant after results which follow the administration of the latter.”

reasonable conceptions of our intelligence.”<sup>284</sup> He further charged that, under the influence of hasheesh, “the moral person is entirely transformed.” Richt, like many others, equated the symptoms of cannabis intoxication to those of hysteria, including “the exaggeration of the feelings and the absence of will.”<sup>285</sup> The proper dose was all that separated the line between pleasant intoxication and dangerous poisoning. As a check, Richt suggested, “no one should take hasheesh without having some person to care for him while under the influence of the drug.”<sup>286</sup>

Such dangerous perceptions of cannabis were quite widespread by the late-nineteenth century. Two important studies released in 1881 help illustrate this point and lend further credence to the widely held belief that cannabis could be both medicine and habitual intoxicant. The first, Dr. Fred Heman Hubbard’s, *The Opium Habit and Alcoholism: A Treatise on the Habits of Opium and Its Compounds; Alcohol; Chloralhydrate; Chloroform; Bromide Potassium; and Cannabis Indica: Including Their Therapeutical Indications: With Suggestions for Treating Various Painful Complications*, was largely devoted to the effects of habitual opium use and its treatment. As the title suggests, however, Hubbard’s work also devoted space explicitly to exploring cannabis. The second, Dr. H.H. Kane’s, *Drugs That Enslave: The Opium, Morphine, Chloral and Hashisch Habits* also explored the negative effects associated with the habitual use of those drugs.<sup>287</sup> Like Hubbard, Kane was most interested and concerned with opium, but nonetheless devoted chapters of his work to other drugs, including one on cannabis. Dr.

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<sup>284</sup> Charles Richt, “The Poisons of the Intellect - Hasheesh, Opium, Coffee (Part II),” trans. Thos. H. Chandler, *Johnston’s Dental Miscellany, a Monthly Journal of American and Foreign Dental, Surgical, Chemical and Mechanical Literature* 5, no. 54 (1878): 221.

<sup>285</sup> Richt, “Poisons of the Intelligence - Hasheesh,” 483.

<sup>286</sup> *Ibid.*, 486.

<sup>287</sup> Kane, *Drugs That Enslave*.



Kane was also among the many experts and reformers who identified increasing drug use as a symptom of modernity, and a dangerous one at that.<sup>288</sup>

Dr. Hubbard's work offered a number of pages directly to cannabis, covering "Its Wonderful Tonic Properties," its "Medicinal Effects Upon the System," as well as "Its Habitual Use and Results."<sup>289</sup> Hubbard noted that large doses of cannabis indica, taken medically or for pleasure, could cause unpleasant effects. He offered stories of a young druggist and others chronicling these types of cases. Overall, Hubbard argued, "Its disagreeable effects when taken in excessive quantities, counterbalance any pleasing sensations, a fact which lessens the danger of forming a habit of its user, and leaves no incentive to its abuse." Nevertheless, Hubbard lamented, "there are unfortunately exceptions to this, where the action of the drug fascinates the devotee, influencing him to commit fearful excesses ending in extreme debility. The mind becomes imbecile, and ultimately death by marasmus ensues."<sup>290</sup> In short, Hubbard believed the overpowering negative effects brought on by cannabis intoxication might limit its abuses, but those that became enthralled with these sensations faced a rather dire fate. The popular press often echoed these sentiments.<sup>291</sup> Hubbard nonetheless believed in the efficacy of cannabis medicines. He asserted that obtaining the best quality specimens and using proper doses of cannabis were the keys to ensuring its desired medicinal effects "without exciting its stimulating action." He even recommended therapeutic preparations containing cannabis

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<sup>288</sup> Hickman, *The Secret Leprosy of Modern Days*, 43.

<sup>289</sup> Frederick Heman Hubbard, *The Opium Habit and Alcoholism: A Treatise on the Habits of Opium and Its Compounds; Alcohol; Chloral-Hydrate; Chloroform; Bromide Potassium; and Cannabis Indica: Including Their Therapeutical Indications: With Suggestions for Treating Various Painful Complications* (New York: A. S. Barnes & Co., 1881), 255–59, <http://hdl.handle.net/2027/mdp.39015076913766>.

<sup>290</sup> *Ibid.*, 257.

<sup>291</sup> For one example, see: "Hasheesh Eaters."

as a means of treating opium addiction. If used properly, Hubbard believed cannabis could aid in the treatment of a range of ailments, but it remained potentially dangerous in large doses and among a certain subset of users.

Dr. H. H. Kane also published a series of findings offering, “information on various points connected with the symptomatology, prognosis and treatment of the various ‘habits’” - including “opium, morphine, chloral and hashisch.”<sup>292</sup> Kane devoted a full chapter to cannabis and reached many of the same conclusions as Hubbard.

Combined, their writings illuminate the common perceptions of cannabis by the 1880s and its regular inclusion alongside other potentially dangerous drugs. Kane, for example, asserted that “In point of continual craving, we might, I think, arrange these drugs in the following order: Morphine or opium, chloral, hashisch, alcohol.” Yet, in his estimation it was actually easier to “permanently destroy” a habit “the more intense is the daily or hourly craving for a stimulant or narcotic.” This meant that ridding oneself of the hashisch habit might actually prove more difficult than opium. This was because Kane believed the desire for hashisch was quite unpredictable. He argued, for instance, that it “seems to be latent and to crop out at odd times, and under peculiar circumstances.”<sup>293</sup> Furthermore, Kane argued that habitual cannabis use would rival other drugs if physicians were “able to procure a thoroughly reliable extract of hemp in this country, and ... use it as freely, as carelessly, and in as large doses, as they are using opium, morphine and chloral.”<sup>294</sup>

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<sup>292</sup> Kane, *Drugs That Enslave*, 5.

<sup>293</sup> *Ibid.*, 206.

<sup>294</sup> *Ibid.*, 207.

Kane went on to describe the available medicinal preparations of cannabis and his general perceptions of the drug. He derived the general content of these characterizations from detailed descriptions of a woman under his care – “the only habitué that I have known.” According to Kane, the woman consumed an English extract of cannabis via both smoking and ingesting. The woman reportedly “began to use the drug through curiosity, having read of its peculiar effects.”<sup>295</sup> Kane found that certain doses brought about pleasurable dreams of great magnificence, so much so that the woman “assured me that she seemed to be living a double life – the one the real, the other that produced by the hemp.” Yet, Kane found “there was a peculiarity” with her double life. If she “took a little more than her usual allowance of the drug, she found her dreams of an entirely different nature; not pleasant, but inexpressibly horrible.” Kane contextualized these findings by quoting at great length from the work of Dr. Alonzo Calkins and Dr. H. C. Wood, both highly regarded physicians who had written on cannabis. In conclusion Kane argued, “Pleasurable as may be the stage of excitement or intoxication, fascinating as may be the dreams that follow, the evil effect upon the body is rapid and decisive.” Indeed, he stressed that “wasting of the muscles, sallowness of the skin, hebetude of the mind, interference with coördination, failure of the appetite, convulsive seizures, loss of strength, and idiotic offspring, seem, from all accounts, to be the uniform result of the long continued use of this drug.”<sup>296</sup>

In total, Kane’s work highlighted the general perception of habitual drug use, its causes, and the measures in place to remedy them. Like most observers, his primary focus remained on morphine, especially its subcutaneous delivery, but chloral, alcohol,

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<sup>295</sup> Ibid., 208.

<sup>296</sup> Ibid., 218.

and cannabis clearly drew his attention. Kane felt that abuse and habitual use of these narcotics was on the increase, and that a majority of those afflicted were “first taken to relieve pain, and not for simple gratification of a morbid appetite.” As such, he argued, “there are two classes especially blamable for this – the physicians and the druggists.”<sup>297</sup> Indeed, Kane and many others felt iatrogenic addiction was quite common.<sup>298</sup> Given what they now knew about these drugs, Kane charged that his fellow physicians should be more careful in prescribing and using drugs on their patients. Likewise, druggists should better restrict the sale of these drugs. Kane also believed the patent medicine industry deserved a great deal of blame. He labeled patent drug makers “charlatans,” who “by specious advertisements and deceitful lies, induce the victims to these habits to buy their medicines, or come under their care for treatment.”<sup>299</sup> Despite these beliefs, Kane felt that there were some commentators on the issue had “gone wild upon the subject of habituation and inebriety, and who suggest measures for reform, and plans for restraint and treatment, as impracticable and impossible as their statements are whimsical and truthless.” He nevertheless concluded that “the laws relating to the sale of poisons are loose and inefficient, the practice rotten, and the statute a dead letter.”<sup>300</sup>

Both Hubbard and Kane wrote in an environment defined by ongoing debate and continual refinement of state-level poison and pharmacy laws. Though the legal tension between the right to sell drugs and the desire to protect consumers remained, attempts to restrict access to potentially dangerous substances proliferated throughout the late-

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<sup>297</sup> Ibid., 219.

<sup>298</sup> Iatrogenic addiction was indeed quite common during the nineteenth century. For more on this, and the subsequent shift in the addict population, see: Courtwright, *Dark Paradise*.

<sup>299</sup> Kane, *Drugs That Enslave*, 220.

<sup>300</sup> Ibid.

nineteenth century. Unlike the model law circulated by APhA in 1869, many of these statutes ultimately included cannabis. In 1886, for example, New Jersey lawmakers passed “An Act to Regulate the Practice of Pharmacy.” The law outlined acceptable practices and enumerated a recognized set of poisons designated as “Schedule A.” The list included, among others, arsenic, derivatives of mercury, chloroform, chloral hydrate, belladonna, opium, and Indian hemp. State laws in Kentucky also utilized a system of drug schedules. Schedule B of the state’s 1881 poison law enumerated a set of specific substances, including arsenic, belladonna, cyanide of potassium, ergot, as well as opium and its many preparations. The Kentucky list also included, “Cannabis Indica, and the following preparations made from it: Extract, fluid extract, tincture” – a list that encompassed all of the most commonly used forms of the drug.<sup>301</sup> The Kentucky law also required proper labeling of these drugs and restricted their sale to persons of “lawful majority” with a “legitimate use.” The law further mandated standardized record keeping for each drug transaction. These records had to be preserved for at least five years after the date of entry and include “the dates of sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser.”<sup>302</sup> Violations of the Kentucky poison law brought fines of not less than ten and no more than one hundred dollars.<sup>303</sup>

In both Kentucky and New Jersey, the influence of doctors and pharmacists in shaping these laws was clear. Each state offered provisions aimed at protecting their right to practice medicine and to prescribe and compound drugs unencumbered by the law. In

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<sup>301</sup> “The Poison Bill,” *The Pharmacist (1873-1885)* 13, no. 7 (July 1, 1880): 249–51.

<sup>302</sup> “An Act to Regulate the Sale of Poisons in This Commonwealth,” in *The General Statutes of Kentucky* (Frankfort, KY: The Kentucky Yeoman Office, 1881), 996–98.

<sup>303</sup> *Ibid.*, 997.

Kentucky, the law stipulated “that nothing hereintofore contained shall apply to, or in any manner whatever interfere with, the compounding and dispensing of medicines and poisons upon the prescription of medical practitioners.” A separate statewide pharmacy law defined these practices. Likewise, Kentucky’s poison law restricted “Proprietary or secret medicines, recommended, sold, or advertised as emmenagogues or parturients; and all such as are known to contain a large proportion of opium or other powerful narcotics.”<sup>304</sup> Many of those patent products contained significant proportions of cannabis extracts. This provision signaled the escalating discord between physicians and retail druggists as a flourishing patent medicine industry increasingly sought to expand direct to consumer sales. It also highlighted the ongoing tension between a free market for drugs and a desire to protect consumers from that market.

The late nineteenth century debates surrounding legal restrictions on the practice of pharmacy and the sale of medicines and poisons also reflected an ongoing struggle between various groups of medical professionals. The APhA, for example, appointed a special committee in 1884 to consider measures that could restrict or regulate the sale of proprietary medicines of all kinds.<sup>305</sup> This was something many states had already done, but often in ways that rankled pharmacists and others in the retail business. Indeed, a growing number of pharmacists felt that the existing leadership of the APhA inadequately met their commercial interests. As a result, they formed the National Retail Druggists’ Association (NARA) in 1883, seeking better representation to protect the commercial side of the pharmacy trade. The creation of NARA followed in the footsteps of a group of wholesale druggists who organized under the Western Wholesale Druggists’ Association

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<sup>304</sup> “The Poison Bill,” 251.

<sup>305</sup> Gabriel, “Gods and Monsters,” 356.

in 1876 and then expanded nationwide in 1882. The retail and wholesale groups did not always have identical interests, however. In 1887, the retail association dissolved back into the APhA, but revived itself again in 1898 as the National Association of Retail Druggists (NARD) when their existing role as the “Section on Commercial Interests” of the APhA once again disappointed.<sup>306</sup>

Through the end of the century, the interests of each of these groups helped shape the nature of professional organizations and state regulations. Protecting consumers from the sale of products considered dangerous on one hand and carving professional space in an increasingly sophisticated and specialized marketplace on the other.<sup>307</sup> Kentucky, for example, established an official state board of pharmacy in 1888 and significantly amended the state’s regulations on the practice of pharmacy by repealing previous laws aimed at regulating the sale of medicines and poisons. These changes removed the enumerated lists of poisons and gave increased professional control of those substances to the judgement of licensed practitioners. The Kentucky Pharmaceutical Association, a statewide organization that nominated its members to the official state board of pharmacy and reported directly to the governor, heavily shaped these changes.<sup>308</sup> Just five years later, however, an enumerated list of poisons was back in effect throughout the state. Reporting on these changes, the *Western Druggist* suggested, “the poison sections are especially exacting in their requirements, and will prove interesting to druggists everywhere as an instance of extraordinary legal precautions, in the framing of which the

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<sup>306</sup> Sonnedecker, Kremers, and Urdang, *Kremers and Urdang’s History of Pharmacy*, 205–6.

<sup>307</sup> Gabriel, “Gods and Monsters,” 356–59.

<sup>308</sup> Alexander John Wedderburn, *A Compilation of the Pharmacy and Drug Laws of the Several States and Territories* (Washington, D. C.: Government Printing Office, 1894), 55–60.

druggists' side of the question seems to have been once more lost sight of."<sup>309</sup> As the journal made clear, attempts at regulating medicines and poisons often came at both the behest and chagrin of medical professionals and retail druggists alike.

In Kentucky, as in many other states, the enumerated list of poisons covered by the law once again included cannabis. Its place in laws such as these demonstrated its continued status as a potentially dangerous drug among medical professionals. In 1884, for example, Dr. William Ronaldson observed that "It would be superfluous, and of little interest, for me to speak of the abuse of opium and its preparations, alcohol, chloral, cannabis indica, and the bromides, as its extent is well known and appreciated at home as well as abroad."<sup>310</sup> Such statements signaled that cannabis was in need of restriction and regulation alongside the others. Indeed, the 1890s witnessed a continued evolution in perceptions of cannabis as well as the laws aimed at restricting the sale and use of all potentially dangerous drugs.

One critical development during this period was the growing association between cannabis and insanity. Tangentially discussed since the arrival of O'Shaughnessy's work in 1840, the treatment or replication of mania and related disorders during the late nineteenth century often helped link cannabis and insanity.<sup>311</sup> A series of foreign reports also surfaced in the final decade of the nineteenth century that firmly linked the use of hemp with insanity. Surgeon-Captain J. H. Tull Walsh stationed in Calcutta and Dr. Ireland in British Guyana produced two of these reports and received a great deal of press

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<sup>309</sup> "Kentucky's Poison Law," *Western Druggist* XV, no. 11 (November 1893): 463–64.

<sup>310</sup> Ronaldson, "Drugs That Intoxicate.," 468–69.

<sup>311</sup> For excellent work on the links between cannabis and insanity in India and the British Empire, see: Mills, *Madness, Cannabis and Colonialism*; Mills, *Cannabis Britannica*.



in journals in American medical journals.<sup>312</sup> Both men alleged that there were large numbers of patients in lunatic asylums who were known habitual hemp smokers. Accordingly, they asserted that heavy use of cannabis over an extended period would lead to insanity. Dr. Ireland suggested that since cannabis intoxication could bring on euphoria, increased appetite, physical activity, laughter, dreams and hallucinations, users might eventually develop a craving for the drug and might experience mania or melancholia as a result, ending with violent behavior in the case of the former and tendencies toward suicide in the latter. He provided three case histories of individuals suffering from homicidal mania, acute melancholia, and chronic dementia due to hemp abuse.<sup>313</sup> American newspapers often reinforced these findings. In 1885, for instance, the New Orleans *Times Picayune* reported on “The Ganja Eater” an “Asiatic Monster” who went through an Indian bazaar stabbing left and right. While the article noted that the United States had “but little experience” with opium or ganja, that article charged that “The latter makes a mad, wild beast of him, works him up suddenly into a frenzy of malignant purpose, reckless of his own life or of others.”<sup>314</sup> The supposed link between cannabis and insanity continued to appear in a variety of places around the world and in the United States well into the twentieth century.<sup>315</sup>

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<sup>312</sup> T. Ireland, “Insanity from the Abuse of Indian Hemp,” *British Medical Journal* ii (1893): 630; T. Ireland, “Indian Hemp as a Cause of Insanity,” *British Medical Journal* ii (1893): 813–14; Thomas Ireland, “Insanity from the Abuse of Indian Hemp,” *Alienist and Neurologist* 14, no. 4 (October 1, 1893): 622–30; “Hemp Drugs and Insanity,” *The American Journal of Insanity* 50 (April 1894): 571; J.H. Tull-Walsh, “Hemp Drugs and Insanity,” *Journal of Mental Science* 40 (1894): 21–36.

<sup>313</sup> Thomas Ireland, “Insanity from the Abuse of Indian Hemp.”

<sup>314</sup> “The Ganja Eater,” *Times Picayune (New Orleans)*, August 3, 1885.

<sup>315</sup> These links appeared quite prominently in Mexico, see: Campos, *Home Grown*. In the late 1920s, the link resurfaced following the publication of further studies from India by J. E. Dhunjibhoy. Heavily cited, his studies circulated in the United States, most prominently in the *New Orleans Medical and Surgical Journal* by A. E. Fossier’s “The Marihuana Menace.” See, J.E. Dhunjibhoy, “The Role of Indian Hemp in Causation of Insanity in India,” *Far East Association of Tropical Medicine, Transactions of the 7th*

In the late nineteenth century, however, such warnings rippled through contemporary medical journals and helped undermine the perceived therapeutic value of cannabis among many physicians.<sup>316</sup> Eroded by the difficulty in achieving a standard potency, the rise of new laboratory drugs, the frightening symptoms of overdose, and a growing fear of addiction, the use of cannabis medicines declined slowly. Dr. Washington Dodge summarized the medical status of cannabis in 1893, writing, “It is less used at present than it should be. It seems to have fallen into disuse through the fact that preparations are often found in the shops comparatively inert, and also through a fear of its toxic power.” Dr. Dodge nevertheless felt that “there can be no doubt to its analgesic power.” He offered a wide variety of suggestions for treating epileptic unrest, neuralgia, bodily pain, and many others. Interestingly, Dodge also argued that, “Indian hemp” was “not a poison,” noting that not a single “case of death from the drug is on record.” Indeed, though “very large doses cause alarming symptoms” the result, he wrote, was “never death.”<sup>317</sup> Dr. Dodge was not alone in his beliefs on cannabis. Despite the fact that its use was undoubtedly in decline by the 1890s, medical journals continued to carry articles on its positive therapeutic uses.

The shifting status of cannabis also helps illuminate the changing nature and challenges of drug regulations at the turn of the century. States across the country had

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*Congress, 1927, Singapore, 1928, 400–407; J.E. Dhunjibhoy, “A Brief Resume of the Types of Insanity Commonly Met With In India, With a Full Description of ‘Indian Hemp Insanity’ Peculiar to the Country,” Journal of Mental Science 76 (1930): 254–64; A. E. Fossier, “The Marihuana Menace,” New Orleans Medical and Surgical Journal 84 (July 1931): 247–52.*

<sup>316</sup> T.S. Clouston, “The Cairo Asylum - -Dr. Warnock on Hasheesh Insanity,” *Journal of Mental Science* 42 (1896): 790–95; “Hasheesh Lunatics,” *Lancet* i (1897): 415–16; “Mental Effects of Hasheesh,” *Journal of the American Medical Association* 28 (1897): 510.

<sup>317</sup> Washington Dodge, “Therapeutics: Cannabis Indica,” *Pacific Medical Journal (1889-1917)* 36, no. 1 (January 1, 1893), <http://search.proquest.com/americanperiodicals/docview/89047056/abstract/13CAC49DF3E5A6D34AA/1189?accountid=15172>.

devised a variety of enumerated schedules for their poison laws. At issue with this development was the sheer variety of laws and schedules that restricted the sale and distribution of drugs throughout the country. As Edgar L. Patch noted in the April 1896 issue of *The Pharmaceutical Era*, “There is great diversity in the poison laws and considerable confusion from lack of method in scheduling the poisons, the same poison being on Schedule ‘A’ by one law and on ‘B’ by another.”<sup>318</sup> Moreover, as Patch showed, some states relied not on specific lists of poisons, but on overarching definitions. A Mississippi law, for example, restricted “Any article generally known as poison.” A similar Nebraska law included “Any article belonging to the class of poisons.” Neither state stipulated how a substance might qualify as a poison. Pennsylvania law was more specific, restricting “Any drug, chemical or preparation destructive to adult human life in quantities of 60 grains or less.” North Dakota law did both. It defined a poison as “any article destructive to life in dose of 60 grains or less,” and provided specific lists of poisons under Schedules A and B.<sup>319</sup> In assessing the legal restrictions and regulations on medicines and poisons in the late-nineteenth century, Professor J. H. Beal argued there was a great need to create “Order Out of Chaos.” Beal felt the current system of forty different states with forty different laws must give way to uniformity. He and most others, however, felt the Constitution barred the federal government from taking the necessary actions to achieve this consistency under a single federal law. His solution, as

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<sup>318</sup> Edgar L. Patch, “The Pharmacist and the Laws,” *The Pharmaceutical Era* XV, no. 14 (April 2, 1896): 416. This article provides an excellent chart showing the poison laws and schedules of states throughout the country.

<sup>319</sup> *Ibid.*, 416–21.

had been the case for most reformers during the late nineteenth century, was a uniform state law developed and circulated by the American Pharmaceutical Association.<sup>320</sup>

Fewer and fewer of these laws listed or included cannabis among the deadly poisons. As Dr. Dodge had argued, there was a conspicuous lack of cannabis-induced deaths, leaving it without a fatal dose. Waning medicinal use and an increased understanding of its non-lethal properties sometimes softened the perception of cannabis. This did not mean cannabis should go unregulated. In 1897, for example, commentary from the *Bulletin of Pharmacy* on revisions to a law regulating the sale of poisons in Washington, D.C. noted, “cannabis indica, physostigma and several other drugs were either forgotten or are held to be less dangerous than ‘white precipitate,’ for they are not included in the provisions of the act.”<sup>321</sup> Clearly, the journal’s editors believed cannabis deserved a place in the law. Indeed, there were numerous instances of continued classification and regulation of cannabis as a poison and dangerous drug through the turn of the century. In 1896, for instance, a committee appointed by the College of Pharmacy of the City of New York reviewed changes proposed to the state’s pharmacy law. In the end, the committee recommended that “the following articles not now contained in either Schedule A or Schedule B of Chapter 410 of the Laws of 1882 ... be added to Schedule A of said chapter: Croton chloral-hydrate, cocaine and its salts, calabar bean, ignatia, cannabis sativa, strophanthus, tobelia, and oil of tansy.”<sup>322</sup> Likewise, in 1898, the Committee on Legislation for the North Carolina Pharmaceutical Association proposed a

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<sup>320</sup> J. H. Beal, “Order Out of Chaos,” *Bulletin of Pharmacy* X, no. 12 (December 1896): 543–44.

<sup>321</sup> Oscar Oldberg, ed., “Paregoric and the Congress of the United States,” *Bulletin of Pharmacy* XI, no. 5 (May 1897): 194.

<sup>322</sup> “Meeting of the New York College,” *The Druggists’ Circular and Chemical Gazette* XL, no. 2 (February 1896): 46.

new pharmacy law with a long list of enumerated poisons that included cannabis indica.<sup>323</sup> Many teacher's examinations from the period asked applicants to define Indian hemp and explain its effects, with the correct answers categorizing cannabis as a narcotic alongside absinthe and opium.<sup>324</sup>

There were also new fears and new laws aimed specifically at the recreational uses of certain drugs during the final decade of the nineteenth century. The Women's Christian Temperance Union, for example, "endeavored to crush the cigarette evil by asserting that opium, cannabis indica, and other narcotics were present in cigarettes."<sup>325</sup> Many physicians wrote to dispute their claim, showing that only nicotine was present in cigarettes. Nonetheless, by naming cannabis indica the WCTU allegation captured the widespread public perception of its potential danger.<sup>326</sup> Likewise, an 1893 report from the *Boston Daily Globe* asked, "Do you smoke hemp?" The article declared that "The next thing in order for the guardians of the morals of society will be to start an 'anti-hasheesh league' if the reports be true that this ancient drug has at last found its devotees on our side of the Atlantic."<sup>327</sup> Similarly, a July 1895 edition of the *San Francisco Call* announced, "the seductive hemp plant" was "successfully grown in Alameda County." The newspaper further claimed that cannabis "extract is produced for the use of those

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<sup>323</sup> North Carolina Pharmaceutical Association, *Proceedings of the Nineteenth Annual Meeting of the North Carolina Pharmaceutical Association* (Raleigh: Edwards & Broughton, 1898).

<sup>324</sup> "Hocking County Teacher's Examination," *The Ohio Democrat* (Logan, OH), December 12, 1891, Vol. VI No. 23 edition; "Teachers," *The Ohio Democrat* (Logan, OH), December 31, 1892, Vol. VII No. 26 edition.

<sup>325</sup> J. C. Mulhall, "The Cigarette Habit," *Bulletin of Pharmacy* X, no. 1 (January 1896): 32. Between 1895 and 1921, some fourteen states moved to ban the sale of cigarettes altogether; see: Whiteside, *Menace in the West*, 10.

<sup>326</sup> "On Cigarettes," *Boston Daily Globe*, March 26, 1898.

<sup>327</sup> "Do You Smoke Hemp?," *Boston Daily Globe*, June 24, 1893.

who are addicted to the hashish habit.”<sup>328</sup> A year later, the Iowa state legislature moved to amend an existing state law relating to nuisances by inserting provisions for opium and hasheesh.<sup>329</sup> The new law defined “disorderly houses,” as those “of ill fame, kept for the purposes of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hasheesh, or houses where drunkenness, quarrelling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.”<sup>330</sup> Cannabis thus became the target of a statute aimed at curbing a wide range of vices.

Like similar laws aimed at opium smoking in the 1880s, such legislation signaled the slowly hardening distinctions between regulations aimed at restricting the medicinal and recreational uses of drugs. This licit-illicit bifurcation further developed in the early twentieth century, shaping both the perception and legal regulation of specific substances. As a result of its declining medical use and its place among the most commonly identified potentially dangerous substances, cannabis was well positioned for continued inclusion in prohibitive legislation as these distinctions continued to grow.

## CONCLUSION

Legislative measures aimed at regulating drugs and poisons in the United States were only in their infancy prior to the Civil War. Spurred by an increasing number of poisonings, suicides, habitual users and recreational practices, as well as a desire among

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<sup>328</sup> “Hashish and Headache - The Seductive Hemp Plant Successfully Grown in Alameda County,” *The San Francisco Call*, July 21, 1895, Sunday edition.

<sup>329</sup> *Acts and Resolutions Passed at the Regular Session of the General Assembly of the State of Iowa* (Des Moines: F. B. Conaway, 1896), 79.

<sup>330</sup> *Annotated Code of the State of Iowa: Containing All the Laws of a General Nature Enacted by the Twenty-Sixth General Assembly, at the Extra Session, Which Adjourned July 2, 1897* (Des Moines: F.R. Conaway, 1897), 1972.

medical practitioners to solidify their professional status, state legislatures around the country moved to restrict access to these substances and ensure consumer safety. In the four decades between 1860 and 1900, proposals to standardize the licensing and practice of pharmacy and to regulate the sale of dangerous drugs and poisons became law in nearly every state of the Union. This sharp increase in restrictive legislation was driven by reformers' desire to "safeguard the lives and health" of American communities.

Though often secondary to concerns surrounding the use of opium and alcohol, many of these legal restrictions also included cannabis. The frequent inclusion of cannabis in this legislation was due to a number of commonly identified and interrelated factors. The first was its varied classifications and reputation as a potentially dangerous drug. Dr. George Miller Beard's *Stimulants and Narcotics*, for example, classified cannabis among the many agents "capable of producing a morbid, noxious, or dangerous effect upon anything endowed with life."<sup>331</sup> Newspapers around the country did much the same, categorizing cannabis as a "deadly poison."<sup>332</sup> Others called cannabis a hypnotic, anodyne, narcotic, stimulant, and intoxicant. Cannabis also carried associations with Oriental excess and depravity. Meanwhile, physicians faced continued problems in isolating the active principles of cannabis, standardizing its preparations, and determining the proper doses. These issues fed concerns about both the underwhelming results of inert or weak preparations as well as the adverse symptoms related to its excessive use or particularly potent doses. Finally, the late nineteenth century witnessed a growing fear surrounding the habitual use of certain drugs. Though alarm about addiction most often

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<sup>331</sup> Beard, *Stimulants and Narcotics*, 31.

<sup>332</sup> For example, see: "Missouri State News, Henry County," *The Fair Play* (Ste. Genevieve, MO), September 28, 1876, 3.

converged around alcohol and opium, cannabis remained among the many secondary sources of concern. As H.H. Kane noted of opium, morphine, chloral, and hashisch in 1881, “the idea that these drugs caused both personal and social ruin became well established.”<sup>333</sup>

The combination of these many characterizations and cultural connotations, the failure to isolate and standardize its compounds, the wide variation in susceptibility and response, and the rising fear of excessive drug use ultimately kept cannabis among the most commonly regulated drugs of the late nineteenth century. These factors also slowly undermined its therapeutic credibility among American physicians. The result was such that most experts felt large and steady doses of cannabis led to insanity and ruin. The peculiar effects of cannabis intoxication meant few commentators believed cannabis was on par with the opiates for possible abuse, but many believed the euphoric states cannabis produced in susceptible minds could nonetheless result in its habitual use. All told, by the end of the nineteenth century the public perception of cannabis remained somewhat ambiguous but largely negative.

As drug control regulations further evolved during the first two decades of the twentieth century, this perception of cannabis had a profound effect on its legal status. Under a series of new federal laws, including the Food and Drug Act of 1906 and the Harrison Narcotics Act of 1914, nineteenth century legislation aimed at consumer protection both consolidated and changed. The early twentieth century witnessed a rapid acceleration of drug bifurcation, hardening the growing divides between medical and recreational use and licit-illicit classifications. As the following chapter demonstrates, for

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<sup>333</sup> Kane, *Drugs That Enslave*, 21.



most of this period, cannabis and its malleable reputation garnered some federal attention but remained largely under the purview of individual state laws. This legal status proved especially critical as states in the north and east moved to bolster earlier nineteenth century attempts at drug prohibition, while states in the south and west grappled with Mexican immigrants and the introduction of “marijuana.”

## CHAPTER 3

# Corn Plasters and Marijuana: Drug Bifurcation, Local Control, and the Regulation of Cannabis, 1900-1925

## INTRODUCTION

On September 25, 1915, the United States Treasury Department issued Treasury Decision 35719, entitled: “Dried flowering tops, pistillate plants of *Cannabis sativa* Linné. Importation thereof denied if intended for other than medical purposes.”<sup>334</sup> The decision was reportedly prompted by requests from Stanley Good, deputy sheriff of El Paso, Texas, who three months earlier had persuaded the local city council to prohibit the possession of “any marihuana or Indian hemp” within the city limits.<sup>335</sup> Some four years later in 1919, the Texas state legislature amended an existing state law restricting cocaine and morphine to include, “cannabis indica, cannabis sativa, or preparation thereof or any drug or preparation from any cannabis variety, or any preparation known and sold under

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<sup>334</sup> W. G. McAdoo, *Treasury Decisions Under Customs and Other Laws*, vol. 29 (Washington, D.C.: U.S. Government Printing Office, 1916), 257.

<sup>335</sup> Martin I. Wilbert, *Poisons and Habit-Forming Drugs: A Digest of Laws and Regulations Relating to the Possession, Use, Sale, and Manufacture of Poisons and Habit-Forming Drugs, Enacted During 1914 and 1915, Now in Force in the United States*, Reprint No. 330 (Washington, D.C.: Government Printing Office, 1916), 171–72. For the link to El Paso, see: Bonnie and Whitebread, *The Marijuana Conviction*, 51.

the Spanish name of ‘MARIHUANA.’” Despite such varied terminology, all three of these measures targeted the same drug. In this Texas was neither unique nor alone.

This chapter argues the curious juxtaposition of cannabis terminology used in these measures serves to highlight the distinctive set of influences that drove continued cannabis regulations in states across the country during the early twentieth century. Between 1910 and the early 1930s, more than forty states and municipalities from Massachusetts to California enacted legislation to restrict, regulate, and prohibit cannabis by many different names. This was true even after Congress passed the nation’s first comprehensive anti-narcotics legislation without including cannabis.<sup>336</sup> According to much of the existing literature, many of these prohibitive measures at the state and local level appeared prior to any significant concern about cannabis from the press or the public.<sup>337</sup> This has generated a simple, perplexing question: Why? Why did so many states in so many regions across the country act to regulate a substance that apparently garnered such limited attention?

Relatively little analysis has been given to this period of local cannabis control. The most prominent interpretations suggest that racism and anti-Mexican sentiment provided the genesis for many of these state-level marijuana laws. According to Richard J. Bonnie and Charles H. Whitebread, the two most influential scholars of marijuana prohibition in the United States, this was especially true in states west of the Mississippi River. By their research “California and Utah in 1915; Colorado in 1917; Texas in 1919; Iowa in 1921; New Mexico, Arkansas, Nevada, Oregon, and Washington in 1923; Idaho,

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<sup>336</sup> Known as the Harrison Narcotics Act this law passed through Congress and into federal law in 1914. The decision to exclude cannabis is detailed below.

<sup>337</sup> Prominent examples, include: Bonnie and Whitebread, *The Marijuana Conviction*, 32–52; Musto, *The American Disease*, 1999, 219; Himmelstein, *The Strange Career of Marihuana*, 37–48.

Kansas, Montana, and Nebraska in 1927; Wyoming in 1929; South Dakota in 1931; and North Dakota and Oklahoma in 1933” all passed marijuana laws.<sup>338</sup> The fact that these laws appeared to spread north from the border and correspond with the arrival of Mexican immigrants led Bonnie and Whitebread to conclude they were the result of a xenophobic reaction to Mexican immigrants and their marijuana smoking. At the basis of this interpretation was the belief that marijuana was “a causal adjunct to life in the Mexican community.”<sup>339</sup> In sum, they wrote, “From this brief survey of marijuana prohibition in the western states, we have concluded that its Mexican use pattern was ordinarily enough to warrant its prohibition.”<sup>340</sup> State by state, “Whether motivated by outright prejudice or simple discriminatory disinterest,” Bonnie and Whitebread argued, “the result was the same in each legislature – little if any public attention, no debate, pointed references to the drug’s Mexican origins, and sometimes vociferous allusion to the criminal conduct inevitably generated when Mexicans ate ‘the killer weed.’”<sup>341</sup>

Established in the early 1970s, this seminal interpretation of marijuana prohibition in the United States has proved highly influential to this day. With few exceptions, most subsequent studies have relied heavily on Bonnie and Whitebread’s original scholarship and have continued to stress the idea that ill-informed legislatures steeped in racism and xenophobia ultimately made marijuana illegal in the United States. Only recently have

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<sup>338</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 39. The authors’ date cited for California is incorrect; that state first passed an anti-cannabis provision in 1913 by inserting it with a previous law targeting opium paraphernalia, see: Gieringer, “The Origins of Cannabis Prohibition in California,” 20–25. Similar errors from Bonnie and Whitebread include the dates for legislation in Massachusetts, Wyoming, Indiana, and El Paso, Texas. Moreover, as detailed below, some of these laws made no mention of the term marijuana.

<sup>339</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 33–34.

<sup>340</sup> Bonnie and Whitebread, “The Forbidden Fruit and the Tree of Knowledge,” 1016.

<sup>341</sup> Bonnie and Whitebread, “The Forbidden Fruit and the Tree of Knowledge,” 1012; Bonnie and Whitebread, *The Marijuana Conviction*, 39.

subtle critiques appeared that have opened some doubts to this interpretation.<sup>342</sup>

Nonetheless, the Bonnie and Whitebread thesis has remained so prominent that it has permeated current perceptions and opinions on marijuana policy. For example, when the *New York Times* came out in favor of marijuana legalization in 2014, day four of the paper's weeklong editorial relied heavily on Bonnie and Whitebread, declaring, "The Federal Marijuana Ban is Rooted in Myth and Xenophobia."<sup>343</sup>

Rather than discount the role of racism in driving marijuana prohibition, this chapter argues that an analysis of local and regional regulations on cannabis during the early twentieth century reveals a far more complex and varied series of paths to statewide legislation. Paths often influenced as much or more by contemporary medical perceptions of cannabis than by the arrival of Mexican marijuana. For example, none of the first seven statewide restrictions on cannabis passed in the United States between 1911 and 1915 used the term marijuana.<sup>344</sup> Instead, these legislative measures restricted well-known medical classifications and preparations of cannabis. In these states, and others that followed, cannabis restriction was largely driven by a continuation of the late-nineteenth century desire to protect the public from any and all potentially dangerous drugs. This was especially true in regions like New England, but also in states west of the Mississippi. Moreover, even in areas of the southwest and intermountain region, where attempts to regulate cannabis appear more influenced by the acute arrival of Mexican

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<sup>342</sup> See especially, Gieringer, "The Origins of Cannabis Prohibition in California"; Campos, *Home Grown*.

<sup>343</sup> Brent Staples, "The Federal Marijuana Ban Is Rooted in Myth and Xenophobia," *The New York Times*, July 29, 2014, <http://www.nytimes.com/2014/07/30/opinion/high-time-federal-marijuana-ban-is-rooted-in-myth.html>.

<sup>344</sup> In order of passage, these included Massachusetts, California, Indiana, Maine, Wyoming, Utah, and Vermont.

marijuana, the laws were not without medical and legal influences seen elsewhere in the country.

In short, a combination of factors drawn from existing medico-legal frameworks rooted in Progressive era reforms aimed at restricting the sale of medicines and poisons facilitated nearly every instance of state-level cannabis regulation during the early twentieth century. Given the widespread medical classification of cannabis as a hypnotic, narcotic, intoxicant, stimulant, and poison during the late-nineteenth century, it is little surprise such perceptions carried into the early twentieth century. Taken together, these local statutes and state laws established across the country resulted in disparate but nonetheless widespread restrictions on various aspects of the sale, growth, possession, and use of cannabis for medicinal or recreational purposes. In many ways, this was a process of gradual change and continuity across the country. Such widespread legal restrictions on cannabis belie the notion that marijuana prohibition was solely the byproduct of blatant racism. Though race and ethnicity certainly played an influential role in driving many of the drug control movements of the period, previous interpretations of marijuana prohibition have relied too heavily on the xenophobia thesis.<sup>345</sup> Privileging this view has obscured the role of both Mexican ideas on the dangers of marijuana and a long-running desire to restrict public access to cannabis in the United States.

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<sup>345</sup> There is a substantial literature on the role of race and ethnicity in drug control movements, including linkages between Chinese immigrants and opium, African Americans and cocaine, as well as an array of class and race related issues about drug use in the “underworld.” For examples see: Musto, *The American Disease*, 1999; Courtwright, *Dark Paradise*; Caroline Jean Acker, *Creating the American Junkie: Addiction Research in the Classic Era of Narcotic Control* (Baltimore: Johns Hopkins University Press, 2002); Spillane, *Cocaine*; Jonnes, *Hep-Cats, Narcs, and Pipe Dreams*; Hickman, *The Secret Leprosy of Modern Days*.

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Determining the origins of state and local cannabis restrictions has proved quite challenging for researchers. Compared to other drugs regulated in this period - especially alcohol, the opiates, and cocaine - cannabis use was relatively rare, both recreationally and medicinally. Moreover, whereas the terms *cannabis indica*, *cannabis sativa*, *hasheesh*, and Indian hemp were widely used in the nineteenth century, almost no mention of marijuana appeared in the United States until the 1890s. Then, with sudden rapidity, American newspapers begin printing stories of marijuana in Mexico. Even so, these descriptions were often inaccurate, many suggesting marijuana was a new and unique psychoactive substance native to Mexico. Few of these stories made clear connections that marijuana and cannabis were the same until the 1910s.<sup>346</sup> The disparate and incomplete nature of the available source materials in each state combined with the wide variety of terminology used to denote cannabis has made locating and comparing restrictive laws quite difficult. Most of the legislation that included cannabis passed quietly through city councils and state legislatures and drew limited attention from the press. Few official records of the legislative process remain and reconstructing the origins for many of these laws from scraps of evidence has often led to considerable speculation. Bonnie and Whitebread acknowledged these obstacles to some extent, but constructed a compelling argument for marijuana prohibition premised on Mexican immigrants as the crucial vector.

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<sup>346</sup> Newspapers throughout the United States reprinted many of these stories. For examples, see: General Crittenden, "The Mexican National Drink," *Daily Inter Ocean*, November 3, 1896; "Victim of a Mexican Drug," *The Sun*, August 12, 1897, Thursday edition; "Smuggled Mariguana," *The Arizona Sentinel (Yuma, AZ)*, September 11, 1897, Saturday edition; "A Bad Mexican Habit," *Broad Ax*, October 29, 1898; "A Bad Mexican Habit," *Wheatland World (Wheatland, WY)*, September 30, 1898. For an excellent analysis on the timing and influence of this arrival, see: Campos, *Home Grown*, Chapter 9.

Yet, with increased access to far-flung digitized source materials, their paradigm has recently been subject to critiques that have opened doubts to this interpretation. Perhaps most critically, research by historian Isaac Campos has shown that marijuana was anything but an everyday part of Mexican life. In fact, Campos argues marijuana use in Mexico during this period was quite limited and confined almost entirely to soldiers, prisoners, and other marginalized groups.<sup>347</sup> Elements of the evidence presented in this chapter further confirm these findings. Moreover, Campos has convincingly demonstrated that nearly all Mexicans believed marijuana was an incredibly dangerous drug, and that its use inevitably led to madness and violence. Though he largely focused on marijuana in Mexico and the development of legal restrictions on the drug south of the Rio Grande, Campos has nevertheless shown that Mexican ideas about the dangers of marijuana were likely more important than the actual number of users north of the border.<sup>348</sup> This new evidence has opened significant holes in the existing interpretation of marijuana prohibition in the United States, and it offers a foundation for assessing the influence of these Mexican beliefs on state-level legislation.

Likewise, Dale Gieringer has offered some of the best local analysis of the marijuana prohibition movement by exploring the development of cannabis regulation in California.<sup>349</sup> Bonnie and Whitebread labelled California and Utah “Unexplained Prohibitions,” because they believed “it does not appear likely that sufficient numbers of immigrants would have arrived in either state by this early date to arouse interest in them

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<sup>347</sup> Campos, *Home Grown*.

<sup>348</sup> Ibid., 203–23. Campos argues that the ideas most often associated with Harry J. Anslinger’s “reefer madness” campaign in the 1930s have their origins to nineteenth century Mexico.

<sup>349</sup> Gieringer, “The Origins of Cannabis Prohibition in California.”



or their unusual habits.”<sup>350</sup> Far from unexplained, Gieringer’s research demonstrates what transpired in California. The state’s first law restricting cannabis passed in 1913, two years earlier than Bonnie and Whitebread thought. Second, the California legislation actually amended the state’s existing narcotics law rather than creating a new one for marijuana. This followed a well-established pattern for state level restrictions that targeted specific sets of drugs but allowed their continued use by medical professionals. Finally, the text of the law made no direct mention of marijuana. Instead, it prohibited “extracts, tinctures, or other narcotic preparations of hemp, or loco-weed, their preparations or compounds.” Aside from locoweed, all of these were widely used medical terms, and unlikely forms of use by Mexican immigrants.<sup>351</sup> This section also made legal exceptions for “corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion.” In short, the state’s cannabis restriction demonstrated the heavy influence of medical perceptions on the potential dangers of cannabis alongside evidentiary fragments on the arrival of Mexican marijuana.

These two studies have helped cast doubts on the trajectory of marijuana prohibition as previously established by Bonnie and Whitebread. What follows is an extension of these critiques by exploring the rise of local controls on cannabis. This analysis, anchored by an original case study on the development of cannabis restriction in Massachusetts, also includes additional re-examinations of cannabis and marijuana

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<sup>350</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 41.

<sup>351</sup> Locoweed was indeed an early label given to marijuana, but the term was also used by ranchers designate another plant that had detrimental effects on cattle. The term locoweed in the California statute probably meant the inclusion of marijuana. It nevertheless shows the driving forces of nineteenth century perceptions on the dangers of cannabis products. On the locoweed confusion in the United States, see: Campos, *Home Grown*, Chapter 9.

regulations passed by cities and states elsewhere across the country. In total, these cases demonstrate the myriad ways in which cannabis was regulated in the early twentieth century, and especially how those laws were often influenced by a blend of nineteenth century legal reforms, medical perceptions, and the arrival of “marijuana.” First, however, it is crucial to understand how and why cannabis remained largely under the purview of these local controls.

The desire for cooperation and uniformity on matters of pharmacy and medicine had all but reached its pinnacle among reformers by the turn of the twentieth century. State boards across the country had successfully advocated and developed poison laws, educational requirements, licensure reciprocity, and related legal measures. Nevertheless, uniform standards, compulsory methods of administration, and stringent enforcement across state lines remained effectively unattainable. This was the result of at least three major factors. First, individual states and territories across the country exercised their autonomy and developed unevenly with regard to drug related issues and legislation. Second, in each state a myriad of bureaucratic agencies exercised varying levels of power to oversee the practice of medicine and the enforcement of existing legislation. Finally, most interested parties continued to believe federal regulation of medicine and pharmacy was unconstitutional.<sup>352</sup>

The most commonly offered solution to these hurdles remained the uniform state law. The idea was simple: Professional associations and organizations would produce standardized pieces of legislation on a specific topic of their expertise and then circulate it to each state legislature requesting its passage. If each state did so, a uniform law could

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<sup>352</sup> For brief discussion of these issues, see: Sonnedecker, Kremers, and Urdang, *Kremers and Urdang's History of Pharmacy*, 214–20.

effectively create a nationwide law without the involvement of the federal government. In 1900, for example, the American Pharmaceutical Association (APhA) produced a model pharmacy law for the states. The law covered a range of ongoing issues in the regulation of pharmacy and medicine, including: the sale of drugs by unlicensed persons; physician prescriptions; licensing and education requirements; reciprocity across state lines; instructions for creating and organizing state boards; the collection of fines and fees; the sale, prescription, and labelling of poisons; and penalties for violation of these regulations. These were all long running concerns during the late-nineteenth century that persisted into the twentieth. In theory, states would simply pass the APhA's model law exactly as written. In practice, that rarely happened. Instead, the desired uniformity was often lost to the legislative process in the individual states. Many implemented only parts and pieces. As a result, a patchwork of state level legislation regulating the sale of medicines and poisons emerged.

The inclusion of cannabis was no exception. Ohio, for example, replaced its former Poison Law, Poison-Label Law, and Morphine Law with a new law “based principally upon the poison section of the A.Ph.A model,” including designating cannabis among the state's recognized poisons.<sup>353</sup> Other states, however, either did not pass the law circulated by the APhA or made further changes. By 1908, some twenty-nine states from Maine to Montana and Ohio to North Carolina had laws regulating access to cannabis.<sup>354</sup> Even states that did not legally consider cannabis a poison often required

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<sup>353</sup> J. H. Beal, “Legislation and Judicial Decisions of Interest to Pharmacists for the Year 1901-1902,” *American Journal of Pharmacy* 74 (July 1902): 336.

<sup>354</sup> Lyman F. (Lyman Frederic) Kebler, *U.S. Department of Agriculture, Bureau of Chemistry - Bulletin No. 98: Drug Legislation in the United States* (Washington: Government Printing Office, 1906), <http://archive.org/details/druglegislation198kebl>; Lyman F. Kebler, *U.S. Department of Agriculture, Bureau of Chemistry - Bulletin No. 98 (Revised), Part I: Drug Legislation in the United States, Revised to July 15,*

that it labelled clearly when sold. Some states, like Wisconsin and Louisiana, required a written prescription for any sale of cannabis. At least seven others restricted the sale of poisons without specifying or enumerating a list of poisons, often relying on the expertise of members from the state board of medicine or pharmacy to determine best practices for the sale of those items. This was a common method used by states to capture all possible dangerous substances under the law without including a long list of those substances in their legislation. States like Kentucky and New York were among those with such legislation, having nevertheless previously included cannabis in lists of poisons.<sup>355</sup> The popularity of these laws among professional medical associations and state legislatures across the United States reflected a continued desire for broadened consumer protections in the nation's drug market.

So too did a range of muckraking exposés on the dangers of the patent medicine industry. Samuel Hopkins Adams, for example, published an eleven-part series for *Collier's Weekly* that later became known as *The Great American Fraud*. Adams's investigation aimed to offer a "full explanation and exposure of patent-medicine methods, and the harm done to the public by this industry, founded mainly on fraud and poison."<sup>356</sup> According to Adams, Americans spent a staggering seventy-five million dollars a year on patent medicines. As a result, he argued, they "swallow huge quantities

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1908 (Washington: Government Printing Office, 1909), [http://archive.org/details/druglegislation198kebl\\_0](http://archive.org/details/druglegislation198kebl_0). Eight of these states explicitly listed cannabis as part of their sale of poisons legislation, including Louisiana, Maine, Montana, North Carolina, Ohio, Vermont, Wisconsin, and the District of Columbia. Indiana, Kentucky, Mississippi, Nebraska, New York, Rhode Island, and the territory of Hawaii were among the states that did not enumerate a list of restricted drugs, but may have still considered cannabis a poison under the law. Other states did not consider cannabis a poison but still required its proper labelling.

<sup>355</sup> Kebler, *Bureau of Chemistry Bulletin No. 98: Drug Legislation in the United States*; Kebler, *Bureau of Chemistry Bulletin No. 98, Drug Legislation in the United States (Revised to July 15, 1908)*.

<sup>356</sup> Samuel Hopkins Adams, *The Great American Fraud: Articles on the Nostrum Evil and Quacks, Reprinted from Collier's Weekly*, Fourth (P.F. Collier & Son, 1907), 3, <http://archive.org/details/greatamericanfr02adamgoog>.

of alcohol, an appalling amount of opiates and narcotics, a wide assortment of varied drugs ranging from powerful and dangerous heart depressants to insidious liver stimulants; and, far in excess of all other ingredients, undiluted fraud.” This was especially true of those companies that went “Preying on the Incurables,” offering cures for the most prominent and feared diseases. Though primarily concerned with the level of opiates found in these patent medicines, Adams also noted the presence of cannabis. Piso’s Consumption Cure, for example, was found to contain “alcohol, chloroform, opium and cannabis indica (hasheesh).” The Piso Company, when asked about the contents of their product, asserted that “Since the year 1872 Piso’s Cure has contained no morphin or anything derived from opium.” They did not, however, deny the presence of cannabis indica.<sup>357</sup> The company was apparently not alone. Following his investigation, Adams asserted that, “Many of these consumption cures contain drugs which hasten the progress of the disease, such as chloroform, opium, alcohol and hasheesh.”<sup>358</sup> By highlighting the false claims and potential hazards associated with patent medicines, this sort of investigative journalism helped foster a national conversation that ultimately pushed the federal government toward intervention. Since patent medicine manufacturers often advertised and sold their products across state lines, they opened the possibility of utilizing the federal interstate commerce clause as a means toward regulation.

Its frequent presence within state-level laws governing the labelling, adulteration, and sale of medicines and poisons during the nineteenth century, readily positioned cannabis for inclusion under any potential federal legislation. Indeed, general perceptions of cannabis carried more than sixty years of commentary from medical researchers and

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<sup>357</sup> Ibid., 50.

<sup>358</sup> Ibid., 45.

the popular press that suggested it was a potentially dangerous substance. As pressure built for federal action, many states continued revising their drug control regulations, often under the guidance and model legislation issued by professional societies. In December of 1905, for instance, representatives from the APhA, the National Wholesale Druggists Association (NWDA), the National Association of Retail Druggists (NARD), and the Proprietary Association of America (PAA) consulted together on yet another model law. Drawing from previous laws put forth by Dr. James Beal and the APhA, the measure demonstrated broadened support for such regulation from both professional bodies and drug industry organizations. In May of 1906, Congress adopted similar regulations for the District of Columbia.<sup>359</sup> Both laws featured cannabis in a list of potentially dangerous drugs that also included morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, chloral hydrate, and acetanilide or any derivative or preparation of any of those substances.

Congress faced growing pressure on the heels of this legislation to enact a series of broad federal reforms covering an array of public health risks related to the sale and use of drugs. In June of 1906, a federal law entitled, “An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes” addressed many of these provisions. Better known as the Pure Food and Drug Act, this legislation represented the federal culmination and consolidation of numerous model laws and state-level consumer protection measures. The law banned the foreign and interstate traffic of adulterated or mislabeled food and drugs. It mandated

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<sup>359</sup> Musto, *The American Disease*, 1999, 21–22.

purity standards for drugs as established by the United States Pharmacopeia or the National Formulary, and it required clear packaging labels for the active ingredients of commercial products. The Food and Drug Act therefore developed the first nationwide standards for labeling and created official definitions for misbranding and adulteration. As for the substances covered by the law, cannabis once again appeared on the list of “narcotics.” Violations of the law carried a misdemeanor charge for each offense, with convictions punished by a fine not to exceed five hundred dollars, one year’s imprisonment, or both at the discretion of the court. Subsequent violations of the law resulted in fines up to one thousand dollars, a year imprisonment, or both.<sup>360</sup>

The passage of a federal “truth in labelling” law and the inclusion of cannabis was an obvious choice for many medical professionals, one bolstered by an accelerating concern surrounding the use and abuse of dangerous drugs. In 1901, for example, the APhA voted “that a committee be appointed to consider the question of the acquirement of drug habits, and the best methods of legislative regulation of the danger.”<sup>361</sup> A year later, Dr. Henry P. Hynson of Baltimore presented the findings of this investigative committee at the association’s annual meeting. Hynson began by noting the belief “that habits are formed for the use of certain drugs is a fact so well known to us all to need no further proving.” Moreover, “that such habits are injurious to health, morals and general well-being of the habitués is quite well established.”<sup>362</sup> On whether the use of habit-

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<sup>360</sup> “An Act For Preventing the Manufacture, Sale, or Transportation of Adulterated or Misbranded or Poisonous or Deleterious Foods, Drugs, Medicines, and Liquors, and for Regulating Traffic Therein, and for Other Purposes,” Pub. L. No. Chap. 3915, 768 (1906), [http://library.clerk.house.gov/reference-files/PPL\\_059\\_384\\_FoodDrugCosmeticAct.pdf](http://library.clerk.house.gov/reference-files/PPL_059_384_FoodDrugCosmeticAct.pdf).

<sup>361</sup> J. H. Beal, “Report on Pharmacy Legislation,” *Proceedings of the American Pharmaceutical Association at the Forty-Ninth Annual Meeting* 49 (September 1901): 465.

<sup>362</sup> H. P. Hynson, “Report of Committee on the Acquirement of the Drug Habit,” *American Journal of Pharmacy* 74 (November 1902): 547–48.

forming drugs was unduly increasing, Dr. Hynson stressed that the committee's findings gave "a decidedly affirmative answer." He cited, as evidence, reports from the United States Treasury Department on the volume of drug imports that he found, "simply startling."<sup>363</sup> Information gathered via surveys sent to pharmacists across the country supplemented these findings. Dr. Hynson concluded from these surveys that every pharmacist knew at least five different drug abusers. Extrapolating this conclusion meant there were "at least 200,000 in this country," for a total of "about three to every 1,000 of our population." One surveyed pharmacist wrote frankly that, "the number of men and women, in the prime of life, addicted to the laudanum, paregoric, morphine and cocaine habits is appalling."<sup>364</sup> As a final point, Hynson suggested that, "Much of the insanity and nervous derangement prevalent is noticeably due to the drug habit and crime is often directly traceable to its impulses."<sup>365</sup> He concluded that this widespread evidence of drug addiction demanded action.

Dr. Hynson and the APhA committee were not alone in their dire assessment of the nation's increasing drug habit. Indeed, medical professionals across the country were especially keen to raise the issue. Even those who believed "that many of the accounts given bear upon them the ear-marks of exaggeration" nevertheless concluded, "that drug-taking is indulged in to a very large extent."<sup>366</sup> Most felt the situation was increasingly urgent. Dr. George F Shradly, editor of the *Medical Record: A Weekly Journal of*

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<sup>363</sup> Ibid., 548-49.

<sup>364</sup> Ibid., 551.

<sup>365</sup> Ibid., 552. Hynson was not alone in linking crime to drug use. This linkage would gain considerable credence in the decades ahead. For another contemporary example, see: "Current Literature: Toxemias and Their Relations to Alcoholism, Narcotic Inebriety, and Auto-Intoxication," *The Cincinnati Lancet and Clinic (1878-1904)* 51 (September 19, 1903).

<sup>366</sup> George Frederick Shradly and Thomas Lathrop Stedman, eds., "The Reputed Increase of the Drug Habit," *The Medical Record* 64 (November 14, 1903): 777.



*Medicine and Surgery*, was among the many concerned physicians. Shrady outlined his fears in a prominent editorial entitled, “The Growth of the Drug Habit.”<sup>367</sup> The problem, he believed, was that most people universally associated intemperance with alcohol abuse, but few made the “direct connection with the growing vice” of habitual drug use. Shrady’s editorial drew heavily on the work of Dr. A. P. Grinnell.<sup>368</sup> According to Shrady, Grinnell’s investigation on “The Use and Abuse of Drugs in Vermont” offered clear statistical evidence for “the increased use of the common narcotics.” Likewise, *The Boston Medical and Surgical Journal* cited Grinnell’s study as proof that “drugs are sold illegally in large amounts everywhere and that no adequate measures are taken to stop the traffic.”<sup>369</sup>

Dr. Grinnell first delivered these findings in October of 1900 at the annual meeting of the Vermont Medical Society. His questionnaire to pharmacists and physicians throughout the state was “restricted to the commoner narcotics – opium, morphine, Dover’s powder, paregoric, laudanum, cocaine, chloral, and cannabis indica.”<sup>370</sup> The results left Grinnell astonished and amazed at the sheer quantity of drugs consumed in Vermont. In fact, the initial amounts reported by some of the state’s druggists were so large that Grinnell “thought they must have estimated by the year

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<sup>367</sup> George F. Shrady, “The Growth of the Drug Habit,” *Medical Record (1866-1922)* 60, no. 10 (September 7, 1901): 379–80.

<sup>368</sup> A. P. Grinnell, “The Use and Abuse of Drugs in Vermont,” in *Transactions of Eighty-Seventh Annual Meeting of the Vermont State Medical Society* (Burlington: Free Press Association, 1901), 61–68. For more from Dr. Grinnell, see: A. P. Grinnell, “Stimulants in Forensic Medicine: A Review of Drug Consumption in Vermont,” ed. Clark Bell, *The Medico-Legal Journal* XIX, no. 2 (September 1901): 211–22; A. P. Grinnell, “Stimulants in Forensic Medicine: A Review of Drug Consumption in Vermont,” ed. Clark Bell, *The Medico-Legal Journal* XIX, no. 3 (December 1901): 420–25. For a sampling of commentary on Grinnell’s study, see: “Opium in Vermont,” *Medical News* LXXVIII, no. 20 (May 18, 1901): 790; “The Illegal Sale of Narcotics,” *The Boston Medical and Surgical Journal* CXLIV, no. 21 (May 23, 1901): 508; Shrady and Stedman, “The Reputed Increase of the Drug Habit.”

<sup>369</sup> “The Illegal Sale of Narcotics,” 508.

<sup>370</sup> Shrady and Stedman, “The Reputed Increase of the Drug Habit,” 778.

instead of by the month.” Follow-up surveys, however, confirmed the results. Ultimately, Grinnell felt the total figures were conservative estimates and that the state’s actual consumption could easily be five times higher. Expectedly, opium was the most widely sold drug, but was certainly not the only drug of concern. In fact, Grinnell also mentioned “the consumption of certain articles that I was rather surprised in, – chloral, Indian hemp and cocaine.”<sup>371</sup> As such, Grinnell believed that “every kind of narcotic has been experimented on.” Therefore, he put the report before the state legislature in order to “open its eyes to the fact that there is something besides alcohol that can spoil moral development and mental capacity.”<sup>372</sup>

Six months later, Grinnell presented his findings to the New York Medico-Legal Society, emboldened to fight any further spread of the country’s drug habit. The “enormous consumption of narcotics or stimulating drugs,” he argued, was a serious problem with dire consequences. Grinnell stressed that developments in pharmaceutical science and the mass production of drugs increased access and multiplied abuse. Moreover, he believed, “wide-spread knowledge concerning the effects and special uses of opium, cocaine, quinine and Cannabis Indica, has further stimulated the demand for these drugs.” Grinnell emphasized the dangers of habitual drug use, stressing the “fearful inroads the excessive or habitual use of these drugs has on the mentality, physical health and general existence of those addicted to them.” He felt that drug use was “a serious menace to society” and that “the American people are confronted by a problem which is

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<sup>371</sup> Grinnell, “The Use and Abuse of Drugs in Vermont,” 66–67.

<sup>372</sup> *Ibid.*, 68.

only equaled in magnitude by its terrible and appalling aspects.”<sup>373</sup> The solution was legislative action – something Grinnell felt had largely been ignored in favor of alcohol regulation, but was now of “paramount importance.” Indeed, Grinnell argued that the “widespread development of drug addiction must surely, sooner or later, bring the matter into greater legal prominence.” Not just for medical reasons, but also because recent studies “are beginning to realize the influence of drug habits on insane and criminal impulses, and to recognize the marked susceptibility of drug habitués to criminal suggestion, with suicidal or homicidal tendencies.” Only proper laws could cure the “insatiable thirst” and “uncontrollable desire for indulgence” among those addicted to drugs. Quite simply, Grinnell argued, “narcotic drugs and stimulants are useful and necessary, but their use cannot be safely left to the judgment or discrimination of persons who have lost the power of self restraint.”<sup>374</sup>

There remained considerable discussion on cannabis within this broader fear of increased drug use. Though Grinnell considered cannabis among the most common narcotics, he was apparently surprised to find it among the many drugs regularly sold and consumed in Vermont. Similar reports of drug use were part of a broader trend in newspaper reporting during the early twentieth century as the focus and tone of the press changed markedly on these issues. Sensational estimates and stories of drug use, a belief in the efficacy of stricter law enforcement, and a broadened appeal to ever-higher levels of government intervention became increasingly common.<sup>375</sup> The *Deseret Evening News*

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<sup>373</sup> Grinnell, “Stimulants in Forensic Medicine: A Review of Drug Consumption in Vermont,” September 1901, 211–13.

<sup>374</sup> Grinnell, “Stimulants in Forensic Medicine: A Review of Drug Consumption in Vermont,” December 1901, 422–25.

<sup>375</sup> Whiteside, *Menace in the West*, 19.

in Salt Lake City, Utah, for example, alleged that, “Opium, Morphia, Cocaine and Others are placed on the shelf in favor of hashish and mescal because of the fairyland visions that follow in their deadly train.” The article also asserted the fact that, “drug habits are on the increase, especially among the educated classes, can hardly be debated”<sup>376</sup> In 1904, the *Boston Globe* reported on “Uncle Sam’s Poison Farm.” The story examined a Department of Agriculture project launched near the Potomac River to grow “the most powerful and valuable drugs known to science.” According to the story, Uncle Sam had already “set up a hasheesh factory, on a small scale, and is about to try the commercial production and manufacture of opium.” The *Globe* noted further that, “the most striking feature of the poison garden on the Potomac flats is a patch of Indian hemp, from which the famous drug called ‘hashessh’ is obtained.” Alongside a picture of a man standing in front of 10 feet tall cannabis plants, the *Globe* reminded readers that hasheesh “is bright green in color, and when swallowed, produces the most extraordinary visions and hallucinations.”<sup>377</sup>

These types of stories became increasingly common around the turn of the century, stressing the dangers of cannabis use to the wider public. In 1896, *The Evening News* of Washington, D.C. relayed the “Weird Work of the Hemp” and noted the “effects of an overdose of the narcotic ... surpassed in their weird, sensational influences, those of any other intoxicant known in civilized countries.”<sup>378</sup> In 1904, the *Minneapolis Journal*, among others, proclaimed that cities in the United States were “threatened with a new

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<sup>376</sup> “Drugs That Cause Weird Dreams,” *Deseret Evening News* (Salt Lake City), October 15, 1904, Last Edition edition.

<sup>377</sup> “Uncle Sam’s Poison Farm,” *Boston Daily Globe*, January 10, 1904. A similar project for growing drugs was also tried in South Carolina. See: “Cultivating Drugs. New Government Experiment in This State.,” *The Watchman and Southron* (Sumter, SC), April 13, 1904.

<sup>378</sup> “Weird Work of the Hemp,” *The Evening Times* (Washington, D.C.), August 6, 1896.

vice” as Americans began smoking “ganjah.” Like most stories at the time, the newspaper did not entirely understand the many types and forms of cannabis preparations as the story declared ganjah “is practically the same as the famous bhang, or Indian hemp.” The major concern, however, was that “The smoking of ganjah inevitably gives a man homicidal mania.”<sup>379</sup> News of ganjah smoking arrived via the Caribbean, and despite any apparent confusion, the paper provided the more commonly used terms of bhang and Indian hemp to help readers anchor their knowledge to more familiar exotic intoxicants. The implication was nonetheless clear, all of these cannabis vices would lead to insanity or criminal and murderous behavior.<sup>380</sup> Likewise, the *Times Dispatch* of Richmond, Virginia wrote of a man “Made Dangerously Ill by Indian Hemp.” The man allegedly attempted suicide with cannabis and was placed in handcuffs because he grew so wild under the influence of the drug.<sup>381</sup>

Given such widespread acknowledgement of its potential dangers, the inclusion of cannabis in the federal Pure Food and Drug Act and a large number of state level regulations reveals a great deal about the general trend of drug legislation during the early twentieth century. By March of 1914 *The Pharmaceutical Era* went so far as to argue that “Never before in the history of legislation affecting personal license has there been such a determined attempt the country over to regulate the sale of habit-forming narcotic drugs. City ordinances, State laws and National acts, aimed at the control of this traffic, and in many cases so stringent in their provisions that their enforcement would virtually

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<sup>379</sup> “A New Vice Coming - Ganjah Smoking Causes Its Victims to Have Homicidal Mania,” *The Minneapolis Journal*, January 9, 1904, Saturday Evening edition, 16.

<sup>380</sup> For examples, see: “Worse than Cigarettes,” *The Evening World* (New York, NY), September 19, 1901, Night edition.

<sup>381</sup> “Made Dangerously Ill by Indian Hemp,” *The Times Dispatch* (Richmond, VA), July 30, 1905.

amount to prohibition.”<sup>382</sup> These increasingly stringent anti-narcotics measures primarily targeted the regulation and prohibition of alcohol, opiates, and cocaine, but many of these measures also frequently covered a range of additional substances, including cannabis. Unlike restrictions on cocaine and the opiates, however, cannabis regulation remained a local process, left to the individual states following its exclusion from the federal Harrison Narcotics Act in 1914. Passed just eight years after the Pure Food and Drug Act, the Harrison Act represented the federal culmination of a decades long reform movement aimed at curbing the dangers of drug use.

The decision to exclude cannabis from the Harrison Act, however, was no oversight. Nor was it without debate. In fact, cannabis was originally included in the failed legislative antecedent of the Harrison Act, known as the Foster bill. Originally introduced on April 30, 1910, the Foster Bill sought to “uncover all traffic in opiates, cocaine, chloral hydrate, and cannabis.”<sup>383</sup> Debate on the measure focused on its strict provisions, the severity of its penalties, and the drugs it restricted. This was especially true for members of the drug-trades who sought favorable concessions in the legislation. Dr. Charles West, for example, represented the National Wholesale Druggists Association (NWDA) and opposed the inclusion of any drugs other than opium, morphine, cocaine, and their derivatives. Cannabis, he argued, should not be considered a habit-forming drug. He also incorrectly argued that, “hasheesh is a combination of cannabis and opium.” As such, he suggested, if hasheesh ever gained popularity in the

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<sup>382</sup> “Regulating Narcotic Sales,” *The Pharmaceutical Era* XLVII, no. 2 (1914): 96–97.

<sup>383</sup> Musto, *The American Disease*, 1999, 41.

United States it would still be prohibited as a derivative of opium.<sup>384</sup> William J. Schieffelin, president of the NWDA, offered a slightly different approach. Schieffelin believed that cannabis derivatives were “used only to a slight extent in this country” and, in total, “the evil of that is minute.” He nonetheless thought cannabis “ought to be included in the bill.”<sup>385</sup>

Medical doctors, addiction treatment advocates, and government agencies countered such softened stances on cannabis. In 1910, the Division of Drugs within the Department of Agriculture published Farmers’ Bulletin 393 - *Habit-forming Agents: Their Indiscriminate Sale and Use a Menace to the Public Welfare*.<sup>386</sup> Though not actively represented in the Foster debate the Department’s publication mirrored the general concern with the nation’s growing addiction problem and offered a reference point for reformers and legislators. Bulletin 393 made multiple references to dangerous products containing cannabis. Likewise, Charles B. Towns, operator of a drug and alcohol hospital in New York, testified during the hearings on the Foster bill that, “there is no drug in the Pharmacopoeia today that would produce the pleasurable sensations you would get from cannabis, not one.” Accordingly, he asserted, “of all the drugs on earth I would certainly put that on the list.” Moreover, Towns claimed that his experience treating patients led him to believe that cannabis was indeed a habit-forming drug.<sup>387</sup> So

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<sup>384</sup> “Importation and Use of Opium. Hearings before the Committee on Ways and Means of the House of Representatives, 61st Congress, 3d Session on H. R. 25240, H. R. 25241, H. R. 25242, and H. R. 28791, December 14, 1910 and January 11, 1911 : United States. Congress. House. Committee on Ways and Means,” 110, accessed April 15, 2015, <https://archive.org/details/cu31924005749514>.

<sup>385</sup> Ibid., 67.

<sup>386</sup> L. F. Kebler, *Farmers’ Bulletin 393* (Washington, D.C.: U.S. Government Printing Office, 1910).

<sup>387</sup> Importation and use of opium. Hearings before the Committee on Ways and Means of the House of Representatives, 61st Congress, 3d session on H. R. 25240, H. R. 25241, H. R. 25242, and H. R. 28791, December 14, 1910 and January 11, 1911 : United States. Congress. House. Committee on Ways and Means, 140.

too did Dr. Alexander Lambert - professor at Cornell University Medical College, family physician to President Theodore Roosevelt, and Towns's business partner. Together, the two men had developed the Towns–Lambert Treatment for Morphinism and Alcoholism. In his testimony on the Foster bill, Dr. Lambert asserted that both cannabis and chloral were “habit-forming drugs.” Indeed, he testified to having “patients under my care who have had the habit of cannabis.”<sup>388</sup>

Thus, more than a decade into the twentieth century, many interested parties still considered cannabis a potentially dangerous drug. Quite tellingly, no connection to Mexican marijuana was necessary to make this distinction. In fact, there was no use of the term marijuana anywhere in the Foster debate – there was simply a continued perception bolstered by decades of concern. The Foster bill, however, never became law. The interests of NWDA and others groups in the commercial drug trades ultimately prevailed. In February of 1911, the *American Druggist and Pharmaceutical Record* proclaimed simply, “Foster Bill Killed.”<sup>389</sup> Despite lip service to their desire for such legislation, the drug industry's chief requests – provisions exempting proprietary drugs, shorter lists of restricted substances, simplified record keeping, and softer penalties – needed to be addressed before they supported any federal law monitoring or controlling the sale of dangerous drugs. Such concessions were key in passing the Harrison Narcotics Act three years later. That cannabis played a small part in the debate over the shape of possible federal regulation signaled its status among the main drugs of concern in the early twentieth century.

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<sup>388</sup> Ibid., 144.

<sup>389</sup> For a summary of legislative testimony on the Foster Bill, see: Musto, *The American Disease*, 1999, 44–48.



During the International Conference on Opium held at The Hague in 1912, members from the Italian delegation insisted that participating countries include discussions on controlling Indian hemp. Delegates from the United States supported their efforts. They faced significant resistance from nations with financial and tax revenue interests that were tied to cannabis. This was particularly true of the United Kingdom, whose colonial interests in hemp rich India meant they did not want to consider cannabis a dangerous drug. Their position effectively circumscribed any debate on international cannabis controls. The American delegation was nevertheless able to secure an addendum to the Opium Convention with regard to Indian hemp. It stated, in part, that there was, “unanimous opinion that it is advisable to study the question of Indian hemp from the statistical and scientific point of view, with a view to regulating its abuses.”<sup>390</sup> Such language acknowledged the need to conduct further studies on the possible dangers of cannabis at home and abroad.

The debate and failure of the Foster bill thus played out just as the United States launched a concerted effort to position itself as a world leader in drug control measures. Led by Dr. Hamilton Wright, American reformers also sought to bolster continued international cooperation by dispelling any doubt that Congress would pass the necessary domestic drug control legislation.<sup>391</sup> The inclusion of cannabis in that federal law, however, remained the subject of some debate. In 1912, with Wright’s backing, the ill-fated Foster bill returned to Congress largely unaltered. Francis Burton Harrison, the bill’s new sponsor, became its namesake.

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<sup>390</sup> As quoted in: *Ibid.*, 51.

<sup>391</sup> *Ibid.*, 54. President Roosevelt appointed Wright to direct anti-narcotic affairs from the State Department.

Harrison's most important task was shepherding the antinarcotic bill through the House. First, he needed to convince his colleagues that the commercial interests responsible for killing the Foster bill were ready to concede to some degree of regulation. This was generally not the case. As a near copy of the Foster bill, nearly all drug industry trade-groups immediately opposed the original version of the Harrison Act. Over the next two years, these groups won a series of important compromises to the bill. Among them, streamlined record keeping provisions for the law aimed to help doctors and agents from the Internal Bureau of Revenue - the federal agency responsible for enforcing the law. The commercial drug trades protected a number of their economic interests, including protections for mail order drugs and for numerous patent medicines with permissible amounts of morphine, cocaine, opium, and heroin. Physicians maintained their prescribing autonomy and could dispense drugs without record keeping requirements when delivered directly to their patients. Moreover, retail dealers and medical doctors succeeded in lowering the registration costs of the law to one dollar per year. These concessions made the bill largely amenable for all parties, and President Wilson signed the bill into law on December 17, 1914.<sup>392</sup>

Despite the fact that chloral hydrate and cannabis both appeared in early drafts of the law, they did not survive the legislative wrangling by drug industry groups. Though few witnesses debated the merits of including opium or cocaine during the hearings, Congress heard testimony from both sides on cannabis. Recognized authorities like Dr. Alexander Lambert, Charles Towns, and Dr. Harvey Wiley pushed for the inclusion of cannabis in the law. These reformers spoke for those in the medical community who

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<sup>392</sup> For an excellent summary on how the Harrison bill was ushered through Congress, see: *Ibid.*, 54–68. For a summary of the discussion on cannabis, see: *Ibid.*, 216–19.

feared cannabis was a potentially dangerous drug and liable to misuse. From the perspective of most representatives in the commercial drug trades, however, there was simply not enough existing risk to restrict cannabis use so stringently at the federal level. The pharmaceutical industry, for instance, “saw no reason why a substance used chiefly in corn plasters, veterinary medicine, and non-intoxicating medicaments should be so severely restricted.”<sup>393</sup> Their argument ultimately won out. There was simply not enough medical or recreational use of cannabis to justify its inclusion alongside cocaine and heroin.

Because of its exclusion, drug control at the federal level effectively proceeded without provisions for regulating cannabis. Though still covered by the federal labeling requirements put in place by the Pure Food and Drug Act, state and local governments maintained control over future restrictions on cannabis. In the absence of federal intervention, local factors and influential groups prompted states across the country to proceed with cannabis control legislation. In some instances, the arrival of Mexican immigrants and commentary on the dangers of marijuana materialized around the same time as legal restrictions. In others, no such connections appeared but cannabis regulations passed anyway. The most common feature in nearly every instance of local regulation, however, was the evolving nature of drug control measures into a bifurcated system of licit and illicit use combined with long held medical perceptions and attitudes of cannabis as both a medicine and a potentially dangerous drug.

Quite possibly the best place to witness the early twentieth century evolution in cannabis control in the United States is Massachusetts - a national leader in anti-narcotics

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<sup>393</sup> Musto, *The American Disease*, 1999, 216.

legislation and possibly the first state in the country to explicitly prohibit cannabis possession. The local forces that prompted the state's attempts to regulate narcotics during the 1910s highlight both the changing nature of drug control in the early twentieth century and the well-established belief that cannabis was a potentially dangerous drug. In Massachusetts, and in New England as a whole, there was no need for lurid stories of marijuana violence or even Mexican immigrants to drive cannabis prohibition. Only a small handful of references to marijuana appeared in the state's papers during the first two decades of the twentieth century. Nor was this a case of "anticipatory regulation," driven by a fear of future problems with cannabis as cocaine and the opiates became less available under federal regulation.<sup>394</sup> Instead, a growing fear of habitual narcotics use, a desire to restrict public access to all dangerous drugs, and an established perception on the potential dangers of cannabis was enough to prompt its regulation in Massachusetts, years before the Harrison Act.

Members of the New England Watch and Ward Society provided the impetus for much of the restrictive drug legislation passed in Massachusetts during the early twentieth century. Led most fervently by J. Frank Chase, the group's secretary, the Watch and Ward championed an extensive anti-narcotics campaign that encompassed a range of drugs, including cannabis. Founded in 1878 as the New England Society for the Suppression of Vice, the Watch and Ward Society had a long history of support from many well-known citizens in its campaigns to eradicate society's "moral evils." The group railed against gambling, prostitution, and the proliferation of obscenity. By the turn of the century, the society's unifying motto was "the promotion of public morality and

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<sup>394</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 48. Bonnie and Whitebread tied a number of state laws to this idea.

the removal of corrupting agencies.” It was under this banner that they turned to the suppression of drug use and addiction. Secretary Chase was central to this shift.<sup>395</sup> According to Chase, the habitual use of narcotics had a “disastrous effect on the moral and physical condition of the person,” and thus posed a serious threat to the moral fabric of society.<sup>396</sup> In fact, Chase believed that “there is no vice in the whole category which is so insidious, so tenacious and so deadly, as that of the dope habit.”<sup>397</sup> It was in response to these perceived social dangers that the Watch and Ward Society launched its campaign to regulate and prohibit narcotics.

Watch and Ward built their anti-narcotics campaign around the same four-part strategy utilized during all its attempts at social reform: agitation, education, legislation, and enforcement.<sup>398</sup> Propelled by a “strategically applied legislative activism,” this strategy sought to change public attitudes by highlighting the necessity of improved laws.<sup>399</sup> This approach was quite effective in Massachusetts between 1909 and 1917 as Chase and other members of the Watch and Ward proved highly influential in shaping the state’s emergent narcotics laws. By speaking publicly, writing pamphlets, directly petitioning legislators, and drafting model bills aimed at implementing and refining a range of anti-narcotics measures Chase and the Society made the case for regulating a range of substances, including opium, cocaine, heroin, and cannabis.

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<sup>395</sup> Arnold Jaffe, *Addiction Reform in the Progressive Age: Scientific and Social Responses to Drug Dependence in the United States, 1870-1930*, 1st ed. (New York: Arno Press, 1981), 104–6.

<sup>396</sup> “Traffic in Cocaine,” *Boston Globe*, December 6, 1909.

<sup>397</sup> J. Frank Chase, “The Dope Evil - From a Reformer’s Point of View,” in *American Perceptions of Drug Addiction: Five Studies, 1872-1912*, ed. Gerald N Grob (New York: Arno Press, 1981), No Pagination.

<sup>398</sup> Jaffe, *Addiction Reform in the Progressive Age*, 111.

<sup>399</sup> *Ibid.*, 106.

Nevertheless, in Massachusetts, any specific fear of recreational cannabis use, or explicit link to the “dangers of marihuana,” remained absent from the newspapers and unmentioned, at least publicly, among those who composed and championed the state’s first major anti-drug laws. Instead, the long-established medical perception of cannabis as a potentially dangerous drug ensured its inclusion in statewide regulations. Among the most prominent of these was “An Act Relative to the Issuance of Search Warrants for Hypnotic Drugs and the Arrest of Those Present.” Passed on April 29, 1911 the measure included cannabis indica and cannabis sativa alongside opium, morphine, heroin, codeine, “or any other hypnotic drug” on a list of substances marked for unlawful possession without a physician’s prescription.<sup>400</sup> Petitions for such a law came at the behest of Secretary Chase and Watch and Ward Society President Frederick B. Allen. The two men were in search of enforcement provisions for the state’s previously enacted drug laws and hoped to gain legal authority to make arrests and seizures. Their petition requested legislation authorizing police warrants for “searching and seizing...opium, morphine, heroin, codein [sic], cannabis indica, or any other hypnotic drug or any salt or compound of said substances...when kept for illegal sale or for illegal use.” Moreover, Chase and Allen argued that such legislation should provide for “the arrest of those present where the aforesaid drugs are found and for having them in their possession.”<sup>401</sup>

Their success appears to mark the first law in the United States against the personal or proximal possession of cannabis. The Massachusetts law therefore helps

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<sup>400</sup> “Chapter 372 - An Act Relative to the Issuance of Search Warrants for Hypnotic Drugs and the Arrest of Those Present,” in *Acts and Resolves Passed by the General Court* (Boston, MA: Wright & Potter Printing Co., State Printers, 1911), 274–75.

<sup>401</sup> J. Frank Chase, “Petition for Legislation Relative to the Issuance of Search Warrants for Hypnotic Drugs and Preparations of the Same, with Accompanying Bill, House, No. 1321 to the House of Reps., Jan. 19, 1911” (Boston, MA, 1911), Chapter 372 of 1911, Massachusetts State Archive.

demonstrate the influence of nineteenth century perceptions of cannabis and its regular inclusion among the substances covered by laws restricting the sale of medicines and poisons. The state's 1911 search-warrant law passed years before efforts at restricting cannabis emerged in the southwest – an area where previous studies have argued Mexicans and marijuana played an influential role. The situation in Massachusetts makes it clear that neither xenophobia against Mexican users nor fear of the alleged dangers of marijuana smoking were required to compel the strict regulation of cannabis. The Massachusetts law also highlights the growing bifurcation of drug control in the United States during the early twentieth century. The law demonstrated a clear distinction between legitimate and illegitimate drug use, rendering anything outside the prescription and oversight of a medical physician to be illegal.

Some three years later Massachusetts, like many states across the country, implemented a comprehensive anti-narcotics law. Once again, J. Frank Chase along with Watch and Ward members Godfrey Lowell Cabot and Jefferson H. Parker provided petitions urging passage of the law. In this instance, the group pushed for several amendments to the state's 1910 law regulating the sale of morphine and other drugs. One of the amendments suggested the addition of "the words 'cannabis indica, cannabis sativa, or preparations thereof', in line 6." The proposal added these terms to the existing list of opium, morphine, heroin, and codeine.<sup>402</sup> The state legislature ultimately rejected all other portions of the Watch and Ward petition but kept the provisions for including cannabis in the law. "An Act to Regulate the Sale of Opium, Morphine, and Other

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<sup>402</sup> Godfrey L. Cabot, J. Frank Chase, and Jefferson H. Parker, "Petition To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court Assembled" (Boston, MA, 1914), Chapter 694 of 1914, Massachusetts State Archive.

Narcotic Drugs” passed in June of 1914, and took effect on the first day of January 1915. The legislation, according to the *Boston Globe* and the *North Adams Transcript*, was “one of the strictest drug laws of any State in the Union,” on the basis that it would “make it practically impossible for the habitual drug user to buy any narcotic of harmful character.”<sup>403</sup> Combined, the 1914 law restricting the sale of certain drugs and the 1911 search-warrant law gave authorities and reform groups like the Watch and Ward powerful legal tools to target non-medical uses and illicit transactions.

Almost immediately, however, there were problems with the 1914 version of the Massachusetts anti-narcotics law. The primary issue being that the federal Harrison Narcotics Act passed by Congress a few months later now superseded it. According to Professor Charles F. Nixon, a member of the legislative committee of the Massachusetts Pharmaceutical Association, “the first drafts of the federal law were much more drastic than that finally adopted.” Concessions to interested parties had weakened the final product, leading Nixon to lament that comprehensive, state-level narcotic laws like the one in Massachusetts “might as well be forgotten.”<sup>404</sup> Nixon’s bold assertion stemmed from an understanding of the various discrepancies between the state and federal laws, such as the absence of cannabis in the Harrison Act. Nonetheless, most states attempted to codify these various differences so that local laws could still function in accordance with the provisions of the federal law. The result in Massachusetts meant the 1915 passage of Chapter 187: An Act Relative to the Sale and Distribution of Narcotic Drugs. This new law essentially consolidated the state’s anti-cocaine statute of 1910 and the

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<sup>403</sup> “Drug Law of the Strictest Type,” *Boston Globe*, December 29, 1914; “Many New Laws Become Effective on January 1,” *North Adams Evening Transcript* (North Adams, MA), December 30, 1914.

<sup>404</sup> “Druggists Dine,” *Lowell Sun* (Lowell, MA), January 28, 1915.



comprehensive narcotics law of 1914 into a single measure that could exist alongside the federal Harrison Narcotics Act.

As part of the codification process in Massachusetts, restrictions on the opiates and cocaine became the main sections of the state law in an effort to reflect the structure and provisions of the federal law. Cannabis indica and cannabis sativa, however, were moved to Section 9 of the law under the heading, “Provisions to Apply to Certain Other Drugs.” The move therefore acknowledged the absence of cannabis in the Harrison Act but maintained the status of cannabis as a dangerous drug in Massachusetts. That said, the state did make exceptions for particular preparations of cannabis, including “prescriptions, preparations or remedies which do not contain more than one half grain of extract of cannabis indica or more than one half grain of extract of cannabis sativa in one fluid ounce, or if a solid or semi-solid preparation in the avoirdupois ounce, nor to liniments, ointments or other preparations containing cannabis indica and cannabis sativa, which are prepared for external use only.”<sup>405</sup> These exceptions to the law were likely nods to the wishes of pharmaceutical and patent medicine manufacturers as well as acknowledgement of the medical uses of cannabis still deemed legitimate. Such language also highlighted the evolution and growing bifurcation of drug control in the United States, divided into legitimate and illegitimate uses.

The status of cannabis as a potentially dangerous drug on both sides of that bifurcation remained on display in the years that followed. In 1917, for example, Massachusetts formed a commission to “investigate the use of habit-forming drugs and the effectiveness of the laws in place to suppress them.” In reporting its findings, the

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<sup>405</sup> “Massachusetts Antinarcotic Law,” *N.A.R.D. Journal* 20, no. 5 (May 6, 1915): 227–28.

commission asserted that, “the habit-forming narcotic drugs commonly used in this Commonwealth by addicts are opium and its derivatives, morphine, heroin and codeine, cocaine in the form of hydrochloride and rarely other drugs.”<sup>406</sup> Nevertheless, as the state legislature moved to implement the committee’s “suggested changes in present laws,” the new statute included a section for outlining the explicit definitions of each term used to express the “manifest intention of the legislature.” Enumerated in Section 19, the law stipulated that, “‘Narcotic drug’ shall mean cannabis indica, coca leaves, or any cocaine, or any alpha, or beta, eucaine, or any synthetic substitute for them, or any salts, compound or derivative thereof, except decocainized coca leaves and preparations thereof, or any opium, morphine, heroin, codeine, or any preparation thereof, or any salt, compound or derivative of the same.”<sup>407</sup> This meant that aside from de-cocainized coca leaves the state of Massachusetts considered every substance listed as a narcotic drug. Thus, cannabis was legally considered a narcotic drug, even though the committee made no mention of its use by the state’s drug addicts.

Similar classifications appeared across the country during the 1910s, highlighting the ongoing concern and lingering perceptions surrounding the potential dangers of cannabis. In 1913, for example, the California legislature amended the state’s anti-narcotics law to include cannabis. At the center of these changes was Henry J. Finger. An original appointee of the California State Board of Pharmacy at its 1891 inception, Finger took a special interest in the board’s enforcement cases. He was especially active on the

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<sup>406</sup> Frank G. Wheatley, Hermann C. Lythgoe, and Abraham C. Webber, “Report of the Special Commission to Investigate the Extent of the Use of Habit-Forming Drugs,” (Boston: Wright & Porter Printing Company, 1917),” in *Public Policy and the Problem of Addiction: Four Studies, 1914-1924*, ed. Gerald Grob (New York: Arno Press, 1981), 8.

<sup>407</sup> “Chapter 275: An Act Relative to the Sale and Distribution of Certain Narcotic Drugs,” in *Acts and Resolves Passed by the General Court* (Boston, MA: Wright & Potter Printing Co., State Printers, 1917), 275.

Legal and Complaint Committee in charge of narcotics. Finger also served as one of three delegates representing the United States at the 1912 International Conference on Opium held at The Hague. There, he served alongside Hamilton Wright, who resented Finger's appointment on belief that he lacked the necessary diplomatic experience. Nonetheless, like Wright, Finger returned to the United States with a desire to secure domestic legislation on narcotics, and cannabis was among his targets. Prior to the conference Finger wrote to Wright about the "influx of Hindoos" in California and the increasing demand for cannabis indica. Wright shared this concern, noting that he had included cannabis in previously proposed federal narcotics legislation on the fear that "the fiends would turn to Indian hemp." For both men the established reputation of cannabis was clear. That Finger associated its use with foreign migrant laborers only bolstered his position. The fact that it was, and could be, used for intoxication was reason enough to restrict its use alongside other potentially dangerous drugs.<sup>408</sup>

This was apparently not the only impetus for cannabis restriction in California. At nearly the same time Finger and Wright were corresponding, F.C. Boden, an inspector for the California State Board of Pharmacy, alleged that significant numbers of Mexican laborers in the southern part of the state were using marijuana. Neither Finger nor Wright mentioned the term marijuana, so this appears to have been a separate line of inquiry in the state. Indeed, Boden believed marijuana use was so widespread that he formulated an appeal to the state legislature urging it to amend the existing law regulating narcotics to include "marihuano [*sic*] or loco weed." According to the *Los Angeles Times*, though the state had already passed a law aimed at "forbidding the sale and possession of opiates and

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<sup>408</sup> This summary is drawn from: Gieringer, "The Origins of Cannabis Prohibition in California," 16–22.

other drug intoxicants,” it failed “for some undefined reason,” to include “the traffic in marihuana.” The *Times* went on to suggest that if Boden’s recommendation went through “the [marijuana] law now in force in Mexico will be copied and the possession, sale or use of the drug will be made a penal offense in California.” Newspaper stories across the United States repeated the claim that California planned to copy Mexican laws against marijuana.<sup>409</sup>

The known historical record in California, however, shows only limited evidence of Mexican marijuana use prior to Boden’s claims in 1911. Indeed, much like Finger’s claims that an “influx of Hindoos” increased the demand for cannabis, there is limited contemporary support for Boden’s allegation that large numbers of Mexican immigrants were using marijuana in California. For example, in the same year Boden raised the specter of Mexican marijuana use, an expose by the *San Francisco Call* chronicled some sixty-two drug raids conducted by the state’s chief drug inspector. Not even one mentioned the presence of marijuana.<sup>410</sup> Readily identifiable sources on marijuana use in California during this period are simply quite rare. The few records that do exist generally appeared many years prior to Boden’s allegation that Mexican immigrants were using marijuana extensively in southern California. Nevertheless, aligning drug use with a foreign population was quite common in the state. This was especially true of opium smoking and its associations with Chinese immigrants. In fact, anti-Chinese sentiments played a critical role in facilitating passage of the federal Smoking Opium Exclusion Act

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<sup>409</sup> See for example: “Weed Sets Smokers Crazy, Mexico Exterminating It,” *The Washington Times* (Washington, DC), June 6, 1906, Last edition; “War on Marihuana Smoking,” *The Sun*, May 26, 1907, sec. Second; “War on Crazing Drug,” *The Evening Times* (Grand Forks, ND), November 25, 1911; “War on Loco Weed,” *Oakland Tribune* (Oakland, CA), December 9, 1911, Saturday edition.

<sup>410</sup> “Months Spent in Underworld to Trap Drug Sellers - Official Lives as Criminal to Gain Evidence,” *San Francisco Call*, November 27, 1911, 3.

of 1909.<sup>411</sup> In that environment, it is hardly surprising that Finger and Boden would seek similar associations among Hindoos and Mexicans in an effort to gather support for restrictions on cannabis or marijuana.

The existing records in California also demonstrate obvious moments of confusion surrounding the introduction of marijuana. In 1907, for instance, the *Los Angeles Herald* printed a brief note on “B. Sandezo, a Mexican,” who pled guilty to charges that he was “trying to pass a product of opium to members of the city chain gang.” According to the *Herald*, “Sandezo is alleged to have tried to give several members of the chain gang packages of ‘mariguana,’ a crude preparation of the ‘nigger-head’ cactus, which is a viscid fluid resembling the boiled juice of the poppy plant and with about the same effect.”<sup>412</sup> Two years earlier, *The San Francisco Call* published a similar story from Redlands, California noting that police had raided the den of an organized gang of thieves and seized “Much Loot and Mariguana, a Substitute for Opium.” The article alleged that the syndicate worked “with gangs all the way from El Paso to Los Angeles.” In a secret enclosure inside the gang’s hideout, officers “discovered, growing, a pernicious weed known as mariguana, which, when smoked, acts much like opium.” Noting that, “to have the weed in one’s possession means imprisonment” in Mexico, the paper asserted that local authorities believed, “the gang has been carrying on trade with Mexico,” thereby suggesting marijuana grown in California

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<sup>411</sup> There is an extensive literature on the connection. For influential examples, see: Musto, *The American Disease*, 1999, 3–6, 17; Courtwright, *Dark Paradise*; Diana Ahmad, “Caves of Oblivion: Opium Dens and Exclusion Laws, 1859-1882” (Dissertation, University of Missouri-Columbia, 1997); Barbara Hodgson, *Opium: A Portrait of the Heavenly Demon* (Vancouver: Greystone Books, 2004).

<sup>412</sup> “Mexican Pleads Guilty to Serving Narcotic,” *Los Angeles Harold*, May 15, 1907, Morning edition, 3.

was smuggled into Mexico.<sup>413</sup> These limited sources allow only speculative and tantalizing possibilities to the level of marijuana use by Mexican immigrants in California during this period. Commentary on both sides of the border nevertheless readily considered marijuana a dangerous drug.

Rev. Father Juan Caballeria produced perhaps the best and most extensive source on marijuana use in California during this period. Published in 1902 by the *Los Angeles Herald*, his extensive essay on the topic was entitled, “The Cholo and the Mariguana.”<sup>414</sup> As a pseudo-sociological analysis of Mexican immigration to California, the article provides a fascinating description of marijuana use that typified subsequent accounts in the United States. Born in Vic, Spain in 1866, and educated in the priesthood, Caballeria arrived in southern California in 1888 where he continued his studies and ministered to various parishes.<sup>415</sup> Caballeria also became something of a local historian, evidenced by his publication on *A History of San Bernardino Valley: From the Padres to the Pioneers, 1810-1851*.<sup>416</sup> As a keen observer of local affairs, Fr. Caballeria wrote that of all Mexican migrants, “One class in particular is noticeable, as they bring with them a very dangerous habit that cannot be regarded as desirable.” Drawn principally from the Mexican state of Chihuahua, Caballeria crudely referred to these immigrants as “Cholos.” According to Caballeria, they were “easily recognized by their peculiarity of dress, wearing queer, tall hats, tight trousers legs and having a general Gitanesco Style.” They were, quite simply, “of the peon class of Mexico.” Uneducated, uncivilized, and “very

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<sup>413</sup> “Officers Raid Den of Thieving Gang - Discover Much Loot and Mariguana, a Substitute for Opium,” *San Francisco Call*, September 2, 1905, Saturday edition, 3.

<sup>414</sup> Rev. Fr. Juan Caballeria, “The Cholo and the Mariguana,” *Los Angeles Herald*, January 12, 1902, 3.

<sup>415</sup> “New Pastor for Old Adobe Church,” *Los Angeles Herald*, July 13, 1903, Monday Morning edition, 7.

<sup>416</sup> Rev. Fr. Juan Caballeria, *History of San Bernardino Valley: From the Padres to the Pioneers, 1810-1851* (San Bernardino, CA, 1902), <http://hdl.handle.net/2027/uc1.31822031031438>.

tenacious of their own customs,” Caballeria asserted, the Cholos were quite content with few possessions and “would be an inoffensive people,” were it “not for the use of intoxicating liquors, and the herb, called by them mariguana.”<sup>417</sup>

Fr. Caballeria’s turn-of-the-century description of “the devil’s herb” demonstrates the well-developed Mexican perceptions on the dangers of marijuana. Initially, he wrote, “its effect is slightly narcotic, soothing and dreamy, the smoker lapsing into a state of semi-consciousness, somewhat resembling the hasheesh intoxication of the Far East, accompanied by visions of delight and satisfaction.” Like many accounts to follow, Caballeria made comparisons to hasheesh but failed to make clear that both came from the same plant. Likewise, he noted “the weed is a native of Mexico,” suggesting that it was a unique substance that often grew wild there. With time, he claimed, the soothing effects of marijuana gave way to “a feeling of irritation, bordering on delirium.”

Ultimately, he believed, “the over-taxed nerves take summary vengeance and the smoker becomes quarrelsome, aggressive, and the most trifling opposition will rouse in him a demoniac fury.” In sum, Caballeria proclaimed, “Under its influence they are no longer human beings, but incarnate demons with all a demon’s fiendishness, and they vent their fury on any object that antagonizes them.” In fact, according to Caballeria, “The great majority of so called Mexican cutting affairs is due to this herb rather than to the liquor drank.” As a result, he indicated a great many Cholos walk around with “noses cut or bitten off, ears slashed, [and] cheeks badly scared.” Unfortunately, Fr. Caballeria lamented, “these facts are not well enough known this side [of] the border to have called the attention of the public to the danger of the spread of the habit.” As such, “the

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<sup>417</sup> Rev. Fr. Juan Caballeria, “The Cholo and the Mariguana,” 3.

purveyors to this strange vice are left undisturbed to ply their trade in the destructive weed and sell to whoever has the price to buy.”<sup>418</sup>

In California, it took more than ten years to heed Fr. Caballeria’s call for legislative action, far too long for his words to have provided any direct correlation. Nonetheless, he offered a clear demonstration of the existing perceptions of marijuana’s dangers. To the extent that perception spurred the California legislature to action in 1913, it is possible that both Inspector Boden’s claims about marijuana smoking as well as the established fears of cannabis set forth by Finger and Wright proved influential. Nevertheless, it appears the latter was far more prominent. For instance, the only published comment on the law issued by the California State Board of Pharmacy came from Finger’s colleague, C.B. Whilden. According to Whilden, the inclusion of cannabis was necessary “because of the increase in the use of ‘hasheesh,’ a detrimental preparation of hemp.”<sup>419</sup> Moreover, other than mentioning the term “loco weed,” the spirit of the law followed a well-established pattern for state level restrictions, targeting the most common medicinal preparations of cannabis. In fact, the original companion bills that introduced the revisions moved to ban “narcotic preparations of hemp” – rather than mention marijuana specifically.<sup>420</sup> The final text of the California law prohibited possession of “extracts, tinctures, or other narcotic preparations of hemp, or loco-weed, their preparations or compounds (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its

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<sup>418</sup> Ibid.

<sup>419</sup> Gieringer, “The Origins of Cannabis Prohibition in California,” 23.

<sup>420</sup> Assemblyman W.A. Sutherland of Fresno and Sen. Edward K. Strobbridge of Hayward submitted these proposals. Since they represented areas farther north in the state, it is possible Sutherland and Strobbridge had limited exposure to the marijuana use Boden highlighted in the southern part of the state.



weight of salicylic acid combined with collodion).” As such, the law made clear distinctions for common medical extracts and tinctures of cannabis but made no specific mention of marijuana.

California’s 1913 legislation therefore highlights both the importance of local influences and a dual, overlapping impetus toward cannabis prohibition: The entrenched nineteenth century perception on the potentially dangerous nature of cannabis preparations combined with lurid tales of the acute threat posed by Mexican marijuana. Though an apparent clerical error originally placed the cannabis section of the statute alongside an existing provision on the possession of opium paraphernalia, the inclusion of pharmaceutical terms “extracts and tinctures” nevertheless signaled that the legislature likely intended to treat cannabis like the other narcotics covered by the law – making them illegal without a doctor’s prescription.<sup>421</sup> Two years later, in an effort to align California law more closely with the recently passed federal Harrison Narcotics Act, the state legislature did just that. The 1915 law moved cannabis alongside opium, morphine, cocaine, and chloral hydrate in Section 8 of the state’s comprehensive poison and narcotics law. Specifically, that law “forbade the sale or possession of flowering tops and leaves, extracts, tinctures and other narcotic preparations of hemp or loco weed (*Cannabis sativa*), Indian hemp except on prescription.”<sup>422</sup> The inclusion of “flowering tops and leaves” shows an evolution in the law, but the use of *cannabis sativa* to describe locoweed also suggests continued confusion over the terminology. In fact, notes from the

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<sup>421</sup> Gieringer, “The Origins of Cannabis Prohibition in California,” 25.

<sup>422</sup> Martin I. Wilbert, Murray G. Motter, and United States Public Health Service, *Poisons and Habit-Forming Drugs: A Digest of Laws and Regulations Relating to the Possession, Use, Sale, and Manufacture of Poisons and Habit-Forming Drugs Enacted During 1912 and 1913, Now in Force* (Washington: Govt. Print. Off., 1913), 27.

California Board of Pharmacy show no mention of word marijuana through at least July of 1918.<sup>423</sup>

Though California and Massachusetts led the way, restrictions on cannabis in the early-twentieth century were neither unique nor peculiar. In areas across the country, state and local officials acted in similar fashion as late-nineteenth century consumer protection measures evolved into more stringent drug control laws. Between 1911 and 1918 at least ten states, split evenly on either side of Mississippi River, took steps toward restricting access to cannabis. So too did a number of municipalities, including: Albuquerque, New Mexico; El Paso, Texas; New York City; Phoenix, Arizona; and Portland, Oregon.<sup>424</sup> In previous accounts of marijuana prohibition in the United States,

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<sup>423</sup> Personal correspondence with Dale Gieringer, February 18, 2016. Gieringer reviewed the California Board of Pharmacy's official notes through July of 1918 but no further.

<sup>424</sup> For references to these state laws and city ordinances, see: Wilbert, Motter, and United States Public Health Service, *Digest of Laws and Regulations, 1912*; Wilbert, Motter, and United States Public Health Service, *Poisons and Habit-Forming Drugs, 1913*; Martin I. Wilbert, "Efforts to Curb the Misuse of Narcotic Drugs: A Comparative Analysis of the Federal and State Laws Designed to Restrict or to Regulate the Distribution and Use of Opium, Coca and Other Narcotic or Habit-Forming Drugs an Analysis of the Federal and State Antinarcotic Legislation Now in Force in the United States Maryland," *American Druggist and Pharmaceutical Record (1893-1922)*, September 1, 1915; "Chapter 66 - Sale and Use of Poisons and Narcotic Drugs," in *Laws of the State of Utah - Eleventh Regular Session* (Deseret News Publishing Company, 1915), 74–81; Wilbert, *Poisons and Habit-Forming Drugs: A Digest of Laws and Regulations Relating to the Possession, Use, Sale, and Manufacture of Poisons and Habit-Forming Drugs, Enacted During 1914 and 1915, Now in Force in the United States*; "Marihuana May Not Be Grown in This City," *Arizona Republican (Phoenix, AZ)*, May 17, 1917, Morning edition; "Sale of Mariahuana Is Forbidden in City," *The Evening Herald (Albuquerque, NM)*, September 11, 1917; "Noticias Del Estado," *Estancia News-Herald (Estancia, Torrence County, NM)*, September 27, 1917; *Laws Passed at the Twenty First Session of the General Assembly of the State of Colorado* (Denver, CO: The Brock-Haffner Press, 1917); *Supplement to Vernon's Texas Civil and Criminal Statutes Embracing All Laws of General Application Passed at the Fourth Called Session of the 35th and the Regular and Called Sessions of the 36th and 37th Legislatures*, vol. 2, 3 vols. (Kansas City, MO: Vernon Law Book Company, 1922); Sam A. Kozier, Secretary of State, ed., *State of Oregon Constitutional Amendments Adopted and Laws Enacted by the People at the General Election November 7, 1922 Together with the General Laws and Joint Resolutions and Memorials Adopted by the Thirty-Second Regular Session of the Legislative Assembly Beginning January 8 and Ending February 22 1923* (Salem, Oregon: State Printing Department, 1923), <https://hdl.handle.net/2027/uc1.b4378193>; *Federal and State Laws (Compiled) Relating to the Manufacture and Sale of Foods, Drugs, Insecticides, Etc. (Including All Acts of Congress and of the Legislatures of Each of the States, to January 1, 1924)* (Washington, D. C. & Chicago, IL: Standard Remedies Publishing Co., Inc., 1924), <https://hdl.handle.net/2027/mdp.39015067898307>; Whiteside, *Menace in the West*, 36–37; Gieringer, "The Origins of Cannabis Prohibition in California," 28–29.

this period serves as a crucial moment initiated by the arrival of Mexican immigrants who smoked marijuana and drove reactionary legislation. Yet, as the situation in California suggests, even where rumblings of Mexican marijuana emerged around the same time cannabis restrictions went into place, the legislation drew heavily on nineteenth century terminology and perceptions of cannabis.<sup>425</sup> Moreover, none of the first seven states with these laws used the word marijuana, including Massachusetts, California, Indiana, Maine, Wyoming, Utah, and Vermont. Rather than the product of simple xenophobia, many of these laws demonstrate the significant influence of continued late-nineteenth century concerns surrounding cannabis as well as possible connections to the arrival of Mexican ideas on marijuana as an arbiter of violence and mayhem.

In Utah, for example, the state legislature amended numerous existing patent medicine and poison statutes in March of 1915 to pass a comprehensive drug control measure that included cannabis. The law was divided into two main sections: “Sale and Use of Poisons” and “Sale and Use of Cocaine and Narcotics.” This structure reflected the nineteenth century roots of these regulations as well as the evolving nature of drug control measures. The law’s poison section governed proper procedures and established penalties for the labelling and sale of poisons divided into two groups, Schedule A and Schedule B. The narcotics section of the law covered “cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova caine, flowering tops and leaves, extracts, tinctures and other narcotic preparations of hemp or loco weed (*cannabis sativa*), Indian hemp, or chloral hydrate.”<sup>426</sup> This list was nearly identical to the wording found in

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<sup>425</sup> Wilbert, Motter, and United States Public Health Service, *Poisons and Habit-Forming Drugs*, 1913; Gieringer, “The Origins of Cannabis Prohibition in California,” 23. The California law restricted: “extracts, tinctures, or other narcotic preparations of hemp, or loco-weed, their preparations or compounds.”

<sup>426</sup> “Chapter 66 - Sale and Use of Poisons and Narcotic Drugs.”

California's 1913 and 1915 laws. In fact, the Utah Board of Pharmacy requested a copy of California's 1915 pharmacy amendments from the California Board of Pharmacy, stating that Utah wished to adopt the California law.<sup>427</sup> The text of Utah's law was also very similar to earlier statutes aimed at curbing public access to dangerous drugs and poisons. For instance, variations of the phrase "It shall be unlawful for any person, firm, or corporation to sell, furnish, or give away, or offer to sell, furnish, or give away, or to have in their or his possession" were widely used by states and municipalities across the country.<sup>428</sup> Moreover, in the ongoing evolution of drug control during the early twentieth century, statutes like those from Utah and California restricted access to these drugs without "the written order or prescription of a physician, dentist, or veterinary surgeon licensed to practice in this State."<sup>429</sup> Such stipulations reflected the late-nineteenth century origins of these drug control measures, while signaling the growing divide between licit and illicit drug use.

Based on this evidence it appears Utah moved to restrict cannabis largely based on its inclusion in the California statute and existing perceptions of its status as a potentially dangerous drug. To what extent the legislature in Utah may have also responded to the arrival of Mexican marijuana prior to the 1915 law is difficult to assess with the limited available evidence.<sup>430</sup> Perhaps tellingly though, in 1923, the *Salt Lake*

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<sup>427</sup> Gieringer, "The Origins of Cannabis Prohibition in California," 28. The California Board also forwarded copies of the state's poison legislation to the Arizona, Nevada, Oregon, and Washington Boards of Pharmacy.

<sup>428</sup> For an excellent view of the common phrases used in these types of laws, see: Wilbert, Motter, and United States Public Health Service, *Digest of Laws and Regulations*, 1912.

<sup>429</sup> Wilbert, Motter, and United States Public Health Service, *Poisons and Habit-Forming Drugs*, 1913.

<sup>430</sup> For previous interpretations, see: Bonnie and Whitebread, *The Marijuana Conviction*, 41–42. The authors call both California and Utah "Unexplained Prohibitions" for which "We can only speculate." In the case of Utah, they provide "Unsupported conjecture" that links marijuana prohibition to the movement of Mormons to Mexico following a crackdown on polygamy in 1890. The colony was inhibited by the

*Telegram* published a story about the “chemical analysis and expert opinion as to the nature of Mexican marihuana weed.” Deputy county attorney, Ray S. McCarthy, requested a complete report on the drug after “a Mexican was recently arrested with some of it in his possession.” The newspaper made clear that “this particular drug is not listed in the Utah antinarcotics law.” In his report, the State Chemist, Herman Harms, nonetheless declared, “the weed is a narcotic coming within the meaning of the state law prohibiting the possession and use of narcotics by laymen.” According to Dr. Harms, a member of the American and Utah Pharmaceutical Associations as well as the American Chemical Society, Mexican marijuana was “distinctly a drug or narcotic of similar effect to opium and cocaine and is similar to Indian hemp or hashee [sic] and peyota.” Harms also suggested that, “its use as a substitute for opium and cocaine is growing in Utah and other Pacific coast states among the negro, Mexican and other foreign populations.”<sup>431</sup> Two years later, in 1925, a Senate bill was introduced in Utah to prohibit possession or sale of the “marihuana plant or any part or derivative, etc.” except on the written prescription of a physician. Newspaper coverage of the bill continued to claim that existing state laws did not cover marijuana. Similarly, the *Ogden Standard* wrote, “For the benefit of the uninitiated, it may be added that the dictionary says that marihuana or mariquana are Mexican words naming a narcotic plant reputed to cause insanity in persons drinking an infusion of its leaves, or smoking them.”

These sources suggest that at least some readers may have been wholly unfamiliar with marijuana some ten years after the inclusion of the term locoweed in Utah’s 1915

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Mexican civil war in 1912 and the “renegade sect” returned to Utah, leading Bonnie and Whitebread to “suspect they may have also returned with some knowledge of marihuana which was soon translated into legislation reflecting the traditional aversion of the Mormon Church to drug use of any kind.”

<sup>431</sup> “Chemist Holds Weed in Narcotic Class,” *Salt Lake Telegram*, December 7, 1923.

comprehensive narcotics law. Such commentary in Utah also casts doubt on a simple xenophobic reaction to Mexican marijuana use in driving the state's cannabis regulations. Instead, the text of the 1915 law and the newspaper commentary from the mid-1920s help demonstrate the influential role of existing medical concerns and the late-nineteenth century classification of cannabis alongside the opiates, cocaine, and other potentially dangerous drugs. Indeed, in 1925, the state legislature followed the pattern used in many other states and moved to add marijuana and its derivatives into the existing narcotic laws and regulatory framework. None of this is to deny the obvious racial tones present in a number of these sources. The most commonly mentioned users of marijuana were Mexicans and other minority groups.

The available evidence for that racialized view, however, remains quite sparse in Utah. Some nonetheless holds tantalizing possibilities. The most fascinating of these was published by the *Ogden Standard* in September of 1915, some six months after the state's first comprehensive drug law passed. In a full-page story entitled, "Is the Mexican Nation 'Locoed' by a Peculiar Weed?" the paper presented a series of wild theories on the "deadly marihuana." The article itself raised many of the common Mexican perceptions surrounding the dangers of marijuana. This was particularly true of the claims that it incited violence and madness. For instance, the story suggested that marihuana explained the insanity of former Queen Carlotta and "may account for the 'bravery' of 'greaser' bandits who defy the United States" under the supervision of General Pancho Villa. Moreover, the story alleged, "While under the influence of the marihunana Mexicans are liable to commit murder and when arrested give the authorities great trouble." The article also explained the dangers of continued use, asserting that, "If a limit of one cigarette

were set no great lasting harm might come to the indulger, but in order to keep up the feeling of elation another and perhaps another of the paper wrapped poison is consumed, until the victim is in a state of wild frenzy.” This was the real danger of marijuana, as once “in this condition he often goes on a rampage that brings death to whoever- crosses his path.” According to the paper, this “period of temporary insanity lasts for several hours and is followed by the victim falling into a deep sleep that lasts 24 hours or more. He awakes with no knowledge of what has transpired while the full effects of the drug were upon him.” The story further alleged that, “large quantities of the weed are being imported into Texas from Mexico” and being used extensively by the “lower class of Mexicans and Indians.”<sup>432</sup> By 1915, such characterizations of marijuana were common but the story made no mention of whether this growing concern influenced the inclusion of cannabis in Utah’s drug regulations.

The article did, however, make note of a marijuana statute passed a few months earlier in the city of El Paso, Texas. Often incorrectly cited as the first ordinance against marijuana in the United States, the El Paso law passed in June of 1915 – well after those of Massachusetts, California, Maine, Wyoming, and Indiana. Nonetheless, the El Paso ordinance offers an illuminating view on the varied influences that drove cannabis prohibition on the local level. The personal campaign of Stanley Good, Chief Deputy of the El Paso Sheriff’s Department, reportedly prompted the law.<sup>433</sup> In May of 1915, Good took to local newspapers to tout the dangers of marijuana and the need for legislation against its sale. He stressed that there were laws against the sale of “morphine,

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<sup>432</sup> “Is the Mexican Nation ‘Locoed’ by a Peculiar Weed,” *Ogden Standard (Ogden, UT)*, September 25, 1915, City edition, sec. Magazine, 13.

<sup>433</sup> For a brief history of the statute, see: Bob Chessey, “El Paso’s 1915 Marihuana Ordinance: Myth and Reality,” *Password* 58, no. 1 (Spring 2014): 27–40.

cocaine and kindred drugs” but nothing of the sort against marijuana, which was “considered the most deadly in its effects of any known drug.” Chief Deputy Good also stressed that marijuana spurred people toward violence and cited recent examples confronted by local law enforcement. Again, such claims were quite common along the border by 1915, rooted, as they were, in well-established Mexican ideas on the dangers of marijuana dating to the mid-nineteenth century.<sup>434</sup>

In this sense, Deputy Good served as the conduit through which the El Paso city council learned of the dangerous perception of marijuana. Local newspaper coverage also provided evidence for the origins of Good’s perception on marijuana. For example, three years prior, the *El Paso Herald* carried an exposé entitled “Hop and Dope Fiends” in El Paso and neighboring Juarez, Mexico.<sup>435</sup> The paper claimed that “Juarez has a hellhole of temptation,” and that one out of every two hundred residents was a victim of drugs, including “The Marihuana Victim.” According to this story, “Of all the drugs, Marihuana, Cannabis Indica, or commonly called Indian hemp, experts declare to be the most deadly in its effects.” Moreover, “It is so deadly the white man turns it down, but the lower class of Mexicans eagerly seek it.” Similar to long-running medical descriptions of cannabis intoxication, the article noted that the effect of marijuana “is to greatly magnify things. After smoking the Marihuana, the smoker’s eyes become dilated, and a match to him looks like a telegraph pole.” Critically, the story also alleged that, “The tendency of the drug is to throw the user in a frenzied and uncontrollable state, and his desire to satiate himself runs to the commission of murders or other crimes. The drug

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<sup>434</sup> For the best evidence of these characterizations, see: Campos, *Home Grown*.

<sup>435</sup> D. R. McCreesh, “Hop and Dope Fiends Fast Being Recruited from Better Families,” *El Paso Herald*, June 15, 1912, Weekend edition, sec. Real Estate and Too Late to Classify.



in the end drives them insane.” The story claimed that despite these dangers marijuana was nevertheless available for sale in drug stores throughout Juarez. These were essentially the same concerns about marijuana that Deputy Good brought to the El Paso city council in 1915.

Deputy Good was not, however, the first person in El Paso to urge the restriction of marijuana. Two years earlier in October of 1913 the *El Paso Herald* reported a county grand jury recommended “that the authorities should take immediate steps to stop the local traffic in marihuana, properly called India hemp [sic], reputed to be the most deadly drug in existence.” According to the grand jury report, “a traffic has grown up in this drug and it should be stopped by the authorities” since users of the drug had committed many crimes.<sup>436</sup> Like Good’s recommendation, news of a marijuana related crime precipitated the grand jury report. The *El Paso Herald* first reported the incident on January 2, 1913, in a front-page story entitled, “Crazed by a Weed, Man Murders.” According to the account, marijuana was “held accountable for two deaths and a bloody affray on the streets of Juarez [Mexico] Wednesday afternoon.” The perpetrator, “crazed by continual use of the drug,” allegedly “killed a policeman, wounded another, stabbed two horses and pursued an El Paso woman and her escort, brandishing a huge knife in the air.” The “madman” later died at a local hospital, felled by police bullets and the timely intervention of a bystander. The story concluded with an overview of marijuana, noting that, “It is an American form of cannabis indica, commonly used as a drug in the United States, and akin to the ‘hashish’ of Turkey and Syria.” Moreover, the story noted, the use

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<sup>436</sup> “Grand Jury Recommends That Steps Be Taken to Stop Sale of Marihuana,” *El Paso Herald*, October 4, 1913, 2.

of marijuana had a “more dreadful effect than opium, creating in its victim hallucinations which frequently result in violent crimes.”<sup>437</sup>

This incident alone may have prompted the grand jury report in 1913, but there were reports of similar events before and after that likely fostered a growing awareness of the frightening Mexican perceptions surrounding marijuana and the need for legal restriction. Between 1912 and 1915, the *El Paso Herald* alone carried some twenty stories on the dangers of marijuana and the outlandish crimes allegedly committed by marijuana users – many of them connected to Mexicans. In March 1913, one headline read, “Soldiers Kill Mexican Who Had Shot Three Men” while “marihuana mad.”<sup>438</sup> In May of 1913, a sixteen-year-old “Mexican lad” was taken into custody with “four packages of marihuana, or Indian hemp” purchased from a drug store in “neat blue packages [that] bore the label of Parke, Davis and Company, Detroit, Michigan.”<sup>439</sup> Arrested on his return to Juarez, the suspect helped lend credence to the belief that drug stores were facilitating the trafficking of cannabis along the border. This story also revealed just how easy someone might access medicinal cannabis products in a retail store with additional legal restrictions placed on such sales. There were also further reports of violent shootings and of marijuana smuggling into local prisons.<sup>440</sup> Prisoners, soldiers, and the lower class were populations long associated with marijuana use and

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<sup>437</sup> “Crazed by a Weed, Man Murders,” *El Paso Herald*, January 2, 1913, 1.

<sup>438</sup> “Soldiers Kill Mexican Who Had Shot Three Men,” *El Paso Herald*, March 17, 1913, Monday edition, 3.

<sup>439</sup> “Mexican Lad Caught with Much Marihuana,” *El Paso Herald*, May 23, 1913, Friday edition, 3.

<sup>440</sup> “Wanted a Prisoner to See the Blue Monkeys,” *El Paso Herald*, July 29, 1913, Monday edition, 5; “Prisoner Tries to Destroy a Cell in the City Jail,” *El Paso Herald*, July 29, 1913, Monday edition, 5; “Drug Crazed Mexican Shoots at Bystander,” *El Paso Herald*, September 8, 1913, sec. Sport and Society, 11.

violence in Mexico.<sup>441</sup> Some of these stories circulated in newspapers across the United States, but they appear more common in states on or near the border with Mexico. They may have also helped propel an investigation from the Secretary of Agriculture that prompted Treasury Decision 35719 in 1915 - prohibiting the importation of cannabis into the United States for other than medical purposes.<sup>442</sup> Two years later, the Bureau of Chemistry within the Department of Agriculture conducted an investigation into the efficacy of the Treasury Decision along the Mexican border in Texas.<sup>443</sup>

Judging the level of influence such stories had in prompting legislative action in El Paso is nonetheless not entirely clear. It is important to note, for instance, that while the El Paso Herald most often linked the acute fear of marijuana to Mexico and Mexican users, Chief Deputy Good did not identify a particular user group as problematic when urging for the city ordinance.<sup>444</sup> In one instance, he stated only that, “We officers have had the best opportunity to study the effects of the drug upon the human system, and we know that its use must be curbed, in the interest of society. Much of the crime in this city is committed by men under the influence of marihuana. The drug is especially dangerous

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<sup>441</sup> Campos, *Home Grown*.

<sup>442</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 37.

<sup>443</sup> R. F. Smith, “Report of Investigation in the State of Texas, Particularly Along the Mexican Border, of the Traffic In, and Consumption of the Drug Generally Known as ‘Indian Hemp’, or ‘Cannabis Indica’, but Known in Mexican and the States Bordering on the Rio Grande River as ‘Marihuana’, Sometimes Also Referred to as ‘Rosa Maria’ or ‘Juanita’” (Bureau of Chemistry, United States Department of Agriculture, April 13, 1917).

<sup>444</sup> This runs counter to the assessment put forth by Bonnie and Whitebread, *The Marijuana Conviction*, 33–34. In which the authors write, “the drug was reportedly common not only among Mexicans but among ‘Negroes, prostitutes, pimps and a criminal class of whites.’ In response, El Paso passed an ordinance banning the sale and possession of the drug in 1914.” In this statement, they provide the incorrect year and link it to a quote issued in a 1917 USDA report on marijuana use. For more see: Chessey, “El Paso’s 1915 Marihuana Ordinance,” 13–14.

in view of the fact that it makes the coward brave.”<sup>445</sup> His use of the phrase “effects of the drug upon the human system” signaled at least some familiarity with existing medical literature.<sup>446</sup>

Many of the Mexican ideas and perceptions on the dangers of marijuana fit quite seamlessly with existing medical characterizations on the potential dangers of cannabis and the long-held belief it was a narcotic. Soon after the El Paso ordinance passed, for example, local physicians voiced their displeasure with the blanket nature of the hastily passed measure. They were particularly focused on the fact that it circumscribed their medical practice by prohibiting “the sale, barter, exchange, giving away or having in possession any marihuana or Indian hemp within the corporate limits of the city El Paso Texas.” This technically meant that doctors and pharmacies could not prescribe or stock cannabis products.<sup>447</sup> At least some of the city’s physicians argued that was unacceptable because “marihuana [had] legitimate uses,” was “frequently prescribed” as a “sedative of value,” and was “put up by the foremost drug manufacturers in the country.” These sentiments likely overstated the frequency of cannabis prescriptions given its declining medical stature. Moreover, it is highly unlikely that drug manufacturers were selling products labeled “marihuana” – they were almost assuredly pharmaceutical packages of cannabis. The doctors nonetheless “agreed that marihuana is

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<sup>445</sup> “Little Interviews,” *El Paso Herald (El Paso, TX)*, June 4, 1915, Home edition, sec. Editorial and Magazine Page.

<sup>446</sup> This type of nomenclature was common in some of the most prominent medical works on drugs, including cannabis. See, for example: O’Shaughnessy, “ART. VII. - Extract from a Memoir on the Preparations of the Indian Hemp, or Gunjah, (Cannabis Indica)”; James Johnson and Henry James Johnson, “On the Preparations of Indian Hemp, or Gunjah, (Cannabis Indica), Their Effects on the Animal System in Health and Disease, &c. &c.”; Timothy Field Allen, *The Encyclopedia of Pure Materia Medica: A Record of the Positive Effects of Drugs Upon the Healthy Human Organism* (Boericke & Tafel, 1879).

<sup>447</sup> The El Paso ordinance passed quickly under suspended rules as a “public emergency.” See: “Ordinance,” *El Paso Herald (El Paso, TX)*, June 8, 1915, sec. Extra, Sport, and Classified, 10.

a dangerous drug.”<sup>448</sup> They simply hoped to maintain professional oversight of legitimate uses as they had elsewhere in the country.

The influence of this medical concern also appeared when the Texas legislature moved to regulate cannabis statewide in 1919. Rather than outlaw marijuana whole cloth, like the city of El Paso had four years earlier, state legislators relied on existing regulatory structures built around the sale of medicines and poisons. Indeed, like in many other states, Texas lawmakers chose to revise the state’s existing narcotics law aimed at restricting the sale or giving away of many drugs, including the opiates and cocaine. The amendment added “cannabis indica, cannabis sativa, or preparation thereof or any drug or preparation from any cannabis variety, or any preparation known and sold under the Spanish name of ‘MARIHUANA’ except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine.”<sup>449</sup> Given the state’s border with Mexico, significant exposure to a population of Mexican migrants, and documented familiarity with the drug and its Mexican users, it is not surprising to find the term marijuana in the Texas law. It is tempting, as many have, to ascribe the law to those influences. Yet, the character of the law also reflects the significant influence of existing medical perceptions and terminology as well as the growing bifurcation of the drug market into licit and illicit uses, thereby illuminating the role both sets of factors played in shaping the nature of cannabis regulations in Texas.

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<sup>448</sup> “New Anti-Marihuana Ordinance Very Stringent,” *El Paso Herald*, June 7, 1915, Home edition, sec. Sport and Classified.

<sup>449</sup> *Supplement to Vernon’s Texas Civil and Criminal Statutes Embracing All Laws of General Application Passed at the Fourth Called Session of the 35th and the Regular and Called Sessions of the 36th and 37th Legislatures*, 2:2207-08.

Similar events also occurred elsewhere in the Southwest. In 1917, for example, the cities of Albuquerque, New Mexico and Phoenix, Arizona acted to prohibit marijuana. In both cities, newspaper coverage made clear connections between Mexicans and marijuana use.<sup>450</sup> The *Arizona Republican* suggested that, “It has long been used by many Mexicans, not only in Phoenix, but wherever Mexicans have been found.” Likewise, in both cities, reports on the passage of the restrictive ordinances linked the sudden increase of marijuana use to the passage of stringent anti-alcohol regulations. In Albuquerque, *The Evening Herald* indicated that, “use of mariahuana, a habit-forming drug,” had “developed to such an extent among soldiers here that the military authorities have been compelled to shape plans for a sharp crusade against its sale to enlisted men.” The paper further alleged that, “It used to be said along the border that [Pancho] Villa in his early days as a commander when his force was small made it a practice to have mariahuana served to his men just before a battle” so that they would “go into the fight with utter recklessness.” These allegations fell in-line with broader racialized themes of the period that attributed the military successes of non-whites to their unusual physical abilities or unorthodox cultural habits.<sup>451</sup> Newspapers in Phoenix and Albuquerque also suggested authorities were aware of places that sold marijuana, and would target them after the city ordinance was in effect. In both cases, there were clear racial undertones to much of the discussion surrounding marijuana.

In Phoenix and Albuquerque, however, concerns about Mexican marijuana use and lingering nineteenth century medical perceptions of cannabis operated

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<sup>450</sup> “Marihuana May Not Be Grown in This City”; “Sale of Mariahuana Is Forbidden in City.”

<sup>451</sup> For an exploration of this idea on Haitian rebels and voodoo, see: Mary A Renda, *Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915-1940* (Chapel Hill: University of North Carolina Press, 2001).

simultaneously. In Albuquerque, the newspaper explained that, “Mariahuana is the drug’s Mexican name. It is known to scientists as Indian cannabis. It is an Asiatic plant used in medicine as a narcotic and antispasmodic. It is prescribed as a nerve sedative in small doses and in large doses it is an active poison.”<sup>452</sup> In Arizona, news of the 1917 ordinance explained that “Marihuana is the common Mexican name for Cannabis indica, a species of hemp from which is derived a substance, which chewed, eaten or smoked, produces a decided narcotic effect.”<sup>453</sup> Similarly, both the *Bisbee Daily Review* and the *Tombstone Epitaph* reported that thirteen-year-old Alphonso Sassuerto was suffering from “marihuana poisoning.” Both papers alleged Sassuerto was “seriously ill” and, according to police, “was given the poison in the form of a cigarette by ‘Peg’ Costello, a habitual user of the drug.”<sup>454</sup> Stories of marijuana violence and smuggling into Arizona territorial prisons appeared as early as 1897.<sup>455</sup> Yet, nearly twenty years later, a report on the Arizona State prison noted that despite efforts to stop it “a considerable amount of Indian Cannabis has found its way into this institution.” The prison Superintendent therefore pushed to “recommend that rules, more rigid than at present be adopted by the State Board of Pharmacy.” Specifically, he urged that, “Indian Cannabis be included under the Schedule ‘A’, instead of Schedule ‘B’, where it is at present listed, and by those means making the purchase impossible except on the written prescription of a

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<sup>452</sup> “Military Police Start War Against Mariahuana Users,” *The Evening Herald (Albuquerque, NM)*, September 6, 1917, Thursday edition, 3.

<sup>453</sup> “Marihuana May Not Be Grown in This City.”

<sup>454</sup> “Brief State Notes,” *Bisbee Daily Review (Bisbee, AZ)*, October 14, 1917, 4; “Arizona News Notes,” *Tombstone Weekly Epitaph (Tombstone, AZ)*, October 28, 1917, 2.

<sup>455</sup> “Stronger Than Opium - Attempt to Smuggle ‘Mariguana’ Into Yuma Prison,” *Tombstone Prospector (Tombstone, AZ)*, September 9, 1897; “Smuggled Mariguana”; “Across the Border,” *The Oasis (Arizola, AZ)*, August 20, 1898, Saturday edition; “Across the Border,” *The Oasis (Arizola, AZ)*, July 15, 1899, Saturday edition; “Caught Smuggling Drug into the County Jail,” *Arizona Republican (Phoenix, AZ)*, October 23, 1907.

physician.”<sup>456</sup> This was a common course of action in the evolution of drug regulations as nineteenth century poison laws served as the vessel for more restrictive legislation.

In both Arizona and New Mexico, the lasting influences of nineteenth century perceptions and medical concerns on cannabis were very clear at the state level as well. In early 1921 Arizona Governor, Thomas E. Campbell, vetoed a proposed law aimed at “forbidding raising, selling, gift, or use of marihuana, also known as Indian hemp.”<sup>457</sup> As was the case in many states, the Arizona bill amended the state’s existing narcotics law to add provisions for cannabis.<sup>458</sup> According to his statements, however, Governor Campbell was concerned about whether or not the law sufficiently allowed medicinal uses of the drug by licensed physicians. He “approved the intent of the bill to prevent use of the drug as a harmful narcotic.” He nonetheless considered the bill “too drastic,” believing “it would render impossible the use of marihuana as a medicine.”<sup>459</sup> His stance demonstrated the long held medical belief that cannabis could be both a helpful medicine and a dangerous drug, both in need of professional oversight.

The same was true for a 1923 law regulating cannabis statewide in New Mexico. The law made it illegal to import “cannabis indica, also known as hashish and mariguana [sic], in any form or preparation or derivative thereof” unless marked for medicinal purposes by a licensed pharmacist or physician. This law enacted a clear bifurcation of uses for cannabis that codified a licit-illicit divide in the state. Violations of the law were

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<sup>456</sup> *Annual Report of the Board of Control of Arizona for the Fiscal Year Ended June 30 1915* (Phoenix, AZ: Board of Control, 1915), 71.

<sup>457</sup> “Vetoed Marihuana Bill,” *Tombstone Epitaph* (Tombstone, AZ), February 20, 1921; “Drug Bill Is Vetoed in Arizona,” *Casper Daily Tribune* (Casper, WY), February 16, 1921; “Marihuana Escapes Anti-Narcotic Act,” *The Corpus Christi Caller* (Corpus Christi, TX), April 18, 1921.

<sup>458</sup> “Both Houses of Legislature Take Layoff Monday,” *Tombstone Epitaph* (Tombstone, AZ), February 6, 1921.

<sup>459</sup> “Vetoed Marihuana Bill.”



subject to a fine and imprisonment, stipulating that, “possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.” The law also prohibited the cultivation or barter of “any cannabis indica, be it known by whatever name, or preparation or derivative thereof.” This measure effectively outlawed the growth of cannabis throughout the state, but protected the rights of licensed physicians and pharmacists to dispense the drug.<sup>460</sup> The influence of medical professionals and existing legal classifications were thus quite prominent in the New Mexico bill. Indeed, some three years earlier, the New Mexico Board of Medicine published a series of questions and answers that listed “Cocaine, morphine, chloral, acetanilid, alcohol, codeine, heroin, [and] cannabis” as “habit forming drugs.”<sup>461</sup>

New Mexico’s was the second statewide law specific to cannabis or marijuana in the United States, following only Colorado. Often cited as an example of the xenophobic reaction to Mexican marijuana smoking, the history of cannabis regulation in Colorado actually illuminates the many influences seen throughout the country. Like concerned citizens in many states during the late nineteenth century, Coloradans saw habitual drug use as a true evil and responded with strict laws.<sup>462</sup> In 1907, a statewide Food and Drug Act essentially copied the federal measure, including cannabis indica. In similar fashion, Colorado lawmakers responded to passage of the federal Harrison Narcotics Act with passage of a comprehensive state-level anti-narcotics bill that closely matched the federal

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<sup>460</sup> William H. Courtright, ed., *New Mexico Statutes Annotated* (Denver, CO: The W. H. Courtright Publishing Co., 1929), 835.

<sup>461</sup> Millicent R. LaWall, “Board Questions and Answers: New Mexico Board Materia Medica,” *American Druggist and Pharmaceutical Record (1893-1922)* 68, no. 1 (January 1, 1920): 28.

<sup>462</sup> Whiteside, *Menace in the West*, 16. Whiteside argues these laws were often circumvented or ineffectual.

law and excluded cannabis.<sup>463</sup> Less than two years later, however, state Representative Andres Lucero introduced a bill to prohibit the cultivation of “Cannabis sativa (also known as cannabis indica, Indian hemp and mariguana).” Just two days later Lucero followed up with a companion bill to outlaw traffic in cannabis indica and chloral hydrate. This measure simply sought to add the two substances to the state’s comprehensive narcotic law.<sup>464</sup> In conjunction, these two proposals precluded all possible uses of cannabis in Colorado. The passage of these measures may also mark the first incidence of a law prohibiting cannabis cultivation in the United States.

The existing evidence for their impetus, however, is quite slim. Lucero’s largely Hispanic constituency may have been particularly sensitive to the arrival of Mexican immigrants and marijuana. They may have also been quite familiar with the well-established perceptions on the dangers of marijuana in Mexico. At the same time, it is possible that Harry V. Williamson, chief of the Denver district office for the Treasury Department’s Narcotics Division, influenced Lucero’s desire for a marijuana bill. Williamson actively pushed for Colorado laws against cannabis in the years prior to Lucero’s proposals.<sup>465</sup> In any scenario, the 1917 legislation enacted in Colorado relied heavily on existing medical terminology and drug control frameworks to accommodate the inclusion of marijuana. Interestingly, however, when the state legislature returned to session in the spring of 1919 it repealed Lucero’s amendment. This change to the state’s comprehensive narcotics law removed chloral hydrate and cannabis indica, but left the standalone cultivation statute in place. This left Colorado in the rather odd position of

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<sup>463</sup> Ibid., 31.

<sup>464</sup> *Colorado Session Laws*, 120, 186–88.

<sup>465</sup> Whiteside, *Menace in the West*, 36–38.

forbidding the cultivation and use of cannabis by the grower, but allowing its sale and use by others. This may have signaled an unfamiliarity with the drugs in question, or an oversight on the overlap between the laws. Nonetheless, similar peculiar sets of laws also existed elsewhere. California, for example, had placed cannabis regulations alongside a section of the law on opium paraphernalia, thereby prohibiting all preparations of cannabis in the state where cocaine and opium were legal with a physician's prescription.<sup>466</sup> In Colorado, it seems the federal government's exclusion of cannabis from the Harrison Narcotics Act precipitated the prompt change to the state's comprehensive drug law. Indeed, given the close ties between Colorado's state level measures and Harrison it appears state legislators preferred to maintain conformity with the federal law rather than continue regulating marijuana.

Though proximity to the border and familiarity with Mexican marijuana surely helped influence some of this legislation, a reductive xenophobic reaction alone cannot fully explain the emergence of all such laws. Again, this is not to imply that blatant racism and links between Mexican immigrants and marijuana did not exist. They most assuredly did. Any impetus derived from that racism, however, was often only one part of a more complex set of forces driving the evolution of drug control in the United States. Moreover, a fundamentally xenophobic interpretation of marijuana prohibition fails to account for states that regulated cannabis in the absence of Mexican immigrants and mentions of marijuana. This was as true in Massachusetts and New England as it was in a

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<sup>466</sup> Gieringer, "The Origins of Cannabis Prohibition in California," 23–24.

number of states west of the Mississippi River. Arkansas, Iowa, Oregon, Washington, and Wyoming all regulated cannabis with no mention of marijuana.<sup>467</sup>

These states laws did, however, mirror patterns of narcotic prohibition and cannabis regulation found throughout the country in both style and substance. Iowa, for example, passed a statewide pharmacy law stipulating that, “No person, firm or corporation shall sell, exchange, deliver or have in his possession with intent to sell, exchange or expose or offer for sale or exchange any coca, cocaine, alpha or beta eucaine, cannabis indica, cannabis Americana, or indian hemp, or derivatives of any of them,” unless by written prescription from a registered medical practitioner.<sup>468</sup> In Wyoming, state law prohibited medical practitioners and druggists from furnishing or prescribing a number of drugs “for the use of any habitual user,” unless that user was “under his treatment in the regular practice of his profession.” Wyoming’s list of restricted drugs included cocaine, morphine, chloral hydrate, opium and Indian hemp.<sup>469</sup> In 1923, Oregon law included cannabis alongside many of those same drugs in statewide legislation “providing for the punishment of habitual users of certain drugs.”<sup>470</sup> Quite tellingly, three years later in 1926, W. J. Herwig, General Secretary of the Anti-Narcotic Educational Association based in Portland, wrote the federal Department of Agriculture to “enquire whether or not you have any literature pertaining to a plant known as

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<sup>467</sup> For the text of these laws and the terms used, see: *Federal and State Laws (Compiled) Relating to the Manufacture and Sale of Foods, Drugs, Insecticides, Etc.* For direct reference to the laws of Oregon and Washington, see: Sam A. Kozier, Secretary of State, *Oregon Laws and Resolutions*; J. Grant Hinkle, ed., *Session Laws of the State of Washington Eighteenth Session* (Olympia: Frank M. Lamborn, 1923), <http://leg.wa.gov/codereviser/documents/sessionlaw/1923pam1.pdf>.

<sup>468</sup> *Federal and State Laws (Compiled) Relating to the Manufacture and Sale of Foods, Drugs, Insecticides, Etc.*, 257.

<sup>469</sup> *Ibid.*, 805. The Wyoming law also provided specific limits on the amount of those drugs, in grams, that physicians could administer within a twenty-four hour period, so long as they did so, “in good faith.”

<sup>470</sup> Sam A. Kozier, Secretary of State, *Oregon Laws and Resolutions*, 35–36.

‘Mariwanna.’” Herwig’s letter made clear he was “not quite sure as to the correct spelling,” but believed “it is supposed to grow in Mexico.” He further noted that he understood the “leaves, or rather the flower of the plant is dried and smoked, and has the same affect as opium.” This meant that the general secretary of a prominent anti-narcotics group was still generally unfamiliar with marijuana some three years after Oregon regulated cannabis use - making any xenophobic impetus from Mexican marijuana smokers in the state highly unlikely.<sup>471</sup>

## CONCLUSION

Given the cumulative weight of the available evidence, the time has come to revise the dominant narrative for explaining marijuana prohibition in the United States. What transpired in the west was not a systematic xenophobic reaction to the arrival of Mexican marijuana smokers. The mixed motives driving cannabis regulation elude such a singular cause. A more probable explanation is that the more familiar a city or state was with Mexican marijuana, the more likely it was to respond with restrictive legislation including the word marijuana or related terminology. Even in those instances, however, well-established medical and scientific understandings of cannabis still played a role. Neither Mexicans immigrants nor marijuana terminology were a pre-condition to restrictive cannabis legislation. States east and west of the Mississippi drew on well-established perceptions and classifications of cannabis to regulate it alongside the opiates, cocaine, and other potentially dangerous drugs. Quite simply, there was more than

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<sup>471</sup> “W.J. Herwig, General Secretary Anti-Narcotic Educational Association, to Department of Agriculture, Washington, D.C.,” March 4, 1926, Records of the Division of Drug and Related Plants, Record Group 54; NACP.

enough existing fear of cannabis in the early twentieth century to drive its restriction in states across the country – and both medicine and Mexicans played their part. Moreover, the licit-illicit bifurcation established by these regulatory measures demonstrated a hardening line between the legitimate and illegitimate uses of drugs in the United States. Indeed, it seems clear that non-medical use of marijuana was often associated with Mexicans and other minority groups. As recognized medical uses for cannabis continued to decline, the desire to restrict all forms of cannabis increased as did sensational claims about its potential dangers. The following chapter examines this process in the influential city of New Orleans, demonstrating the ways in which this period of local cannabis control ultimately laid a broad and receptive foundation for federal intervention in the 1930s.

## CHAPTER 4

# **“A Damnable Cuss to American Youngsters”: New Orleans, the Marijuana Menace, and the Impetus for Federal Prohibition, 1920-1935**

## INTRODUCTION

In August of 1920, Dr. Oscar Dowling, president of the Louisiana State Board of Health, wrote to Louisiana Governor John M. Parker and alerted him to the increasing availability of a “powerful narcotic, causing exhilaration, intoxication, [and] delirious hallucinations.” Governor Parker relayed similar concerns in a November letter to John Kremer, federal Prohibition Commissioner. Governor Parker was surprised that there was no federal law curbing the drug and asserted that, “two people were killed a few days ago by the smoking of this drug, which seems to make them go crazy wild.” In December, Dr. Dowling – who later became chairman of the American Medical Association’s Board of Trustees – wrote to the federal Public Health Service to solicit federal cooperation in stifling the increased traffic of this drug and many others in New Orleans. The response

from the Surgeon-General of the United States indicated he “was in complete agreement with Dr. Dowling’s concern.”<sup>472</sup> The drug in question was marijuana.

These letters marked the early stages of the “marijuana menace” – a widespread panic surrounding the drug that emerged in New Orleans between 1920 and the early 1930s. The commentary surrounding this panic often centered on the alleged spread of marijuana use among criminals and school-age children. In response to this perception, both the city and the state of Louisiana passed anti-marijuana laws that criminalized its sale and possession without a physician’s prescription. In the weeks that followed passage of the city ordinance in 1923, police raided houses, restaurants, and soft drink stands arresting marijuana peddlers and smokers. A year later, following unanimous passage by the state legislature, Governor Henry L. Fuqua signed a law prohibiting marijuana throughout Louisiana. In the months and years that followed, civic groups and law enforcement officials in New Orleans waged “marijuana war,” launched more than one “muggles drive,” and declared “war on dealers in marijuana.”<sup>473</sup>

Existing studies of marijuana prohibition in the United States have given city and state level events such as these relatively little attention, focusing instead on the developments that led to nationwide marijuana prohibition. In general, these studies fall into two broad categories of analysis: the “Anslinger Hypothesis” and the “Mexican

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<sup>472</sup> Dowling to Governor of Louisiana, 21 Aug. 1920 and Dowling to Acting Surgeon General Periz, 3 Dec. 1920 as cited in Bonnie and Whitebread, *The Marijuana Conviction*, 43–44; Musto, “The Marihuana Tax Act of 1937,” 102. Governor Parker to John Kremer as cited in David F. Musto, “The Marihuana Tax Act of 1937,” *Archives of General Psychiatry* 26, no. 2 (February 1, 1972): 102.

<sup>473</sup> For examples, see: “Cops Make First Marihuana Raids,” *Times-Picayune* (New Orleans), June 17, 1923; “Marijuana War Is Planned by Mrs. Gregson,” *Times-Picayune* (New Orleans), November 30, 1924, sec. Three; “Ax Killer’s Trial Set as ‘Muggles’ Drive Is Ordered,” *Times-Picayune* (New Orleans), April 18, 1929; “Police Open New War on Dealers in Marihuana,” *Times-Picayune* (New Orleans), October 26, 1930, Sunday edition.



Hypothesis.”<sup>474</sup> Those in the Anslinger group have primarily argued that the Federal Bureau of Narcotics and its Commissioner, Harry J. Anslinger, were the primary force behind the propaganda movement that produced the federal Marihuana Tax Act (MTA) in 1937.<sup>475</sup> Anslinger himself disputed this argument, suggesting that he simply responded to pressure from southwestern states that feared the use and spread of marijuana by Mexicans.<sup>476</sup> Others found credibility in this line of reasoning and shifted the onus away from FBN propaganda and onto racism, xenophobia, and labor concerns surrounding minority groups, especially Mexican immigrants. The most widely cited of all marijuana scholars, Richard J. Bonnie and Charles H. Whitebread, championed a nuanced version of this interpretation. They wrote, for instance, that Commissioner Anslinger and the FBN “supported all efforts, fact or fiction, to arouse public interest in the threat posed by marijuana and its users.”<sup>477</sup> They also stressed that the MTA and its judicial approval “were essentially kneejerk responses uninformed by scientific study or public debate and colored instead by racial bias and sensationalistic myths.”<sup>478</sup>

Bonnie and Whitebread did highlight the role New Orleans played in fostering the marijuana menace ideology before Anslinger’s involvement, but based their assertion on

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<sup>474</sup> For more on these categories, see: Himmelstein, *The Strange Career of Marihuana*.

<sup>475</sup> For seminal examples of the Anslinger hypothesis, see: Becker, *Outsiders*; Lindesmith, *The Addict and the Law*; Schaller, “The Federal Prohibition of Marihuana”; Charles E Reasons, *The Criminologist: Crime and the Criminal* (Pacific Palisades, Calif.: Goodyear Pub. Co., 1974). Schaller, for example, wrote that Anslinger and the FBN “created evidence to prove its point.”

<sup>476</sup> For Anslinger’s interviews with Musto and the seminal foundations of the Mexican hypothesis, see: Musto, “The Marihuana Tax Act of 1937”; Musto, *The American Disease*, 1973.

<sup>477</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 100. Bonnie and Whitebread were clear that many states passed marijuana laws prior to Anslinger’s appointment as Commissioner of the FBN and thus anti-marijuana sentiment and propaganda could not be attributed to his singular machinations. In this sense, they saw anti-Mexican sentiment and xenophobia as the impetus and Anslinger as the conduit for federal marijuana prohibition.

<sup>478</sup> Bonnie and Whitebread, “The Forbidden Fruit and the Tree of Knowledge,” 1010.

a very limited analysis of the city. They generally ignored the passage of both the 1923 city ordinance and 1924 state law, arguing instead that, prior to late 1926, “very little ... was done about the marihuana issue until the press seized upon it.” In characterizing the city’s marijuana users, Bonnie and Whitebread wrote that, “use among the black and lower-class white elements of New Orleans emerged along with the propensity toward use by youth.” They offered no evidence for this claim. Moreover, later in the same paragraph, they summarized their assessment of marijuana use in major cities by writing, “Apart from those in the Mexican communities, it appears that the urban users were artists, musicians, medical students, and blacks.” Bonnie and Whitebread believed New Orleans officials responded to a general spike in crime during the 1920s by using marijuana as a “convenient scapegoat,” generally dismissing newspaper and law enforcement claims about the dangers of marijuana and its growing user population as mere “propaganda.”<sup>479</sup> Their belief that marijuana users came from fringe and minority groups served to bolster their argument that racism and xenophobia played a central role in driving its prohibition.

Rather than gloss over more than a decade of concern with marijuana use in New Orleans, this chapter examines the character of the local commentary and provides a spatial and demographic analysis of documented marijuana arrests. As such, it offers a look at how legislative responses and police activities developed in one of the nation’s earliest marijuana markets. It challenges previous interpretations by demonstrating the lengthy and widespread concern surrounding the non-medical use of cannabis in the United States; countering the prominence given to pressure derived from southwestern

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<sup>479</sup> For quotations in this paragraph, see: Bonnie and Whitebread, *The Marijuana Conviction*, 44, 92, 67, 71, 92.

states and Mexican marijuana users; and illuminating a pronounced and sustained fear surrounding youthful marijuana use.<sup>480</sup> This chapter also suggests New Orleans served as the locus of the “stepping stone” theory that alleged marijuana serves as a gateway to the opiates and cocaine. Viewing marijuana as a gateway drug, though not immediately picked up by Commissioner Anslinger in the 1930s, has long since served as the main argument sustaining marijuana prohibition in the twentieth century. New Orleans thus serves to illuminate the ways in which media coverage, law enforcement, and prominent social concerns coalesced and reinforced a negative characterization of marijuana that informed and repeated itself nationwide. What transpired in the city demonstrates quite clearly the influence of local activism on national policy.<sup>481</sup> New Orleans is thus exceptional in its importance yet representative of the patterns and discourses on marijuana that also developed elsewhere in the country.

In short, marijuana was not “condemned without a trial.”<sup>482</sup> By the mid-1930s, its trial was many decades long. Public commentary, expert opinions, and government records reveal myriad forces validating marijuana’s dangers and supporting its regulation in states across the country. Though some counter discourse did emerge, these widespread legal and ideological foundations provided clear support for what has often been characterized as a hasty, ill-conceived rush toward federal prohibition. In short, what previous studies have labeled vague, unsubstantiated, and unscientific data was

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<sup>480</sup> Jerome Himmelstein has emphasized the importance of youthful marijuana use in prompting federal action on marijuana in the mid-1930s. This chapter finds the origins of that fear in New Orleans more than a decade earlier. See, Himmelstein, *The Strange Career of Marihuana*, Chapter 4, “The Rise of the Killer Weed.”

<sup>481</sup> On the influence of the local parent movement, led by Marsha “Keith” Manatt Schuchard, in shaping national policy on marijuana, see: Emily Dufton, “Just Say Know: How the Parent Movement Shaped America’s Modern War on Drugs, 1970-2000” (Dissertation, The George Washington University, 2014).

<sup>482</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 174.

actually a widely held belief among many medical professionals, law enforcement, and social reformers in New Orleans and beyond - all of which provided ample evidence for Commissioner Anslinger and his anti-marijuana campaign.

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On February 18, 1922, the *Times-Picayune* of New Orleans announced a new drug habit was growing rapidly in the city. Citing the work of Dr. Oscar Dowling the newspaper reported that, “passage of a drastic law to curb the constantly growing practice of selling and smoking marijuana, also known as muggles, will be sought at the next session of the Legislature.” Dowling had raised the alarm on marijuana with multiple agencies and federal assistance in this fight appeared to be on the way. G. W. Cunningham, chief federal narcotic officer for Louisiana, asserted that, “a measure is to be introduced into Congress which would put marijuana in the same class with morphine, cocaine and opium.” Quite interestingly, Cunningham “rapped the popular impression that marijuana is not harmful.” – suggesting its use may have already reached a critical mass in New Orleans. Instead, he stressed marijuana “was as habit forming as morphine or cocaine” and that “constant smoking will ruin the health.”<sup>483</sup> On this, Dr. Dowling, Cunningham, and many others agreed.

Just how much New Orleans residents knew about marijuana at the time, however, is difficult to assess. In October of 1921, the *Times-Picayune* published a brief reader inquiry about the paper’s recent “allusion to the narcotic preparation of a plant called ‘marijuana.’” The interested reader hoped to learn “where it is grown; its effect on

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<sup>483</sup> “New Drug Habit Rapidly Growing, Health Heads Say,” *Times Picayune (New Orleans)*, February 18, 1922.

the human system and if it is injurious or otherwise.” On the surface, such questions might suggest a general lack of public awareness surrounding marijuana. In any case, that was apparently changing rapidly. The newspaper’s editorial reply demonstrated this by including a range of speculation and confusion on marijuana alongside more well established information. For instance, the paper noted correctly that marijuana “consists chiefly of the flowering tops and tender leaves and stalks of the Indian hemp (*Cannabis indica*).” Yet, speculated that, “the name ‘marijuana’ is probably a corruption of the ‘majoon’ of Calcutta, the name given to the hashish made in that city.”<sup>484</sup> The editorial also connected the word hashish with the etymology of the term assassin – a widely circulated legend with roots stretching back to Marco Polo and the Crusades.<sup>485</sup> The paper thus tied marijuana to more familiar but dangerous forms of cannabis, namely eastern hashish.

The *Times-Picayune* editorial also included an assessment of marijuana’s effects quite obviously summarized the existing medical literature on cannabis. The paper claimed, for example, “The effects differ according to the dose and the idiosyncrasy of the individual.” In short, “Some individuals become pugnacious, while others fall into a state of reverie.” This was a common characteristic of cannabis use, noted by many American physicians, and often seen as an impediment to its use as a medicine. The paper article also indicated that, “One of the first appreciable effects of the drug is the gradual weakening of the powers of controlling and directing the thoughts.” This stage

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<sup>484</sup> “Questions and Answers,” *Times-Picayune* (New Orleans), October 23, 1921, sec. Two.

<sup>485</sup> For an extensive analysis of the link between hashish and Islamic assassins, see: Jerry Mandel, “Hashish, Assassins, and the Love of God,” *Issues in Criminology* 2, no. 2 (1966): 149–56; Farhad Daftary, *The Assassin Legends: Myths of the Isma‘ilis* (London; New York: Tauris, 1994); Campos, *Home Grown*, 10–13. This link was made famous during the federal anti-marijuana campaign waged in the late 1930s by Harry J. Anslinger and is explored further in the following chapter.

was “followed by dreams accompanied by errors of sense, false conversions [sic], and the predominance of one or more extravagant ideas.” During this stage, “a minute may seem a year and an hour only an instant; sounds may be exaggerated, and the sense of duration of time and extent of space and the appreciation of personality are lost.” Rapid, uncontrolled thoughts, erosion of the will, and errors of space and time were all symptoms frequently ascribed to cannabis in the existing medical literature. So too were comparisons to opium and its efficacy. Indeed, the *Times-Picayune* noted that although cannabis was “less certain in its action than opium, it is said to possess certain advantages over that drug,” mainly, “that it does not induce torpidity of the liver, create nausea or check the secretions, and it is less likely to occasion headache.”<sup>486</sup>

Given such wide-ranging, but well-rooted, descriptions of cannabis symptoms it was not a difficult leap from this generally staid medical evaluation to a more frightful one characterized by a focus on exhilaration, intoxication, and aggressiveness. As marijuana moved into the public consciousness of New Orleans in the early 1920s, characterizations of its potentially dangerous effects took hold rather quickly.<sup>487</sup> This was especially true as marijuana use reportedly spread among criminals and juveniles. In May of 1922, for instance, a *Times-Picayune* headline proclaimed “‘Muggles’ Incites Orleans Youths to Crime.” The story cited city police detective Paul R. Maureau who blamed the “Mexican drug for outbreaks by boy addicts.” Highlighting the danger facing New Orleans, Maureau claimed a fourteen year old automobile thief was a “member of a gang

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<sup>486</sup> “Questions and Answers.” For more on many of the symptoms and characteristics ascribed to cannabis, see chapters 1 and 2.

<sup>487</sup> For examples, including comparisons between marihuana addiction and stamp collecting as well as a casual mention of marihuana smoking, see: “Just What Is Dishonesy,” *Times Picayune (New Orleans)*, July 1, 1923, sec. One-B; “Literature -- and Less - Comments on the Books of the Day,” *Times Picayune (New Orleans)*, July 15, 1923.

that was accustomed to smoke ‘mirauana’ or ‘muggles’ cigarettes, which are supposed to produce recklessness unrivaled by other ‘dope.’” Another boy testified that the drug could be bought in either its dried leaf form or as ready-made cigarettes. The article reported those marijuana cigarettes could be purchased for as little as twenty-five cents and noted, “the weed is said to be brought to this country by sailors from Mexico and South America.” Detective Maureau claimed just one marijuana cigarette could “contain criminal inspiration for four or five youths.” Likewise, a juvenile court judge further declared that “several boys have admitted using ‘mirauana’ to ‘get up their nerve’ for theft and other offenses.” To bolster this perception, Detective Maureau further claimed that a man “arrested recently for the murder of a woman was found to be under the influence of ‘mirauana.’”<sup>488</sup>

Measuring the prevalence of marijuana use in New Orleans during the early 1920s is quite difficult given the obvious source limitations. Consistent reporting from the *Times-Picayune* nevertheless sheds light on the activities of local police and federal agents in the city as well as those arrested on marijuana charges.<sup>489</sup> In the months after Dr. Dowling announced he would pursue an ordinance against marijuana, the paper recorded at least three major raids netting the drug. In August, police raided the apartment of Genara Prugillo and Lorenzo Epsinoza capturing twenty-one gallons of wine and one hundred and ninety packets of marijuana. In covering this raid, the *Times-Picayune* alleged that, “New Orleans mariahuana peddlers get a big price for their

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<sup>488</sup> “Says ‘Muggles’ Incites Orleans Youths to Crime,” *Times Picayune (New Orleans)*, May 29, 1922.

<sup>489</sup> Under the Harrison Narcotics Act Treasury Department, agents oversaw drug control enforcement because the law was written as tax and revenue act to bolster its constitutionality. Likewise, federal Customs officials could seize cannabis coming into the country under Treasury Decision 35719 of 1915, which banned its non-medical import.

product, while one-half ounce smoked in a pipe is enough to put the addict into a rosy dream or pell-mell into an old-time barroom fight.”<sup>490</sup> A month later customs officials searched a Mexican steamship moored in New Orleans and seized “two large packages of Mexican Marijuana leaves.” Turned over to federal narcotic inspectors, the packages were valued at more than \$800 at New Orleans retail prices. The *Times-Picayune* report stressed that marijuana was “a narcotic smoked in cigarette form,” more powerful than opium, cocaine or morphine, and “many times more destructive to the nervous system than any of those drugs.”<sup>491</sup> In December of 1922, New Orleans police and federal agents from the Treasury Department completed an under-cover investigation they believed would “smash a narcotic ring.” The alleged ringleader of the operation was reportedly captured with “more than \$9,000 of cocaine, morphine and mariahuana.”<sup>492</sup>

In 1923, stories of marijuana use in New Orleans continued to increase, while fear of its apparent spread prompted a swift legal response by the city’s Commission Council. On May 18, the *Times-Picayune* highlighted the hospitalization of Randall Sharp, “another victim of the Mexican dope, ‘Marijuana.’” According to the paper, physicians at Charity Hospital “declared there is an epidemic of smoking the contraband in New Orleans and that scarcely a day passes without two or three persons being sent there for treatment.” The newspaper report further alleged an increase of marijuana “in the city within the last few months.”<sup>493</sup> Just two days later city officials were prepared to act. At the request of Robert H. Marr, District Attorney, and a number of medical professionals,

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<sup>490</sup> “Police Capture Weed, Wine and Owners in Raid,” *Times Picayune (New Orleans)*, August 26, 1922.

<sup>491</sup> “Narcotic Leaves Seized on Vessel,” *Times Picayune (New Orleans)*, September 21, 1922.

<sup>492</sup> “Drug Ring Hunt Seems to Score,” *Times Picayune (New Orleans)*, December 24, 1922.

<sup>493</sup> “Mary Warner Epidemic,” *Times Picayune (New Orleans)*, May 8, 1923.



city Commissioner Paul Maloney introduced an ordinance “to make illegal the sale of ‘cannabis indica,’ better known as ‘Mari Juana’ or the ‘Mexican happy smoke,’ use of which has had sudden growth in New Orleans during the past two or three weeks.”<sup>494</sup> Incongruent timelines aside, on May 29, 1923 the city’s commission council adopted a measure prohibiting the possession and sale of marijuana. First violations of the ordinance were punishable by a fine of up to \$25 and thirty days imprisonment. In assessing the law, night court Judge Emile Leonard stated, “I fined marihuana sellers before the passing of the city ordinance when they were arrested simply as dangerous and suspicious characters. Those brought before me, charged with the new ordinance, can expect little mercy.”<sup>495</sup>

A number of factors in New Orleans probably contributed to the city’s legal response to curbing the sale and possession of marijuana. Based on the available evidence, it appears marijuana was frequently among the drugs sold by street peddlers. The presence of marijuana alongside other drugs and alcohol seized during police raids bolstered this assessment.<sup>496</sup> Early reports also occasionally noted that marijuana arrived in New Orleans via the city’s many shipping docks, often tying the drug to Mexican seamen and other suspiciously viewed foreigners. There was also a quick and clear characterization of marijuana’s apparent dangers tied together with dire warnings about its growing use in the city. Prominent physicians and government officials alike fostered and reinforced this characterization. There were also purported connections between

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<sup>494</sup> “Council to Act on Sale in City of Mary Warner,” *Times Picayune (New Orleans)*, May 20, 1923; “Use of Mexican Dope Forbidden by City Council,” *Times Picayune (New Orleans)*, May 30, 1923.

<sup>495</sup> “A Yarn of Many Threads,” *Times Picayune (New Orleans)*, July 1, 1923, sec. One-B.

<sup>496</sup> For two examples, see: “Police Capture Weed, Wine and Owners in Raid,” *Times-Picayune (New Orleans)*, August 26, 1922; “Drug Ring Hunt Seems to Score,” *Times-Picayune (New Orleans)*, December 24, 1922.

marijuana use and crime. Each of these factors likely contributed to the city's legal response.

Yet, what really appears to have sparked action on marijuana in New Orleans was its alleged adoption by schoolchildren. A June exposé from the *Times-Picayune* entitled, "The Victim," chronicled what many believed was happening to youthful users throughout New Orleans.<sup>497</sup> In the parlor of a former mansion turned tenement, reporter Lyle Saxon sat with the mother of a young boy who wept as she said, "Yes sir, I'll tell you everything. At least I'll try to. To think that this has happened to my little boy, only twelve years old, and a victim of drugs." As she told it, her son Seth and his fourteen-year-old brother had taken up selling newspapers after school. All was well, she said, until "a few months ago I began to notice that something was wrong." Seth, she said, "would come home with his eyes wide open, staring, but he seemed half asleep. He would say strange things. I couldn't understand what he meant."<sup>498</sup> He would "sleep like a log" and in the morning, she "couldn't wake him up for school." Then Seth began missing school. He started bringing home less and less from the newspaper sales that had helped support his family, and most importantly, "he couldn't account for where it had gone."<sup>499</sup> According to his mother, Seth began "to stay out all night," until one day he simply did not come home. Missing for three days, his father finally went in search of him, "coming home with the boy in his arms, his little head hanging down like he was

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<sup>497</sup> Lyle Saxon, "The Victim," *Times Picayune (New Orleans)*, June 3, 1923.

<sup>498</sup> It is worth noting that marijuana tends to have the exact opposite effect on a user's eyes – constricting rather than widening. Known as photophobia, this squint is now a common trope in pop culture references to marijuana use. Many of the tropes in this story appear drawn from the temperance movement. For an exploration of how eyes wide open was often used as a symbol of madness with cannabis, see: Campos, *Home Grown*, 155–80.

<sup>499</sup> Saxon, "The Victim," 20.

dead.” When they spoke with the police, officers said, “Seth had been smoking marihuana,” or “Muggles” as they called it.<sup>500</sup>

Social workers, physicians, and local police all seemed to confirm the spread of marijuana smoking in New Orleans, particularly among school-age children. For example, Mrs. Emma B. Stanton, a volunteer worker in the city, conducted “an investigation among the small boys and youths of the city.” Her findings further escalated the belief that marijuana was widely available. In one instance, she claimed to have given a seven-year-old boy some money and sent him into a saloon to purchase marijuana. According to Stanton, the boy emerged “a few moments later with a little packet of marihuana, rolled in a bit of newspaper – and with the information that a man inside had offered to roll the cigarettes for him because he was too little to roll them himself.”<sup>501</sup> An investigation by Lazu Block, chief attendance officer of parish schools, also found evidence of marijuana use among school age children. On this news, a collective of more than sixty-three affiliated parent-led education clubs met with the district Superintendent about marijuana. Known as the President’s Cooperative Club the group adopted “resolutions approving the efforts of the commission council and the chief of police to stop the sale of marihuana or ‘muggles’ cigarettes.”<sup>502</sup>

These findings lent further credence to the belief that the practice of smoking marijuana was growing among the city’s children.<sup>503</sup> So too did continued reporting from the *Time-Picayune*. In July 1923, the newspaper described “Muggles” as the “boon of

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<sup>500</sup> Ibid., 27.

<sup>501</sup> Ibid.

<sup>502</sup> “Children Using ‘Mary Warner,’ Officials Fear,” *Times-Picayune* (New Orleans), June 16, 1923.

<sup>503</sup> “More Attention to Home Training Urged by Gwinn,” *Times Picayune* (New Orleans), May 5, 1923.

newsboys and school children who haven't the means to purchase a more expensive drug."<sup>504</sup> Reporter Lyle Saxon characterized the situation as especially dire. He believed that "to curb the smoking of marihuana is an arduous task – as so many boys and men have acquired the habit, and they will brave almost anything in order to get their daily 'shot.'" In sum, Saxon wrote, "the tragedy of the situation is that this drug is striking at the very roots of society in attacking the children, making them slaves, not only to the drug, but to those unscrupulous boys and men who find it to their advantages to 'dope' the children, taking from them their hard earned pennies, gained by selling papers, shining shoes and so on, leaving the children sleeping in alleys, in gutters and in the streets."<sup>505</sup>

Professional medical opinions on marijuana also painted a picture that urged social intervention and police action. Dr. E. J. DeBergue, assistant city coroner, declared that, "There is little difference in the effects of marihuana and hashish ... When first used it produces a form of mild exhilaration. With constant use this exhilaration passes and one uses the drug simply to feel normal." He further believed that when compared to "more powerful drugs, marihauana gives its addicts an appearance of listlessness, numbness and a general lack of energy ... It produces protracted insomnia and may lead to temporary insanity." In conclusion, Dr. DeBergue asserted, "It need not be added it is intensely harmful."<sup>506</sup> Dr. John M. Fletcher, professor of psychology at Tulane University, president of the Southern Society for Philosophy and Psychology, and later Chairman of the Louisiana Educational Survey Commission painted a similarly

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<sup>504</sup> "A Yarn of Many Threads."

<sup>505</sup> Saxon, "The Victim," 27. Certain aspects of this story align quite closely with contemporary temperance discourse on the evils of alcohol.

<sup>506</sup> "A Yarn of Many Threads," 2.

dangerous picture of marijuana. Fletcher analyzed a sample of the drug seized during a citywide investigation. He reported that the item sent to him was “identified as the flowering top and the tender parts of cannabis indica, or Indian hemp.” Fletcher, though not a medical doctor, rather ably summarized much of the existing, if often conflicting, characterizations surrounding cannabis. The plant, he noted, “has been in use for centuries as a narcotic stimulant.” As for its effects, Fletcher asserted that, “they are both mental and physical.” Marijuana users showed “a gradual weakening of the thought processes, together with extreme errors of sense of time and space.” Long-term use led to “indigestion, wasting of the body, cough, melancholy, impotence and dropsy.” With continued use, Fletcher asserted, “its votary becomes an outcast from society, and his career terminates in crime, insanity and idiocy.”<sup>507</sup>

These grave assessments of marijuana offered fuel for strict enforcement of the city’s ordinance and increased police activity. Reports from the *Times-Picayune* followed these measures and illuminated an apparently sophisticated market for marijuana and other illicit drugs. For instance, following a two-month stakeout on a rooming-house in New Orleans, city detectives embedded with federal law enforcement agents arrested seven men and helped seize a cache of narcotics valued at nearly \$35,500. A report of the raid detailed the discovery of “more than 300 suitcases, many with neatly built in hiding places for narcotics.” One of the false bottoms held “fifteen cigar boxes filled with ‘ready to peddle’ marijuana.”<sup>508</sup> Two weeks later, police arrested Antonio Bernade and his wife

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<sup>507</sup> Saxon, “The Victim,” 27.

<sup>508</sup> “Seven Arrested and 36,000 Grains of Dope Seized,” *Times Picayune (New Orleans)*, June 8, 1923, 2; “Dope Swindle Exposed by Raid on Mexican Club,” *Times Picayune (New Orleans)*, June 9, 1923, 2.

with “twelve packs of the weed.”<sup>509</sup> In January of 1924, after trailing the automobile of Joe Martinez to a New Orleans residence, Captain Ray and Patrolman Werlin raided the house and discovered Martinez with two other men and a suitcase that contained fifteen pounds of marijuana. This was reportedly the largest seizure in the first six months of marijuana enforcement activity in New Orleans.<sup>510</sup> Police activity smashed that record barely two months later. Following an undercover purchase at the restaurant of Manuel Arredondo in late April, New Orleans police confiscated some forty pounds of marijuana. Valued at nearly \$3,000 dollars, the stash was “concealed in the rear of the place under a trapdoor.”<sup>511</sup>

The consistency of marijuana arrests along with the large quantities often seized suggested a growing market for marijuana that raised the continued ire of concerned citizens and lawmakers. In May of 1924, the desire to tighten marijuana restrictions made its way to Baton Rouge and the state legislature. Newly elected Representative, Fred W. Oser, a former *Times-Picayune* police reporter, and secretary to the commissioner of public safety in New Orleans, brought the city’s urgency on marijuana with him. Oser had often “observed the evils of marijuana,” and among his first actions was to introduce statewide anti-marijuana legislation. His proposal sought to forbid the sale and transportation of marijuana, carrying mandatory provisions for a fine and imprisonment while also prohibiting the trial judge from suspending the sentence.<sup>512</sup> In early June, the

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<sup>509</sup> “Cops Make First Marihuana Raids.”

<sup>510</sup> “Marihuana Haul Made By Police,” *Times Picayune (New Orleans)*, January 17, 1924, 4.

<sup>511</sup> “Marijuana Seized Valued at \$3,000,” *Times Picayune (New Orleans)*, April 20, 1924, sec. Five, 8.

<sup>512</sup> “Red Sticks - Against Marijuana,” *Times-Picayune (New Orleans)*, May 14, 1925, 3; “Bills Introduced,” *Times-Picayune (New Orleans)*, May 15, 1924, 2.

judiciary committee of the House favorably reported the bill.<sup>513</sup> Little more than a week later, Oser presented House Bill No. 275 for a vote, rising to insist there should be no objection. Representative J. O. Fernandez “declared it was a splendid and badly needed bill” while pleading with colleagues for its passage. Representative J. L. Reilly “declared such a law is absolutely necessary,” and asked fellow House members for a unanimous vote. The bill swept through the chamber, “84 yeas to no nays.”<sup>514</sup> On July 1, 1924, Louisiana Governor, Henry L. Fuqua signed Oser’s anti-marijuana bill into law. The statewide measure allowed continued sale of cannabis via a physician’s prescription as long as the medicinal preparation contained less than a specified percentage of the drug. Otherwise, the Louisiana law prohibited the possession, sale, and transportation of marijuana with equal punishments for each.<sup>515</sup>

With both city ordinance and state law at their disposal, New Orleans law enforcement agents and civic clubs continued their assault on marijuana, especially among youthful users. In May 1925, New Orleans Coroner, George F. Roeling, issued a report to the Mayor and Commission Council urging “police cooperation with his department in endeavoring to trace the source from which persons under his care for observation obtain alcohol, habit-forming drugs and ‘muggles.’”<sup>516</sup> Corporal Trenchard, a thirty-two year veteran of the New Orleans police, mused that “This younger generation is sure setting a fast pace. With their Charleston, home brew, marihuana, and

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<sup>513</sup> “Bill Outlaws Marijuana,” *Times-Picayune* (New Orleans), June 4, 1924, 2.

<sup>514</sup> “House Warms Up to Legislative Work,” *Times-Picayune* (New Orleans), June 13, 1924, 4.

<sup>515</sup> “Marajuana Outlawed,” *Times-Picayune* (New Orleans), July 2, 1924, 15; “Bills Signed by Governor Fuqua,” *Times-Picayune* (New Orleans), July 13, 1924, sec. One-B, 5; “Orleans Parish Lawmakers to Tell About It at Dinner,” *Times-Picayune* (New Orleans), July 28, 1924, 3.

<sup>516</sup> “Mentality Tests for Speeders Urged by Coroner Roeling,” *Times-Picayune* (New Orleans), May 31, 1925, 1.

automobiles, they sure are hitting the high spots.”<sup>517</sup> At a November meeting of the New Orleans Federation of Clubs held at the city’s school board office members heard continued allegations of marijuana use by young children. Mrs. Emma Bell Stanton alleged that “Marijuana is being sold in drug stores and candy stores throughout the city, school boys are smoking this pernicious drug in cigarettes, and school girls, automobile riding at night, are becoming intoxicated by it.” Mrs. Stanton’s allegations prompted calls for an official investigation of marijuana use in the city.<sup>518</sup> Mrs. Charles Gregson, chair of the Federation of Clubs’ committee on anti-narcotics, took up that task. Mrs. Gregson promptly declared “Marijuana War.” The first battle, she said, was stopping the spread of the marijuana cigarette. Gregson viewed the marijuana cigarette as “a stepping stone” toward the “use of even more vicious and degrading narcotics.”<sup>519</sup> This gateway idea was not entirely new. More than a year earlier, Police Detective Henry Asset alleged that the effects of marihuana were “not so deadly in themselves, but in many instances they lead to the use of more powerful drugs.” Asset claimed to know of more than one case in which users “no longer able to derive satisfaction from its smoking, turned to morphine.”<sup>520</sup> With this in mind, Mrs. Gregson called on all concerned citizens to notify her of places known to be selling marijuana cigarettes. She also planned to raise awareness of the city’s dire situation by hosting a series of lectures for civic clubs and older children on the evils of the drug traffic.<sup>521</sup>

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<sup>517</sup> “‘Father of Cops’ On Force 32 Years,” *Times-Picayune* (New Orleans), November 29, 1925, Sunday edition, sec. One-B.

<sup>518</sup> “Women to Fight Marijuana Sale,” *Times-Picayune* (New Orleans), November 25, 1924, sec. Part Two, 17.

<sup>519</sup> “Marijuana War Is Planned by Mrs. Gregson,” 9.

<sup>520</sup> “A Yarn of Many Threads.”

<sup>521</sup> “No Man’s Land,” *Times Picayune* (New Orleans), December 14, 1924, sec. Three, 15.



Gregson's war on marijuana, the attention of many civic groups, and significant police enforcement efforts all demonstrate that the prohibitory marijuana laws in New Orleans and Louisiana were alive and well.<sup>522</sup> Indeed, concern quickly spread to Baton Rouge where police launched "a war on 'Silk Shirt Bums' and Marijuana peddlers." At least one man arrested in the state capital claimed a New Orleans dealer supplied him with marijuana.<sup>523</sup> Quite simply, there was significant and consistent enforcement activity aimed at marijuana.<sup>524</sup> Measuring the prevalence of marijuana use in New Orleans during this period nevertheless remains difficult given the many obvious biases and limitations surrounding illicit substances. Newspaper coverage, however, offers one important source of information. For the period covering June 1923 through December 1929 - roughly the first seven years of enforcement for the New Orleans ordinance - reporting from the *Times-Picayune* identified some two hundred and twenty five individually documented marijuana arrests. These were by no means the only arrests or incidents of marijuana use in New Orleans during this period. Instead, they represent only those cases covered in some detail by the *Times-Picayune*.<sup>525</sup> Many of these reports

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<sup>522</sup> According to Bonnie and Whitebread, "Very little, however, was done about the marihuana issue until the press seized upon it" in the fall of 1926. When, they argue, police suddenly "arrested more than 150 persons for violation of a law which had lain dormant for two years." Given the evidence shown here, there was obviously significant attention focused on marijuana for at least four to six years prior to that enforcement sweep. Reports clearly show continued enforcement and arrests for marijuana under both city ordinance and state law during that period. Bonnie and Whitebread, *The Marijuana Conviction*, 44.

<sup>523</sup> "Police Start Campaign," *Times Picayune (New Orleans)*, January 23, 1925, 6.

<sup>524</sup> For examples, see: "Records of the Day, Criminal District Court," *Times Picayune (New Orleans)*, June 16, 1925, 22; "Records of the Day, Criminal District Court," *Times Picayune (New Orleans)*, March 25, 1925, 17; "Peddler Sentenced," *Times Picayune (New Orleans)*, November 3, 1925, 23; "Records of the Day, Criminal District Court," *Times Picayune (New Orleans)*, November 3, 1925, 25; "Records of the Day, Criminal District Court," *Times Picayune (New Orleans)*, December 5, 1925, 26; "Records of the Day, Criminal District Court," *Times Picayune (New Orleans)*, December 11, 1925, 24.

<sup>525</sup> During the period encompassing May 1923 through December 1929, the *Times-Picayune* published at least three hundred stories with references to marijuana. That equates to nearly one article per week. The total number of articles mentioning marijuana more than doubled during the subsequent seven-year period.

provided information about the suspect, including their name and the location of the arrest, the quantity of marijuana seized, their home address, as well as additional identifying information such as race and age. Utilizing these articles offers a valuable, though admittedly incomplete, database from which to identify patterns and trends among the city's marijuana users. The evidence reveals a user population with characteristics often different from those described by both contemporary reports and subsequent historical studies.

One of the most striking differences between the newspaper evidence and the existing historiography on marijuana prohibition is the size of the marijuana market. Most historical studies of the issue have suggested marijuana use in the 1920s and 30s was a highly regionalized, marginal practice confined to Mexican immigrants and fringe groups and likely exaggerated by contemporary accounts.<sup>526</sup> The available evidence from New Orleans suggests otherwise. Police activity in the city yielded arrests for possession of a single marijuana cigarette to major seizures measured in pounds. In March of 1924, for example, Police Captain Smith arrested Valdo Santos in his home with “five pounds of the weed.”<sup>527</sup> Two months later, Detectives Reyer, McBride, and Dostey seized “a pillow slip containing ten pounds of raw marihuana weed.”<sup>528</sup> New Orleans police made

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From 1930 through federal marijuana prohibition in 1937, the paper published more than six hundred and fifty pieces referencing marijuana – demonstrating the continued growth of local concern with the drug.

<sup>526</sup> See especially, Musto, *The American Disease*, 1973; Bonnie and Whitebread, *The Marihuana Conviction*; John Helmer and Thomas Vietorisz, *Drug Use, the Labor Market and Class Conflict* (Washington: Drug Abuse Council, 1974); John F. Galliher and Allyn Walker, “The Puzzle of the Social Origins of the Marihuana Tax Act of 1937,” *Social Problems* 24, no. 3 (February 1, 1977): 367–76.

<sup>527</sup> “American Craze for Marihuana Builds Industry,” *Times Picayune (New Orleans)*, March 10, 1924, 1.

<sup>528</sup> “Alleged Ex-Convict Held, Drug Seized,” *Times Picayune (New Orleans)*, May 31, 1924.

a number of arrests that year netting similarly large amounts of marijuana.<sup>529</sup> It is easy to criticize the contemporary assessment of the dangers posed by marijuana use given our present day understanding of the drug, but the size and frequency of seizures in New Orleans during the early 1920s attest to the scope of the city's marijuana market. Throughout this period, arrests for simple possession as well as large quantities of marijuana occurred at regular intervals.<sup>530</sup>

Given this volume, it is hard to dismiss the situation in New Orleans as nothing but journalistic sensationalism or law enforcement propaganda. Instead, these stories signal a market environment with both large-scale peddlers and small quantity buyers. The available evidence also offers hints for a subset of repeat offenders. During the city's "first marihuana raids," for example, police arrested Antonio Bernade and his wife – owners of the Black Cat Restaurant –with "twelve packs" of marijuana.<sup>531</sup> Just a week later, police arrested Bernade again following another raid on the restaurant that yielded marijuana "concealed in a false window."<sup>532</sup> Less than a month later Bernade and his wife were linked with marijuana once again. In this instance, however, police alleged that

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<sup>529</sup> "Marihuana Haul Made By Police"; "Arrest Marihuana Seller," *Times Picayune* (New Orleans), March 10, 1924; "Marijuana Seized Valued at \$3,000"; "Decision Upholds Recorder's Stand," *Times Picayune* (New Orleans), May 1, 1924.

<sup>530</sup> For examples of large marijuana seizures, see: "Woman Charged Under Drug Act," *Times-Picayune* (New Orleans), September 27, 1924; "Marijuana Seized," *Times-Picayune* (New Orleans), July 17, 1925; "Liquors and Drugs Seized by Agents," *Times-Picayune* (New Orleans), March 23, 1926; "Healy Launches Attack on Vice and Marihuana," *Times-Picayune* (New Orleans), October 17, 1926; "Marijuana Leads to Arrest of Four," *Times-Picayune* (New Orleans), January 16, 1927, Sunday edition; "Marijuana Drugs Are Seized on Ship," *Times-Picayune* (New Orleans), February 10, 1927, sec. Part Two; "Woman Is Accused of Marijuana Sale," *Times-Picayune* (New Orleans), June 28, 1927, sec. Part Two; "Two Marijuana Loads Confiscated," *Times-Picayune* (New Orleans), October 8, 1927; "Agents on Trail of Large Liquor Smuggling Ring," *Times-Picayune* (New Orleans), November 11, 1927; "Marihuana, Rum Seized by Federal Officers on Ships," *Times-Picayune* (New Orleans), February 10, 1928; "\$5000 in Marihuana Taken from Ship," *Times-Picayune* (New Orleans), February 29, 1928; "Marihuana Seized by Captain at Sea," *Times-Picayune* (New Orleans), March 22, 1929; "Customs Agents Seize Marihuana Valued at \$7500," *Times-Picayune* (New Orleans), October 4, 1929, sec. Part Two.

<sup>531</sup> "Cops Make First Marihuana Raids."

<sup>532</sup> "Alleged Marihuana Seized," *Times-Picayune* (New Orleans), June 24, 1923.

as they moved in Mrs. Bernade absconded with the marijuana. Mr. Bernade was nevertheless arrested a third time on charges of selling marijuana to Dominick Potania - “a member of one of New Orleans’ best families.” According to the report, police arrested Potania with marijuana cigarettes as he left Bernade’s restaurant, giving police enough evidence to return for Bernade.<sup>533</sup> For his part, it appears Dominick Potania continued his involvement in the illicit drug market. According to a newspaper report, some six years later, Potania “attempted to conceal a packet of cocaine” from police while sitting in an automobile with Carlo Giacona. Giacona, meanwhile, was “alleged to have had a marihuana cigarette.”<sup>534</sup> Barely two months later police arrested Giacona again, following a raid on his boarding room in which detectives “reported finding a pound of marihuana seeds.”<sup>535</sup> In yet another example, police arrested Sam Farace on marijuana charges in May of 1924. Farace was apparently fresh out of state prison and proprietor of a “soft drink establishment” that city officials alleged was “a rendezvous for thieves and police characters.”<sup>536</sup> Some three years later, during a raid on the restaurant, police arrested Farace’s younger brother Joseph with two dozen marijuana cigarettes. During that incident, Sam reportedly interfered with the police operation and was “arrested, and charged with disturbing the peace.”<sup>537</sup>

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<sup>533</sup> “Restaurant Man Sold Marihuana, Police Charge,” *Times-Picayune* (New Orleans), July 8, 1923, 9. A report for this arrest gave a different restaurant address and a slightly differently spelling of his name – Antonio Bernabe.

<sup>534</sup> “Cocaine, Marihuana Found, Two Jailed,” *Times-Picayune* (New Orleans), May 24, 1929. Giacona was ultimately not tried for this offense, see: “Records of the Day - Criminal Court,” *Times-Picayune* (New Orleans), June 15, 1929.

<sup>535</sup> “Police Nab Youth, Seize Marihuana,” *Times-Picayune* (New Orleans), August 1, 1929.

<sup>536</sup> “Alleged Ex-Convict Held, Drug Seized,” 3.

<sup>537</sup> “Youth Is Taken in Marijuana Raid,” *Times-Picayune* (New Orleans), April 3, 1927, 15.

The presence of repeat offenders among those arrested on marijuana charges suggests a strong market for the drug with significant financial incentives. Both offenders and those pushing for stiffer penalties raised the notion that penalties for violation of the city's marijuana ordinance were too weak.<sup>538</sup> Valdo Santos, for instance, spoke with *Times-Picayune* reporters following his first arrest on marijuana charges and claimed, "It's not hard to get through. Most of it comes overland, through Texas. We pack it in a suitcase and when we sell out we go back for more. It's easy and a good business. Beats bootlegging and the fines are smaller."<sup>539</sup> For Santos, this apparently meant high reward and little consequences. He was arrested again barely a year later with five pounds of marijuana and forty-eight pre-rolled cigarettes.<sup>540</sup> Police detective Henry Asset agreed the punishment for marijuana was not a major deterrent. Assigned to narcotic work in New Orleans, detective Asset claimed violators easily managed the law's twenty-five dollar fine. In short, he argued, "any good peddler can raise that amount."<sup>541</sup>

The evidence from the *Times-Picayune* also gives some sense of the diversity of situations, places, and people involved in marijuana arrests. Police regularly targeted soft drink stands, groceries, and restaurants and often implicated them as sites of illicit activity, including the smoking and selling of marijuana.<sup>542</sup> Police also frequently made marijuana arrests on the streets and sidewalks of the city. In one such example, police

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<sup>538</sup> For one example, see: "A Yarn of Many Threads"; "Marihuana Peddler Fined," *Times Picayune (New Orleans)*, July 3, 1923; "American Craze for Marihuana Builds Industry"; "Arrest Marihuana Seller."

<sup>539</sup> "American Craze for Marihuana Builds Industry," 1.

<sup>540</sup> "Arrest Marihuana Seller," 14.

<sup>541</sup> "A Yarn of Many Threads."

<sup>542</sup> For examples, see: "Liquor and Mary Warner Seized," *Times Picayune (New Orleans)*, June 5, 1924, 26; "Soft Drink Man Held," *Times Picayune (New Orleans)*, July 6, 1925; "Proprietor of Soft Drink Stand Held," *Times-Picayune (New Orleans)*, December 8, 1926; "Marihuana Found in Soft Drink Bar," *Times-Picayune (New Orleans)*, May 15, 1928; "Marihuana Is Seized in Soft Drink Stand," *Times-Picayune (New Orleans)*, April 11, 1930.

arrested eight young men found smoking marijuana in Coliseum Square.<sup>543</sup> Though police arrested men on marijuana charges far more often, there were female marijuana peddlers arrested.<sup>544</sup> Mrs. Carrie O'Donnell, for example, was arrested in her grocery store and place of residence after police "found thirty-seven marijuana cigarettes, which complainants said she kept for sale."<sup>545</sup> Likewise, in October of 1924, police arrested Mrs. Sadie Garden in her home where detectives seized "several thousand marijuana cigarettes, bulk marijuana, a box of morphine and a quantity of grain alcohol."<sup>546</sup> In an era of alcohol prohibition police often seized marijuana alongside illicit liquor.<sup>547</sup>

Reporting from the *Times-Picayune* also linked marijuana seizures in New Orleans to the many ships and sailors in the city. As a major port of entry, this is not surprising. In many of these cases federal customs agents were involved in the arrest. Though the Harrison Narcotic Act did not cover marijuana, federal officials could enforce a 1915 Treasury Decision banning the importation of cannabis "if intended for other than medical purposes."<sup>548</sup> In early 1925, for example, police arrested Antonio Corres and Manual Gonzalez, both Mexican seamen, on marijuana charges. Corres was on the city docks with "a bag containing marijuana."<sup>549</sup> In a separate incident, a Customs official trailed Gonzalez as he left the steamship Yuma. Local police later detained

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<sup>543</sup> For this instance and others, see: "Alleged 'Muggles' Habitues Are Fined," *Times-Picayune* (New Orleans), July 29, 1923, 3; "More Patrolmen Are Transferred," *Times-Picayune* (New Orleans), September 10, 1923, 13; "Finds Marihuana in Martina's Store," *Times-Picayune* (New Orleans), October 17, 1923, 7.

<sup>544</sup> Though it is perhaps surprising to find women involved in with drug trafficking, they have actually often played key - yet highly understudied - roles in the business. See: Elaine Carey, *Women Drug Traffickers: Mules, Bosses, and Organized Crime* (Albuquerque: University of New Mexico Press, 2014).

<sup>545</sup> "Unable to Find Verboten Law," *Times-Picayune* (New Orleans), October 2, 1924, 7.

<sup>546</sup> "Woman Charged Under Drug Act," 2.

<sup>547</sup> For just one example, see: "Possession Is Charged," *Times-Picayune* (New Orleans), July 30, 1925, 16.

<sup>548</sup> McAdoo, *Treasury Decisions*, 29:257.

<sup>549</sup> "Smuggler Sentenced," *Times-Picayune* (New Orleans), March 5, 1925, 12.

Gonzalez for “possessing six pounds of marijuana.”<sup>550</sup> Likewise, Juan Horgoros, a “Spanish Seaman,” faced marijuana possession charges in state court following his arrest by a Customs official.<sup>551</sup> In 1929, Customs agents apprehended William Shanakan and Edward Busamente near the Desire street docks as “the pair attempted to land a small skiff underneath the wharf apron and smuggle ashore seven bags of marihuana.” An investigation of the incident “disclosed that the men had obtained the drug from unnamed members of the crew of the Honduran steamship Baja California.” Shanakan and Busamente had apparently floated “with the current alongside the ship on the river side and the bags of the hasheesh weed had been let down from a port-hole to the skiff.” Since agents could not implicate individual crewmembers of the Baja California, they levied a fine on the entire steamship for “unmanifested contraband.”<sup>552</sup> Given the regularity with which police seized large quantities of marijuana on ships or disembarked sailors, it appears the city’s market for the drug was quite strong and frequently supplied by boat.<sup>553</sup>

Some of these arrests and large-scale smuggling cases appear to lend credence to the well-established belief that Mexican immigrants were responsible for bringing marijuana to the United States and made up a significant portion of the user base. The idea that marijuana use was “a casual adjunct to life” for many Mexican immigrants in the early twentieth century has gone virtually undisputed in previous studies on marijuana

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<sup>550</sup> “Marijuana Seized,” 23.

<sup>551</sup> “Spanish Seaman Held,” *Times-Picayune* (New Orleans), October 21, 1925, sec. Part Two, 17.

<sup>552</sup> “Pair Arrested Trying to Land with Marihuana,” *Times-Picayune* (New Orleans), October 10, 1929, 1.

<sup>553</sup> For another example, see: “Marijuana Brings Arrest,” *Times Picayune (New Orleans)*, May 27, 1926, 20.

prohibition.<sup>554</sup> This broad interpretation, sometimes known as the “Mexican hypothesis” or the “Mexican-vector model,” argues that immigrant Mexican laborers brought marijuana smoking north of the border where it slowly spread to local populations. Soon thereafter, these interpretations have argued, anti-Mexican sentiment and blatant racism provided the impetus for many state laws and municipal ordinances prohibiting marijuana. Recently, however, this interpretation has faced a significant challenge. Historian Isaac Campos has demonstrated that marijuana use was anything but a regular part of everyday life in Mexico. In reality marijuana smoking was largely confined to soldiers, prisoners, and other marginalized groups. Most of the general population avoided the drug, believing it caused “madness, violence, and mayhem.” Thus, rather than bring the practice of marijuana smoking with them to the United States, Campos argues most Mexican immigrants brought the idea that marijuana was an incredibly dangerous drug – “one that triggered sudden paroxysms of delirious violence.”<sup>555</sup>

The existing newspaper evidence on marijuana in New Orleans reveals pieces from each of these interpretations, but ultimately lends only limited support for widespread use by Mexican immigrants. For instance, many of the largest seizures of marijuana in the city had connections to steamships from Mexico. There were also at least a few large seizures apparently involving Mexican suspects.<sup>556</sup> Yet, of the two hundred and twenty five documented marijuana arrests in the *Times-Picayune* between 1923 and 1929, the newspaper identified only thirty-three total suspects by their ethnicity

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<sup>554</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 33–34.

<sup>555</sup> Campos, *Home Grown*, 2, 5.

<sup>556</sup> “Seven Arrested and 36,000 Grains of Dope Seized”; “Dope Swindle Exposed by Raid on Mexican Club”; “Marihuana Haul Made By Police”; “American Craze for Marihuana Builds Industry”; “Arrest Marihuana Seller.”



or race. Mexicans accounted for only eleven of those thirty-three, and seven of those eleven came from a single seizure. The paper also identified two additional suspects of “Spanish” origin. Another nineteen suspects not explicitly identified by the paper as Mexican or Spanish did have a traditional surname from those countries.<sup>557</sup> Given the racial conventions of the period, a racial minority using a feared drug would likely be overrepresented among the reported arrests.

Yet, the arrival of large numbers of Mexican immigrants smoking marijuana was not what really captured the attention of civic groups and law enforcement. Aside from regularly identifying marijuana as originating in Mexico, the *Times-Picayune* gave very little attention to its use by Mexicans. Nor was an anti-Mexican or racist sentiment central to the discussion of the New Orleans city ordinance or state law prohibiting marijuana. Thus, though it appears Mexicans may have played a role in the distribution of marijuana in New Orleans during the 1920s, they represented only a small number of those arrested for using the drug.<sup>558</sup> Given the city’s prominence in launching the marijuana menace as a nationwide phenomenon, the absence of blatant anti-Mexican sentiment and the small number of arrests undermines the intense focus on Mexican immigrants often found in the existing historiographic interpretations of marijuana prohibition.

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<sup>557</sup> These include: Martinez (5 with one possible repeat offender), Gonzales (2), Mendoza (2), Busamente (1), Rodrigues (1), Ruiz (1), Garcia (1), Lopez (1), Campos (1), Belasques (1), Torres (1), Spinoza (1), Santos (1)

<sup>558</sup> Those specifically identified as Mexican or Spanish by the *Times-Picayune* from 1923 through 1929 accounted for just five percent of the arrests chronicled here. Adding those with traditional surnames, but unidentified by race or ethnicity, brings that number to twelve percent of documented arrests. The 1930 census data shows 717 citizens in New Orleans listed as “Mexican” – accounting for 0.1 percent of the city’s population of 458,762.

The same might be said of African Americans – another group often associated with marijuana use during this period. Bonnie and Whitebread, for example, suggested that the main users of marijuana in New Orleans were “black and lower-class white elements.” Likewise, in the mid-1930s, FBN Commissioner Anslinger often proclaimed a significant connection between marijuana and black jazz musicians. Anslinger’s well-documented hyperbole aside, there is little doubt that marijuana played a role in the lives and artistry of many jazz musicians. Many popular jazz songs eluded to marijuana in both explicit and implicit ways.<sup>559</sup> Yet, the arrest records featured in the *Times-Picayune* include almost no references to African American marijuana users or jazz musicians. In fact, between 1923 and 1929, the paper explicitly identified just sixteen suspects as “negro.”<sup>560</sup> In the cradle of jazz music, during a period defined by the use of such terms to distinguish and denigrate African Americans, the newspaper evidence reveals very little connection between these groups and marijuana use.

The lack of African Americans and jazz musicians represented is especially stark given that the majority of marijuana arrests in New Orleans during this period occurred in and around today’s French Quarter. The nearby Storyville, Tango Belt, and Back o’ Town neighborhoods were home to many African Americans in the city and were all prominently associated with vice, entertainment, and jazz. Storyville was the legendary

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<sup>559</sup> Bob Beach, “‘That Funny, Funny Reefer Man:’ Reading Reefer Madness Through Jazz Music During the 1930s,” *Points: The Blog of the Alcohol & Drugs History Society*, April 30, 2015, <https://pointsadhsblog.wordpress.com/2015/04/30/that-funny-funny-reefer-man-reading-reefer-madness-through-jazz-music-during-the-1930s/>.

<sup>560</sup> This number account for about seven percent of the total arrests covered here. According to the U.S. Census Bureau, African Americans made up between 26 and 28 percent of the total population of New Orleans. For census data, see: Campbell Gibson and Kay Jung, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in the United States” (Washington, D. C.: U.S. Census Bureau, February 2005), <https://www.census.gov/population/www/documentation/twps0076/twps0076.pdf>.

tenderloin district of the city, a sanctioned site of prostitution until 1917. At its peak, the Tango Belt housed one of the highest concentrations of commercial jazz venues in the city. The Back o' Town was the boyhood home of Louis Armstrong and known as the "colored red light district." The adjacent South Rampart Street corridor also had many African American business and licit places of commerce.<sup>561</sup> Nevertheless, very few of those arrested in these areas or elsewhere in the city involved jazz musicians or African Americans. For example, in May of 1925 the *Times-Picayune* reported that the city's "Vice Squad Again Hits Tango Belt; Score Arrested." The special police unit involved was part of a continued "drive against vice and night-life habitues."<sup>562</sup> In total, they arrested fourteen men and six women. Of the twenty total arrests, only two faced marijuana charges, and neither of those was identified as African American.

The dearth of documented arrests for African Americans and Mexicans in New Orleans during the 1920s calls into question long held historiographic beliefs about the demographics of typical marijuana users. The available arrest evidence from the *Times-Picayune* suggests the most common marijuana user in the city was a white male in his early twenties. The average recorded age of all those arrested for marijuana was twenty-three.<sup>563</sup> The majority of these marijuana arrests took place in and around the central areas of the city, most often near North Rampart Street between Elysian Fields Avenue and Canal Street. There were also smaller pockets of arrests spread throughout other areas of the city, especially south of St. Charles Avenue along the Mississippi river.

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<sup>561</sup> "Jazz Neighborhoods - New Orleans Jazz National Historical Park (U.S. National Park Service)," accessed September 4, 2016, <https://www.nps.gov/jazz/learn/historyculture/jazz-map.htm>.

<sup>562</sup> "Vice Squad Again Hits Tango Belt," *Times Picayune (New Orleans)*, May 16, 1925.

<sup>563</sup> About one hundred of the documented arrests provided the age. Of those, the average age was 23.5 years old. The median age was 22.5 years old. The mean age was 23.

Interestingly, however, the available home addresses for marijuana suspects shows a more even distribution throughout the city when compared with their arrest location. This was true of suspects from working class areas nearer the river, especially between Magazine Street and Tchoupitoulas street, as well as suspects from more affluent areas of the city, including the Garden District and the Uptown/Carrollton area near Tulane University. These patterns of arrest and home address suggest an illicit market not unlike those of the present, where the sale of illicit drugs is often concentrated in specific areas of the city, but users regularly come from other neighborhoods to buy.

The arrest evidence from *the Times-Picayune* also sheds light on the contemporary concern with the use of marijuana by school age children. The belief that New Orleans youth were falling victim to the marijuana habit was a significant factor in the city's sustained efforts at prohibiting the drug and curbing its use.<sup>564</sup> School officials and civic groups repeatedly claimed that children as young as third and fourth grade used marijuana. Despite the fact that little more than anecdotes supported these assertions, newspaper arrest reports can nevertheless offer some clues. That said it is admittedly unlikely for New Orleans police to have arrested young grammar school children for marijuana, let alone have that arrest published in the *Times-Picayune*. Even so, of the roughly one hundred arrest reports that provided an age, some twenty five percent were teenagers. Some sixty percent more were in their twenties. This means that significant

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<sup>564</sup> For examples, see: "Children Using 'Mary Warner,' Officials Fear"; "Gambling in City Leaves Its Mark on School Boys," *Times Picayune (New Orleans)*, January 11, 1927; "More Children Smoke Muggles Alliance Hears," *Times Picayune (New Orleans)*, November 15, 1927; "School Alliance Holds Meeting - Stricter Legislation Towards Marijuana Sellers Is Urged," *Times Picayune (New Orleans)*, May 10, 1927; "School Children Smoke Muggles, Alliance Is Told - Startling Reports Made at Meeting by Mrs. J.G. Skinner," *Times Picayune (New Orleans)*, May 13, 1928; "War on Hashish Smoking Is Carried to Congress in Effort to Save School Children," *The Brooklyn Eagle*, December 20, 1928; "Children Smoke Marihuana, Says Head of Alliance - Fight for More Severe Legislation to Be Carried On," *Times Picayune (New Orleans)*, January 15, 1929.

numbers of those arrested with marijuana during this period were indeed relatively young, most of them under the age of twenty-four. The youngest documented arrest in the *Times-Picayune* was sixteen-year-old William Casey. He was arrested alongside three men in their twenties “seated around a table smoking marijuana cigarettes in the rear room of a soft-drink shop.”<sup>565</sup> Seventeen-year-old Eddie Barker was another young suspect, arrested with marijuana cigarettes after he nervously ran away when two patrolmen approached him on the sidewalk.<sup>566</sup> In another incident, police detectives arrested nineteen-year-old Marcel Bonvillion and eighteen-year-old Charles Brias for marijuana possession and then “used the boys as informers.”<sup>567</sup> Though it is difficult to draw firm conclusions from this data, especially given the fact that another one hundred documented arrests provided no age for the suspect, there is enough evidence here to support some understanding of the city’s concern with youthful marijuana use.

The diversity among those arrested for marijuana during the 1920s and early 1930s suggests a rather well established market for marijuana in New Orleans. Arrests for violation of the city ordinance and state law continued throughout this period.<sup>568</sup> So too did a stern resolve among club groups, local officials, and law enforcement to eliminate marijuana use. In this regard, New Orleans played a critical role, as both the “hypodermic needle feeding the entire Middle West with drugs” and a clear nexus of the marijuana

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<sup>565</sup> “Marijuana Leads to Arrest of Four.”

<sup>566</sup> “Youth Is Arrested,” *Times-Picayune* (New Orleans), January 15, 1929.

<sup>567</sup> “Dope Selling Charged,” *Times Picayune* (New Orleans), November 4, 1924, 2.

<sup>568</sup> For an excellent local summary of various high points in the New Orleans anti-marijuana campaign during the 1920s, see: “Crime Trail Widens as Marihuana Fume Descends Upon City,” *Times Picayune* (New Orleans), April 21, 1929, 22, 24.

menace paradigm.<sup>569</sup> Two common themes bolstered this dangerous characterization of marijuana – the threat to young people and a link to crime and violence. This dual focus on youthful marijuana use and the drug’s apparent criminogenic effects ultimately proved highly influential in pushing federal marijuana legislation in the 1930s.

Among community groups, newspapers, and law enforcement officials, allegations of marijuana use by children and teenagers remained a near constant source of concern. One often affirmed by trusted sources and experts. In 1926, for example, the Louisiana Board of Health called upon Dr. Carleton Simon to conduct a survey of drug use in the state. Dr. Simon was a recognized international narcotic expert and served as a special deputy police commissioner and lecturer on criminology in the New York police department. His investigation concluded that, “thousands of young men and women in Louisiana are addicted to the use of marijuana, known in underworld haunts as ‘muggles’ and ‘moots.’”<sup>570</sup>

Numerous school officials and members of various parent groups reached the same conclusion.<sup>571</sup> In January 1927, A. H. Seward, president of the Public School Alliance, charged that marijuana was “being sold to children in the grammar and high schools.”<sup>572</sup> In February, the Alliance called a meeting for “persons who wish to present evidence of vice conditions existing in the city public schools.” They were especially

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<sup>569</sup> “Port Termed Hypodermic Needle Feeding Entire Middle West with Drugs,” *Times Picayune* (New Orleans), March 6, 1926, 1.

<sup>570</sup> “Thousands of State’s Youth Marijuana Addicts, Survey by Criminologist Show,” *Times-Picayune* (New Orleans), August 12, 1926, 6.

<sup>571</sup> “Women to Probe Drivers’ License Issuance System,” *Times-Picayune* (New Orleans), October 26, 1926, 3; “National Officer of School Clubs Will Visit,” *Times-Picayune* (New Orleans), October 28, 1926, 5.

<sup>572</sup> “Gambling in City Leaves Its Mark on School Boys,” *Times-Picayune* (New Orleans), January 11, 1927, 2.

interested in “specific information regarding smoking, gambling and the sale of marijuana cigarettes.”<sup>573</sup> In May, the executive board of the Public School Alliance again called for “stricter legislation directed against the sellers of marijuana.”<sup>574</sup> By November, the Alliance reported, “a slight increase in the number of marijuana, or ‘muggles,’ cigarettes sold to and smoked by grammar school children.” Some of those children were “as young as those of the fourth and fifth grades” with “traces of this habit ... seen as early as the third grade.”<sup>575</sup> In the three years that followed, the Public School Alliance regularly called for stiffer penalties and better laws against marijuana while repeatedly focusing on the use of marijuana among schoolchildren. For example, at the twenty-third annual meeting of the Public School Alliance in May of 1928, Mrs. J. G. Skinner issued a report providing “Intimation that the apparent torpor exhibited by boys and girls of an unnamed public grade school was not caused by ‘spring fever’ but was traceable to marijuana smoking.”<sup>576</sup>

Marijuana use among New Orleans youth was clearly a significant factor in the ongoing drive to prohibit the drug and compel further restrictive legislation, but frequent links between marijuana and crime also bolstered this desire. Connections between marijuana, violence, and crime were well established in Mexico by the late nineteenth century - long before illicit use of the drug garnered significant attention the United

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<sup>573</sup> “Public School Vice Quiz Opens Feb. 23,” *Times-Picayune* (New Orleans), February 20, 1927, 8.

<sup>574</sup> “School Alliance Holds Meeting - Stricter Legislation Towards Marijuana Sellers Is Urged,” *Times-Picayune* (New Orleans), May 10, 1927, 15.

<sup>575</sup> “More Children Smoke Muggles Alliance Hears,” *Times-Picayune* (New Orleans), November 15, 1927, 2.

<sup>576</sup> “School Children Smoke Muggles, Alliance Is Told - Startling Reports Made at Meeting by Mrs. J.G. Skinner,” *Times-Picayune* (New Orleans), May 13, 1928, 6.

States.<sup>577</sup> It is not surprising to find similar characterizations in early points of entry. In New Orleans, from the first moments of media attention and law enforcement efforts to curb marijuana use, there was a clear connection with crime.<sup>578</sup> Throughout the 1920s, local law enforcement and newspapers also chronicled marijuana fueled auto thefts and the dangers of driving under the influence of marijuana.<sup>579</sup> This included “two young men” and a “girl companion” found some seventy five miles north of New Orleans in Bogalusa, Louisiana where they were arrested with a stolen car filled with stolen goods, bags of money, and “a number of marijuana cigarettes.”<sup>580</sup> In early 1927, George F. Roeling, coroner of New Orleans parish, alleged that, “Most of the men confined in the parish prison are muggle-heads.”<sup>581</sup>

There were also cases that linked marijuana directly and indirectly to violence and murder.<sup>582</sup> Some of these incidents included assaults and stabbings.<sup>583</sup> One especially callous incident in 1925 involved twenty-three year old Paul Barrere. Barrere was allegedly “under the influence of marijuana” when he walked into a restaurant “drew a

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<sup>577</sup> The previous chapter briefly chronicled these links. For a complete explanation, see: Campos, *Home Grown*.

<sup>578</sup> For example, see: “Says ‘Muggles’ Incites Orleans Youths to Crime,” 20.

<sup>579</sup> “Marijuana Spin in Borrowed Car Ends in Smash-Up,” *Times Picayune (New Orleans)*, November 5, 1926, 2; “Detective With Lather on Face Nabs Auto Thief,” *Times Picayune (New Orleans)*, February 9, 1928, 2; “Marihuana Found on Auto Suspect,” *Times Picayune (New Orleans)*, December 13, 1928, 26; “Cocaine, Marihuana Found, Two Jailed.”

<sup>580</sup> “Two Youths, Girl in Stolen Auto Nabbed in Flight,” *Times Picayune (New Orleans)*, February 5, 1928.

<sup>581</sup> “Parish Jail Full of Dope Smokers, Coroner Asserts,” *Times Picayune (New Orleans)*, March 24, 1927, 22; “Letters from Readers, Dr. Roeling,” *Times Picayune (New Orleans)*, March 26, 1927, 8.

<sup>582</sup> “Says ‘Muggles’ Incites Orleans Youths to Crime,” 20; “Boy Bandits Shot in Robbery Dying,” *Times Picayune (New Orleans)*, February 25, 1927, 12; “Probe of Acomb Murder Revived,” *Times Picayune (New Orleans)*, August 21, 1928, 7.

<sup>583</sup> “Marihuana-Crazed Man Slaps Woman,” *Times Picayune (New Orleans)*, October 26, 1926, 3; “Police Still Hunt Runaway Patient,” *Times Picayune (New Orleans)*, November 22, 1925, 3; “Alleged Slayer Stabs Guard Who Befriended Him,” *Times Picayune (New Orleans)*, June 4, 1926, 1; “Warden Breaks Prisoner’s Jaw in Yard Wrangle - Marihuana Convict Slaps Officer Attempting to Search Him,” *Times Picayune (New Orleans)*, February 28, 1929, 2.



revolver and shot and instantly killed the waiter.”<sup>584</sup> Another gruesome murder four years later captured the headlines and blamed marijuana. In this case, Julius Roberts slaughtered an innocent mother and her son with an ax.<sup>585</sup> After a short time in police custody, Roberts “admitted that he hacked the woman and youth to death in their store while he was under the influence of three ‘muggles’ cigarettes.”<sup>586</sup> The news of Roberts’s confession sparked a renewed call from the Superintendent of Police “that every marihuana of ‘muggles’ user and salesman is to be arrested in an attempt to stamp out the evil.”<sup>587</sup> At least one newspaper editorial agreed that the city needed such measures immediately. The paper claimed there was little doubt that “What ‘muggles’ cigarettes did to inflame the negro they will do, in the same or other lines, for others who fall under the fascination of this Mexican hasheesh that drives conscience and foresight from its victims and renders any crime, however, abhorrent, not merely possible but actually possible.”<sup>588</sup>

A belief in the violent nature of marijuana users and its association with the corruption of New Orleans youth manifest itself in repeated calls for federal intervention and federal legislation. The New Orleans narrative on marijuana had profound influence. In fact, regular calls for federal action on marijuana in New Orleans dated to Dr.

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<sup>584</sup> “Barrere Gets Continuance,” *Times Picayune (New Orleans)*, February 20, 1925, 3; “Slayers Reject Trials by Jury,” *Times Picayune (New Orleans)*, February 27, 1925, 3.

<sup>585</sup> “Negro Ax-Murderer Confesses Hacking Victims to Death,” *Times Picayune (New Orleans)*, April 16, 1929, 1; “Negro Murderer of Woman, Son Confesses Crime,” *Times Picayune (New Orleans)*, April 16, 1929, 2; “Particeps Criminis,” *Times Picayune (New Orleans)*, April 17, 1929, 10; “Ax Killer’s Trial Set as ‘Muggles’ Drive Is Ordered,” 2.

<sup>586</sup> “Negro Ax-Murderer Confesses Hacking Victims to Death,” 1.

<sup>587</sup> “Ax Killer’s Trial Set as ‘Muggles’ Drive Is Ordered,” 2.

<sup>588</sup> “Particeps Criminis,” 10.

Dowling's letters in 1920 during the city's first campaign against the drug.<sup>589</sup> In 1924, during his failed campaign to fill Louisiana's Second District vacancy in Congress, T. Semmes Walmsley's official platform included "a national law against the importation of marijuana."<sup>590</sup> James Z. Spearing, longtime member and two-time president of the Orleans Parish School Board as well as a member of the Louisiana State Board of Education, ultimately won the seat. Given his experience, Spearing was almost surely familiar with the belief that marijuana use was on the rise among New Orleans schoolchildren. If he was not, civic groups surely made him aware. In November of 1926, the New Orleans Federation of Clubs urged Louisiana legislators in Washington "to use their influence towards having marijuana placed under federal jurisdiction."<sup>591</sup> In December of 1928, W.O. Hart, chairman of the Public School Alliance's legislative committee, was instructed to work with Congressmen Spearing and O'Connor to amend the existing federal Harrison Narcotic Act to include marijuana. This attempt was part of a larger push for more stringent drug regulations and enforcement measures at all levels. Public School Alliance President, A. H. Seaward, declared that the sale and use of marijuana would continue "until suitable legislation, laws with teeth in them" were passed.<sup>592</sup> That New Orleans took the lead in pushing such legislation appeared in

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<sup>589</sup> As cited above, these early calls came from Dr. Dowling. For a brief summary of his letters to the Surgeon General, see: Bonnie and Whitebread, *The Marijuana Conviction*, 43–44.

<sup>590</sup> "We Want Walmsley for Congress," *Times Picayune (New Orleans)*, March 23, 1924, sec. One-B, 4.

<sup>591</sup> "Women Endorse City Bond Issue - Federation of Clubs Will Ask Us Action Against Marijuana," *Times Picayune (New Orleans)*, November 23, 1926, 19.

<sup>592</sup> "Children Smoke Marihuana, Says Head of Alliance - Fight for More Severe Legislation to Be Carried On," *Times-Picayune (New Orleans)*, January 15, 1929, 12; "Alliance Seeks Government Ban on Marihuana," 37.

newspapers as far away as Brooklyn, New York – where headlines seized on the “fight to save school children.”<sup>593</sup>

Congressman Spearing’s bill to include marijuana in the federal Harrison Narcotics Act ultimately failed to gain traction. So too did a number of similar requests for federal oversight of marijuana. Senator John Morris Sheppard of Texas introduced legislation seeking to amend the Narcotic Drugs Import and Export Act to include cannabis.<sup>594</sup> James O’Connor, Congressman from New Orleans, asked the Bureau of Prohibition whether marijuana could be prohibited outside the Harrison Act. Meanwhile, Arthur H. Vandenberg, first-term Republican Senator from Michigan, wrote the United States Department of Agriculture on at least two occasions requesting information on cannabis and the feasibility of its prohibition. Acting Secretary of Agriculture, R. W. Dunlap, replied that “control of this drug has been under consideration by this Department since 1915,” and that “we have in our files also considerable correspondence with officials and individuals interested in the control of the use of cannabis.”<sup>595</sup> In a second reply to Vandenberg, Dunlap further noted that, “the investigations made by the department were sufficient to convince us that there are abuses of a rather serious character in the cultivation and distribution of this drug.” Department of Agriculture officials had nevertheless concluded, “that no adequate method of control exists in any of

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<sup>593</sup> “War on Hashish Smoking Is Carried to Congress in Effort to Save School Children,” 3; “Federal Agents Powerless to End Hashish Traffic,” *The Brooklyn Eagle*, December 21, 1928.

<sup>594</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 56–63. Sheppard was no stranger to prohibitive legislation. He had previously authored and introduced the Eighteenth Amendment for alcohol prohibition in the Senate. For more on the connections between alcohol prohibition and the development of federal narcotics enforcement, see: Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: W. W. Norton & Company, 2015).

<sup>595</sup> R. W. Dunlap, Acting Secretary of Agriculture, to Arthur H. Vandenberg, Senator (R-MI), September 23, 1929, Entry 17, Box 1410, General Correspondence of the Secretary of Agriculture (GCSA), Records of the Department of Agriculture (RDA), Record Group 16 (RG 16), NACP.

the statutes enforced by the Department” and “do not at this time feel that we are qualified to frame a proposed amendment, assuming that an amendment to the anti-narcotic act is the best procedure.”<sup>596</sup>

The growing federal narcotics division on constitutional grounds opposed each of these efforts, especially those that might amend the Harrison Narcotics Act. This opposition was based on the weak constitutional authority backing federal drug control, rather than differing views on the danger posed by marijuana. The Supreme Court had previously maintained the validity of the existing federal anti-narcotic legislation on slim voting margins. Even so, the Court’s ruling came largely based on two principles: that the drugs were imported to the United States, and that the federal government could legitimately tax medical uses as interstate commerce. Accordingly, adding marijuana - a plant that grew in nearly every state - to the Harrison Act had the potential to bring down the entire federal drug control apparatus. Narcotics officials frequently cited this constitutional hurdle when seeking legal solutions, and it provided a consistent roadblock to federal intervention on marijuana through the early 1930s.<sup>597</sup>

Despite these legal hurdles, there was widespread agreement among many legislators, law enforcement agencies, public health officials, and social welfare groups that marijuana was a dangerous drug in need of regulation. This was especially true in New Orleans. In 1931, the House of Delegates for the Louisiana State Medical Society sought “official recognition of the marihuana menace” and urged local representatives

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<sup>596</sup> Arthur H. Vandenberg, Senator (R-MI), to R. W. Dunlap, Acting Secretary of Agriculture, October 5, 1929, Entry 17, Box 1410, GCSA, RDA, RG 16, NACP.

<sup>597</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 60; Musto, *The American Disease*, 1999, 222. For a more extensive look at the constitutional framework of drug control in the United States and its ramifications, see: Bonnie and Whitebread, “The Forbidden Fruit and the Tree of Knowledge.”

serving with the American Medical Association to raise the issue among the national body. At the same meeting, Dr. A. E. Fossier, Director of Public Health Information for the New Orleans Board of Health, was elected chairman of a special committee “to take up the subject with other medical societies with the view to having Congress include marijuana within the scope of the Harrison Anti-Narcotic Act.”<sup>598</sup> Though amending the Harrison Act faced stiff resistance, the views on marijuana’s dangers held by Dr. Fossier and many others in New Orleans ultimately proved highly instrumental in driving federal intervention on marijuana prohibition.

For his part, during that same meeting of the Louisiana State Medical Society, Fossier delivered one of the most influential speeches given on marijuana, effectively bringing to life “The Marihuana Menace.”<sup>599</sup> As a summary of the existing literature on cannabis and hashish with connections to the contemporary marijuana crisis in New Orleans, Fossier’s article contained much of what became the general assessment of marijuana in the 1930s. Opening with an extended summary of the etymology and connections between the words hashish and assassin, Dr. Fossier set the stage for a wide ranging and at times unstructured look at cannabis use. He drew links to Pythagoras and the Greeks, as well as Theophile Gautier and Charles Baudelaire – famous cannabis users. He alleged that “cannabis indica has been accused of exciting the basest and most criminal tendencies in the minds of its addicts,” but “at the same time some of the most brilliant creations of the human intellect” came from “its illustrious devotees.” Dr. Fossier also provided an overview of intoxicating cannabis preparations used around the

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<sup>598</sup> “Medical Men Act to Gain Federal Marihuana Curb,” *Times Picayune (New Orleans)*, April 17, 1931, 13.

<sup>599</sup> Fossier, “The Marihuana Menace.”

world, including ganja, bhang, siddhi, and charas. He cited Captain Dhunjibhoy, Superintendent of the Indian Mental Hospital in Ranchi and author of at least two influential studies on the effects of Indian hemp. He also drew on Robert Kingman's 1927 study, entitled: "The Green Goddess: A Study in Dreams, Drugs, and Dementia."<sup>600</sup> Both Dhunjibhoy and Kingman linked cannabis use with insanity and the loss of restraint. Dr. Fossier stressed similar findings in New Orleans, referring to a study conducted by Dr. George Roeling who found "confirmed marihuana addicts" made up twenty-seven percent of the city's prison population. He also believed that "Despite every precaution school children of tender age, have been detected smoking muggles." In short, Dr. Fossier argued, "moral degradation is the most salient feature of marihuana, for the concomitant loss of social position because of a loose, irregular and frequently criminal existence, make these unfortunates a curse to their families and to their communities."<sup>601</sup>

His criminogenic view, formed in New Orleans, provided a foundation for anti-marijuana activists and continued calls for restrictive legislation. Indeed, during the discussion of Fossier's paper, members of the audience furthered perceptions on the dangers of marijuana. Dr. Roeling, for example, stressed that he had studied the "physiological action of the drug." He argued that marijuana "stimulates the cortical cerebral centers and inhibits the controlling sub-cortical centers of our mechanism which is responsible this rapid flow of ideas, the immense visualization of these individuals, the

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<sup>600</sup> For full citations to these works, see: J.E. Dhunjibhoy, "The Role of Indian Hemp in Causation of Insanity in India"; J.E. Dhunjibhoy, "A Brief Resume of the Types of Insanity Commonly Met With In India, With a Full Description of 'Indian Hemp Insanity' Peculiar to the Country"; Robert Kingman, "The Green Goddess: A Study in Dreams, Drugs, and Dementia," *Medical Journal and Record* 126 (1927): 470–75. Fossier's use here demonstrates that he drew on relatively recent, existing medical interpretations of cannabis use. In utilizing these sources, he called attention to them for others interested in investigating marijuana use.

<sup>601</sup> Fossier, "The Marihuana Menace," 249–50.

bolstering up of their courage, and the various phenomena which will eventually give them courage and lead them into the most crime producing individuals that we have.” Dr. Frank Gomila stressed that “Mariahuana, to my mind, should be put in the same class as heroin. It serves little medical purpose and should be removed from the market.” Dr. F. F. Young, longtime operator of sanitarium known for treating drug habitués, asserted that, “Thirty five years ago classifying addicts numerically, morphine would have gone down first, cocaine second, chloral third, bromide fourth, with a small number of other drugs. Today, I would be disposed to place at the head of the list, the barbatal [sic] group, marijuana second, etc.” For Fossier and those assembled, given all this information, it was clear that marijuana posed a sizeable danger that was “rapidly reaching beyond our city and state and now demands national control.”<sup>602</sup>

In 1931, New Orleans District Attorney, Eugene Stanley, echoed many of these same sentiments in a widely circulated article entitled, “Marihuana as a Developer of Criminals.” During his time as District Attorney, Stanley prosecuted at least one savage murder inflicted by a confessed marijuana user, defended Louisiana’s marijuana statute from a constitutional challenge, and was distraught by the use of temporary insanity defenses among marijuana smokers accused of such crimes.<sup>603</sup> Fossier’s work apparently heavily influenced Stanley, as he cited the same long list of prominent contemporary medical sources. In describing the effects of cannabis, Stanley wrote it was “similar to that of alcohol and morphine. Its toxic effects are ecstasy, merriment, uncontrollable

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<sup>602</sup> Ibid., 250–52.

<sup>603</sup> For the most prominent case, see: “Negro Ax-Murderer Confesses Hacking Victims to Death,” 1; “Ax Killer’s Trial Set as ‘Muggles’ Drive Is Ordered,” 2. Stanley argued during *State v. Bonoa* that marijuana “use results in a derangement of the central nervous system, causing fatal results both mentally and physically.” See: “State High Court Hears Debate on Marihuana Law,” *Times Picayune (New Orleans)*, May 2, 1931, 15.

laughter, self-satisfaction, bizarre ideas lacking in continuity.” When used in “moderate doses,” he noted users experienced “anything from a mild intoxication to a dead drunk, a drowsy and semi-comatose condition, lapsing into a dreamy state, with a rapid flow of ideas of a sexual nature, ending in a deep sleep, interrupted by dreams.” He further suggested that, “Large doses produce excitement, delusions, hallucinations, rapid flow of ideas, a high state of ecstasy, psychomotor activity with a tendency to willful damage and violence, with a temporary amnesia of all that has transpired.” Stanley also argued that, “In cases of prolonged addiction ... the somnolent action of Cannabis Indica is replaced with complete loss of judgment and of restraint-the effect so frequently observed in alcoholic intoxication.” Accordingly he asserted, “the underworld has been quick to realize the value of this drug in subjugating the will of human derelicts,” by using it to “relieve themselves from the natural restraint which might deter them from the commission of criminal acts, and to give them the false courage necessary to commit the contemplated crime.”<sup>604</sup>

Stanley, Fossier, and Gomila have often received significant attention in the existing literature, and for good reason, but in many ways, they represented only the culmination of a decade long process by which the marijuana menace concept from New Orleans slowly moved into the national consciousness.<sup>605</sup> For example, New Orleans officials urged the federal public health service to conduct a “marihuana study at federal drug farms” on the information that “an increasing proportion of prisoners in Louisiana

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<sup>604</sup> Eugene Stanley, “Marihuana as a Developer of Criminals,” *The American Journal of Police Science* 2, no. 3 (June 1931): 252–61.

<sup>605</sup> For an example of Stanley’s work circulating among academics and other interested parties, see: Seth Wiard, Scientific Crime Detection Laboratory in affiliation with Northwestern University, to Gertrude Seymour, January 27, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, Subject Files of the Bureau of Narcotics and Dangerous Drugs, 1916-1970 (BON 1916-1970), Records of the Drug Enforcement Administration (DEA), Record Group 170 (RG 170), NACP.



have been found to be smokers of marihuana.”<sup>606</sup> After hearing Dr. Gomila speak on the need for a national marijuana law, A. T. McCormack, state health officer of Kentucky, issued “a resolution calling for federal action” to “be introduced at the sectional meeting of state health officers.”<sup>607</sup> The Seventeenth Ward Civic League of New Orleans resolved to urge “passage of a federal law to prevent the sale of marihuana cigarettes.”<sup>608</sup>

Meanwhile, George Doyle, vice-president of Local No.93 of the Operative Plasterers’ and Cement Finishers’ International Association and former deputy U.S. Marshal of the eastern district of Louisiana forwarded Stanley’s writing on marijuana directly to President Hoover. Perhaps most importantly, a Federal Bureau of Narcotics agent in the New Orleans division transmitted Stanley’s work to the Bureau’s recently appointed Commissioner, Harry J. Anslinger.<sup>609</sup> Anslinger’s personal correspondence also shows that studies from New Orleans were influential to many people interested in marijuana control.<sup>610</sup>

For Anslinger and the newly created FBN, however, the answer to the apparent marijuana problem was not a federal law - which many believed to be constitutionally dubious - but rather a continued focus on encouraging state level laws. Much as they had since the late nineteenth century, reformers and regulators primarily sought to close loopholes and prevent crime across state lines by enacting uniform legislation in all

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<sup>606</sup> “Marihuana Study at Federal Drug Farms Is Urged - Growing Use of Weed Among Louisiana Prisoners Reported,” *Times Picayune (New Orleans)*, June 19, 1931, 32.

<sup>607</sup> “Anti-Marihuana Statute Urged by Gomila,” *Times Picayune (New Orleans)*, November 20, 1931, 7.

<sup>608</sup> “Ward Group to Urge U.S. Marihuana Law,” *Times Picayune (New Orleans)*, November 25, 1931, 15.

<sup>609</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 69–70.

<sup>610</sup> Gertrude Seymour to Harry J. Anslinger, December 4, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP. Seymour noted that, “the copy of Journal of Police Science, containing the Stanley article, is ‘missing’ from both the N.Y. Academy of Medicine and the N.Y. Public Libraries.”

states. An attempt to develop a uniform law for the control of narcotic drugs was no different. In 1925, at the annual meeting of the National Commissioners on Uniform State Laws, Dr. William C. Woodward, Executive Secretary of the Bureau of Legal Medicine and Legislation of the American Medical Association (AMA), helped prepare and submit the first tentative draft of a Uniform Narcotic Drug Act (UNDA). On their relationship with Woodward, the Committee wrote, “The zeal of the American Medical Association in urging the adoption of the Uniform State Law cannot be sufficiently praised and we urge earnest cooperation between that Association and our Conference.”

<sup>611</sup> According to Dr. Woodward, the AMA hoped to secure “the protection of the people against narcotic addiction” as well as “a better understanding of its obligations and duties and of its rights in the use of narcotic drugs.”<sup>612</sup>

Though opiates and cocaine remained the most targeted drugs, the drafting process for the UNDA also included cannabis.<sup>613</sup> Both the first and second drafts of the act, presented in 1925 and 1928, prohibited the non-medical use of cannabis. Existing laws passed in New York and Washington State served as templates for these early drafts. Each classified cannabis among the “habit forming drugs.” In 1930, two versions of a third tentative draft of the act were developed. The first version closely resembled the first two drafts and included cannabis. The second version contained substantial revisions, including the removal of cannabis from the definition of habit-forming drugs.

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<sup>611</sup> “Handbook of the National Conference of Commissioners on Uniform State Laws and Proceedings of the Thirty-Fifth Annual Meeting in Detroit, Michigan” (National Conference of Commissioners on Uniform State Laws, August 25, 1925), 397,975, HeinOnline.

<sup>612</sup> “Handbook of the National Conference of Commissioners on Uniform State Laws and Proceedings of the Thirty-Eighth Annual Meeting in Seattle, Washington” (The Lord Baltimore Press, July 25, 1928), HeinOnline.

<sup>613</sup> For another summary on the evolution and passage of the Uniform Narcotic Drug Act, see: Bonnie and Whitebread, *The Marijuana Conviction*, 79–91.

Instead, this draft provided a supplemental and optional provision to deal with cannabis restrictions.<sup>614</sup> This change in classification apparently stemmed from feedback provided by Pharmaceutical Manufacturers. The Commissioners acknowledged receiving suggestions from the American Drug Manufacturers Association, the National Association of Retail Druggists and various other organizations.<sup>615</sup> Most prominently, however, this information came from a survey conducted by Dr. Woodward.<sup>616</sup> Woodward's summary of the survey responses showed that many pharmaceutical manufacturers were opposed to including cannabis in the UNDA on three major points: it was seldom used in medicines; abuse of medicinal preparations was rare and unlikely; and that further restricting cannabis would be an unnecessary burden that might also call unwanted attention to the drug. Abuse of cannabis, they argued, was far more likely to occur with the flowering tops of the plant.<sup>617</sup> Thus, successful cannabis prohibition would not be achieved by restricting the use of medicinal products but by stopping its domestic growth – a task they deemed highly improbable.<sup>618</sup>

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<sup>614</sup> “Handbook of the National Conference of Commissioners on Uniform State Laws and Proceedings of the Fortieth Annual Meeting in Chicago, Illionis” (The Lord Baltimore Press, August 11, 1930), 493, HeinOnline.

<sup>615</sup> Ibid., 485.

<sup>616</sup> William C. Woodward, “Extracts from Letters Received by the Bureau of Legal Medicine and Legislation, American Medical Association, 1929-1930, From Pharmaceutical Manufacturers, Relative to the Pharmaceutical Uses and Habit-Forming Properties of Cannabis Indica and Cannabis Sativa,” Letter, (n.d.), Box 9, File 41, H. J. Anslinger Papers, HCLA 1875, Special Collections Library.

<sup>617</sup> Quite interestingly, however, the *Journal of the American Medical Association* carried articles highlighting the dangers of cannabis before and after Woodward's survey. For instance, a *JAMA* article from 1933 noted “a craving for the drug, habitual use of which undermines the intellectual qualities and the social value of the victim and leads to general physical deterioration.” See, “Effects of Cannabis,” *Journal of the American Medical Association* 100, no. 8 (February 25, 1933): 601. A question on cannabis from a doctor in Illinois who had recently visited New Orleans actually prompted this particular editorial. For another example, see: “Doubt as to Sanity or Insanity -- Opinions as to Smoking of Marihuana -- Evidence as to Syphilis,” *Journal of the American Medical Association* 81, no. 18 (1923): 1553–54.

<sup>618</sup> Woodward, “Extracts from Letters Received by the Bureau of Legal Medicine and Legislation.”

The fourth and fifth drafts of the Uniform Narcotic Drug Act included direct input from newly appointed FBN Commissioner, Harry J. Anslinger. Quite aware of the internal squabbles between druggists, doctors, and manufacturers that threatened to delay or derail the UNDA, Anslinger sought to gather support among each of them to finalize the law.<sup>619</sup> He also sought to alleviate concerns of federal overreach, stressing that state and local agencies should maintain the mechanisms of day-to-day enforcement.<sup>620</sup> Mirroring many of the changes implemented in the third draft, the fourth version of the UNDA contained an identical, supplemental provision covering cannabis. After consideration by a Committee of the Whole in 1931, members recommended the fourth draft for further study and scheduled a subsequent review the following year.<sup>621</sup> On October 8, 1932, the National Conference of Commissioners officially adopted the fifth and final draft of the UNDA. Anslinger's gestures toward the many interested parties appear to have helped shepherd the process along. Both the American Pharmaceutical Association and the Federal Wholesale Druggists Association passed resolutions acknowledging his cooperation in developing the UNDA.<sup>622</sup> The prefatory note accompanying the final draft of the act also acknowledged the difficulty faced by the

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<sup>619</sup> For example, see: Harry J. Anslinger, "Speech Before the N.A.R.D. Convention" n.d., Box 1, File 9, Anslinger papers, accessed June 10, 2013.

<sup>620</sup> For examples, see: Anslinger to George Barton, Editorial Staff Philadelphia Inquirer, n.d., Box 3, File 10, Anslinger papers, accessed June 10, 2013; Harry J. Anslinger, "Data Gathered to Determine Drugs Needed for Medicine," *The United States Daily*, February 27, 1931, Box 5, File 7, Anslinger papers; Harry J. Anslinger, "Restrictions on Exports of Narcotic Drugs," *The United States Daily*, July 1, 1931, Box 5, File 7, Anslinger papers.

<sup>621</sup> "Handbook of the National Conference of Commissioners on Uniform State Laws and Proceedings of the Forty-First Annual Conference - Atlantic City, New Jersey" (The Lord Baltimore Press, September 8, 1931), 127–28, HeinOnline. A year later, when presenting the fifth and final draft of the UNDA, Deering also noted the assistance of A. L. Tennyson of the Federal Bureau of Narcotics during the meeting in Atlantic City.

<sup>622</sup> Anslinger to E. F. Kelly, Secretary, American Pharmaceutical Association, September 8, 1932; Eugene G. Brokmeyer, Attorney, to Anslinger, October 6, 1932; Oscar R. Ewing to Martin Conboy, Esq, December 21, 1932, Box 3, File 8, Anslinger papers.

Committee in developing a law that accommodated the varied interests of many organizations.

The final iteration of the UNDA left cannabis as an optional, supplemental provision. Though influence from pharmaceutical manufacturers may have provided impetus for this structure, it appears there was also a strong desire to conform to existing federal legislation.<sup>623</sup> Moreover, providing detailed instructions to state legislatures seeking to prohibit cannabis under the UNDA was apparently the preferred method of cannabis control by Commission Anslinger and the FBN.<sup>624</sup> Any state wishing to regulate the sale and possession of cannabis was provided step-by-step instructions to properly amend the law and include the supplemental provision. First and foremost, this meant inserting cannabis into the law's definition of "narcotic drugs." This change essentially ensured all other provisions of the act fully applied to cannabis. Even before the Conference of Commissioners officially approved the final draft of the UNDA, Anslinger began urging states to enact the "uniform law to prohibit the growing of marijuana plants."<sup>625</sup>

The official drafts of the UNDA, however, never used the word marijuana. Nor does it appear that Anslinger had fully formulated a clear opinion on the alleged dangers of the drug during the final stages of drafting the law. In October 1931, for example, Anslinger drew on a characterization of marijuana long formulated in New Orleans,

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<sup>623</sup> "Handbook and Proceedings of the Forty-First Annual Conference," 322–23. Existing federal legislation of this kind did not cover cannabis.

<sup>624</sup> Harry J. Anslinger to Gertrude Seymour, December 16, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP. See also: Harry J. Anslinger to Gertrude Seymour, December 14, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP.

<sup>625</sup> "Government Will Ask States to Ban Growing of Marijuana," *New York Times*, September 16, 1931, 37.

suggesting that, “Instances of criminals using the drug to give them courage before making brutal forays are occurrences commonly known to the narcotic bureau.”<sup>626</sup> Just two weeks later, however, Anslinger refuted the notion that the use of narcotics compelled shocking crimes. In a speech to the International Association of Chiefs of Police in St. Petersburg, Florida, the Commissioner argued there was no more “absurd fallacy extant than the notions that murders are committed and daylight robberies and holdups carried out by men stimulated by narcotic drugs to make them impossible to fear.”<sup>627</sup> That same year findings from the National Commission on Law Observance and Enforcement, better known as the Wickersham Commission, also bolstered a criminogenic view of marijuana. Despite the rather measured tones of the report’s experts, the complicated findings of the Commission circulated widely in the media and often drew sensationalized attention to crime, foreigners, and marijuana use.<sup>628</sup> Anslinger acknowledged this, charging that, “newspaper correspondents in Washington are trying to play up this weed because of the various references made to it in the Wickersham Report.”<sup>629</sup>

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<sup>626</sup> Special from The Christian Science Monitor Bureau, “Narcotics Commissioner Urges Drastic Action Against Hashish: Only Two States Report Laws to Prevent Spread of Plant--Report of Wickersham Commission Told of Drug’s Perils Given to Guests at Party Composition Is Obscure Laws Urged on Loco Growth Marijuana Ban Proposed,” *The Christian Science Monitor*, October 2, 1931, 4.

<sup>627</sup> Harry J. Anslinger, “Outline of Speech Before the International Association of Chiefs of Police” (St. Petersburg, October 13, 1931), Box 1, File 7; “Police Chiefs Undecided on Reply to Wickersham Board; Speakers Rap ‘Alibi Fixers,’” *St. Petersburg Times*, October 14, 1931, Box 6, File 7, Anslinger papers.

<sup>628</sup> For examples, see: “Use of Marihuana Spreads Over U.S., Commission Told: Testimony Is Laid Before Wickersham Group by Hobson,” *Times Picayune (New Orleans)*, March 5, 1931, 7; “Alien-Born Here Play Minor Role in Crime Record,” *Times Picayune (New Orleans)*, August 24, 1931, 7; “Drug Used by Mexican Aliens Finds Loophole in U.S. Laws: Spread of Growth of ‘Loco’ Weed in Wake of Immigrants Causes Grave Concern at Washington -- Effects Described in Wickersham Studies,” September 12, 1931, 1; George W Wickersham, *National Commission on Law Observance and Enforcement: Report* (Washington, D.C.: U.S. G.P.O., 1931).

<sup>629</sup> Harry J. Anslinger to Mr. Alfred B. Haupt, Office of the General Counsel Bureau of Internal Revenue, September 21, 1931, Box 108 (old box #1), Drugs Marihuana General, No. 4, July - Dec. 1935, BON 1916-

Despite Anslinger's claims one way or another, the sheer number of reports on marijuana from around the country signaled a growing awareness of the drug. Many of these accounts repeated the same characterizations of marijuana's dangers that developed earlier in New Orleans – especially themes of crime and the corruption of youth. In December 1927, for example, Chicago area newspapers reported on the city's drug peddlers and "a systematic effort to enslave high school students to marijuana."<sup>630</sup> Following a two-year investigation by law enforcement, the *Chicago Daily Tribune* reported that marijuana "has become widespread among American youths and girls, and even among school children."<sup>631</sup> In 1931, the *Los Angeles Times* charged that criminals had "been inducing young boys to become drug addicts through providing them with cigarettes treated with marihuana."<sup>632</sup> Agents in West Virginia alerted FBN leadership to "startling disclosures" surrounding "a local drug ring" that "sold 'doped' cigarets to young persons" containing "a large amount of cannabis indica, a strong and habit-

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1970, DEA, RG 170, NACP. See also, Ibid, Anslinger to The Editor of *The Evening Sun* (Baltimore, MD), 21 September 1931.

<sup>630</sup> "3 Arrests Bare Sale of Dope to Gary Students: Youths Confess Smoking Drug After Fight," *Chicago Daily Tribune* (1923-1963), December 19, 1927, 15.

<sup>631</sup> The Chicago Station investigation (1928-1929) was subsequently cited by government agencies, including the Secretary of Agriculture, see: Henry A. Wallace to Honorable Kathryn O'Loughlin McCarthy, House of Representatives, 26 March 1934, Entry 19, Box 2339, RG 16, NACP. For *Tribune* articles, see: "Ban on Hashish Blocked Despite Ravages of Drug: Bill Passed by House Is Held in Committee," *Chicago Daily Tribune* (1923-1963), June 3, 1929, 20–21. The bill was blocked on account of the Illinois Pharmaceutical association and others who advised the Governor that the bill might stop the sale of certain cough and corn cures and even interfere with the sale of standard bird seed. See: Parke Brown, "Governor Kills Bill to Outlaw Machine Guns: Contends Officers of Law Need Such Weapons," *Chicago Daily Tribune* (1923-1963), June 27, 1929, 12.

<sup>632</sup> "Suspect May Be Deported: Mexican Accused of Inducing Boys to Use Dope Under Bond Following Santa Monica Arrest," *Los Angeles Times* (1923-Current File), April 15, 1931. These allegations from California continued and received attention elsewhere, for examples, see: C. M. Goethe, "Urges Immigration Ban Against Mexican Peon," *Atlanta Constitution*, September 17, 1933, 5C; "Use of Loco Weed Growing: California Starts a Drive to Curb Practice," *Davis County Clipper* (Utah), January 5, 1934.

forming drug.”<sup>633</sup> In New York, Dr. Perry M. Lichtenstein, medical assistant to the New York District Attorney’s office, urged passage of the UNDA and singled out marijuana. Dr. Lichtenstein alleged that, “peddlers in New York have not hesitated to sell to school children.” Known as “muggles,” “reefers,” “hashish,” or “Mary Warner,” Lichtenstein asserted marijuana was “liable to produce crimes of singular atrocity.”<sup>634</sup> Likewise, physician testimony given during a 1932 murder trial in Texas argued that, “A boy,” nineteen years old, “addicted to smoking marijuana cigarettes,” especially “if he was a constant smoker,” the drug “would have a marked effect upon his mind and mentality. It would disturb and derange his mental capacity.”<sup>635</sup> Similarly, Dr. W. A. Evans asserted marijuana was “a harmful, habit forming drug. It is used principally by young people to make them act silly and it succeeds.” Fortunately, Evans believed, “the habit is more easily broken than is the opium or heroin habit or the liquor habit. In this it is about on par with the cocaine habit.”<sup>636</sup>

Given these claims, it is not surprising that as Anslinger worked to secure passage of the UNDA, he was quick to seek further information on marijuana. In fact, according to Anslinger, the mere drafting of the UNDA spawned “a great amount of publicity

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<sup>633</sup> “Drug Ring Sold Dope to Youths: Morris Reveals Operations of Hashish Ring; Place on Probation,” n.d., Box 108 (old box #1), Drugs Marihuana General, No. 1 1932-1933, BON 1916-1970, RG 170 DEA, NACP. For related documents in the same collection, see: “In Re: Marihuana,” Will S. Wood, Acting Commissioner, to Mr. T.S. Middlebrooks, 1 June 1933; “In Re: Marihuana,” Will S. Wood, Acting Commissioner, to Mr. J.O. Crowley, Narcotic Agent, Clarksburg, West Virginia, 31 May 1933; J.O. Crowley, Narcotic Agent, to Mr. L. B. Connell, Acting District Supervisor, 23 May 1933. See also, “In re; Alleged Narcotic Violations Beckley W.Va.,” John J. Esch, Narcotic Agent, to Mr. Boyd M. Martin, Acting Supervisor District #4, 10 May 1934; Harry J. Anslinger to Mr. G. C. Hedrick, Cashier, The Raleigh County Bank, Beckley, West Virginia, 17 February 1934.

<sup>634</sup> William Engle, “Advices Ration to Curb Sale of Marihuana,” *New York World-Telegram*, February 27, 1933, H.J. Anslinger Papers, HCLA 1875, Special Collections Library, Pennsylvania State University, Box 6, File 3.

<sup>635</sup> Ernest Johnson v. The State, No. 14913 (Court of Criminal Appeals of Texas April 20, 1932).

<sup>636</sup> W. A. Evans, “How to Keep Well: Marijuana,” *Chicago Daily Tribune (1923-1963)*, January 7, 1933, 10.



concerning the evil of the uncontrolled marihuana traffic.”<sup>637</sup> Reports on marijuana poured into the Bureau from a range of sources.<sup>638</sup> These reports often highlighted both the continued spread of marijuana throughout the country and frequent use by youth. The League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs, for example, circulated a report on “Illicit Traffic in Canada in Cigarettes Containing Indian Hemp.” Conducted by the Canadian government, the report outlined “several cases” in Ottawa and Windsor, “involving the illicit sale of Marihuana cigarettes ... which, in every instance, had their origin in Detroit, Michigan.” The report concluded,

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<sup>637</sup> Harry J. Anslinger to Gertrude Seymour, December 14, 1934.

<sup>638</sup> Aside from those cited in this paragraph, reports of marijuana use also came to the FBN from numerous other states. For Mississippi examples, see: Herman S. Jernigan, to Chief, Narcotic Division, November 12, 1933, Box 3, File 4, H. J. Anslinger papers, HCLA 1875, Special Collections Library, Pennsylvania State University; Herman Jernigan to Mr. H. J. Anslinger, March 30, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; Anslinger to Mr. Herman Jernigan, April 7, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; Herman Jernigan to Commissioner of Narcotics, May 2, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; *ibid.*; Anslinger to Mr. Herman Jernigan, April 7, 1934; Anslinger to Mr. J. B. Greeson, District Supervisor, Bureau of Narcotics, December 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP. For Delaware, see: Arthur Bailey, Librarian, to MR. H. J. Anslinger, April 15, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP. For Pennsylvania, see: Isaac Boyce to Treasury Department, Bureau of Narcotics, April 27, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; Louis Ruppel, Acting Commissioner, to Isaac Boyce, May 4, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; A.M. Bangs, District Supervisor, to Commissioner of Narcotics, “Re: Alleged Use of Marihuana at Etna, Pennsylvania,” June 15, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP. For Kansas, see: H. J. Anslinger, Commissioner, to Mr. Guyer, House of Representatives, April 2, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; Louis Ruppel, Acting Commissioner, to Mr. Guyer, House of Representatives, June 2, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP. For Georgia, see: P.G. Brigham, Narcotics Inspector, to Mr. T. E. Middlebrooks, District Supervisor, “In Re: Marihuana,” April 24, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP. For New Mexico, see: Herman Oliphant, General Counsel to the Secretary, to Honorable Bronson Cutting, United States Senate, March 21, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; H. J. Anslinger to Honorable Bronson Cutting, United States Senate, n.d., Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP, accessed June 5, 2013. For Washington, see: J. P. Wall, District Supervisor, to Commissioner of Narcotics, “In Re: Marihuana,” March 8, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; “8 U. Students Bare Buying of Marijuana,” *Seattle Post-Intelligencer*, February 8, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP.

“It is very noticeable that those using Marihuana are invariably young people, and not previously addicted to morphine, heroin or cocaine.”<sup>639</sup> In February of 1933, H. S. Forrer, FBN District Supervisor for Colorado, Utah, Wyoming, Arizona, and New Mexico, wrote Commissioner Anslinger with a list of local violations, noting his “interest concerning the extensive and progressive use of Marijuana.”<sup>640</sup> In August of 1933, the Bureau received reports from the Sheriff of San Diego County California and the Mexican Vice Consul based in Tijuana, Mexico concerning an attempt to mail order marijuana.<sup>641</sup> In this instance, P. M. Woodruff of East Liverpool, Ohio, wrote at least two letters to Mexican merchants seeking to “purchase the well known ‘Merijuana weed,’ grown in Mexico.” Woodruff noted that, “made in a cigarette and inhaled, [it] produces a form of hilarious intoxication, minus ill after effects, and it is supposedly non-narcotic.” In closing, Woodruff claimed he could “command a ready sale” of the drug, and “will certainly appreciate information, regarding cost, etc. in detail.”<sup>642</sup> Similar attempts to move

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<sup>639</sup> “Illicit Traffic in Canada in Cigarettes Containing Indian Hemp” February 27, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP. For additional circulation of this report, see: Ibid, Will S. Wood, Acting Commissioner Bureau of Narcotics, to J. A. Manning, District Supervisor, Detroit, Michigan, April 17, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP; L. W. Robert, Jr., Assistant Secretary, to Stuart J. Fuller, Division of Far Eastern Affairs, April 20, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP.

<sup>640</sup> Anslinger to H.S. Forrer, District Supervisor, February 27, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP.

<sup>641</sup> Rafael Silvestre, El Viceconsul H. de Espana, to Mr. [Ed] Cooper, Sheriff, County of San Diego, “Confidential Information about a Dope Inquiry, from One P. M. Woodruff, from East Liverpool, O.,” August 8, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP; H.B. Kennedy, Deputy Sheriff, to Federal Bureau of Narcotic Enforcement, “Woodruff, P.M., File 4540,” August 11, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP.

<sup>642</sup> P. M. Woodruff to Mr. J. A. Muino, August 4, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP. For the follow-up on the Woodruff case, see: Joseph A. Manning, District Supervisor, to Commissioner of Narcotics, Attention: Legal Section, “In Re: P. M. Woodruff, East Liverpool, Ohio,” September 11, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP; James H. Moyle, Commissioner of Customs, to The Commissioner of Narcotics, December 29, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP.

marijuana by mail included a pair of brothers complicit in sending a large trunk from Colorado to Kansas City, Missouri containing more than twenty-eight pounds of marijuana.<sup>643</sup>

In light of these reports, it is clear that, rather than creating marijuana propaganda whole cloth, Anslinger gathered information from outside sources and made it his own. In January of 1934, for instance, Anslinger wrote to Mr. E. J. Woodward of *The Philadelphia Record* about the paper's recent coverage on marijuana, stressing it was the "articles that influenced legislation to provide adequate means of control, that I am so keen to secure."<sup>644</sup> That same month, during a conference held in Washington, D.C., Anslinger provided instructions to FBN agents and district supervisors to gather information for special reports on marijuana in their respective regions.<sup>645</sup> Just weeks later, Anslinger wrote of "the possibility, if feasible, of some sort of governmental survey of marihuana conditions throughout the United States." He further added, "perhaps this suggestion is premature" since he had "not crystallized my thoughts into any definite

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<sup>643</sup> Will S. Wood, Acting Commissioner Bureau of Narcotics, to Hon. R. J. M. West, United States District Attorney, Colorado, August 27, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP. The Garcia brothers story later made it into an influential League of Nations report filed by the United States, see: "League of Nations O.C. 1542 (c) Addendum – Advisory Committee on Traffic in Opium and Other Dangerous Drugs Situation as Regards Indian Hemp – Memorandum forwarded by the representative of the United States of America – "The Abuse of Cannabis in the United States." For other examples of mailed marijuana, see: Anslinger to R. H. Oyler, District Supervisor, Detroit, Michigan, September 10, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; "2 Held for Having Marijuana Cigaretts," 1934, Box 108 (old box #1), BON 1916-1970, DEA, RG 170, NACP.

<sup>644</sup> Anslinger to E. J. Woodward, January 13, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP.

<sup>645</sup> Months later these reports provided Anslinger with information on legislation, enforcement, and the extent of marijuana use from areas across the country, including: Florida, Tennessee, Kentucky, Pennsylvania, Texas, Massachusetts, New Jersey, California, Nevada, New York, Washington, Montana, and Oregon among others, see: Reports from district supervisors in districts 1, 2, 3, 5, 7, 10, 14, and 15 located in Box 110, Entry 9A, RG 170 DEA, NACP

plan.”<sup>646</sup> In February of 1934, the Bureau sought verification of stories printed in the *Seattle Post-Intelligencer* that alleged widespread marijuana use among students at the University of Washington.<sup>647</sup> In March, following numerous inquiries from Congressmen in Kansas, Anslinger asked the Attorney General for detailed information on the state’s marijuana traffic.<sup>648</sup> In June of 1934, C. G. Emmert, Chief of Police in Hagerstown, Maryland was informed that Commissioner Anslinger was “interested in having all complaints concerning marijuana referred to his office with perhaps the possibility in view of effecting some Federal or cooperative State laws at some future date.”<sup>649</sup>

In gathering this information, it appears Anslinger and other Bureau officials were slow to take hold of the “marijuana menace” characterization. The FBN’s year-end report for 1931, for example, asserted “A great deal of public interest has been aroused by newspaper articles appearing from time to time on the evils of the abuse of marihuana, or Indian Hemp, and more attention has been focused upon specific cases reported of the abuse of the drug than would otherwise have been the case.”<sup>650</sup> Two years later the same year-end report noted with some restraint the “disconcerting development” of “apparently

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<sup>646</sup> Harry J. Anslinger to Gertrude Seymour, December 14, 1934.

<sup>647</sup> Louis Ruppel, Acting Commissioner, to J. P. Wall, District Supervisor, February 21, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP; J. P. Wall, District Supervisor, to Commissioner of Narcotics, “In Re: Marihuana.”

<sup>648</sup> Anslinger to George McGill, Senator (D-KS), March 21, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP.

<sup>649</sup> B.M. Martin, Acting District Supervisor, to C. G. Emmert, Chief of Police, Hagerstown, Maryland, June 20, 1934, Box 108 (old box #1), Drugs Marihuana General, No. 2, 1934, BON 1916-1970, DEA, RG 170, NACP.

<sup>650</sup> U.S. Treasury Department, Bureau of Narcotics, *Traffic in Opium and Other Dangerous Drugs for the Year Ended December 31, 1931: Report by the Government of the United States of America* (Washington. D.C.: Government Printing Office, 1932), 51.

increasing use of marihuana by the younger element in the larger cities.”<sup>651</sup> In May 1934, Louis Ruppel, Deputy Commissioner for the Bureau of Narcotics, published a short article urging passage of the UNDA and mentioned marijuana only once. Ruppel wrote that “A few dull youngsters have tried marihuana cigarettes (the sale of the hemp weed marihuana is not restricted by Federal legislation), but the practice is not widespread, and the records show that few persons under 20 years of age use narcotics and that the average age of addicts is 32 years.”<sup>652</sup> At the same time, Treasury Department officials stressed, “the Bureau of Narcotics has no definite legislative control program to be applied to cannabis sativa, at least in so far as Federal legislation is concerned. It is endeavoring to determine some information as to the nature and extent of the traffic in cannabis for other than medical purposes as it is necessary to make this determination before attempting to decide what if any Federal control is advisable.”<sup>653</sup>

Despite this consistently measured language, as the Bureau collected more and more information on marijuana, Anslinger’s views clearly evolved and shifted increasingly toward the negative perceptions that had previously developed in New Orleans. By April of 1934, for example, Anslinger wrote that, “the growing abuse of the flowering tops of the hemp plant known as cannabis or marihuana has caused considerable alarm among civic and public welfare organizations and private citizens in

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<sup>651</sup> U.S. Treasury Department, Bureau of Narcotics, *Traffic in Opium and Other Dangerous Drugs for the Year Ended December 31, 1933: Report by the Government of the United States of America* (Washington, D.C.: Government Printing Office, 1934), 36.

<sup>652</sup> Louis Ruppel, “On the Narcotic Trail,” *Current History* 40, no. 2 (n.d.): 183–84. Likewise, in 1930,” Walter L. Treadway, Assistant Surgeon General, found that “Drug addiction is largely confined to the third and fourth decade of life.” See, Walter L. Treadway, “Some Epidemiological Notes on Narcotic Drug Addiction in the State of Massachusetts” 1930, Box 3, File 10, Anslinger papers. The idea that there were not a lot of younger drug addicts was quite common during this period and may help explain why there was such a fear of marijuana and its spread among youthful users.

<sup>653</sup> L.W. Robert, Jr. to The Secretary of Agriculture, 29 May 1934, Entry 17, Box 2005, RG16, NACP

districts where this abuse seems to have been brought to public notice.”<sup>654</sup> Among these, Luke S. May, Chief of Detectives for Seattle Police, asserted that, “Because of its crime-inducing qualities marijuana is perhaps the greatest narcotic menace in the Northwest today.”<sup>655</sup> In November of 1934, the Committee on Traffic in Opium and Other Dangerous Drugs for the League of Nations received a memorandum on “The Abuse of Cannabis in the United States” composed largely from information received by the FBN. The document outlined areas of cannabis growth, legitimate uses of the plant, and current regulations. The memo also presented a wide variety of information on “methods of administration employed by addicts,” “distribution of addiction,” and “effects of habitual use.” In many of these sections, the material included mirrored dangerous characterizations of marijuana from around the country, providing specific examples on the “extent to which crimes of violence have been traced to the abuse of cannabis.”<sup>656</sup>

There were, however, sources available that registered a belief that marijuana might not be as dangerous as those portrayals. The monumental report published by the Indian Hemp Drugs Commission (IHDC), for example, was among the few sources providing a counter-balance to the marijuana menace. Completed in 1894, the IHDC report largely portrayed cannabis use in India as a rather safe activity – asserting only excessive use was a potential danger. In the United States, Dr. Walter Bromberg, assistant psychiatrist of Bellvue Hospital in New York City, argued in 1933 that, “Marihuana doesn’t cause crime.” Rather, he posited, it “simply uncovers the underlying

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<sup>654</sup> Anslinger to Mr. Herman Jernigan, April 7, 1934.

<sup>655</sup> “8 U. Students Bare Buying of Marijuana.”

<sup>656</sup> Among these were stories of violent murders from California, Colorado, Michigan, Florida, and Louisiana. “The Abuse of Cannabis in the United States,” League of Nations, O.C. 1542 (c) Addendum, 10 November 1934, Box 46, E9A, Binder 3, RG170 NACP.

anti-social, aggressive and sadistic elements of persons who may use it.” Bromberg believed that these elements “are primarily responsible for the criminal acts of marihuana users.” “The drug,” he said, “plays a secondary role.” Likewise, Seth Wiard, member of the Scientific Crime Detection Laboratory in affiliation with Northwestern University, wrote of marijuana that, “I have a feeling ... that its wide use and harmfulness is quite exaggerated.” As evidence for this view, Wiard advised giving “greater credence to the combined Army and Navy Medical Report contained in the Military Surgeon ... as to its actual effects, than I would most anything else.”<sup>657</sup>

Members of the United States military stationed in the Panama Canal Zone conducted the three studies in question between 1925 and 1931, and provided perhaps the most compelling of all counter narratives on the dangers of marijuana. Each study sought to measure the use and potential negative consequences of marijuana among soldiers, but ultimately found marijuana smoking to be rather benign. For instance, following the first investigation in 1925, the researchers concluded, “There is no evidence that mariahuana as grown here is a ‘habit-forming’ drug in the sense in which the term is applied to alcohol, opium, cocaine, etc., or that it has any appreciably deleterious influence on the individuals using it.” These findings ran counter to the opinion of Army officers who exercised direct command over troops and believed marijuana was often responsible for dereliction of duty and insubordination. A second study conducted at the officer’s behest in 1929 nevertheless found “use of the drug is not widespread and that its effects upon

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<sup>657</sup> Seth Wiard, Scientific Crime Detection Laboratory in affiliation with Northwestern University, to Gertrude Seymour, January 27, 1934; Science Service, “Marihuana Doesn’t Cause Crime, Psychiatrist Says,” *El Paso Evening Post*, June 3, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP.

military efficiency and upon discipline are not great.”<sup>658</sup> Military authorities in the Canal Zone removed or repealed existing regulations on marijuana following both of these studies.

A third and final study, ordered in 1931, followed a renewed order forbidding marijuana use among soldiers. This study proceeded by hospitalizing thirty-four soldiers known to smoke marijuana. Drawn from four different posts, doctors provided these men with as much marijuana as they pleased while physicians observed the effects. Combined with an investigation of the records from the Judge Advocate of the Panama Canal Department, the Committee found that “the smoking of marijuana is quite common among soldiers in Panama,” but that organization commanders “have unduly emphasized the effects.” The committee concluded that marijuana was a “mild stimulant and intoxicant,” but was “not a ‘habit-forming’ drug in the sense that the derivatives of opium and cocaine are such drugs, as there are no symptoms of depravation following its withdraw.” Based on these findings, the committee found no reason for further legislative action on marijuana, as it believed the current regulation prohibiting the sale, possession, or use on military reservations was sufficient to restrict its use.<sup>659</sup>

The sheer volume of negative reports swirling around marijuana simply overwhelmed these few dissenting sources. Anslinger, for example, found the summary

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<sup>658</sup> For further summaries of these investigations, see: J. F. Siler et al., “Marijuana Smoking in Panama,” *The Military Surgeon: Journal of the Association of Military Surgeons of the United States* 73 (November 1933): 269–80; Canal Zone Governor, “Report of Committee Appointed by the Governor April 1, 1925, for the Purpose of Investigating the Use of Marihuana and Making Recommendations Regarding the Same and Related Papers” (Panama Canal Zone, 1925); Special Correspondence of The New York Times, “Marijuana Smoking Is Reported Safe: Hemp Leaves, Classed in Some States with Drugs, Tested by Canal Zone Committee. Experiment Made on 17 Panaman Judge Recently Gave Sailor a Year’s Sentence for Possessing the Weed,” *New York Times*, November 21, 1926, sec. Editorial General News Financial And Business News Business Opportunities.

<sup>659</sup> Siler et al., “Marijuana Smoking in Panama”; “Board Terms Canal Troops Drug Addicts: Military Report Reveals Use Is Widespread Among Soldiers. Recommendations Not Made, However, for Checking Evil,” *The Washington Post (1923-1954)*, August 24, 1933.



of Panama marijuana investigations featured in the *Military Surgeon* to be “very interesting.” He was nevertheless concerned that “without careful analysis, it may leave the reader with the impression that the evil effects one has associated with the use of marihuana may have been overstated.” This left Anslinger feeling disappointed, but publicly coy. He wrote privately that “I am frank to state that I am not only not in sympathy with what I consider to be the tolerant tone of this report but I am somewhat disappointed that a stronger position against the use of this drug was not taken by the committee of medical officers.” Anslinger was nevertheless clear that he did “not wish to be quoted with reference to any of these opinions but merely express them to you personally knowing your interest in the subject and feeling confident that you are opposed to the use of the drug for non-medical purposes as I am.”<sup>660</sup> Some three years later as meetings for the federal Marihuana Tax Act began, Anslinger returned to the Panama studies in an effort to highlight mixed reactions among marijuana smokers. “It seems every man got a different reaction,” he asserted, “some were depressed, some stimulated, some morose, some hysterical, some slept, and some became wild.”<sup>661</sup>

By the mid-1930s, the preponderance of negative reports on marijuana had clearly swayed Anslinger and his opinion of its dangers solidified. For instance, in early February of 1935, Anslinger received a memo from Illinois Senator J. Hamilton Lewis “setting forth the danger of uncontrolled traffic in marihuana and urging that this substance be brought within the purview of the Harrison Narcotic Law.” The request was based on inquiries sent to Senator Lewis from the Cook County Sheriff, who stressed that

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<sup>660</sup> Harry J. Anslinger to Gertrude Seymour, December 14, 1934.

<sup>661</sup> “Transcript of the Conference on Cannabis Sativa, L.,” January 14, 1937, Box 9, File 22 - Marijuana Conference, H.J. Anslinger Papers, HCLA 1875, Special Collections Library, Pennsylvania State University.

“Under the influence of marijuana, Chicago high school students of family repute have committed crime.” In response, Anslinger wrote that, “In my opinion, Sheriff Toman’s apprehension of the dangers of marihuana in the uncontrolled distribution and use of this substance is quite correct. The Bureau has received information from many districts indicating a considerable degree of abusive use of this drug and of commercial traffic therein does exist and it is apparent that some system of effective control should be provided.”<sup>662</sup> In Anslinger’s opinion, however, amending Harrison was not a viable option. Instead, restricting marijuana via state laws like the UNDA remained the best course of action. Anslinger, for example, praised the Rhode Island Narcotic Board’s state report entitled, “Recommendations and Survey for Control of Cannabis Sativa” for proposed state level methods he believed would help “exterminate this evil.”<sup>663</sup> In summarizing this position, the FBN’s year-end report for 1935 asserted that, “In the absence of Federal legislation on the subject, the States and cities should rightfully assume the responsibility of providing vigorous measures for the extinction of this lethal weed.” The report went on to state that “it is therefore hoped that all public-spirited citizens will earnestly enlist in the movement urged by the Treasury Department to adjure intensified enforcement of marihuana laws.”<sup>664</sup>

Marijuana was clearly a serious source of concern in areas across the country, much as it had been since the early 1920s in New Orleans. Issues of crime and use among young people appeared again and again. In Wichita, Kansas, for example, police detective L. E. Bowery and Professor M. H. Hayes published an extensive report entitled

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<sup>662</sup> Anslinger to Senator [J. Hamilton Lewis], 2 February 1935, Box 110, District 9 Binder, RG170 NACP

<sup>663</sup> Anslinger to Frederick B. Cole, 12 February 1935, E9A, Box 110, District 3 Binder, E9A, Binder 3, RG170 NACP

<sup>664</sup> Traffic in Opium and Other Dangerous Drugs Report, 1935

“Marihuana: A New Problem for the American Public.”<sup>665</sup> A wide-ranging piece covering the perceived dangers of marijuana, Bowery and Hayes cited well-known medical sources like Albert Brundage’s *A Manual of Toxicology* alongside stories from Los Angeles, Tulsa, Chicago, New Orleans, and Wichita. Of the situation in Kansas, they wrote that the state legislature recognized “the seriousness of the drug” in 1927 and responded with a law to prevent the cultivation, sale, and use of marijuana. According to Bowery and Hayes, their investigations in Wichita, “have shown that its use has become rather widespread among the students in the intermediate and high schools, and it by no means unknown on the university campuses.”<sup>666</sup> Kansas City newspapers told of “the prevalence of Marihuana parties held by young boys and girls as roadside houses near this city.” In short, they argued, “habitual smoking is at present almost exclusively confined to young persons among the white people.” Given the “rapid spread of this habit” in areas “throughout the country” paired with “the inability of officers and courts to stamp it out under present inadequate laws” and “the damage incurred by its use, both to the individual and society,” Bowery and Hayes charged it was “imperative that some action be taken, and that expeditiously.”<sup>667</sup>

Elmer F. Hunsicker, a lawyer and Board of Education Member, reached these same conclusions in Cincinnati, Ohio. As organizer of the Cincinnati Anti-Narcotic League, Hunsicker, at his own expense, conducted a survey on marijuana use in the city.

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<sup>665</sup> L. E. Bowery and M. H. Hayes, “Marihuana: A New Problem for the American Public,” *Northwest Police Journal* X, no. 1 (December 1932): 2–3, 15–16; L. E. Bowery and M. H. Hayes, “Marihuana: A New Problem for the American Public - Suggestions for the Control of This Menacing Weed and a Number of Case Studies of Addicts,” *Northwest Police Journal* X, no. 2 (May 1933): 2–4, 7–11; M. H. Hayes and L. E. Bowery, “Marihuana,” *Journal of the American Institute of Criminal Law and Criminology* 23, no. 6 (April 1933): 1086–97.

<sup>666</sup> Bowery and Hayes, “Marihuana: A New Problem for the American Public,” May 1933, 2.

<sup>667</sup> *Ibid.*, 3.

Spanning some sixteen pages, Hunsicker's report drew widely from recognized experts and sources of information covering the growth, cultivation, legal restrictions, toxic effects, medicinal uses, and possible treatments for marijuana use.<sup>668</sup> He contacted officials in every state and more than fifty cities for information. In Cincinnati, Hunsicker cited the work of Dr. J. Fremont Bateman of Longview Hospital, who "made an extensive study of 'users of marihuana.'" Dr. Bateman claimed to have easily purchased marijuana in the city, stressing, "the weed around Cincinnati has become quite extensive since 1928." Dr. Bateman further claimed, "The loco-weed can be purchased in most public places, and on the streets with much more ease than other intoxicants." For Hunsicker, the solution to the growing marijuana problem was preventative education paired with "heavier penalties prescribed both in local and state laws." This included uniformity across state lines, as promised by the UNDA. Indeed, he noted that, "the seriousness of the situation caused by the increasing use of MARIHUANA is attested by the fact that the recent changes covering narcotics in the individual states, were confined mainly to the additions of restrictions covering Cannabis."<sup>669</sup>

## CONCLUSION

Hunsicker's findings, like many marijuana reports, circulated locally and eventually reached Commissioner Anslinger and the FBN. For his part, Anslinger hoped fears around marijuana would result in passage of more state level laws, especially the

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<sup>668</sup> Hunsicker's report cited some three pages of bibliographic information, including prominent works by Dr. Louis J. Bragman, Dr. John Bell, Dr. A.E. Fossier, Robert Kingman, and Eugene Stanley. Hunsicker also referenced numerous government studies and foreign sources.

<sup>669</sup> Elmer Hunsicker to Anslinger, July 22, 1935, Box 108 (old box #1), Drugs Marihuana General, No. 4, July - Dec. 1935, BON 1916-1970, DEA, RG 170, NACP.

supplemental provision of the UNDA. He made this position abundantly clear in a letter to his counterpart, Colonel C.R.L. Sharman, Chief of Canada's Narcotics Division.

"Concerning marihuana," Anslinger wrote, "we are collecting a really substantial number of newspaper clippings and reports showing the improper if not illicit cultivation, distribution and use of this drug." Based on these reports, Anslinger believed, "the general public is becoming slowly informed relative to the danger of uncontrolled distribution of marihuana and I am hopeful that this will aid in the more general enactment of the uniform state narcotic law."<sup>670</sup>

In some senses, this was indeed the case. The perceived marijuana problem brought a growing awareness around the country that spurred repeated calls for federal intervention. By the end of 1935, nearly every state in the country passed legislation that restricted cannabis in some way. Such variety of locations and sources of negative information on marijuana during the 1920s and 30s suggests a far more widespread concern for marijuana than previous studies have often acknowledged.<sup>671</sup> Jerome Himmelstein, for example, has argued that marijuana "hardly ever made any headlines or became the subject of highly publicized hearings or reports. Few persons knew or cared about it, and marihuana laws were passed with minimal attention."<sup>672</sup> Yet, between 1923

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<sup>670</sup> Anslinger to Colonel Sharman, Esquire, Chief, Narcotics Division, Department of Pensions and National Health, Ottawa, Canada, n.d., Box 108 (old box #1), Drugs Marihuana General, No. 4, July - Dec. 1935, BON 1916-1970, DEA, RG 170, NACP.

<sup>671</sup> Bonnie and Whitbread, for example, wrote that, "from 1923 to 1935 only thirteen short articles related in any way to marijuana in the New York Times." See, Bonnie and Whitebread, "The Forbidden Fruit and the Tree of Knowledge," 1036. Howard Becker's influential research asserted that there was only one article even vaguely related to marijuana in major national magazines. See, Becker, *Outsiders*, 141. John F. Galliher and Allyn Walker similarly argued there was "insufficient evidence to demonstrate a national or local marihuana crisis." See, Galliher and Walker, "The Puzzle," 375.

<sup>672</sup> Himmelstein, *The Strange Career of Marihuana*, 38. Likewise, Himmelstein argued that the *Reader's Guide to Periodical Literature* from 1890 to 1935, showed only seven articles about marijuana. See, Himmelstein, *The Strange Career of Marihuana*.

and 1935, the *Times-Picayune* alone carried some eight hundred and forty five articles mentioning marijuana.<sup>673</sup> Just as it had in New Orleans, local concerns with marijuana became state-level concerns that ultimately reached federal agencies and federal legislators. Concerned citizen groups, anti-narcotics associations, law enforcement agencies, and physicians throughout the United States determined marijuana was a menace in need of a solution. As George Keegler of Pasadena, California put it in a letter to Commissioner Anslinger, marijuana was simply “a damnable cuss to American youngsters.”<sup>674</sup> Though Commissioner Anslinger had initially pushed for a state level solution to the problem, his shifting convictions propelled marijuana into the national spotlight. The public trial of marijuana was over – many influential voices deemed it a dangerous drug, capable of producing crime and corrupting youth. As a result, Anslinger and many others became convinced of the necessity for a nationwide marijuana law. With the weight of the evidence already gathered, Anslinger and the Treasury Department moved to formulate a narrative that could compel Congress into action.

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<sup>673</sup> Another sampling of newspaper articles compiled by the “Reefer Madness Newspaper Index” reveals 1,744 stories on marijuana from across the country between 1923 and 1935 – a count that is almost surely under representative of the total volume of such stories, especially given the number found in New Orleans alone. For reference to this database, see: “Listing of Museum CD-Roms,” accessed April 15, 2017, <http://reefermadnessmuseum.org/Appendix/CD-Rom.htm>.

<sup>674</sup> George B. Keegler to Anslinger, August 14, 1935, Box 108 (old box #1), Drugs Marijuana General, No. 4, July - Dec. 1935, BON 1916-1970, DEA, RG 170, NACP.

## CHAPTER 5

### **Anslinger's Assassins: The Medical Roots of Reefer Madness and the Case for Federal Marijuana Prohibition**

#### INTRODUCTION

“The sprawled body of a young girl lay crushed on the sidewalk the other day after a plunge from the fifth story of a Chicago apartment house. Everyone called it suicide, but it was actually a murder. The killer was a narcotic known to America as marijuana, and to history as hashish.” So began Harry J. Anslinger’s infamous magazine article, entitled “Marijuana: Assassin of Youth.” Written in July of 1937 the article represented both a summary and culmination of Anslinger’s hyperbolic campaign for federal marijuana prohibition. In short, “Assassin of Youth” served up a litany of “murders, suicides, robberies, criminal assaults, holdups, burglaries, and deeds of maniacal insanity.” All tied directly to marijuana.<sup>675</sup>

Though contemporary law enforcement officials, drug reformers, scientists, and physicians rarely challenged Anslinger’s sensational characterizations of marijuana, subsequent scholars have generally derided and dismissed his claims. Written with the

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<sup>675</sup> Harry J. Anslinger, “Marijuana - Assassin of Youth,” *American Magazine*, July 1937, 18.

advantage of much accumulated scientific research in the 1960s and 70s, the general premise of these studies rested on the idea that there was simply no way marijuana could have caused the addiction, insanity, or violent crimes implicated by Anslinger. Instead, given the apparently sudden and rapid advance of anti-marijuana sentiment in the United States during the 1930s, previous histories of marijuana prohibition have often singled out Anslinger and the FBN in providing the impetus and the instruments to criminalize marijuana – namely, the propaganda, myth, and misinformation, now generally known as “reefer madness.” One prominent study argued that the policy-making process leading to the 1937 Marihuana Tax Act (MTA) reflected “only the trappings of science” because “the federal narcotics bureaucracy made no serious effort ... to find out what the drug’s effects really were.”<sup>676</sup> Another asserted that Anslinger and the FBN “created evidence to prove its point,” and “failed to present any scientific evidence about patterns of marihuana use and the drug’s effects.”<sup>677</sup> Yet another charged that “detached from its original social moorings, the image of marihuana as a ‘killer weed’ became the mainstay of the bureau’s case against the drug and through the bureau’s efforts came to dominate virtually all discussion of marihuana for a considerable time.”<sup>678</sup>

Despite the fact that these studies and current popular opinion generally regard marijuana as a relatively safe and benign drug, dismissing Anslinger’s characterization of its dangers out of hand based on this belief has come with its own set of perils. Studies portraying Anslinger as nothing more than a liar, a racist, or propagandist generally fail to acknowledge the possibility that his claims about marijuana carried a foundation of

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<sup>676</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 127.

<sup>677</sup> Schaller, “The Federal Prohibition of Marihuana,” 66.

<sup>678</sup> Jerome L. Himmelstein, “From Killer Weed to Drop-out Drug: The Changing Ideology of Marihuana,” *Contemporary Crises* 7, no. 1 (January 1983): 54, doi:10.1007/BF00808341.



accepted truth. This chapter therefore begins with the fact that, recent perception to the contrary, cannabis use has been associated with a host of negative symptoms and behaviors in a variety of geographic locations throughout recorded history. Historian Isaac Campos, for instance, has shown that marijuana likely “caused violence, madness, and crime in nineteenth and early twentieth century Mexico.” His findings draw on an overwhelmingly large and extraordinarily consistent body of primary source evidence touting the dangers of marijuana use.<sup>679</sup> Likewise, throughout the late-nineteenth and early twentieth centuries, medical doctors, police, civic groups, and the press across the United States registered concern about the potential dangers of cannabis use.<sup>680</sup> More recently, with numerous states legalizing the use of recreational marijuana, a few stories similar to those espoused by Anslinger in the 1930s have once again captured media attention. In early 2014, for example, a college student visiting the city of Denver jumped to his death from a hotel balcony after eating marijuana-infused cookies. According to the coroner’s report, the event marked the first time since commercial sales began in Colorado that authorities have publicly linked a death to marijuana use.<sup>681</sup>

The diverse and often contradictory characterizations of marijuana’s effects across the last two centuries undoubtedly leaves a rather complicated but useful situation for analyzing Anslinger’s assessment of the drug in historical context. Although his depiction was often exaggerated and extreme, as this chapter shows, it was derived and distilled from a wide variety of existing evidence, including newspaper stories, civic

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<sup>679</sup> Campos, *Home Grown*, 7.

<sup>680</sup> See previous chapters for this development.

<sup>681</sup> John Ingold, “Denver Coroner: Man Fell to Death After Eating Marijuana Cookies,” *Denver Post*, April 2, 2014, [http://www.denverpost.com/news/ci\\_25475533/denver-coroner-man-fell-death-after-eating-marijuana](http://www.denverpost.com/news/ci_25475533/denver-coroner-man-fell-death-after-eating-marijuana). There have since been other deaths linked to marijuana as well.

groups, international organizations, police reports, and especially medical texts. An analysis of his speeches, publications, and testimony before Congress therefore reveals much more than a series of unfounded myths and misinformation. Rather, it illuminates a zealous and selective interpretation of the large, often conflicting, and contradictory body of contemporary evidence that swirled around cannabis. Though there were certainly positive and neutral assessments of cannabis produced during this period, this chapter highlights how even those sources provided findings that Anslinger could utilize to bolster his more lurid claims.

Viewed in this way, it is much easier to understand how the ideas embodied in “reefer madness” developed, flourished, and spread so quickly in the 1930s. Anslinger’s ability to link literary devices and newspaper reports with existing medical research ultimately helped fuse public and scientific opinions on marijuana. In turn, this synthesis propelled a fear that marijuana use carried inherent dangers and was especially attractive to young people. In short, Anslinger believed marijuana was a highly unpredictable drug, capable of producing cases of insanity and provoking violent crime. The formative ideas behind those dangers, however, were drawn and selected from a wide array of otherwise reliable contemporary sources. This provided Anslinger with a foundation on which to build a consensus around marijuana and launch his attack with limited resistance. Indeed, since licit medicinal uses of cannabis had declined precipitously in the United States by the 1930s, marijuana had few committed defenders. The idea that marijuana was a dangerous narcotic with limited medical uses appeared well founded and hardly controversial. In pushing the Marihuana Tax Act, Anslinger sought to highlight the need for federal intervention and bolstered that position with stories on the alleged dangers of

marijuana use.<sup>682</sup> By understanding the evidentiary basis for Anslinger's fervent campaign the rapidity and near-unanimous support with which the MTA passed gains important context. Congress was not simply "hood-winked by the Federal Bureau of Narcotics."<sup>683</sup> Anslinger and the FBN presented a characterization of marijuana that combined sensational news stories with nearly a century of accumulated evidence and scientific authority.

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On the morning of January 14, 1937, a group of lawyers, doctors, scientists, and government officials gathered in Room 81 of the Treasury Building in Washington, D.C. for a "Conference on Cannabis Sativa, L." The meeting primarily served to facilitate a conversation that would help guide the writing and preparation of federal marijuana legislation. The primary focus of the conference revolved around the complex and largely unknown chemical makeup of the cannabis plant.<sup>684</sup> The goal was to "set up a definition of terms" that would make federal marijuana law comprehensive and enforceable but also "be mindful of the legitimate uses" of cannabis in medicine and industry. Near the end of

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<sup>682</sup> For more on this evolution see, Carroll, "Under the Influence: Harry Anslinger's Role in Shaping America's Drug Policy." Carroll argues in 1936 Anslinger's "speeches became filled with casual claims connecting marijuana use to crime and insanity: he sought occasions to speak on the subject, volunteered marijuana testimony before Congress, and began to collect files of marijuana-related horror stories."

<sup>683</sup> Bonnie and Whitebread, "The Forbidden Fruit and the Tree of Knowledge," 1049.

<sup>684</sup> Despite long running attempts at isolating the "active constituent" of the cannabis dating back to the nineteenth century, its most common chemical compound, tetrahydrocannabinol (THC), was not isolated until 1964. They did not have the science to prove it at the time, but Conference attendees, Dr. Henry Fuller, pharmacologist Dr. James Munch, and chemist H. J. Wollner, all correctly suggested there were likely many chemical compounds present in cannabis. Dr. Fuller, for example, stated, "I believe nobody knows definitely what, in a chemical way, the active principle of cannabis is, and I am almost of the opinion that there is more than one." For his part, Dr. Munch asserted, "I believe there are at least three active principles." Such testimony helped compel the group to settle on a rather broad definition of marijuana for the purposes of the Marihuana Tax Act.

the conference, however, the conversation shifted to the possible effects of marijuana use. It was at this moment that Commissioner Anslinger asked Dr. Carl Voegtlin whether marijuana led to insanity. Dr. Voegtlin, a pharmacology expert at the National Institute of Health, responded in a manner that illuminated the leading contemporary assessment and clinical view. “I think,” Dr. Voegtlin said, “it is an established fact that prolonged use leads to insanity in certain cases, depending on the amount taken, of course. Many people take it and do not go insane, but many do.”<sup>685</sup>

Though most everyone at the conference was already convinced of marijuana’s apparent dangers, the ambiguity of Voegtlin’s answer signaled the general lack of clarity surrounding the effects of the drug. This uncertainty helped clear the path for Anslinger and supporters of a federal law to focus almost exclusively on any possible negative outcomes. Stuart G. Tipton, attorney from the Treasury Department’s Office of the General Counsel, made that especially clear. Tipton asked Anslinger directly, “Have you lots of cases on this? Horror stories – that’s what we want.” Knowing the legal challenges ahead, Tipton acknowledged the role Anslinger would play as point man in driving support for federal marijuana prohibition. “If it leads to insanity, and we have a lot of horror stories,” he declared, “we can build it up.”<sup>686</sup>

Anslinger did have many marijuana stories - some benign, some quite horrific. All accumulated from years of compiling reports from newspapers, civic organizations, and FBN agents in states across the country. There was the girl in Chicago who walked out a window and plunged to her death. The Florida boy accused of unwittingly murdering his

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<sup>685</sup> For the attributed quotes found here and a complete summary of the conference, see: “Transcript of the Conference on Cannabis Sativa, L.”

<sup>686</sup> Ibid.

entire family with an axe. In Texas, a hitchhiker murdered a motorist. A Colorado man charged with brutally attacking a young girl. The juvenile gang in Ohio held responsible for some thirty-eight armed holdups. The Michigan man who kidnapped a state trooper, killed him, and handcuffed him to the post of a rural mailbox. And many more. Each allegedly tied to marijuana use and all were primed for public consumption. Encouraged by the Treasury Department and disseminated by Anslinger and the FBN, such stories became the foundation of a nationwide crusade for marijuana prohibition.<sup>687</sup>

From these tales of seemingly senseless depravity stemmed all dire accusations against marijuana's effects on users. Among the most prominently identified by Anslinger were its supposed unpredictability and its liability to cause crime, insanity, and violence. The basis for such menacing outcomes, however, did not rely solely on these lurid stories. They also flowed freely from subtler characterizations of cannabis in the existing medical literature. Decades of accumulated published research had bolstered many commonly held beliefs about cannabis intoxication. Medical journals frequently noted that cannabis affected specific and important areas of the brain, led to disordered or depraved thoughts, destroyed willpower, and distorted perceptions of space and time.<sup>688</sup> Of the latter, Anslinger wrote, "that strange quality of marijuana," worked to make "a rubber band out of time, stretching it to unbelievable lengths."<sup>689</sup> Moreover, Anslinger believed the initial positive sensations often brought about by cannabis intoxication brought about a pleasurable feeling that he believed led to repeated use and attracted

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<sup>687</sup> For a compiled list of these and other stories, see: Anglin to Assistant Secretary Gibbons, March 16, 1938, Box 3, File 2, Anslinger papers.

<sup>688</sup> To understand the foundation for these beliefs in the medical literature of the nineteenth century see chapters 1 and 2.

<sup>689</sup> Anslinger, "Marihuana - Assassin of Youth," 151.

younger users with the promise of laughter and merriment. The existing medical perceptions of cannabis addiction supported this notion too. In short, according to Anslinger and his supporters, marijuana seemed more dangerous than the opiates or cocaine because of the varied and unpredictable nature of its effects and the fear that its use would spread to new circles of juvenile users not previously contaminated by drug use.

Most interested scholars, however, have treated Anslinger's wild allegations about marijuana with derision. Indeed, much of the seminal literature on the history of marijuana in the United States developed in the 1960s and 1970s during a period of widespread marijuana use and decriminalization. By then marijuana's role as the nation's countercultural "drop-out drug" had replaced its 1930s reputation as a "killer weed."<sup>690</sup> This transition almost certainly shaped the nature and conclusions of those studies. John Galliher and Allyn Walker, for example, wrote in their 1977 summary of the literature on the Marihuana Tax Act that "much of the interest in examining the origins of this law stems from researchers' beliefs in the irrationality of applying the same types of controls to marihuana."<sup>691</sup> Rather than take seriously the dangers attributed to marijuana in the 1930s, most of these studies highlighted the stark contrast between Anslinger's reefer madness rhetoric and their largely benign view of marijuana use. In turn, these studies often viewed the origins of the nation's anti-marijuana laws in moralist or racist tones. Given context by the economic turmoil and the Great Depression, many of these studies concluded that marijuana prohibition was a tool that bolstered the stature of the fledgling

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<sup>690</sup> For an exploration of this perceptive shift on marijuana, see: Himmelstein, "From Killer Weed to Drop-out Drug"; Kathleen Ferraiolo, "From Killer Weed to Popular Medicine: The Evolution of American Drug Control Policy, 1937–2000," *Journal of Policy History* 19, no. 2 (2007): 147–79.

<sup>691</sup> Galliher and Walker, "The Puzzle," 367.

FBN or provided a means for exercising control over Mexican laborers and other socially subordinate groups. Michael Schaller, for example, argued that much like alcohol Prohibition, the “ban on marihuana was an attempt to control a private form of social behavior.”<sup>692</sup> Likewise, Richard J. Bonnie and Charles H. Whitebread concluded that, “The excising of marihuana from the social organism was seen quite clearly as a means of rooting out idleness and irresponsibility among deviant minorities.”<sup>693</sup>

By focusing on the softened view of marijuana that emerged by the 1960s, these studies have generally failed to consider the particular historical evidence and cultural context for understanding Anslinger’s portrayal of its dangers. This is not to suggest that racism and propaganda played no role in propelling marijuana prohibition in the United States. Rather it is an attempt to understand the origins and structure of Anslinger’s portrayal of marijuana on its own terms. As historian Joseph Gabriel has cautioned, “To read our own experiences of consumption, with their connotations of universal meaning and essential natures, into past acts of consumption is to make a category mistake. It is to assume the existence of a universal as a point in time when in fact there is only evidence for particulars.”<sup>694</sup>

Accounts chronicling the effects of cannabis use have often varied wildly across time and location. These effects have ranged from mellow to energetic, peaceful to paranoid, depression to euphoria, self-assured to anxious, and most everywhere between. Thus, while positive symptoms have often appeared in descriptions of cannabis intoxication, so too have a range of negative effects, including visual and auditory

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<sup>692</sup> Schaller, “The Federal Prohibition of Marihuana,” 61.

<sup>693</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 153.

<sup>694</sup> Gabriel, “Gods and Monsters,” 11.

hallucinations, the inability to concentrate, as well as irritability, melancholy, anxiety, and fear. Less conclusive research in the past few decades has also found cannabis intoxication capable of mimicking certain aspects of psychoses like schizophrenia. Possibly even causing or exacerbating underlying psychiatric conditions in predisposed users. Recent research has also confirmed cannabis is quite capable of producing psychotomimetic symptoms - an effect on the mind similar to a psychotic state. Generally linked to large doses, especially those taken orally, and particularly among novice users, these occurrences can include delusions and delirium.<sup>695</sup> Those three critical criteria, quite interestingly, describe most all accounts of cannabis intoxication in the United States until marijuana smoking began in the 1920s and 30s. Even then, most marijuana users were quite new.

Understanding the complicated and often conditional nature of the effects of cannabis thus opens fruitful avenues with which to assess and analyze the descriptions of its use in the past. So often readily dismissed, the wild characterizations of marijuana used by Commissioner Anslinger might instead provide an avenue for understanding a specific set of symptoms resulting from pharmacological and biological mechanisms that are open to a range of historically contingent interpretations.<sup>696</sup> Historian Isaac Campos has already shown how reports of violence and psychoses linked to marijuana in Mexico during the nineteenth and early twentieth century were probably due its psychotomimetic potential and a specific “set and setting.” Seen in this way, the suicide, insanity, crime,

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<sup>695</sup> This summary is drawn from the extensive treatment of this research found in: Campos, *Home Grown*, Chapter 1: Cannabis and the Psychoactive Riddle.

<sup>696</sup> For an excellent study exploring similar issues with excessive alcohol consumption and delirium tremens diagnoses in the nineteenth century, see: Matthew Warner Osborn, *Rum Maniacs: Alcoholic Insanity in the Early American Republic*, 2014, 4.



and related dangers of marijuana touted by Anslinger may leave us, as Campos has argued, “with the confounding possibility that marijuana may have been intimately involved in such incidents ... without actually playing any real causal role in their denouement.”<sup>697</sup> For future research to reach similar ontological conclusions with respect to marijuana use in the United States, we must first take a serious look at Commissioner Anslinger’s language alongside contemporary understandings of cannabis intoxication.

To this point, there has been precious little effort to understand the evidence behind Anslinger’s “reefer madness” claims. Few studies have attempted even a cursory analysis of where those ideas came from and how they took root in the United States. The most detailed interpretation remains Bonnie and Whitebread’s chapter entitled, “What Was the Marihuana Menace?” Written in 1974, their exploration focused on the idea that marijuana caused addiction, insanity, and crime and sought to illuminate “the state of knowledge on these assumptions.” Devoted to outlining the existing information, Bonnie and Whitebread provided a section to each of these three attributes. “The notion of marihuana addiction” they argued, “bottomed on the assumption that the drug experience was so pleasurable that the user would grow dependent on it.” They took issue with this idea as a whole and posited an alternative conclusion, arguing, “It is possible that the medical authorities formed this opinion on the basis of the many fantastic accounts describing acute cannabis intoxication.”<sup>698</sup> On the link between marijuana and insanity, Bonnie and Whitebread suggested that, “the causal relation between cannabis use and

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<sup>697</sup> Campos, *Home Grown*, 28.

<sup>698</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 138. Bonnie and Whitebread used the concept of “dependence liability” to critique the assessments of cannabis addiction circulating in the 1920s and 30s. “Dependence liability” was a rather new scientific term in the 1960s and 70s that no one in the early twentieth century would have used to understand or assess addiction potential.

psychosis was generally assumed on the basis of Egyptian and Indian data,” though they believed those studies to be seriously flawed.<sup>699</sup> As for Anslinger’s explicit connection between marijuana and crime, however, they argued it developed after 1930 and was quite home grown - calling it “primarily a contribution of the American experience.”<sup>700</sup>

Their seminal interpretations, however, are sometimes frustratingly inconsistent. For instance, Bonnie and Whitebread opened their marijuana menace chapter by noting that, “the British and the French had sponsored a number of investigations and a fair amount of research regarding the psychological, social, and moral effects of cannabis use in India and Africa in the late nineteenth century.” Yet, they argued, government agencies did not consult those studies prior to the formulation of T.D. 35719 in 1915 or the Surgeon General’s report in 1929.<sup>701</sup> Nevertheless, later in the chapter, they claimed that, “On the basis of reports from Egypt and India compiled in the late nineteenth and early twentieth centuries, it was a long commonplace assertion that chronic cannabis use ultimately resulted in organic deterioration, psychosis, and insanity.”<sup>702</sup> Thus, on one hand, they suggested officials in the United States did not consult Eastern studies, and on the other, they built a case for the causal link between insanity and cannabis in the United States based on those same Eastern studies. Furthermore, Bonnie and Whitebread asserted the research of Dr. J. Bouquet, inspector of pharmacies in Tunis and cannabis researcher, “played a major supporting role in crystallizing Commissioner Anslinger’s

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<sup>699</sup> Ibid., 141.

<sup>700</sup> Ibid., 143.

<sup>701</sup> Ibid., 127.

<sup>702</sup> Ibid., 141.

thinking and providing expert information otherwise lacking in the United States.”<sup>703</sup> This suggests Anslinger was familiar with important literature on cannabis produced abroad and that it influenced his messaging on marijuana. Nonetheless, earlier in their book, they argued that whenever a drug “appeared on the streets, it was presumed ‘habit-forming’ and criminogenic.” Any association with street use inevitably meant a drug gathered the narcotic label, and in turn, all narcotic drugs were assumed to cause “addiction, lethargy, crime, insanity, and death.”<sup>704</sup> By this reasoning, the Eastern associations with such dangers from India and Egypt were not even necessary to taint the image of marijuana – it would have happened as soon as marijuana use appeared on the streets.

Such contradictions and inconsistencies make it difficult to assess Bonnie and Whitebread’s characterizations of the marijuana menace. Isaac Campos also noted this frustration with regard to their limited analysis on the Mexican influence of these ideas. As Campos observed, Bonnie and Whitebread briefly acknowledged the role of Mexican folklore and class-consciousness in connecting violence and madness with marijuana use. However, Campos observes that argument was “abandoned after a short section on Texas” and “totally excluded” from their “subsequent ‘Marijuana Menace’ chapter.” This was critical because Campos has shown marijuana’s reputation for causing madness and violence was well established in Mexico by the 1890s. He argues those ideas then slowly made their way over the border and across the country via immigrant communities and lurid newspaper stories. Central to his argument is that, at least initially, marijuana in the United States was “not usually recognized as simply another form of cannabis,” but

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<sup>703</sup> Ibid., 139.

<sup>704</sup> Ibid., 28.

rather “a substance distinct from cannabis, sometimes left unidentified, and sometimes erroneously classified as something else altogether.” Campos argues this was important because “older ideas about hashish or Indian hemp were not simply being grafted on to the emerging marijuana discourse in the United States.”<sup>705</sup>

Given the inconsistency and limited depth of previous studies as well as the emergence of new evidence and interpretations, like those from Campos, the origins of Anslinger’s reefer madness campaign remain ripe for reinvestigation. In terms of volume and emphasis, there were clearly specific attributes that Anslinger most often ascribed to marijuana. Previous studies have frequently noted his focus on insanity, addiction, and violent crime. These claims deserve another look. Other characterizations of marijuana found in Anslinger’s rhetoric have remained essentially uninvestigated, especially his sharp focus on unpredictability and its alleged dangers to youthful users.<sup>706</sup> Each of these aspects is critical to understanding the case for federal marijuana prohibition.

One of the central, and perhaps least investigated, aspects of Anslinger’s campaign against marijuana was its variability. From this attribute flowed most all other characterizations. According to Anslinger, wide variability in its effects made marijuana an unpredictable menace. In “Assassin of Youth,” for instance, he asserted, “Here indeed is the unknown quantity among narcotics. No one can predict its effect. No one knows, when he places a marijuana cigarette to his lips, whether he will become a philosopher, a joyous reveler in a musical heaven, a mad insensate, a calm philosopher, or a murderer.” In short, Anslinger argued, “Marijuana gives few warnings of what it intends to do to the

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<sup>705</sup> Campos, *Home Grown*, 202–6.

<sup>706</sup> For one study that has found the focus on youth important in driving the Marihuana Tax Act, see: Himmelstein, *The Strange Career of Marihuana*.

human brain.”<sup>707</sup> Similarly, in his Congressional testimony supporting the Marihuana Tax Act, Anslinger asserted marijuana “affects different individuals in different ways.” Some users, he argued, “have a complete loss of a sense of time or a sense of value. They lose the sense of place. They have an increased feeling of physical strength and power.” Others, he said, “will fly into a delirious rage,” leading them to be “temporarily irresponsible” and possibly “commit violent crimes.” Still others “will laugh uncontrollably.” Given the wide range of possible outcomes, Anslinger told the assembled Congressmen, “it is impossible to say what the effect will be on any individual.”<sup>708</sup>

Anslinger’s penchant for exaggeration notwithstanding, he was not alone in this assessment. In the months surrounding passage of the Marihuana Tax Act, a number of medical sources confirmed the idea that cannabis affected individuals differently and that those effects were highly variable. Dr. Carl Voegtlin, Chief of the Pharmacology Division at the National Institute of Health, for example, asserted that, “It is the psychological constitution of the individual which determines the response.” Dr. Voegtlin believed that cannabis use “does away with cerebral inhibitions,” therefore, its effects “might produce any sort of reaction, according to the individual who is exposed to the drug.”<sup>709</sup> *Hygeia*, the “popular medical magazine” of the American Medical Association, told readers that, “The immediate results of the use of marihuana are as varied as human nature and depend to a large extent on the stimuli to which the smoker is subjected.”<sup>710</sup>

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<sup>707</sup> Anslinger, “Marihuana - Assassin of Youth,” 18, 19.

<sup>708</sup> “Taxation of Marihuana - H.R. 6385,” § Committee on Ways and Means (1937), 21.

<sup>709</sup> “Transcript of the Conference on Cannabis Sativa, L.,” 17.

<sup>710</sup> George Randall McCormack, “Marihuana,” *Hygeia*, October 1937, 898.

More ominously, the *International Medical Digest* noted, “the physiologic effects vary in individuals.” Some users “may become depressed, morose and vicious.” In others, “a previous feeling of exhilaration may be replaced by despondency.”<sup>711</sup> Dr. Walter Bromberg, Senior Psychiatrist for the Department of Hospitals in the City Of New York, came to similar conclusions three years earlier in his oft-cited “Clinical Study of Cannabis Sativa Intoxication.” Dr. Bromberg wrote that after marijuana use, “There are personality factors that alter the form or content of the mental picture with the result that any kind of reactive state may occur with neurotic or psychotic elements combined with the toxic effects of the drug.”<sup>712</sup> In a “psychiatric review of the problem” published in 1939 Bromberg once again wrote that smoking marijuana “produces characteristic symptoms” that manifest themselves “in varying degrees in different persons.”<sup>713</sup>

The belief that cannabis use might lead to any number of effects and outcomes in the 1930s was not, however, a new development. Nor was it one created by Anslinger and the FBN. Dating back to some of the founding fathers of European writings on cannabis, the idea carried nearly a century of support in the medical literature. Dr. William Brooke O’Shaughnessy, for example, wrote that “In persons of a quarrelsome disposition it occasions, as might be expected, an exasperation of their natural

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<sup>711</sup> “The Menace of Marihuana,” *International Medical Digest* 31 (October 1937): 185. This article heavily cited Anslinger and recounted a number of his most famous cases of violent crime linked to marijuana alongside a more medical discussion of its effects.

<sup>712</sup> Walter Bromberg, “Marihuana Intoxication: A Clinical Study of Cannabis Sativa Intoxication,” *The American Journal of Psychiatry* 91 (1934): 312. Many previous studies have pointed to Bromberg as a source of counter-narrative to Anslinger’s wild allegations. Read closely, however, Bromberg also posited possible dangers attributed to marijuana use. Though his were often far more staid than Anslinger’s.

<sup>713</sup> Walter Bromberg, “Marihuana: A Psychiatric Study,” *Journal of the American Medical Association* 113, no. 1 (July 1, 1939): 4–2, doi:10.1001/jama.1939.02800260006002.

tendency.”<sup>714</sup> In the 1840s, Théophile Gautier and Charles Baudelaire, two famous members of the Paris based Le Club des Hachichins, also issued warnings on the variability of cannabis drugs. Baudelaire argued the effects of hashish depended upon the individual’s psychological state. Hashish intoxication, he maintained, “did not present anything new but enhanced whatever already existed, good or bad.” Likewise, Gautier stressed the importance of having a good disposition prior to using hashish. He suggested being “in luxurious and well-appointed rooms” because “in such conditions it is probable, almost certain, the naturally agreeable surroundings will change into bliss, rapture, ecstasy, indescribable delight.” Without taking these precautions, however, Gautier warned, “ecstasy may readily turn into nightmare.”<sup>715</sup> Likewise, Jacques-Joseph Moreau de Tours wrote in his widely popular, “Hashish and Mental Alienation,” that the drug “may produce extremely varied effects.”<sup>716</sup>

Similar warnings about the variability of cannabis also appeared in prominent American medical writings throughout the late-nineteenth and early-twentieth centuries. Dr. J. B. Mattison, for example, charged that, “temperament largely determines the mental effect” of cannabis “whether it be grace or gay, merry or mad.”<sup>717</sup> Dr. Alfred Stillé, onetime president of the American Medical Association, wrote of cannabis intoxication that, “many and various descriptions have been given which differ so widely

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<sup>714</sup> O’Shaughnessy, “ART. VII. - Extract from a Memoir on the Preparations of the Indian Hemp, or Gunjah, (Cannabis Indica),” 736. Anslinger’s personal archive contains a summary of O’Shaughnessy’s findings, see: “On the Preparation of Indian Hemp, or Gunjah by Dr. W.B. O’Shaughnessy” n.d., Box 9, File 35, Anslinger papers, accessed June 12, 2013.

<sup>715</sup> As quoted in, Booth, *Cannabis*, 70–71.

<sup>716</sup> Anslinger had a summary of Moreau’s work in his personal files and often drew on Moreau’s “stages of intoxication.” “Translation: Hashish and Mental Alienation by J. Moreau (de Tours), Paris 1845,” n.d., Box 9, File 11, Anslinger papers.

<sup>717</sup> J. B. Mattison, “Cannabis Indica,” *The Cincinnati Lancet and Clinic (1878-1904)* 29, no. 17 (October 22, 1892).

among themselves that they would scarcely be supposed to apply to the same agent.” Unless, he noted, “had we not every day a no less remarkable instance of the same kind before us, in the case of alcohol.” Dr. Stillé stressed that alcohol “enlivens or saddens, excites or depresses, fills with tenderness, or urges to brutality, imparts vigor and activity, or nauseates and weakens.” Cannabis, in much the same way, will “give rise to the natural disposition of the person, and his existing state of mind, the quantity of the drug, and the combinations in which it is taken.”<sup>718</sup> Dr. William Strange’s “Cannabis Indica: As a Medicine and as a Poison,” noted the numerous articles from the *British Medical Journal* showing “how very variously it operates on different individuals and in different doses.”<sup>719</sup>

For Commissioner Anslinger it was not difficult connect these medical assessments on the variability of cannabis to the unpredictability of recreational marijuana users. Summaries of O’Shaughnessy, Baudelaire, Moreau de Tours and many other influential voices on cannabis were all part of Anslinger’s personal files.<sup>720</sup> Often typed, these summations also bear hand written underlines and notations around relevant passages that supported Anslinger’s characterizations and conclusions on marijuana. The opening anecdote to “Assassin of Youth,” for instance, stressed the “typical” story of a young girl. Anslinger wrote that the girl initially tried marijuana because it promised “a new thrill” that came with “wonderful reactions and with no harmful after effects.” On the first few occasions, she thought, “the results were weird.” Some of the marijuana

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<sup>718</sup> Stillé, “Therapeutics and Materia Medica,” 958–59. This line of reasoning also highlights the importance of the relationship between the drug, the mindset when used, and the setting in which it is used.

<sup>719</sup> William Strange, “Cannabis Indica: As a Medicine and as a Poison,” n.d., Box 9, File 16, Anslinger papers.

<sup>720</sup> For an example of Anslinger citing some of their findings, see: Harry J. Anslinger, “Untitled Draft,” n.d., Box 1, File 1, Anslinger papers, accessed June 10, 2013.



smokers around her “went into paroxysms of laughter.” Others took up playing music, turning from mediocre to almost expert. Still others discussed weighty problems with new clarity. The girl found she could dance without fatigue as the night “seemed to stretch out as though it were a year long.” These were all familiar tropes of cannabis effects, consistently reported in the medical literature since the mid-nineteenth century.<sup>721</sup> For the girl in his story, however, more marijuana parties followed, ones where “inhibitions vanished” and “conventional barriers departed.” Finally there came a moment when the girl “was behind in her studies and greatly worried.” Faced with that stress marijuana initially made her feel everything would be all right. Then, amidst the “laughter and dancing,” she suddenly thought of a solution to her school problems and “without hesitancy she walked to a window and leaped to her death.”<sup>722</sup>

Much like the warnings issued by Gautier, Baudelaire, and many others in the medical community, Anslinger’s story suggested the girl’s state of mind when using marijuana was crucial in leading to her death. Framed in this way, her fall from the window was just one of the many tragic consequences Anslinger believed could result from marijuana’s variability. This perception was clearly rooted in his assessment of the current medical literature. “As to its effects,” he wrote, “marihuana has aptly been termed an unpredictable drug.”<sup>723</sup> In summarizing the existing medical research on cannabis, Anslinger wrote that “Several tests made by eminent world doctors and pharmacologists,

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<sup>721</sup> The idea that cannabis carried no ill after affects, for example, was also widely prevalent in the medical literature. This too began with O’Shaughnessy, who wrote of Indian hemp, “No nausea or sickness of the stomach succeeds, nor are the bowels at all affected; next day there is a slight giddiness and much vascularity of the eyes, but no other symptom worth recording.”

<sup>722</sup> Anslinger, “Marihuana - Assassin of Youth,” 18.

<sup>723</sup> H. J. Anslinger, “Narcotic Drugs and Their Relation to Crime,” n.d., Box 4, File 3, Anslinger papers, accessed June 10, 2013.

over a long period of years, have strengthened their opinion that all the intoxicating potentialities of this drug are yet undetermined.” The problem, he charged, was that “Its medical reaction has always been unpredictable.”<sup>724</sup> So much so, he argued, that the medical profession “has practically abandoned its use because of its unpredictability and extreme variability of effect.”<sup>725</sup> In many ways, Anslinger was quite correct about this. American physicians had long complained about the lack of reliability and standardization of cannabis medicines. By the 1930s, a steep decline in cannabis based medicines and pharmaceutical preparations left marijuana with few defenders in the medical field.

To explain the alleged dangers of marijuana’s variability, Anslinger often used comparisons with opium. He often noted that opium and other narcotics had “greater potentialities for good and evil than almost anything.” Used properly, he reasoned, they were “a boon and a blessing to assuage torturous pains,” a true “gift from heaven.” Used improperly, though, they had “disastrous effects,” leading to “pervasive abuse” and ultimately “destroying health and debasing all that is good and worthwhile in man.”<sup>726</sup> Unlike opium, however, marijuana appeared to satisfy only the evil side of this balance. Anslinger was convinced that its “importance in the Pharmacopeia is not intrinsically indispensable.” Instead, he argued, marijuana “may be considered more harmful in its potentialities for evil than its limited advantages for medical or commercial uses.”<sup>727</sup> In

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<sup>724</sup> Harry J. Anslinger, “Your War on Narcotic Drugs,” n.d., 4, Box 8, File 4, Anslinger papers.

<sup>725</sup> H. J. Anslinger, “American Leadership in Suppressing the Abuse of Dangerous Drugs,” *The Nebraska Police Officer*, May 1939, Box 4, File 3, Anslinger papers.

<sup>726</sup> Harry J. Anslinger, “Outline of Speech Before the International Association of Chiefs of Police at St. Petersburg, Florida,” October 13, 1931, 1, Box 1, File 07, Harry J. Anslinger Papers.

<sup>727</sup> Harry J. Anslinger, “Marihuana - Speech for the Women’s National Exposition of Arts and Industry in New York City,” March 30, 1937, Box 1, File 07, Harry J. Anslinger Papers. The work of Dr. J. Bouquet,

fact, Anslinger noted in early 1937 that “some medical experts” had recently posited that marijuana “has absolutely no medical use.”<sup>728</sup> Combined, these sentiments led Anslinger to argue that opium embodied “all of the good in Dr. Jekyll and the worst in Mr. Hyde,” but marijuana was “Mr. Hyde alone.”<sup>729</sup>

With this assessment, Anslinger portrayed marijuana use as nothing more than a roll of the dice. Users simply did not know what type of effects they were going to get. Anslinger even acknowledged the possibility of positive outcomes. He noted that these included, “a feeling of physical strength and mental power, stimulation of the imagination, [and] the ability to be ‘the life of the party.’” The mere possibility of these positive effects left Anslinger believing that young people had begun using marijuana more frequently “to look into some of these claims.” He even conceded that they ultimately “found some of them true.” This often led to continued use. His fear, however, was that younger users did not know that these positive effects were “only half the story.” That at any time they may experience a host of negative consequences from marijuana use that were simply not worth the risk.<sup>730</sup>

The primary risk, according to Anslinger, was that continued marijuana use often led to insanity and violent crime. In “Assassin of Youth,” he charged that marijuana “addicts may often develop a delirious rage during which they are temporarily and

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hospital pharmacist at Tunis, bolstered this belief. Anslinger called Bouquet, “the outstanding expert on cannabis in the world.” Bouquet wrote that, “Indian hemp, like many other medicaments, has enjoyed for a time a vogue which is not justified by the results obtained. Therapeutics would not lose much if it were removed from the list of medicaments.” See, Taxation of Marihuana - H.R. 6385, 21.

<sup>728</sup> “Transcript of the Conference on Cannabis Sativa, L.”

<sup>729</sup> For other uses of the Jekyll and Hyde comparisons, see: Taxation of Marihuana - H.R. 6385, 19; H. J. Anslinger, “Address Before the New York Herald Tribune Forum” (New York, N.Y., October 25, 1938), Box 1, File 10, Anslinger papers; H. J. Anslinger, “American Leadership in Suppressing the Abuse of Dangerous Drugs.”

<sup>730</sup> Anslinger, “Marihuana - Assassin of Youth,” 150.

violently insane.” More specifically, “this insanity may take the form of a desire for self-destruction or a persecution complex to be satisfied only by the commission of some heinous crime.”<sup>731</sup> A year earlier, Anslinger wrote that, “Marihuana is the quickest, the shortest, [and] the surest road to insanity.”<sup>732</sup> Likewise, in a speech to the Women’s National Exposition of Arts and Industry, Anslinger claimed that criminals often smoked marijuana cigarettes “so as to relieve themselves from a sense of natural restraint which might deter them from the commission of these criminal acts and give them the false courage necessary to commit the contemplated crime.”<sup>733</sup>

To most observers since the late 1960s, Anslinger’s claims of violence, insanity, and crime are the type of laughable hyperbole that propelled an ill-conceived federal law against marijuana. Many of these observers have suggested that Anslinger faced a growing chorus of doubt about dubious marijuana claims during the 1930s. This was particularly true of the contemporary studies produced in Egypt and India that suggested between thirty to fifty percent of asylum patients in those countries were the result of cannabis use. This idea circulated widely and often served as evidence for linking cannabis and insanity. Yet, those undoubtedly baseless admission figures led Bonnie and Whitebread to argue that, “As Western scientists began to consider the phenomenon in the 1930s ... doubt was cast on these assumptions.” As evidence for this doubt, however, they cited just two such instances. The first was a 1937 report submitted to the Cannabis Subcommittee of the League of Nations. The report concluded only that, “it is generally

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<sup>731</sup> Ibid.

<sup>732</sup> H. J. Anslinger, “The Need for Narcotic Education,” February 24, 1936, Box 1, File 10, Anslinger papers.

<sup>733</sup> H. J. Anslinger, “Marihuana: Speech for the Women’s Exposition of the Arts and Industry,” March 30, 1937, Box 1, File 7, Anslinger papers.

held by the experts of Western countries” that the percentages claimed by lunatic asylum directors in India and Egypt “must be exaggerated.” The second source of evidence was an excerpt from anti-marijuana crusader Dr. Robert Walton. In 1938, Dr. Walton suggested, “In the United States, a formulated conception of hemp drug insanity is generally lacking.” Based on these two sources, Bonnie and Whitebread asserted that the link between cannabis and insanity was under “serious attack.”<sup>734</sup> In dismissing all such claims, they concluded, “Information from the Eastern countries linking marihuana and insanity had not been corroborated in the West.”<sup>735</sup>

This was true, to some extent. Some of Anslinger’s contemporaries did cast doubt on marijuana’s dangers, as well as its links to insanity and crime. Dr. Michael V. Ball, for example, wrote directly to the FBN and expressed his disbelief in the idea that marijuana alone was capable of producing such “fantastic and injurious effects.”<sup>736</sup> Dr. Walter Bromberg, after studying the history of drug use in criminals from New York County for a year, asserted that marijuana use did not directly encourage crime. Moreover, for nearly a century, American physicians had generally been quite skeptical of cannabis studies conducted elsewhere in the world. Articles and editorials in American medical journals frequently insisted on validating claims about cannabis with additional studies.<sup>737</sup> There were also government studies available that found little or no causal link between marijuana use and insanity or violence. These included the monumental Indian Hemp Drugs Commission Report published in 1894 and three separate studies conducted in the

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<sup>734</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 127.

<sup>735</sup> *Ibid.*, 141–42.

<sup>736</sup> Michael V. Ball, M.D. to Will S. Wood, October 7, 1937, Box 3, File 3, Anslinger papers; Anslinger to Michael V. Ball, October 18, 1937, Box 9, File 17, Anslinger papers. Bromberg, “Marihuana Intoxication: A Clinical Study of Cannabis Sativa Intoxication.”

<sup>737</sup> For more on this skepticism see chapters one and two.

late 1920s and early 1930s by the American military in the Panama Canal Zone. Each of those investigations found few dangers associated with moderate cannabis use.<sup>738</sup>

Despite these important pieces of evidence, however, the idea that western physicians had not corroborated a link between cannabis and insanity or had laid the question to rest belies the contested and often contradictory nature of contemporary cannabis knowledge. There was, in fact, a sizeable amount of existing evidence on the dangers of cannabis. The volume of this evidence allowed Anslinger and others to discount divergent findings. Anslinger, for example, replied to Dr. Ball's letter downplaying the dangers of marijuana, outlined the evidentiary foundation for his beliefs, and expressed his surprise that Ball was "so much at variance with most of the constituted authorities on Cannabis."<sup>739</sup> One of Anslinger's authorities, Dr. Lawrence Kolb, explicitly warned against marijuana, asserting, "continued use of the drug causes insanity in many cases." Dr. Kolb was Chief of the Public Health Service Mental Hygiene Division and an international expert in the study of psychiatry and narcotics. His findings therefore carried significant weight. "Very unstable persons," he asserted, "may have a short psychotic episode from only a few doses." He was also quite clearly that no matter how often or how much was taken, marijuana was "a dangerous drug." In Dr. Kolb's assessment, marijuana was surely "much more harmful in certain respects than opium."<sup>740</sup>

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<sup>738</sup> India Hemp Drugs Commission and William Mackworth Young, *Report of the Indian Hemp Drugs Commission, 1893-1894*, trans. William Mackworth Young, 7 vols. (Simla: Govt. Press, 1894); Special Correspondence of The New York Times, "Marijuana Smoking Is Reported Safe"; Siler et al., "Marijuana Smoking in Panama."

<sup>739</sup> Anslinger to Michael V. Ball, October 18, 1937.

<sup>740</sup> Dr. Lawrence Kolb, Sr. as quoted in: Musto, "The Marihuana Tax Act of 1937," 106.

Anslinger's personal archive contained many more experts and studies pronouncing similar dangers, including files dedicated specifically to "Marijuana Addiction," "Effects of Marijuana," and "Reports of Insanity Due to Marijuana."<sup>741</sup> Though he clearly championed a highly selective interpretation of these sources, he nonetheless utilized a wide range of existing evidence that enabled him to ground his claims in some semblance of accepted fact. Some of the documents he collected were unattributed, short paragraphs summarizing incidents and arrests from across the country. These often served as the lurid stories he used as proof of the links between marijuana use and bizarre behavior, violence, or insanity. More importantly, however, his files also contained numerous summaries, translations, and excerpts from nineteenth and twentieth century studies on cannabis. From these he compiled direct quotations on marijuana from reputable medical journals and physicians. An article from the *American Journal of Nursing*, for example, claimed that, "continual use" of marijuana "is known to produce a violent type of insanity." Likewise, Dr. Louis J. Bragman's 1925 article on marijuana entitled, "The Weed of Insanity," concluded that, "continued abuse may finally lead to mania and dementia."<sup>742</sup>

Anslinger drew on this existing source material and selectively molded it into a more coherent anti-marijuana narrative. Though often nuanced in their assessment of the effects, it is clear that Anslinger was able to cull only the potentially negative findings from the medical professionals and scientists he read. This was possible because even

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<sup>741</sup> "Marijuana Addiction (Ca. 1930s)," n.d., Box 9, File 20, Anslinger papers, accessed June 12, 2013; "Effects of Marijuana (Ca. 1930s)," n.d., Box 9, File 24, Anslinger papers, accessed June 12, 2013; "Reports of Insanity Due to Marijuana (Ca. 1930's)," n.d., Box 9, File 30, Anslinger papers, accessed June 12, 2013.

<sup>742</sup> "Reports of Insanity Due to Marijuana (Ca. 1930's)." This line was hand underlined in red pencil, despite the fact that Bragman ultimately wrote that, "There is no insanity from over-indulgence in hashish in this country but it is comparatively frequent in Egypt and India."

when specific studies suggested that occasional or moderate cannabis use did not produce any obvious deleterious effects, those same studies also often acknowledged potential underlying dangers. The Indian Hemp Drugs Commission, for instance, produced a series of rather measured conclusions, but also found a widespread belief in British India that cannabis caused insanity and could lead to a “homicidal frenzy.”<sup>743</sup> Notations in Anslinger’s personal file highlight only the most negative outcomes among the “Excerpts from Indian Hemp Drugs Commission Report.” One underlined passage noted that, “it may be accepted as reasonable proved, in the absence of evidence of other cause, that hemp drugs do cause insanity.”<sup>744</sup> Likewise, Dr. Archibald Church of Northwestern University and Dr. Frederick Peterson of Columbia University argued in *Nervous and Mental Diseases* that “we never see insanity from this cause in America,” but in Egypt and India “the insanity was due to the inhalation of hashish by smoking.” On Anslinger’s copy of their findings, however, red pencil underlined only the latter portion of the statement.<sup>745</sup>

Church and Peterson’s findings also show that there were undeniably contradictory views on the link between cannabis and insanity. When approached selectively, though, there was enough published evidence available for Anslinger to assert that mental illness was a probable outcome of marijuana use. Charles Pichet’s *Intellectual Poisons*, for example, noted the similarities between hashish intoxication and hysteria. With strong doses of hashish, Pichet argued, “there is delirium, and frenzied

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<sup>743</sup> For a brief exploration of these findings, see: Campos, *Home Grown*, 17.

<sup>744</sup> H. J. Anslinger, “Excerpts from the Indian Hemp Drugs Commission Report,” n.d., Box 9, File 25, Anslinger papers, accessed June 12, 2013.

<sup>745</sup> “Excerpt from *Nervous & Mental Diseases* by Church & Peterson (1908),” n.d., Box 8, File 24, Anslinger papers, accessed June 12, 2013.



delirium.” The effects of which had “been seen to persist for several days and to assume disturbing proportions” in some users.<sup>746</sup> Similarly, Dr. J.M. Raulin’s *Laughter and Exhilarations* argued that “mental alienation is the outcome” of hashish use, and that “madness caused by hashish takes the form of monomania with hallucinations.”<sup>747</sup> A translation of Dr. Rodrigues Doria’s, “The Smokers of Maconha -- Effects and Evils of the Vice” highlighted the same potential dangers of cannabis use. Delivered at the Second Pan-American Scientific Congress, Dr. Doria argued that where cannabis “has been abused,” he had seen “delirium, transitory or even permanent madness, to be caused by the plant.”<sup>748</sup> The *Journal of the American Medical Association* asserted in 1933 that “habitual use” of cannabis “undermines the intellectual qualities” and “that smokers nearly always become imbecile in time.” The journal further noted that, “it must be admitted that ‘marihuana,’ which is merely another name for *Cannabis indica*, may cause dementia.”<sup>749</sup>

Similar assertions linking marijuana and mental illness also reached Commissioner Anslinger from more directly. Federal narcotics agent R. C. Belnap, for example, gathered information on marijuana from an interview with Dr. Garland H. Pace, Superintendent of the Utah State Mental Hospital. In Belnap’s notes, he quoted Dr. Pace stating, “At no time has a single case of insanity among patients at the State Mental

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<sup>746</sup> “Intellectual Poisons – Charles Pichet (1877),” n.d., Box 8, File 18, Anslinger papers, accessed June 12, 2013.

<sup>747</sup> “Laughter and Exhilarations by Dr. J.M. Raulin (1900),” n.d., Box 8, File 20, Anslinger papers, accessed June 11, 2013.

<sup>748</sup> “The Smokers of Machona -- Effects and Evil of the Vice by Robroques Doria (1916),” n.d., Box 8, File 25, Anslinger papers, accessed June 12, 2013. Glen Levin Swiggett, ed., *Proceedings of the Second Pan American Scientific Congress: Section VII, Part I*, vol. IX (Washington, D. C.: U.S. Government Printing Office, 1917), 151–62.

<sup>749</sup> “Effects of Cannabis,” 601.

Hospital been traceable directly to the use of marihuana.” However, Dr. Pace asserted, “Now and again a patient who had been discharged from the mental hospital has taken to the use of marihuana and was soon back in the institution.” Consequently, Pace suggested, “it seems that the use of marihuana aggravated the patient’s enervated condition.”<sup>750</sup> A copy of the 1937 “Canadian Narcotic Manual” found in Anslinger’s personal files also linked marijuana and mental illness. The manual suggested, “sometimes acute mania and convulsive seizures develop.” More specifically, with “continued use,” marijuana “may lead to mania and dementia.” The Canadian document also asserted, “One of the worst effects of this drug is that during the periods of temporary insanity which frequently follow its use, the addict becomes obsessed with a murderous frenzy and will attempt to kill anyone his fancy so directs.”<sup>751</sup>

In the United States, links between marijuana use, temporary insanity, and violence also appeared during the proceedings of numerous criminal trials. These cases help demonstrate the extent to which cannabis and insanity was often situated alongside violence. They also show how American physicians had not yet settled the issue. The Supreme Court of California, for example, heard the appeal of Harold Denman in an attempt to overturn his murder conviction and death sentence. According to court documents, “The deceased was shot to death by the defendant on a public street in the city of Los Angeles.” A summary of the case showed that “The theory of the prosecution, amply sustained by the evidence, was that the killing was done in the perpetration of a robbery of the deceased by defendant and two companions. The defense was insanity.”

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<sup>750</sup> R. C. Belnap to Louis Ruppel, Assistant Commissioner of Narcotics, December 28, 1933, Box 108 (old box #1), Drugs Marihuana General, No. 1, 1932-1933, BON 1916-1970, DEA, RG 170, NACP.

<sup>751</sup> “Canadian Narcotic Manual,” 1937, 33, Box 8, File 17, Anslinger papers.

Denman's attorneys argued he had "a hereditary predisposition to insanity," and had sustained head injuries in his early youth "which resulted in a disordered mind." These conditions were then exacerbated by his "inordinate use, by smoking, of a Mexican weed known as marihuana, the constant use of which for a more or less extended period of time was calculated, according to testimony given by witnesses for the defendant, to produce insanity."<sup>752</sup>

Denman's appeal ultimately failed, but his use of marijuana was central to building a trial defense based on insanity. He was hardly the only defendant to offer such a claim, nor the only one backed by a physician's testimony. Frank Cadena provided a similar defense before the Court of Criminal Appeals of Texas. Cadena was convicted for murder and sentenced to death on account of a confession that he was "sitting talking with Paulita Jiminez" when he pulled out a gun and "shot her three times." Cadena's defense turned on the fact that he had long been "a marihuana smoker and that from the effects of the use of this drug he had developed a homicidal mania." Dr. Thomas Dorbandt, physician in charge at Lakeside Sanitarium in San Antonio, supplied supporting testimony for the insanity defense. Dr. Dorbandt's patients at Lakeside suffered from mental and nervous diseases as well as alcohol and drug addictions. On this experience, he testified that the "use of marihuana in large or excessive quantities, would produce a state of mind similar to delirium tremens." Therefore, "if the appellant was under the influence of said drug at the time of the homicide, in his opinion appellant would not know the right or wrong of the act charged against him."<sup>753</sup>

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<sup>752</sup> *The People v. Harold Denman*, 179 Cal. 497 (Supreme Court of California 1918).

<sup>753</sup> *Frank Cardena v. The State*, 94 Tex. 436 (Court of Criminal Appeals of Texas 1923).

Similar trials were heard across the country, with defendants and physicians alike proposing a link between marijuana, insanity, and violence. Luz Carmona lobbied against his murder conviction in 1927 by mounting a defense centered on the fact “he had been smoking marijuana and had no memory of the killing.”<sup>754</sup> Nicholas Diaz defended his role in a 1930 murder in Utah by testifying that, “his mind was an entire blank as to all that happened to him and stated that after smoking the marijuana he became ‘very crazy.’” Court documents noted, “The only defense interposed at the trial was that at the time of the homicide the defendant was under the influence of intoxicating liquor and marijuana so that his mind ‘was in such a state as to preclude the existence of any purpose, motive or intent to commit the crime of which he was convicted.’” To bolster this claim, the defense team called a physician to testify on the effects of marijuana use. According to the physician, marijuana was a narcotic that “acts upon the central nervous system affecting the brain, producing exhilarating effects and causing one to do things which he otherwise would not do and especially induces acts of violence.” More specifically, he argued, “violence is one of the symptoms of an excessive use of marijuana.” Furthermore, it was possible that “the effects of such use might last several days.” In short, the doctor claimed, “marijuana produces an ‘I don’t care’ effect.” As he explained it to the court, “if the individual had been using intoxicating liquor and thereafter had smoked a considerable amount of marijuana” that person “would not be altogether accountable for what he did.” In his opinion, “a man having used liquor and

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<sup>754</sup> Luz Carmona v. The State, 108 Tex. 273 (Court of Criminal Appeals of Texas 1927).

marijuana might deliberately plan a robbery and killing and carry it out and escape, and then later fail to remember anything that had occurred.”<sup>755</sup>

Highly similar testimony on marijuana and mental illness also appeared in the 1930s during similar murder trials. Ernest Johnson, for instance, testified during his 1932 murder trial that he smoked marijuana regularly. “I smoke it all the time,” he said, “I have been smoking it about six months. I smoked two or three cigarettes a day. As to what effect that has on me, it makes me crazy, I don’t know what I am doing.” Johnson’s mother also testified, declaring, “I told him not to smoke them things, he would go crazy.” Likewise, a physician testifying on behalf of the prosecution stated upon cross-examination that, “A boy nineteen years addicted to smoking Marijuana cigarettes, if he was a constant smoker, it would have a marked effect upon his mind and mentality. It would disturb and derange his mental capacity.”<sup>756</sup> In 1934, Foster Pippen defended himself from a murder charge “on the ground that he was temporarily insane as a result of the combined use of marijuana cigarettes and whisky.”<sup>757</sup> Natividad Valenzuela, accused of murdering his wife in California, offered an insanity plea because of a family history of mental illness and a claim that he had “impaired his mind by smoking marijuana cigarettes for a period of time prior to his marriage.” More specifically, Valenzuela admitted that he had “smoked such a cigarette on the day he committed the crime.”<sup>758</sup> When William Richard Davis appealed his conviction and death sentence for murder in

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<sup>755</sup> *State v. Diaz*, No. 4985 (Utah Supreme Court August 16, 1930).

<sup>756</sup> *Johnson v. State*.

<sup>757</sup> *Foster Pippen v. The State*, 126 Tex. 163 (Court of Criminal Appeals of Texas 1934).

<sup>758</sup> *People v. Natividad Valenzuela*, 7 Cal. 651 (Supreme Court of California 1936).

1936, he did so on account of the belief that “he was temporarily insane as a result of the use of marijuana cigarettes.”<sup>759</sup>

While these types of defense pleas apparently did not work, many of the trials nonetheless featured medical doctors who readily testified to the mental deterioration they believed marijuana caused. In some trials, judges reached such conclusions on their own by reading the existing medical literature. The Supreme Court of Louisiana, for instance, rejected the legal appeal of George Bonoa following his conviction for unlawful possession of marijuana. Bonoa appeared before the court in an attempt to overturn his guilty verdict by challenging the constitutionality of Louisiana’s statewide marijuana law. Unswayed by his legal arguments, the court quoted at length from the existing medical literature, arguing that cannabis use was “deleterious and of dangerous propensities.” Among these dangers was “extreme mental depression” as well as a “loss of mentality, resembling dementia.”<sup>760</sup>

Given the use of marijuana-induced insanity in criminal trials during the two decades prior to Anslinger’s campaign for federal prohibition, it seems difficult to suggest that the link between cannabis and mental illness was under serious attack or settled among American physicians. In fact, physicians often testified on behalf of the defense. In reviewing *Cadena v. State* (Texas), for instance, the *Journal of the American Medical Association* noted that, “the physician, as an expert, could state what condition of the mind would follow the use of marihuana.”<sup>761</sup> The fact that defendants brought

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<sup>759</sup> William Richard Davis v. The State, 130 Tex. 254 (Court of Criminal Appeals of Texas 1936).

<sup>760</sup> State v. Bonoa, 130 La. 956 (Supreme Court of Louisiana 1931); “Marihuana Law Validity Upheld,” *Times-Picayune (New Orleans)*, May 26, 1931, 10. For a similar case in Utah, see: “Medicolegal,” *Journal of the American Medical Association* 103, no. 3 (July 21, 1934): 212, doi:10.1001/jama.1934.02750290062038.

<sup>761</sup> “Doubt as to Sanity or Insanity -- Opinions as to Smoking of Marihuana -- Evidence as to Syphilis.”

such claims and that physicians often supported them illuminates the widespread nature of the idea and surely helped reinforce the link between marijuana use and insanity in the public mind. It also helped draw a link between marijuana and violent crime.<sup>762</sup>

Anslinger was more than happy to promote any and all such links, however tenuous, to help secure passage of the federal Marihuana Tax Act. In both “Assassin of Youth” and his testimony before Congress, he recalled instances of specific crimes that linked with marijuana: a rape in Baltimore; a gang of youths in Ohio responsible for some thirty-eight hold ups; and others. In the Ohio case, Anslinger quoted one of the boys stating, “we can’t remember exactly what we’ve done or said.” Another boy allegedly claimed, “If I had killed somebody on one of those jobs, I’d never have known it.”<sup>763</sup> Whether or not those quotes were legitimate, it is not difficult to see where Anslinger drew his inspiration, especially given the long history of criminal defendants making similar statements in court. Anslinger’s congressional testimony in support of the Marihuana Tax Act included a letter on the issue from Richard Hartshorne - a judge in New Jersey’s Essex County Court of Common Pleas and President of the Interstate Commission on Crime. Hartshorne’s letter referenced a “particularly brutal” murder that he had just tried in which “One of the defenses was that the defendant’s intellect was so prostrated from his smoking marijuana cigarettes that he did not know what he was doing.”<sup>764</sup> Anslinger’s claims about the facts of many of these incidents have nonetheless

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<sup>762</sup> For a series of letters describing additional cases in which marijuana was used as an attempt to bolster a temporary insanity defense, see: “Correspondence (1937)” n.d., Box 3, File 3, Anslinger papers, accessed June 10, 2013.

<sup>763</sup> Anslinger, “Marihuana - Assassin of Youth,” 150.

<sup>764</sup> “Taxation of Marihuana - H.R. 6906,” § Subcommittee of the Committee on Finance United States Senate (1937), 11. The hearing record and Anslinger’s testimony appear to contain a couple of errors: Hartshorne’s first name was entered as “Ricard” not Richard, and Anslinger claims he is a “prosecutor at a place in New Jersey.” For clarification on Hartshorne’s name and career, see: Manuscript Group 1312,

often attracted critical scholarly attention. Rightfully so, given the often murky, undetermined, and ambiguous ways in which he presented them. Yet, with such clear and consistent examples of these types of claims, it is obvious where Anslinger gathered the general ideas for this aspect of his anti-marijuana campaign.

Anslinger's use of a centuries old story to link marijuana and crime has also received much critical scholarly attention. The story, now often known simply as the "assassin myth," was rooted in the idea that the word assassin derived from ancient users of hashish. Frequently associated with his *American Magazine* article, "Marihuana: Assassin of Youth," Anslinger referenced this idea many times during his anti-marijuana campaign, effectively tying hashish use to a long history of fanatical desire and murder. In the now infamous article, he wrote that, "In the year 1090, there was founded in Persia the religious and military order of the Assassins, whose history is one of cruelty, barbarity, and murder, and for good reason. The members were confirmed users of hashish, or marijuana, and it is from the Arabic term '*hashshashin*' that we have the English word 'assassin.'" <sup>765</sup>

Though marijuana scholars in the United States have often pointed to Anslinger's use of this story in the push for federal legislation, the connection between hashish and Islamic assassins actually originated with the Europeans who fought and chronicled the Crusades. Most famously, however, Silvestre de Sacy tied the various threads of the assassin story together in 1809. A widely renowned Orientalist, Sacy published the extraordinarily influential, "Memoir on the Dynasty of the Assassins, and on the

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Hartshorne Family Papers, The New Jersey Historical Society  
(<http://www.jerseyhistory.org/EAD/faid1500/mg1312.htm>)

<sup>765</sup> Anslinger, "Marihuana - Assassin of Youth," 150.



Etymology of their Name.” He drew this theory from a history of the Isma’ilis - a medieval Shiite Islamic sect popularly known as the “Order of Assassins.” Both Christians and Muslims denigrated the group throughout the Crusades for their tactical use of public assassination. The Isma’ilis, as a result, became the targets of many insults, the most common of which were “*malahida*” (heretics) or “*batiniyya*” (meaning, more or less, “irreligiosity”). Critically, however, as Sacy highlighted, they were also called “al-Hashishiyya.” He therefore speculated that the name and the insult might have had some tie to their use of hashish. Sacy’s theory on the link between hashish use and assassination in turn helped foster the idea that cannabis had the potential to produce both spectacular visions and outright violence in users. By the mid-nineteenth century, the assassin story was quite well known and it became a frequent component of cannabis descriptions in popular literary publications and medical journals.<sup>766</sup>

In the early twentieth century, newspapers and medical publications continued printing stories linking hashish and assassins. In June of 1900, *The St. Louis Republic* published a full-page story on “The Thrice Bloody Feast of Hassan, Chief of Assassins.” The article once again recalled the idea that “Founded in 1090, A.D. their order was called ‘hashishin’ or ‘hemp-eaters,’ because their chief had them intoxicated by the use of hashish before they committed their bloody tasks.”<sup>767</sup> In 1915, Utah’s *Ogden Standard* ran a similar full-page feature on hashish assassins entitled, “The World’s Greatest

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<sup>766</sup> This paragraph is summarized from the analysis of Sacy’s theory and the origins and spread of the assassin story in the Western world found in: Campos, *Home Grown*, Chapter 1 “Cannabis and the Psychoactive Riddle.” For more in-depth examinations on the origins of the assassin myth, see also: Mandel, “Hashish, Assassins, and the Love of God”; Daftary, *The Assassin Legends*.

<sup>767</sup> “The Thrice Bloody Feast of Hassan, Chief of Assassins,” *The St. Louis Republic*, June 3, 1900, sec. Magazine, <http://chroniclingamerica.loc.gov/lccn/sn84020274/1900-06-03/ed-1/seq-34/>.

Murderers.”<sup>768</sup> Like their nineteenth century counterparts, many influential voices in the medical community also drew on Sacy’s theory. In 1912, Victor Robinson, covered the assassin story in his *Essay on Hasheesh*. Robinson, however, was clear to suggest the willingness to murder stemmed from a desire to return to the artificial paradise offered by hashish intoxication rather than the drug itself. He nevertheless relayed the idea that “From these hasheesh-eaters, the Arabian name of which is hashshashin, was derived the term ‘assassin.’”<sup>769</sup> In 1929, Surgeon General of United States, Hugh S. Cummings, repeated a version of Sacy’s theory in his “Preliminary Report on Indian Hemp and Peyote.” The report noted that, “It is also said that the Mohammadan leaders, opposing the Crusades, utilized the services of individuals addicted to the use of hashish for secret murders. The frenzy produced by the drug led to these persons being called ‘haschischin,’ or ‘hashshash’ or ‘hashishi’ from which the modern word ‘assassin’ is derived.”<sup>770</sup> In 1931, New Orleans physician A. E. Fossier drew on the assassin story to bolster his claims about the dangers of marijuana use. Fossier’s article in the *New Orleans Medical and Surgical Journal* opened with a vignette on a “sect of the Assassins,” founded in Persia, who Fossier described as a “diabolical, fanatical, cruel and murderous tribe.” When “under the influence of hashish,” he wrote, they “would madly rush their enemies, and ruthlessly massacre every one within their grasp.”<sup>771</sup>

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<sup>768</sup> “The World’s Greatest Murderers,” *The Ogden Standard (Ogden City, Utah)*, April 10, 1915, City edition, sec. Magazine Feature.

<sup>769</sup> Robinson, *An Essay on Hasheesh*.

<sup>770</sup> As quoted in, Bonnie and Whitebread, *The Marijuana Conviction*, 128. The Surgeon General’s report was also predated by another medical article on hashish: Kingman, “The Green Goddess: A Study in Dreams, Drugs, and Dementia.”

<sup>771</sup> Fossier, “The Marihuana Menace,” 247.

The murky historical details and the high probability of embellishment in the assassin story have nevertheless led many scholars to decry the use of this etymological argument. Jerry Mandel, for instance, has argued, “The student of Marijuana and the law will find nothing of interest in the tales of the Assassins – except the doubt it raises about the government, medical, and mass media experts who relied on ancient myths, and then twisted them almost beyond recognition.”<sup>772</sup> Bonnie and Whitebread stressed that, “Even if we assume the potion administered to the young men was hashish ... the point of the story is that the executioners had never had the drug.” The issue, they argued, is that many sources have incorrectly “recounted a version of this tale according to which the executioners were under the influence of hashish ... during the commission of the murders themselves.”<sup>773</sup> Ernest Abel, a psychologist and pharmacologist who has written extensively on marijuana, argued that the assassin myth was “One of the least scientific but yet most frequently called upon sources of evidence for the alleged connection between cannabis and violence.”<sup>774</sup>

In many ways, these critiques of the assassin myth are correct. There is no concrete evidence to suggest the Ismai'ilis had any connection to hashish. Recent research into the story has also suggested the term “al-Hashishiyya” was probably just a general pejorative related to the term “hashisha” - a contemporary insult used throughout the Arab world associated with heretics and the masses of society. The connection was nevertheless enough for Silvestre de Sacy to speculate on the origins of the term and its

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<sup>772</sup> Mandel, “Hashish, Assassins, and the Love of God,” 156.

<sup>773</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 145.

<sup>774</sup> Ernest Abel, “The Relationship Between Cannabis and Violence: A Review,” *Psychological Bulletin* 84, no. 2 (March 1977): 194.

connection to the *fidawi* assassins.<sup>775</sup> Across more than a century of iterations following Sacy's publication, the story simply evolved into many different strands. Most of them failed to distinguish between the possible motives of the warrior assassins and instead linked their fanatical allegiance and murder directly to the use of hashish or the desire for more. Accurate or not, however, the link between the drug and the term assassin clearly stuck and so too did its suggestion of violence.

Anslinger was clearly not the first, nor the only, influential voice to derive meaning from the story. In fact, despite often being synonymous with the assassin myth, he actually utilized the myth rather inconsistently. He rarely elaborated on it for more than a few sentences and at other times did not use the story at all. Anslinger was undoubtedly familiar with the story's longevity and its many variations. His personal archive contains numerous articles and references to the many derivatives of the assassin story. The earliest was an 1858 *Harper's New Monthly Magazine* story entitled, "Hashessh and Hasheesh Eaters." The most recent was a 1936 study prepared for a seminar in Experimental Psychology under the direction of Dr. Donald A. Laird at Colgate University.<sup>776</sup> Yet Anslinger remained selective in his use of the story. For instance, in 1934 the Subcommittee for the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs received a twelve-page document entitled, "The Abuse of Cannabis in the United States." Anslinger and the FBN played a central role in developing the report, covering a range of distinct subsections, including those on

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<sup>775</sup> For an extrapolation of this research, see: Campos, *Home Grown*, 10–13.

<sup>776</sup> Arthur G. Pulis, Jr., "Marihuana," March 23, 1936, Box 9, File 41, Anslinger papers.

the “Toxic Effects” and “The Effects of Habitual Use.”<sup>777</sup> Both sections were drawn nearly verbatim from the 1929 Surgeon General’s report on peyote and Indian hemp, except that the assassin story had been removed. Similarly, in 1935, the Bureau of Narcotics produced, “Marihuana: A Hand Book of Essential Information for Enforcement Officers.” The publication contained a foreword by Anslinger, but made no mention of the assassin story.<sup>778</sup> Even in the most famous of his works, “Marihuana: Assassin of Youth,” the *hashshashin* connection was not mentioned until the third page and spanned only two sentences.<sup>779</sup>

The assassin story was nevertheless readily available for Anslinger to utilize as a warning against marijuana and an effective literary device in linking marijuana to a long history of inspiring violence. Viewed in this manner, the hashish assassins served as a way to suggest marijuana carried an enduring legacy of facilitating dangerous behavior. In a 1934 speech to the National Conference on Crime, for example, Anslinger claimed that, “Marihuana is a dangerous drug and its abuse is growing. It is the same as HASHISH used widely in the Near East, derived from the Arabic word ‘Assassin’, which so aptly describes its powers.”<sup>780</sup> He used a similar sentence to introduce marijuana in his 1936 speech on the National Broadcasting Network, entitled “The Need for Narcotic

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<sup>777</sup> “The Abuse of Cannabis in the United States,” League of Nations, O.C. 1542 (c) Addendum, 10 November 1934, Box 46, E9A, Binder 3, RG170 NACP.

<sup>778</sup> Bureau of Narcotics, “Marihuana: A Hand Book of Essential Information for Enforcement Officers” (United States Treasury, 1935), Box 9, File 19, Harry J. Anslinger Papers.

<sup>779</sup> Moreover, the paragraph mentioning the Persian assassins and hashish was located in the second section of the article, “continued from page 19.” See: Anslinger, “Marihuana - Assassin of Youth,” 150.

<sup>780</sup> Harry J. Anslinger, “Address by Commissioner of Narcotics, Harry J. Anslinger, Before the National Conference on Crime, Washington, D.C.,” December 13, 1934, 6, Box 1, File 10, Harry J. Anslinger Papers. [Capitalization in original.]

Education.”<sup>781</sup> He also used the assassin story as a way to suggest that marijuana had been sowing danger for centuries. In his testimony before the House Committee on Ways and Means in support of the 1937 Marihuana Tax Act, Anslinger stated, “This drug is as old as civilization itself. ... In Persia, a thousand years before Christ, there was a religious and military order founded which was called the Assassins, and they derived their name from the drug called hashish which is now known in this country as marihuana. They were noted for their acts of cruelty, and the word ‘assassin’ very aptly describes the drug.” Anslinger appears to have misspoken here, as his submitted written statement clearly notes the assassin sect began in 1090 A.D. - not a thousand years before Christ. Moreover, his written testimony on the assassins mirrored, almost verbatim, the account written by New Orleans District Attorney, Eugene Stanley.<sup>782</sup> In the weeks after the MTA went into effect, Anslinger took to the Columbia Broadcasting Network and addressed the nation about marijuana. In this instance, he sought to highlight the vulnerability of youthful users by suggesting the hashish assassins “made use of the drug to gain novices who served as their docile instruments, fanatical and ready to undertake dangerous coups even murder.”<sup>783</sup>

The frequently intense focus on the assassin myth, however, has worked to obscure the many other sources that offered Anslinger evidence of the link between marijuana and violence. As the many court cases above have shown, these reports were not confined to mythical stories of hashish assassins. Nor were they unique to Anslinger and the United States. Dr. Rodrigues Doria told the Second Pan-American Scientific

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<sup>781</sup> H. J. Anslinger, “The Need for Narcotic Education.”

<sup>782</sup> Taxation of Marihuana - H.R. 6385; Stanley, “Marihuana as a Developer of Criminals.”

<sup>783</sup> Harry J. Anslinger, “Marihuana: Address by Mr. H. J. Anslinger, U.S. Commissioner of Narcotics, Over the Columbia Broadcasting Network” (Speech, October 25, 1937), 2, Box 1, File 09, Anslinger papers.

Congress that smoking machona (marijuana) sometimes caused “grave criminal consequences” in Brazil. He spoke of a soldier who “went into a wild delirium during which he tried to kill [his] captain.” Two others went into “frantic delirium” and had to be “put in strait jackets after having smoked the weed.” Dr. Doria suggested “the violences committed during machona intoxication” stirred police authorities in many Brazilian states to action.<sup>784</sup> Deputy Inspector General, W.A. Orrett, reported to the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs in 1934 that the “ganja habit” was “gaining ground” in Jamaica. Orrett further asserted that, “Many of the cases of wounding and some of murder and lunacy which have come to notice, have been traced to this practice.”<sup>785</sup> Representatives from Egypt and Siam also joined members from the United States in suggesting that the effects of Indian hemp played a role “in inducing insanity and the development of criminal propensities.”<sup>786</sup> Another League of Nations report asserted that the lives of police and customs officers in Syria, Lebanon, and Palestine were “exposed to grave risks,” because hashish smugglers were often “armed and fire without hesitation.”<sup>787</sup> This is to say nothing of the myriad stories circulated by newspapers in the United States that linked marijuana with violence

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<sup>784</sup> “The Smokers of Machona (1916)”; Swiggett, *Proceedings of the Second Pan American Scientific Congress*, IX:151–62.

<sup>785</sup> W. A. Orrett and Government of the United Kingdom, “League of Nations - O.C.1542(e) - Special Report by the Government of Jamaica on the Smoking of ‘Ganja,’” February 12, 1935, Box 111 (old box #4), Marihuana League Documents, BON 1916-1970, DEA, RG 170, NACP. This statement was underlined with red pencil in the FBN archive.

<sup>786</sup> Advisory Committee on Traffic in Opium and Other Dangerous Drugs, “League of Nations - O.C.1542(a) - Position in Regard to Indian Hemp,” July 4, 1934, 6, Box 111 (old box #4), Marihuana League Documents, BON 1916-1970, DEA, RG 170, NACP.

<sup>787</sup> Advisory Committee on Traffic in Opium and Other Dangerous Drugs, “League of Nations - O.C.1542 - Preliminary Note on the Chief Aspects of the Problem of Indian Hemp and the Laws Relating Thereto in Force in Certain Countries,” May 23, 1934, Box 111 (old box #4), Marihuana League Documents, BON 1916-1970, DEA, RG 170, NACP.

and madness in Mexico.<sup>788</sup> In one such example, the New Orleans *Times-Picayune* carried a story entitled, “Marihuana User Kills Score near Palace in Mexico: Chapultepec Park Used as Hunting Ground by Crazy Ripper.”<sup>789</sup>

American newspapers from across the country also carried local stories tying criminal behavior to marijuana use. These stories provided Anslinger and the FBN with numerous examples that helped foster a seemingly clear link between marijuana and crime. The volume of this evidence runs counter to previous studies by demonstrating the widespread and common nature of these claims. In December of 1930, for example, seventeen-year-old Lloyd Larroquette and nineteen-year-old Melvin Pustanio confessed to a series of robberies of eight delivery boys and blamed “the effects of marijuana cigarettes.” Larroquette told New Orleans police that he was “addicted to the smoking of marihuana cigarettes” and that they gave him “a feeling of bravery” to take part in these crimes.<sup>790</sup> In another incident from Harlem, Juan Rosario allegedly walked up to Louis Bianchi and “plunged a knife into him.” Rosario told police he spent all night smoking “reefers” and that when he approached Bianchi he “didn’t like his face.” During his arraignment, Rosario argued that marijuana “had rendered him irresponsible for his actions.”<sup>791</sup> In Boston, Joseph Gormey confessed to robbing “\$440 from a safe of a downtown restaurant.” The police searched his residence following his arrest and found marijuana cigarettes. Gormey told Police Sargent Patrick Flannery that he “bought the

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<sup>788</sup> Campos, *Home Grown*. Especially Chapter 9, “Postscript: Mexican Ideas Move North”

<sup>789</sup> “Marihuana User Kills Score Near Palace in Mexico,” *Times-Picayune (New Orleans)*, July 19, 1931, 19.

<sup>790</sup> “Youth Confesses to Robbing Many Delivery Boys: Blames Effects of Marihuana Cigaretts for Series of Hold-Ups,” *Times-Picayune (New Orleans)*, December 5, 1930, 5.

<sup>791</sup> “Marihuana Gets Blame in Harlem Impulse Killing,” *Times-Picayune (New Orleans)*, August 28, 1933, sec. Part Two, 13.



weed in New York and that he had been smoking it habitually for several years.” He had even “planted some of it behind his father’s house in Berwin, Ill, where he used to live.”<sup>792</sup> In Columbus, Ohio, a three-judge panel sentenced William McKinley Gardner to the electric chair for killing a hotel clerk. Gardner’s legal defense in the murder trial turned on a claim that he was insane because of his marijuana use.<sup>793</sup> The sheer number and geographic breadth of these types of stories gave Anslinger and the FBN plenty of anecdotal evidence tying marijuana to criminal behaviors.<sup>794</sup> In support of the Marihuana Tax Act, for example, Anslinger cited the Gardner case in his testimony to the Senate.<sup>795</sup> Anslinger often chose only the most violent and horrific stories to highlight, but there were plenty of other documented crimes for him to choose.

Anslinger also received corroboration for the link between criminal behavior and marijuana from those in the medical field. On the strengths of these claims by medical experts, Anslinger shaped an argument about the inherent criminal tendencies that allegedly manifested themselves in marijuana users.<sup>796</sup> Dr. Stephan H. Besley, Utah State Prison Physician for sixteen years, told an FBN agent that, “Marihuana makes a timid man bold to the extent that he will tackle almost anything and it, therefore is very bad to have it within reach of persons naturally prone to fight society.”<sup>797</sup> This aligned nicely

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<sup>792</sup> “Safe-Cracker Blames Weed,” *Daily Boston Globe*, March 15, 1934, 8.

<sup>793</sup> “Scrapbook (1937-54),” n.d., Box 5, File 1, Anslinger papers, accessed June 11, 2013.

<sup>794</sup> A massive collection compiled by the Reefer Madness Newspaper Index in the author’s possession shows numerous headlines from the 1920s and 1930s linking marijuana and crime. For the origin of this database, see: “Listing of Museum CD-Roms.”

<sup>795</sup> Taxation of Marihuana - H.R. 6906, 12.

<sup>796</sup> These medical sources demonstrate that there was more to this connection than what Bonnie and Whitebread have argued was “anecdotal evidence generated by law enforcement officials and a persuasive belief that the people who used marihuana, Mexicans and other ethnic minorities, represented the antisocial elements in society.” See: Bonnie and Whitebread, *The Marijuana Conviction*, 151.

<sup>797</sup> R. C. Belnap to Louis Ruppel, Assistant Commissioner of Narcotics, December 28, 1933.

with suspects who claimed they used marijuana to get up the nerve to commit crimes. Dr. Walter Treadway of Division of Mental Hygiene in the Public Health Service, asserted “the social or moral degradation associated with Cannabis” was such that it “probably belongs in the same category as alcohol.” That is, “Marihuana produces a delerium (sic) with a frenzy which might result in violence,” but “this is also true of alcohol.”<sup>798</sup> Dr. George T. Harding declared that marijuana “substitutes a flight from reality for realism.” A specialist in nervous disorders, founder of the Harding Sanitarium, and younger brother of President Warren G. Harding, Dr. Harding further asserted that, “when inhibitions and control are removed by the weed, underlying tendencies assert themselves.” The use of marijuana, he argued, would “break down the sense of right and wrong.”<sup>799</sup> Such claims from medical doctors helped bolster the link between marijuana and criminal behavior.

Many contemporary medical experts also aligned with Anslinger’s general characterization of marijuana addiction. Previous studies of marijuana prohibition have often found such characterizations of marijuana’s addictiveness quite suspect.<sup>800</sup> In short, rather than build tolerance or suffer from withdrawal symptoms, the concept of marijuana addiction rested on the idea that “the drug experience was so pleasurable that the user would grow dependent on it.”<sup>801</sup> Numerous sources in the 1930s expressed this

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<sup>798</sup> “Transcript of the Conference on Cannabis Sativa, L.”

<sup>799</sup> “Scrapbook (1937-54).”

<sup>800</sup> For example, Bonnie and Whitebread posited a largely race-based explanation for these addictive characterizations, arguing that, “a compelling, but perhaps unrecognized, public policy need” was at the root of a desire “to postulate a form of addiction generated by an ambiguous notion of ‘mental fascination’ which was thought to be ‘particularly compelling’ for certain individuals or social classes.” See: Bonnie and Whitebread, *The Marijuana Conviction*, 140–41. The interpretation presented here does not seek to discount the racialized aspects of the anti-marijuana campaign, but instead highlights the broad basis and consensus around contemporary assessments of its potential for addiction and habitual use.

<sup>801</sup> Ibid., 138. For Bonnie and Whitebread’s summary of the contemporary debate on addiction, see: 136–41. For another overview of the state of addiction knowledge, see: Musto, *The American Disease*, 1999, 82–87.

perception. The findings of the 1933 Panama Canal Zone investigation, for example, noted that marijuana “is not a ‘habit forming’ drug in the sense that the derivatives of opium and cocaine are such drugs, as there are no symptoms of depravation following its withdrawal.” They nonetheless believed “from a medical standpoint the habitual use of marijuana (sic) ... should be considered detrimental.”<sup>802</sup> The *Journal of the American Medical Association*, in describing the effects of marijuana, asserted that, “Its most marked after-effect is the liability to the establishment of a craving for the drug.”<sup>803</sup> In the *Archives of Neurology and Psychiatry*, Dr. N. S. Yawger wrote, “Marijuana differs from such habit-forming substances as opium, cocaine and alcohol; although often enticing, it does not enslave with moderate use, so that it may be discontinued.”<sup>804</sup> Dr. William C. Woodward, legislative counsel of the American Medical Association, who testified against passage of the Marihuana Tax Act, suggested much the same. Dr. Woodward denied that medical use of cannabis was at all to blame, but conceded that, “we must admit that there is this slight addiction with possibly and probably, I will admit, a tendency toward increase.”<sup>805</sup>

For his part, Anslinger readily mentioned both marijuana addiction and the marijuana habit. He often did so, however, with less clarity and conviction than other aspects of his reefer madness campaign. The “Hand Book of Essential Information for Enforcement Officers,” prepared in 1935 by the Federal Bureau of Narcotics, for example, declared that marijuana “is habit-forming.” More specifically, the manual noted

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<sup>802</sup> Siler et al., “Marijuana Smoking in Panama,” 278–79.

<sup>803</sup> “Effects of Cannabis,” 601.

<sup>804</sup> N.S. Yawger, “Marihuana,” *American Journal of the Medical Sciences* 195 (March 1938): 351.

<sup>805</sup> Taxation of Marihuana - H.R. 6385. Woodward used “Cannabis addiction,” “Cannabis habit,” and “marihuana addiction” during his testimony.

that marijuana was “used by the habitue for the stimulating effects obtained and individual satisfaction experienced through the temporary inflation of the personality.”<sup>806</sup> Marijuana addiction was thus different from addiction to cocaine or the opiates in that it did not manifest itself in physical withdraw symptoms. Yet, there was undoubtedly some confusion and disagreement on this understanding within the federal government. On at least one occasion, Anslinger wrote that, “We know of two cases where the habit was formed and withdrawal of the drug caused symptoms similar to those produced when morphine is withdrawn.”<sup>807</sup> Edward A. Murphy, Narcotic Agent, however, wrote in a letter to his District Supervisor in New York that “Marihuana is not habit-forming and no discomfort is manifested when a user is cut off from his supply.”<sup>808</sup> Under questioning by the Senate subcommittee on finance, however, Anslinger declared that the marijuana habit “can be broken,” that there was nevertheless “some evidence that it is habit-forming,” but that “the experts have not gone very far on that.”<sup>809</sup>

Perhaps because of this lack of clarity, promoting the idea that marijuana was addictive often played a smaller role in Anslinger’s arsenal than its other alleged characteristics. He generally utilized addiction and habitual use as the vehicle through which marijuana users arrived at more devastating outcomes. In “Assassin of Youth,” for example, Anslinger wrote that some marijuana users “may cease its use” because breaking the marijuana habit was “not so difficult as with some narcotics.” The problem,

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<sup>806</sup> “Marihuana A Handbook of Essential Info for Enforcement Officers (1935),” n.d., Box 9, File 19, Anslinger papers, accessed June 12, 2013.

<sup>807</sup> Anslinger to Michael V. Ball, October 18, 1937.

<sup>808</sup> Edward A. Murphy, Narcotic Agent, to Major Garland Williams, District Supervisor, May 20, 1938, Box 3, File 2, Anslinger papers. This was also the position taken on cannabis in the 1929 Surgeon General’s *Preliminary Report on Indian Hemp and Peyote*.

<sup>809</sup> Taxation of Marihuana - H.R. 6906, 14.

he alleged, was that some users “may continue addiction until they deteriorate mentally and become insane.” Still others “may turn to violent forms of crime, to suicide or to murder.”<sup>810</sup> Likewise, in his testimony during the hearings on the Marihuana Tax Act, Anslinger quoted Dr. J. Bouquet of Tunis. In his report to the League of Nations, Dr. Bouquet claimed, “The use of cannabis, whether smoked or ingested in its various form, undoubtedly gives rise to a form of addiction, which has serious social consequences (abandonment of work, propensity to theft and crime, disappearance of reproductive power).”<sup>811</sup> Framed in this way, Anslinger frequently argued that the consequences of marijuana use were far more dangerous than any addiction to the drug itself.

What ultimately tied the various threads of Anslinger’s reefer madness campaign together, however, was its alleged attack on American youth. Perhaps more than any other drug, Anslinger believed the dangers marijuana presented to the nation’s children represented a unique and existential threat.<sup>812</sup> In many ways, Anslinger wrote “Assassin of Youth” to specifically highlight the scope of these potential negative outcomes for young people. Likewise, in a speech to the Women’s National Exposition of Arts and Industry, Anslinger claimed that, “we have unmistakable evidence that young people are using marihuana whereas youth does not use opium or its derivatives.” Moreover, though Anslinger asserted the effects of marijuana was “devitalizing” on all users, he stressed,

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<sup>810</sup> Anslinger, “Marihuana - Assassin of Youth,” 19.

<sup>811</sup> Taxation of Marihuana - H.R. 6385. In suggesting a more race based interpretation of marijuana addiction, Bonnie and Whitebread argued that, “if one substitutes ‘Mexican’ for ‘Moslem’ in Bouquet’s explanation of addiction, the basis for the American concept is probably revealed.” Bonnie and Whitebread, *The Marijuana Conviction*, 140–41.

<sup>812</sup> For the original argument that a growing fear of marijuana use among American youth was central to propelling its prohibition, see: Himmelstein, *The Strange Career of Marihuana*, chap. 4: The Rise of the Killer Weed.

“on the young it is particularly virulent.”<sup>813</sup> Anslinger reiterated such claims in a radio address just after the Marihuana Tax Act went into effect, arguing that the situation was “particularly fraught with danger because the Marihuana vice is being carried as a new habit to circles which heretofore have not been contaminated with drug addiction – the youth of the country.”<sup>814</sup>

Marijuana, Anslinger believed, was especially attractive to youthful experimenters. Many had “heard the whispering secret which has gone the rounds of American youth.” For younger users marijuana “promised a new thrill,” and each cigarette “contained a ‘real kick.’” Marijuana could produce “wonderful reactions” in users “with no harmful aftereffects.” With these temptations in their heads, Anslinger charged that “adventurous” groups of youths gathered for a few puffs of “something different.” Every parent, he declared, “owes it to his children to tell them of the terrible effects of marijuana to offset the enticing ‘private information’ which these youths may have received.”<sup>815</sup>

Anslinger was not the only voice decrying use marijuana by America’s youth. Though the idea first took root in New Orleans beginning in the 1920s, the belief that marijuana use was rapidly spreading among school age children and teenagers was common in areas across the country by the mid-1930s. In “Assassin of Youth,” Anslinger claimed that “A newspaper in St. Louis reported after an investigation this year that it had discovered marijuana ‘dens,’ all frequented by children of high-school age.” He asserted further that, “The same sort of story came from Missouri, Ohio, Louisiana, and

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<sup>813</sup> Harry J. Anslinger, “Marihuana” (Speech, New York City, March 30, 1937), Box 1, File 07, Anslinger papers.

<sup>814</sup> Anslinger, “Marihuana,” October 25, 1937.

<sup>815</sup> Anslinger, “Marihuana - Assassin of Youth,” 18, 150.

Colorado.”<sup>816</sup> A survey of newspaper headlines from across the country during the 1930s, however, shows reports connecting youths and marijuana appeared in Alabama, California, Florida, Georgia, Illinois, Kansas, Maryland, Nevada, New Mexico, North Carolina, Oklahoma, Texas, Virginia, and Wisconsin.<sup>817</sup> A typical report from New York in 1934 claimed that the young boys living at the Brace Memorial Newsboys’ House were “easy prey to human vultures who sell drugs.” Specifically, police officials “were told by the boys that, for 10 cents, one could buy ‘reefer’ cigarettes from a man who stood at the Canal st. entrance to the Manhattan Bridge every evening from 6 to 7 o’clock.”<sup>818</sup> Elmer F. Hunsicker conducted a study of marijuana use in Cincinnati, Ohio and forwarded his findings to Commissioner Anslinger. Hunsicker was quoted in the *Cincinnati Tribune* claiming, “I have seen mere youngsters, boys and girls of high school age,” using marijuana. He told the newspaper that they sit around “in these ‘muggles trains’, or circles, passing muggles cigarettes from one mouth to the next, each taking a puff, and as the night wore on, becoming more and more dreamy, incoherent in speech and looking into space with an absent expression.”<sup>819</sup> Ida B. Wise Smith, head of the National W.C.T.U., told Iowa convention goers in 1936 that marijuana “is being increasingly sold to [the] youth of America.”<sup>820</sup> Newspapers in Utah noted that juvenile authorities in the state were “alarmed at the report made recently that dope peddlers were doing considerable business among Salt Lake high school students.” One report alleged

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<sup>816</sup> Ibid., 151.

<sup>817</sup> Survey of headlines from articles contained in the “Reefer Madness Newspaper Index” held in author’s possession. Information available at: <http://reefermadnessmuseum.org>

<sup>818</sup> Allen Bernard, “Marijuana Menace to Youth of Nation Revealed,” *New York Evening Journal*, November 7, 1934, sec. Brooklyn-Queens, 1B.

<sup>819</sup> For Hunsicker’s full report, see: Elmer Hunsicker to Anslinger, July 22, 1935.

<sup>820</sup> “Ida B. Wise Smith, Head of National W.C.T.U., In Convention Address Here,” *Centerville Daily Iowegian & Citizen*, June 25, 1936, 8.

many “marihuana smoking parties among students,” and noted that the youths generally confined their use to “auto rides, late parties and dances.”<sup>821</sup> Yet another Utah paper wrote of “pimpily-faced youths” who puff on “marihuana cigarettes.”<sup>822</sup>

Given the widespread nature and volume of these reports, it is easy to see why Anslinger so often focused on connecting marijuana to youthful users.<sup>823</sup> To support these claims during his testimony before the House Ways and Means Committee, Anslinger marshalled both anecdotal and medical evidence. For instance, he made numerous generalized references to alleged crimes committed by young marijuana users, but did so without any real corroboration.<sup>824</sup> He did submit copies of articles written by Dr. Frank R. Gomilia and District Attorney Eugene Stanley from New Orleans, both of whom wrote of marijuana’s danger to youth. Gomilia also cited instances of youthful use in Colorado, Missouri, Minnesota, Oklahoma, and Massachusetts - where “cigarettes sell for 25 cents apiece and that they are chiefly used among the younger people between the ages of 18 and 21.” Anslinger also drew on information from recognized medical experts. Quoting Dr. Walter Bromberg, Anslinger noted that Bromberg found “Young men between the ages of 16 and 25 are frequent smokers of marihuana; even boys of 10 to 14 are initiated (frequently in school groups); to them as to others, marihuana holds out the

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<sup>821</sup> “Dope Peddlers Prey Upon Youth,” *Richfield Reporter*, March 4, 1937, 2.

<sup>822</sup> “Here & There,” *Murray Eagle*, March 4, 1937.

<sup>823</sup> Most previous studies have dismissed such claims, suggesting they were overstated or that there was simply no evidence of a public outcry around marijuana use. Even Jerome Himmelstein, who argued that an emphasis on youthful marijuana use was critical in building a consensus for federal marijuana prohibition, believed that marijuana “was a very minor issue in the United States during the entire first six-and-a-half decades of the twentieth century.” Indeed, Himmelstein argued, “even at the height of the marihuana ‘menace’ in the late 1930s, the drug hardly made a ripple.” See, Himmelstein, *The Strange Career of Marihuana*, 44.

<sup>824</sup> This is not necessarily to suggest he had none, but to note that he spoke in general terms about those instances. Anslinger had certainly compiled lists of alleged ties to youth. For some examples, see: “Marijuana - Youth Arrests (1934-37),” n.d., Box 9, File 57, Anslinger papers, accessed June 12, 2013.



thrill.” Moreover, Anslinger tried to draw a clear distinction between marijuana use in the United States and those who used heroin and morphine. As such, he testified that marijuana “is being used by a different class, by a much younger group of people.” Asserting that, “The age of the morphine and heroin addict is increasing all the time, whereas the marihuana smoker is quite young.”<sup>825</sup>

In many ways, the concern about American youth appeared more critical in gathering support for a federal marijuana law than the racialized characterizations more often cited.<sup>826</sup> In the congressional testimony on the Marihuana Tax Act, for example, attention to the dangers presented to youth played a more prominent role than race in the proceedings.<sup>827</sup> Mabel Holdaway, a research assistant with the National Emergency Council’s Office of the State Director for Montana, for instance, wrote directly to Senator James E. Murray, urging federal action on marijuana. Holdaway noted that “Mexican laborers have brought the seeds of this plant into Montana,” but more urgently, “we have had numerous reports of school children and young people using cigarettes made from this weed.” Likewise, Mrs. Mary T. Bannerman of the National Congress of Parents and

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<sup>825</sup> Taxation of Marihuana - H.R. 6385. The idea that there were not a lot of younger drug addicts was quite common during this period and may help explain why there was such a fear of marijuana and its spread among youthful users. For an example, of these conclusions, see: Treadway, “Some Epidemiological Notes on Narcotic Drug Addiction.”

<sup>826</sup> This argument was first posited in, Himmelstein, *The Strange Career of Marihuana*. Contrary to the findings presented above, however, Himmelstein argued that the FBN position on marijuana “did not reflect a simple convergence of several independent assessments of the available evidence. Instead, it was largely created by the FBN, which effectively dominated public discussion of marihuana.”

<sup>827</sup> Probably the most commonly cited racialized quotes attributed to Anslinger, include “Police officials in cities of those states where [marihuana] is most widely used estimate that fifty percent of the violent crimes committed in districts occupied by Mexicans, Spaniards, Latin-Americans, Greeks or Negroes may be traced to this weed.” As well as Anslinger’s written testimony to the House Ways and Means Committee, which included a letter from Floyd Baskette, city editor of the *Daily Courier* in Alamosa, CO, stating, in part, “I wish I could show you what a small marihuana cigaret can do to one of our degenerate Spanish-speaking residents. That’s why our problem is so great; the greatest percentage of our population is composed of Spanish-speaking persons, most of are low mentally, because of social and racial conditions.” For one use of these, see: Bonnie and Whitebread, *The Marijuana Conviction*, 101; 148-149.

Teachers claimed that the organization was “deeply concerned with the increasing use of marihuana by children and youth.” She addressed her letter directly to Robert L.

Doughton, Chairman of the House Committee on Ways and Means, and sponsor of the Marihuana Tax Act legislation. Dr. Woodward of the American Medical Association, who was generally skeptical of the increase in marijuana use, suggested that newspaper exploitation of the issue “tempts young men and women to venture into the habit.”

Challenged quite directly in his position against passage of the MTA by Chairman Doughton, Woodward stated a short time later that, “I believe there is addiction, and I believe there is a temptation to children.”<sup>828</sup>

In the end, Anslinger and the FBN successfully merged scientific and popular opinion to drive a coherent narrative around the alleged dangers of marijuana. Both Congressional committees recommended the bill favorably and, with President Roosevelt’s signature, it became law in October of 1937. The congressional findings of the House Committee on Ways and Means made clear the ways in which both newspaper reports and medical journals played a role in compelling its passage. The Committee summary noted that, “Cases were cited at the hearings of school children who have been driven to crime and insanity through the use of this drug.” This statement surely referenced the many instances that Anslinger mentioned in his testimony. The committee also noted that, “Under the influence of this drug the will is destroyed and all power of directing and controlling thought is lost.” Points often made by Anslinger, but just as often found in the nation’s medical journals.<sup>829</sup>

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<sup>828</sup> Taxation of Marihuana - H.R. 6385, 118, 120.

<sup>829</sup> United States, Congress, House, Committee on Ways and Means, 75<sup>th</sup> Congress, 1<sup>st</sup> session, 11 May 1937, House Report 292, 1-2.

## CONCLUSION

Given the popular perceptions of marijuana's limited dangers since the 1960s, it is easy to see how previous studies of its prohibition have often focused on the "inaccurate, unscientific" use of this evidence.<sup>830</sup> Few people still believe that marijuana incites crime or causes insanity in the dire ways portrayed by Anslinger. Nonetheless, contemporary characterizations of marijuana in the 1930s were significantly more consistent about these alleged dangers than previous studies have often portrayed. Beginning in the mid-nineteenth century, medical and scientific writing on cannabis had established a number of commonly attributed features of intoxication. These included distortions of space and time, intense hallucinations or sensations, and an erosion of the will accompanied by rapid and disordered thoughts. By the early twentieth century, these descriptions began mingling with lurid stories from India, Egypt, and Mexico linking cannabis to madness, insanity, and violence. Combined, these sources formed a ready foundation for Anslinger's portrayal of reefer madness.

Though Anslinger clearly relied on a zealous and selective interpretation of this evidence, he was nonetheless able to marshal a significant number of otherwise credible sources in crafting his marijuana narrative. In the face of limited counter-information, there were simply too many prominent voices touting the same dangers. Take, for example, Dr. Irving S. Cutter. Born in New Hampshire in 1875, Cutter graduated from the University of Nebraska three times, completing an undergraduate degree in 1898, a medical degree in 1910, and a doctor of science in 1925. Appointed Dean of Northwestern University's medical school, Cutter also regularly wrote on health topics

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<sup>830</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 173.

for several Chicago area newspapers. He was eventually named health editor for the *Chicago Tribune* where he continued a long syndicated column entitled “How to Keep Well.”<sup>831</sup> In 1935, the *Washington Post* ran a copy of one of Dr. Cutter’s articles entitled, “Marihuana’s Evils Recited by Physician.” In the piece, Cutter outlined many of the same characteristics so often championed by Anslinger. For instance, he wrote, “the effect of the drug on the mental state is quite marked,” noting that “ideas flow easily and rapidly and time seems without end.” Cutter also stated that, “the degree of intoxication varies with the individual disposition.” More specifically, he asserted, “some persons will react violently to relatively small doses, while others will be but slightly affected by a large amount.” For some, Dr. Cutter argued, it may “increase the feeling of sympathy or tenderness.” In others, marijuana will “bring out the worst side of the user’s character.” Citing previous studies, including Dr. Walter Bromberg’s work, Cutter concluded that marijuana “is a powerful intoxicant, one that releases the inhibitions and breaks down the moral control built up by the individual.” Eventually, Dr. Cutter wrote, “It strips the user of every semblance of modesty and self-respect.”<sup>832</sup>

Sources such as this demonstrate the clear evidentiary basis for many of Anslinger’s claims as well as the rather mainstream sanction they were often provided. Writings from Dr. Cutter and other prominent figures also undermine the notion that the

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<sup>831</sup> The column first began with Dr. William A. Evans, an internationally known physician and public health leader who served in many prestigious positions in the United States and Europe. For examples of columns that dealt with marijuana, see: W. A. Evans, “How to Keep Well,: HASHISH AS PUBLIC MENACE.,” *Chicago Daily Tribune* (1923-1963), November 3, 1926; W. A. Evans, “How to Keep Well,: DRUG HABIT PENALIZES ADDICT IN THE END.,” *Chicago Daily Tribune* (1923-1963), March 25, 1927; Evans, “How to Keep Well”; Irving S. Cutter, “How to Keep Well - A Dangerous Intoxicant,” *Times-Picayune* (New Orleans), November 23, 1936; Irving S. Cutter, “How to Keep Well: Help for Drug Slaves,” *Times-Picayune* (New Orleans), December 20, 1939.

<sup>832</sup> Irving S. Cutter, “Marihuana’s Evils Recited by Physician,” *Washington Post*, October 27, 1935, Box 6, File 11 – Scrapbook (1934-39), H.J. Anslinger Papers, HCLA 1875, Special Collections Library, Pennsylvania State University

scientific community muzzled itself in the face of the FBN.<sup>833</sup> Many, it seems, readily agreed with the Commissioner's assessment. While there were undoubtedly those who were skeptical of his sensationalism, and surely others who viewed marijuana differently, there were simply too many accepted threads in his narrative to issue a coherent challenge. Indeed, even Dr. William C. Woodward, who testified in Congress against the Marihuana Tax Act, calling much of the evidence "hearsay," conceded that prohibition of its non-medical use was nevertheless desirable. Rather than pass a new federal law that would further burden physicians, however, Dr. Woodward suggested the American Medical Association would have no objection to adding cannabis to the Harrison Narcotics Act. Furthermore, Woodward believed existing laws and regulations already allowed the Treasury Department to cooperate with the states effectively control the problem. In short, with a nod to the rhetoric of the day, Dr. Woodward told the House Committee on Ways and Means that marijuana was simply "a menace for which there is adequate remedy."<sup>834</sup>

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<sup>833</sup> Bonnie and Whitebread, *The Marijuana Conviction*, 152.

<sup>834</sup> Taxation of Marihuana - H.R. 6385, 87–121, quote on 106. Often upheld as the lone voice of reason in the testimony on the MTA, Dr. Woodward presented a stern case against its passage. Though he admitted there was very little medical use of cannabis, he was worried the MTA would prevent any future investigation of its potential therapeutic value. On that front, he was certainly correct. He was clearly not, however, against regulating or prohibiting non-medical cannabis use.

## EPILOGUE

### Going to Pot – Past and Present

On August 2, 1937, President Franklin Roosevelt signed the Marihuana Tax Act into law. Modeled on the “prohibitive tax” principle found in the National Firearms Act of 1934, the MTA was technically a taxation measure similar to the Harrison Narcotics Act.<sup>835</sup> In principle, the MTA outlawed the nonmedical, untaxed possession or sale of marijuana. However, unlike the Harrison Act, which used written order forms, physician registration fees, and related methods to collect revenue and enforce the line between medical and non-medical use of the opiates and cocaine, the medical use of marijuana had already all but disappeared. Meaning there was little tax revenue to collect. Moreover, the procedures necessary for physician compliance with the MTA were quite complex, and its broad registration requirements allowed Treasury Department officials and FBN agents to monitor the behavior of all legally registered persons. Few people bothered to complete the process, and as a result, most all possession of marijuana was a federal crime.<sup>836</sup> Just a few years later, as a final blow to any possible legitimate

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<sup>835</sup> In March of 1937, the Supreme Court ruled in *Sonzinsky v. United States* that such a prohibitive tax was constitutional, clearing the way for the final draft of the Marihuana Tax Act.

<sup>836</sup> Ferraiolo, “From Killer Weed to Popular Medicine: The Evolution of American Drug Control Policy, 1937–2000,” 153–55; Bonnie and Whitebread, *The Marijuana Conviction*, 175.

marijuana use, the twelfth revision of *The Pharmacopeia of the United States* went to print without a section on cannabis for the first time since 1850.<sup>837</sup>

In tandem, the MTA and the revised USP marked the end of a full century of medicinal cannabis use in the United States. This dissertation has traced the shifting contours of that century and its ramifications on the social and legal status of cannabis. In short, it has argued that marijuana prohibition in the United States was not a swift and sudden product of racism and xenophobia in the early twentieth century, but instead, the end-point of a broad concern about the potential dangers of cannabis use dating to the mid-nineteenth century. That concern was itself part of a larger legislative shift on public health and drug regulation that originally sought to professionalize medicine and pharmacy while mitigating the risks posed to consumers by an increasingly complex market place for drugs. These trends positioned cannabis for inclusion in a wide range of legal restrictions in states throughout the country. As its medicinal uses declined and fears of marijuana rose, this legal foundation served as the foundation for its total prohibition.

Following its formal introduction to American medicine in the 1840s, cannabis attracted the attention of physicians and literary figures alike. The early decades of research on cannabis in the United States marked a period of self-administration and experimentation that often blurred the lines between medical knowledge and literary descriptions. Medical classifications of cannabis as a hypnotic, anodyne, narcotic, stimulant, and poison all but required its placement in the nation's *Materia medica*

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<sup>837</sup> *The Pharmacopeia of the United States of America*, Twelfth Revision, vol. 12 (Washington, D. C.: Mack Printing Company, Easton, PA, 1942). It has been asserted that Anslinger was responsible for the removal of cannabis from the U.S.P., see: Ronald Hamowy, *Dealing with Drugs: Consequences of Government Control* (Pacific Research Institute for Public Policy, 1987), 24.

alongside other potentially dangerous substances like opium, arsenic, and chloroform. Moreover, symptoms commonly associated with cannabis overdose in medical writing and literary accounts - distortion of space and time, hallucinations, and erosion of the will - were well suited to spark late nineteenth century fears that drug use could undermine the autonomy and agency of individual users. By the end of the nineteenth century, due to these classifications and perceptions, cannabis was frequently included in state-level regulations aimed at restricting the sale of medicines and poisons in the name of consumer protection.

During the early twentieth century, these laws evolved in ways that codified a growing bifurcation of the drug market into legitimate and illegitimate uses. Though Congress excluded cannabis from the federal Harrison Narcotics Act in 1914, local control over cannabis consumption at the state and municipal level continued across the country. This period also witnessed the arrival of large numbers of Mexican immigrants that previous studies have so often linked with a xenophobic impetus for marijuana prohibition. Yet, an analysis of legislation on cannabis during this period reveals a more complex series of paths to statewide restrictions. The easy merger of contemporary medical perceptions of cannabis with the alarming descriptions of marijuana intoxication often influenced that path as much or more than the arrival of Mexican immigrants. In short, a combination of factors rooted in an existing medico-legal framework helped facilitate nearly every instance of state-level cannabis regulation during the early twentieth century, including those states with Mexican immigrant populations.

The apparent menace of marijuana, however, quickly took center stage in the 1920s. In areas across the country, especially New Orleans, media coverage, law



enforcement, and social concerns coalesced and reinforced a negative characterization of marijuana that then informed and repeated itself at the federal level. This commentary often centered on the alleged spread of marijuana use among criminals and school-age children. While New Orleans was in many ways exceptional in this process, it was also representative of patterns and discourses on marijuana that also developed in cities and states elsewhere in the country. In turn, in the mid-1930s, when Harry J. Anslinger and the Federal Bureau of Narcotics began promoting the Uniform Narcotic Drug Act as the best enforcement option against the dangers of marijuana they did so on the basis of existing negative depictions of the drug that had emerged locally throughout the country. Aided by the media, anti-narcotics organizations, civic groups, medical doctors, and police agencies, Anslinger's nationwide campaign produced runaway momentum for federal marijuana prohibition. Often labeled vague, unsubstantiated, and unscientific, Anslinger's portrayal of "reefer madness" was successful because he effectively linked violent incidents and crimes allegedly connected to marijuana with long held scientific perceptions on the potential dangers of cannabis intoxication in the medical literature. Far more important than its associations with Mexican immigrants, Anslinger and the FBN presented Congress with a characterization of marijuana that combined sensational news stories and fears of youthful use that were stamped with nearly a century of scientific authority on the inherent dangers of cannabis.

This history is particularly relevant to the present. The past five years have drawn extensive commentary on the seemingly inevitable march toward marijuana legalization in the United States. Indeed, since 2012, a total of eight states and Washington, D.C. have all voted to allow statewide use of recreational marijuana. Including those eight, a total of

twenty-nine states and Washington, D.C. have also passed some type of medical marijuana legislation since 1996. Though there are many disparities between the format and implementation of these laws, more than half of the nation's population now lives in an area with some form of access to cannabis.<sup>838</sup> This national patchwork of varied laws and regulations mirrors, in many ways, the period of local cannabis control witnessed in the United States during the early twentieth century, with one key difference. All of the present state-level legislation has taken place while marijuana remains explicitly prohibited under federal law. Categorized under Schedule I of the Controlled Substances Act of 1970, marijuana is legally "considered among the most dangerous drugs." Meaning it can cause "potentially severe psychological or physical dependence" and has "no currently accepted medical use and a high potential for abuse."

This classification is, of course, part of the current debate over marijuana legalization. Many advocates for marijuana use argue that, at the very least, it is time that the United States officially recognizes marijuana's potential medical benefits and remove the federal red tape on researching the plant. Others contend that recreational marijuana use is simply safer than alcohol and tobacco, its legal alternatives. Thus, it should face only similar regulations. Though there has been plenty of science marshalled in support of these arguments, it is also not hard to find marijuana supporters who draw - at least anecdotally - on a series of historical narratives that they believe bolster their position. Most common are suggestions that blatant racism mixed with myth and misinformation, rather than rational scientific policy, propelled marijuana prohibition in the United States. These narratives suggest that the Harry J. Anslinger and the Federal Bureau of Narcotics

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<sup>838</sup> For excellent reporting and resources on current marijuana legislation, see: "Cannabis Wire: A National Patchwork," accessed April 20, 2017, <https://cannabiswire.com/a-national-patchwork>.

pushed a campaign of “reefer madness” that linked marijuana to maligned minority groups and falsely accused the drug of triggering heinous crimes. Further compounding these beliefs is the popular perception that cannabis was something of a nineteenth-century miracle drug, sold by the nation’s most prominent pharmaceutical companies and frequently prescribed by physicians for a range of ailments.<sup>839</sup> These arguments are, of course, not new. They are the product of the previous wave of marijuana liberalization that swept the country in the 1960s and early 1970s and play a prominent part in this dissertation.

There are some obvious parallels between this earlier period and the current debates on marijuana legalization. In the 1970s, states across the country also moved to curtail penalties by decriminalizing personal marijuana use and possession. There was also an explosion of news and research on the issue and an increasing depth of public engagement on the topic of marijuana. Indeed, there was a growing belief that widespread legalization of marijuana was perhaps only a matter of time. President Jimmy Carter even called for the federal decriminalization of marijuana in a speech to Congress in 1977.<sup>840</sup> Yet, this was not the case. A nationwide parent movement promptly turned back the clear momentum for marijuana liberalization in the early 1980s. These concerned parents turned against marijuana use among their children and led the rollback

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<sup>839</sup> The scholarly basis for these claims comes from numerous sources cited in this dissertation. The most prominent of these include: Solomon, *The Marihuana Papers*; Dickson, “Bureaucracy and Morality”; Bonnie and Whitebread, “The Forbidden Fruit and the Tree of Knowledge”; Schaller, “The Federal Prohibition of Marihuana”; Grinspoon, *Marihuana Reconsidered*; Musto, “The Marihuana Tax Act of 1937”; Bonnie and Whitebread, *The Marihuana Conviction*; Galliher and Walker, “The Puzzle”; Ernest Abel, *Marihuana, the First Twelve Thousand Years* (New York: Plenum Press, 1980); Himmelstein, “From Killer Weed to Drop-out Drug”; Himmelstein, *The Strange Career of Marihuana*; Musto, *The American Disease*, 1999; Booth, *Cannabis*.

<sup>840</sup> “Jimmy Carter: Drug Abuse Message to the Congress,” August 2, 1977, <http://www.presidency.ucsb.edu/ws/?pid=7908>.

by pushing Congress to enact a new set of mandatory minimum sentences.<sup>841</sup> President Ronald Reagan responded to the resurgent desire for drug legislation with the “Just Say No” campaign and the Anti-drug Abuse Act of 1986, casting a wide net that swept up all drugs, including marijuana.

The results of these prohibitive measures are at least partly responsible for the recent criticisms of the current iteration of our nation’s war on drugs. The United States now has the largest incarcerated population in the world, with well-documented racial disparities and arrest rates.<sup>842</sup> Reform advocates find stiff penalties for marijuana out of touch with its actual harms. Many in the influential baby-boom generation now view marijuana use in the context of their own youthful experimentation, and find displeasure with the idea of harsh penalties on its use. They also birthed a millennial generation that is largely in favor of marijuana legalization. On the heels of this movement and the successful campaign to revive its medicinal uses, marijuana has once again become the cause célèbre.<sup>843</sup>

Given this current context, it is easy to see how earlier scholarship on marijuana prohibition remains highly influential in the renewed legalization debate. If present federal policy was originally rooted in xenophobia, propaganda, and conspiracy, there are clearly good reasons to change it. This dissertation, however, has shown that the origins of marijuana prohibition were not that simple. It does not suggest those aspects played no

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<sup>841</sup> Emily Dufton, “Just Say Know: How the Parent Movement Shaped America’s Modern War on Drugs, 1970–2000” (Dissertation, The George Washington University, 2014).

<sup>842</sup> The literature on this issue is far too vast to cite comprehensively. For one example that has captured a good deal of attention during the post-2012 period of marijuana legalization, see: Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012).

<sup>843</sup> For use of this term during the previous wave of marijuana liberalization, see: Berton, “Marijuana at Issue.”

role, but instead illuminates a set of factors that complicate those narratives. Indeed, barely two decades after the formal introduction of cannabis to American medicine, states across the country began restricting its sale and use as a medicine and poison. Judged by the standards of today's war on drugs, few of these nineteenth-century laws provided strict prohibition. They nonetheless represented attempts by individual states to regulate access to substances deemed potentially dangerous by medical doctors and pharmacists. This reputation as a dangerous drug followed cannabis well into the twentieth century, influencing its continued regulation as Mexican immigrants and marijuana terminology arrived in the United States. Taken together, local statutes and state laws established across the country between 1860 and the early 1930s resulted in widespread restrictions on various aspects of the sale, growth, possession, and use of cannabis for medicinal or recreational purposes.

As for what this expanded history of cannabis regulation might mean for the future of marijuana legalization, it is perhaps most interesting to note the ways in which those early cannabis laws set an extensive historical precedent for marijuana legislation in the United States. Indeed, common state-level regulations in the late-nineteenth and early twentieth century covered a range of issues, including the sale of adulterated drugs, erroneous or improper packaging and labeling, sales or transactions with minors, and inappropriate prescription refills. Many of these same types of issues have recently resurfaced as states across the country move forward with legalizing cannabis for both medicinal and recreational uses. This is especially true of the rapid rise in edibles, which have outpaced the sale of flowering marijuana in states like Colorado. Figuring out how to regulate these items – which include cookies, pastries, gummybears, soda pop and

more – has generated a good deal of debate and concern. There are fears that some edibles are too kid friendly and look too much like candy. There have also been documented cases of emergency room visits prompted by the ingestion of large amounts of edibles. In turn, officials from Colorado’s public health department raised the possibility of limiting cannabis-based edibles to tinctures and lozenges only, eliminating all other forms. That idea was short lived, met with an immediate uproar from many sides. Nevertheless, the Colorado legislature ordered regulators to develop new rules for dealing with edibles. Additional measures and proposals have included limiting the amount of THC in each unit, childproof packaging, warning labels for maternal pot use, a uniform symbol on packaging and products alike, as well as banning the word “candy” from marijuana edibles.

Armed with the historical perspective presented in this dissertation, these problems, and the proposed solutions, are simply nothing new. They are merely present day iterations of similar issues that emerged around the consumption of cannabis preparations in the late-nineteenth century. The question nevertheless remains, will the present wave of marijuana liberalization crest or be turned back once again? Perhaps just as state-level regulations in the nineteenth-century ultimately formed the foundation for the legal evolution toward federal drug control, so too might individual states again serve as laboratories for the next era of marijuana regulation. If so, we could do far worse than to consult a more comprehensive history of cannabis alongside more open and rigorous science. There is no doubt much to learn from both.

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