

THE TWENTIETH CENTURY  
MARIHUANA PHENOMENON  
IN CANADA

by

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B.A. University of Toronto 1983

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR THE DEGREE OF  
MASTER OF ARTS  
in the School  
of  
Criminology

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SIMON FRASER UNIVERSITY

December 1985

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## ABSTRACT

This thesis traces the social and legal history of marihuana from the implementation of the first narcotics legislation in Canada to the present. An examination of the parliamentary debates surrounding the passage of the first narcotics legislation reveals that although the laws were directed at a socially inferior group, there was very little conflict involved in their enactment. The dominant members of Canadian society were able to impose their definition of the dangers of drug use to facilitate the passage of narcotics legislation, facilitating control of the immigrant Chinese.

The thesis includes a content analysis of periodical literature and newspaper articles dealing with the marihuana issue. It is clear that what limited use of marihuana existed in the early part of this century was restricted to 'marginal' social classes. Marihuana was a 'killer weed' that turned its users into violent criminals. In the mid 1960's, marihuana use expanded rapidly, spreading, in particular, to middle-class youth. As the pattern of marihuana use changed, the moral and legal conceptions of the drug were altered as well. There was no longer a consensus on the dangers of the drug or the legitimacy of the criminal sanction against it.

The thesis also examines marihuana conviction statistics from 1956 to 1983. This analysis reveals that there have been substantial disparities in the treatment of offenders under the

Narcotic Control Act by province, age/sex and type of drug.

Given that from 1981 to 1983 over 5,000 individuals have been incarcerated for simple possession of marihuana, there is value in exploring alternative legal responses to the substance. It is suggested that a fine only sanction for possession of marihuana would be a politically expedient response to this current Canadian dilemma.

## ACKNOWLEDGEMENTS

The author wishes to acknowledge several people who were of assistance in the completion of this document.

Senior Supervisor Neil Boyd and Committee Members Dr. John Lowman and Dr. Ted Palys are to be thanked for always having open doors, their guidance and patience, and their intellectual stimulation in assisting me through this endeavour.

Aileen Sams was always willing to provide answers to the seemingly unsolvable bureaucratic problems that confront graduate students.

David MacAlister's assistance in coding articles (with no remuneration) for the reliability check of the content analysis scheme was greatly appreciated.

I would also like to thank Rob Gordon and Lynda Fletcher-Gordon and the people at Purpose for providing me with a break from it all, and helping to furnish the hardware to produce the thesis.

Finally, I would like to thank all the members of my family, whose moral support and inspiration were instrumental in the completion of the thesis.

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## CHAPTER I

### INTRODUCTION

According to virtually every study conducted on the subject, marihuana is by far the most commonly tried or used illegal drug in every population, social group, community or milieu in Canada. This fact is true regardless of whether one examines the college or the slum, urban settings or rural areas, men or women, rich or poor.

By 1983, more than 300,000 Canadians, about 85% of whom were under 25 years of age, had been photographed and fingerprinted for simple possession of marihuana (Bureau of Dangerous Drugs, Health Protection Branch, Department of National Health and Welfare, Canada). When one considers the fact that it is estimated that there is one detected offence to several hundred thousand undetected incidents of marihuana use (Goode, 1972) it is not difficult to question the effectiveness of Canada's current laws in their ability to deter and detect the incidence of marihuana possession.

This thesis will be concerned with tracing the social and legal history of marihuana from the passing of the first narcotics legislation in Canada, to the present. The various changes in laws prohibiting the substance, along with the public attitudes towards it, will be examined. Through a content analysis of the periodical literature on the subject of marihuana it will be shown how different rationales have been employed historically to justify the existence of marihuana laws in Canada.

It is apparent that what limited use of the drug existed in the early part of this century was restricted to 'marginal' social classes. However, when use became popular among middle class youth in the 1960's, the perceptions of the drug changed, and legislation was altered to allow for less severe penalties in some cases.

An extensive examination of marihuana conviction statistics from 1956 to 1983 will be conducted, with attention paid to both demographic and geographical differences in convictions and sentencing. This analysis will serve to emphasize that the activity of social control agents is the most crucial factor to consider in explaining these statistics.

Finally, it will be argued that the current laws against simple possession of marihuana are ineffective and should be repealed. Policy options ranging from outright legalization to minor penalty reductions will be examined and the feasibility of implementing these will be explored.

#### SOCIAL AND LEGAL HISTORY 1900 - 1960

Despite the fact that widespread marihuana use is a relatively recent phenomenon, it is clear that the plant has a very long and interesting social and economic history. The cannabis sativa or hemp plant has been cultivated for its fiber, its seeds, its leaves, flowering tops and resin. The fiber has been used for centuries in linen, canvas and rope, the seeds in bird food and for oil, and the leaves, flowering

tops and resin for religious, medicinal and psychoactive purposes.

Although there is a lack of agreement on exactly when marihuana was first utilized for its psychoactive properties, Chinese and Indian use may date as early as several millenia before Christ, and it was established in the Islamic world by A.D. 1000 (Abel, 1980:7).

While Europeans had cultivated cannabis for its fiber at least as early as the Renaissance, psychoactive use was apparently introduced only in the 19th century when Napoleon's armies brought hashish back to France from Egypt (Abel, 1980:35).

Cannabis was one of the first crops to be introduced in America by English settlers who used it for clothing and rope. French settlers in Canada also cultivated the crop, and by 1606 hemp was growing in Port Royal in Nova Scotia (Brecher, 1972:403).

Use of marihuana as a psychoactive substance was apparently not widespread in Canada until the middle or late 1960's, but the attitudes towards the drug in the 1920's and 1930's was an extension of the fears surrounding opium use that arose in the early part of the twentieth century (Cook, 1969).

The first narcotics legislation in Canada was concerned with opium and was ostensibly directed at the immigrant Chinese on Canada's west coast. The statute was passed in 1908 and was intended to suppress the importation, manufacture, and

sale of opium for other than medicinal purposes. Further debates dealing with other drugs such as cocaine and morphine led to the passing of the Opium and Drug Act of 1911, and the Opium and Narcotic Drug Act of 1920. Marihuana was added to the schedule of the latter Act in 1923, with no debate in Parliament, despite the fact that very little was known about the substance. This appeared to be in response to the writings of Mrs. Emily Murphy, a police magistrate and Judge of the Juvenile Court in Edmonton, Alberta. In her book, The Black Candle, Murphy included a section on the dangers of marihuana use, noting that it drove addicts "completely insane" (Murphy, 1922:333).

The changes in narcotics legislation in subsequent years reflected similar naive perspectives on the dangers of drug use. By the late 1920's, mandatory minimum penalties and a maximum of seven years imprisonment were allowed for, along with whipping, deportation, and sentencing to hard labour.

Because of the fact that marihuana was included with opium and other narcotic drugs in this legislation, it will be helpful to examine the content of Parliamentary debates dealing with all narcotics in order to determine the images of drug users and the dangers of drug use that were being portrayed by those responsible for legislating against them. An examination of the Parliamentary debates surrounding the passage of narcotics legislation will reveal that although the laws were directed against a socially inferior group, there was very little conflict involved in their passage. While the

dominant members of Canadian society were able to impose their definitions of the dangers of drug use to facilitate narcotics legislation and thus allow social control of the Chinese, there was very little opposition to their imposition. Also to be examined in this section will be annual RCMP reports which will provide a crude indication of how much of the drug was being used, who was using it, and how it was coming into the country. These reports, <sup>0</sup> combined with an account of some of the early case law <sup>2</sup> pertaining to drugs, will reveal that the consensus over the evils of drug use and the necessity of eradicating it was shared by criminal justice system officials.

Chapter IV will include a content analysis of the periodical literature <sup>3</sup> pertaining to the marihuana issue. The sample of articles was obtained by examining the Reader's Guide to Periodical Literature for all articles referenced to marihuana, cannabis, or hashish. These articles were read to determine whether or not they expressed or reported opinions on the users of the drug, the effects of the drug, and proposed changes in the laws dealing with the substance. How these articles characterized marihuana and its users should be representative of public discussion as a whole, and are of assistance in an understanding of why penalties under the Narcotic Control Act became increasingly severe until the 1969 amendments to the Act. As Humphries suggests:

Stories on crime are ideological in a hegemonic sense; their presentation conforms to the way of life and



thought that predominates in and is diffused throughout our society in all its institutional manifestations. (Humphries, 1981:205)

## SOCIAL AND LEGAL HISTORY 1960 - 1980

In the mid 1960's, marihuana use expanded rapidly, spreading in particular to middle class youth on university campuses. As the pattern of marihuana use changed, the moral and legal career of the drug was altered as well.

The decades prior to the 1960's had witnessed the outlawing of the sale, possession, and cultivation of marihuana and the progressive escalation of penalties for violations of the laws. These measures had been justified by a public conception of marihuana as a 'killer weed' that turned its users into violent criminals.

The second phase of marihuana's history from the mid-1960's to the present witnessed the crumbling of this consensus and the partial reform of the laws upon which it was based. There was no longer agreement as to the dangers of the drug or the legitimacy of the criminal sanction against it.

In 1969, the Narcotic Control Act was amended, making possession a hybrid offence. This meant that prosecutors had the choice of proceeding by way of indictment or summary conviction in possession of narcotics cases, and resulted in fines becoming an option for sentencing judges. ✓

In 1969 the Federal Government also appointed the LeDain Commission to examine the problems with non-medical drug use

in Canada. Partly in response to the recommendations of this Commission, further amendments to the Criminal Code allowed for judges to utilize absolute or conditional discharges in sentencing for simple possession offences under the Narcotic Control Act.

The content of the Parliamentary debates and the findings of the LeDain Commission that led to the changes in the law during this period will be examined, illustrating a marked change in attitudes towards marihuana and its use.

A similar alteration in attitudes will be revealed by the content analysis of periodical literature on the subject from 1960 to 1973, although it will be emphasized that no consensus on the effects of the substance emerged. Whereas violence had been posited as an effect of marihuana in the early literature on the subject, this theme was replaced by the idea that marihuana was a stepping stone to opiate addiction or that it led to indolence. It is evident that it was necessary to propose new effects of marihuana in order to legitimate the existence of punitive laws against the substance. Nonetheless, several opinions from 1960 to 1972 suggested that the substance was relatively harmless, and called for changes in the law dealing with marihuana. It will be suggested that these opinions were largely in response to the realization that marihuana was becoming a 'middle class' drug. It was simply not feasible to incarcerate thousands of people, especially middle class people, for the use of a drug that many believed to be no more, or less harmful than alcohol or

tobacco.

The final section of this chapter will deal with the attitudes towards marihuana as expressed in periodical literature and Parliamentary debates from 1973 to 1980, after changes in the law had occurred in Canada and the United States. Some interesting new effects of the substance were posited in the periodical literature, although most articles continued to emphasize the relative harmlessness of marihuana. In 1976, the Canadian Government introduced Bill S-19, which would have resulted in a softening of the criminal consequences of marihuana possession. This Bill was debated in the Senate, and never returned for passage in the House of Commons. Apparently, marihuana legislation was a low priority for the government of the day. It will be noted that the Canadian government's response to a growing body of literature arguing for changes in the legal response to cannabis has been to 'pass the buck', allowing criminal justice system officials to deal with the problem through the exercise of their discretionary powers.

#### THE EXERCISE OF DISCRETION IN MARIHUANA OFFENCES

The conviction statistics for marihuana, as provided by the Bureau of Dangerous Drugs, will be analyzed in detail from 1956 to 1983, in an attempt to explain the changes which occurred. Attention will be paid to demographic and geographical differences in conviction rates, and it will be suggested that some of the legislative change during this

period may have been indirectly responsible for the large increases in conviction rates.

There is little doubt that cannabis use increased substantially during the early and late 1960's. With the increasing availability of the drug, improved underground marketing techniques, the 'hippie culture'; and increasing reference to drugs in the popular music of the era, young people from all sectors of society began to experiment with marihuana. However, it seems rather dubious to suggest that the official statistics can provide one with an adequate understanding of the nature of the rise in marihuana use across Canada.

A thorough investigation of the various self-report studies conducted on cannabis use in Canada over this time period (Smart, 1983) was undertaken and several anomalies were revealed. Provincial and demographic disparities indicated by the conviction statistics are much more pronounced than would be predicted from the self-report studies, and it will be suggested that these divergences are largely the result of control factors. Crucial factors to consider in explaining these disparities are the public/private space distinction, the chivalry/paternalism hypothesis and the exercise of police discretion in marihuana possession cases.

An examination of the exercise of prosecutorial discretion reveals similar disparities in the treatment of offenders under the Narcotic Control Act by province, age/sex and type of drug conviction.

Finally, this chapter will suggest that the exercise of judicial discretion in sentencing decisions has resulted in similar disparities across the same variables. As Davis has suggested:

Perhaps it is not too much to say that the essence of criminal justice lies in the exercise of discretionary power. (Davis, 1969:18)

Certainly in the case of marihuana offences under the Narcotic Control Act the exercise of discretion at all three levels of the system is an important variable to consider. Dispositions at various levels of the criminal justice system are thus accounting procedures used to justify the existence of the formal law. Canadian legislators have been reluctant to implement specific changes in the laws dealing with marihuana, and the result has been disparate treatment for offenders charged under the Narcotic Control Act. While it is indeed true that such disparities exist for the treatment of other offenders in the criminal justice system, the nature and extent of these disparities for marihuana offenders and the fact that marihuana possession is regarded by many to be a 'victimless crime' emphasizes the need for an alternative policy to deal with marihuana.

#### THE NEED FOR LEGAL CHANGE

The law against simple possession of marihuana makes disproportionate demands upon the time of police, prosecutors, and judges. It imposes severe strains upon the criminal

*out police don't  
any more ✓*

justice system, and certainly an all out attempt to enforce the prohibition against simple possession would render the system inoperable. In many cases, police will not charge when they find evidence of simple possession of marihuana, and the majority of those convicted are sentenced to fines. Despite this, over 1900 people were incarcerated for simple possession of the substance in 1981.

When the law is enforced in what amounts to a discriminatory manner against young people and largely disregards those who are able to use marihuana privately, the potential for disrespect for the law on the part of the public is great. Canadian law moves through 1985, still retaining the 1930's sense of dread, sin and evil about the effects of inhaling the smoke from the marihuana plant.

The final chapter will examine several policy options that should be considered in the reform of marihuana laws. The effects of recent changes in American states such as California will be examined, illustrating that the lessening of penalties does not lead to increases in the use of marihuana. The absurdity of the present law that allows for imprisonment of marihuana possessors is overwhelmingly obvious, and the need for change undeniable.

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## CHAPTER II

### EARLY NARCOTICS LEGISLATION IN CANADA

Before entering into a discussion of the legal reaction to marihuana in Canada, it is helpful to discuss the laws pertaining to opium enacted in the early 1900's; the subsequent response to marihuana was clearly an extension of the fears surrounding opium use.

The criminalization of narcotic use is unique to the twentieth century and the history of this legislation in Canada has been well documented by several authors (see Trasov, 1962; Cook, 1969; Solomon and Madison, 1976-1977, Green, 1979; Boyd 1984a). In interpreting the legislation, all of the above authors have relied on a conflict model, stressing that certain power groups within Canada were influential in generating legislation that was directed against the immigrant Chinese. Thus Cook asserts, "The law developed as a political process and reflected the current power differentials" (Cook, 1969:38). Similarly, Solomon and Madison contend:

Canada's initial response to non-medical opiate use was to sacrifice Chinese business interests and to inconvenience Chinese users, while treading softly on Caucasian business interests which to a far greater extent were responsible for the non-medical use of opium.

(Solomon and Madison, 1976-1977:247)

The following analysis, while not denying that the legislation was directed at a socially inferior Chinese population, will emphasize that the laws were passed with little

conflict at all. As Hall et al. have suggested:

Society clearly works better when men learn to discipline themselves; or where discipline appears to be the result of the spontaneous consent of each to a common and necessary social and political order; or where, at least the reserve exercise of coercion is put into effect with everyone's consent.

(Hall et al., 1978:202)

There was virtually no resistance to the passage of anti-opium laws in Canada, and as Green has noted:

In time, through the efforts of zealous reformers and enforcers and the paucity of organized or influential opposition, the public came to share the drug ideology that motivated the initial anti-drug crusaders.

(Green, 1979:78)

Thus the state, through the production of consent over the drug issue, created social control over a subordinate group, the Chinese.

The first Chinese had come to Canada in the 1850's to work in the British Columbia gold mines, and several thousand more arrived later in the century to build the railroads and cut down the forests. The majority of these Chinese were middle-aged labourers without the support of wives or families, and wherever large groups of males live in isolation from females, there is likely to be extensive drug use (Smart, 1983:9). Opium was the preferred drug among these Chinese, and consequently, a large number of opium dens were established in British Columbia to serve the Chinese.

By the early 1880's employment opportunities were not as



extensive, and the Chinese, who were willing to work for less money than white labourers, increasingly became the object of public animosity. As Solomon and Madison have noted:

The tolerant attitude towards the Chinese and Chinese opium smoking lasted only as long as the labour shortage. The decline in railroad construction and the end of the gold rush reduced job opportunities. ... The Chinese, once welcomed as a cheap source of labour, were now resented for this very reason. White labour could not compete with the Chinese workers, who were unmarried and lived frugally. It was not the white businessman who was blamed, but the Chinese labourers he hired, for they were willing to work for a salary a white man could not live on. (Solomon and Madison, 1976-1977:240)

Asiatic exclusion leagues were formed in most British Columbia cities and these groups attempted to force more stringent immigration laws to exclude Orientals and East Indians. In 1875, the government of Canada imposed a tax of \$50 on Chinese brought into the country by employers. In 1904 the tax was raised to \$500 (The Chinese Immigration Act, S.C. 1904). These taxes did not apply to European immigrants. Legislation was also passed preventing Chinese from hiring white women for fear they would corrupt the women, and for several years Orientals were denied the right to vote in British Columbia elections (Roy, 1976:249).

Despite the levying of the tax on Chinese, Oriental immigration continued into British Columbia and Anti-Asiatic sentiments intensified. The Asiatic Exclusion League, inspired by the economic fears of white workers, held a protest rally

in Vancouver in the fall of 1907. A large crowd converged on City Hall and a full scale riot ensued, resulting in substantial property damage in the Chinese and Japanese districts of Vancouver (as cited in Green, 1979:45).

In response to the riots, MacKenzie King, the Deputy Minister of Labour, was dispatched to the west coast by Prime Minister Laurier to investigate claims for losses incurred by the Chinese. King received claims from two opium manufacturers, whom he discovered had employed 19 persons and had combined gross receipts of over \$300,000 for the year 1907 (MacFarlane, 1979:16). Somewhat astonished by the extent of the opium industry, King carried on further investigations and prepared and submitted a report entitled "Report on the Need for the Suppression of the Opium Traffic in Canada" (1908).

The report suggested that opium smoking was increasing among young white men and women and that considerable profits were being made by the Chinese merchants. Boyd makes the important point that King's initial reaction was to call for the licensing of Chinese druggists, but when affluent and powerful Chinese spoke out, King decided to legislate.

The support of these Chinese then elevated King to the status of 'moral entrepreneur', he moved swiftly and decisively against the use of opium. (Boyd, 1984:116-117)

King's report and recommendations were dated June 26, 1908. By July 13 the Commons had passed the Opium Act prohibiting the sale and importation of opium for non-medical reasons (Green, 1979:47). This clearly illustrates how little

public debate took place over the law; there was no opposition to it, no conflict. It must be remembered that at this time there was little evidence to suggest that opium smoking affected the health or social functioning of the users of the drug. In fact, many argued that it was safer than alcohol and that opium smokers were altogether a better class of people than drinkers (Smart, 1983:10).

Green suggests that the racist and moralistic foundation of the 1908 legislation is apparent when it is compared to other drug related bills proposed in the same year. For instance, a private member's bill to prohibit the importation and manufacture of cigarettes generated considerable discussion in the House regarding the adverse moral, medical and intellectual consequences of tobacco smoking on youth. Nonetheless, the bill was defeated (Green, 1979:47).

The Opium Act of 1908 prohibited only trafficking and possession for sale of the substance, not simple possession itself. Possession for sale and trafficking in opium both carried a \$50 minimum and a \$1000 maximum fine, with an option of up to three years in jail for importation and manufacture (S.C. 1907-1908).

Somewhat dissatisfied with the limited scope of the initial legislation, King, now the Minister of Labour, introduced a new Opium and Drug Act, providing for more stringent penalties and including other substances. The moral basis of King's position is reflected in the following statement he made to the House in introducing the legislation

in 1911.

What we are striving for in legislation of this kind is the conservation of human well-being. A great deal has been said about the conservation of our natural resources; but natural resources are given to man for the use of man and not the destruction of human life. The first of all resources to be conserved are the health and life, moral as well as physical, of our people, and it is to keep these intact and to help to build up in Canada a strong and a happy, and a moral people that the government brings forward this legislation.  
(House of Commons Debates, 1911:2530)

In the course of the debates over the Bill, King cited many alarmist statements concerning drug abuse. The Dominion parole officer had suggested that 12 to 15% of young prisoners he came into contact with attributed their downfall to drugs (House of Commons Debates, 1911:2523). There was also reference to a probation officer from Montreal who spoke of "little girls taken out of cocaine dens and of young boys whose futures had been ruined" (House of Commons Debates, 1911:2526). The suggestion that drug use was spreading to young people was a matter of considerable concern to members of Parliament. King also claimed support from the Canadian Pharmaceutical Association, the Royal College of Dental Surgeons, the Young Men's Christian Association, the University Settlement of Montreal, various clergymen and religious leaders from across the country, and 429 persons of Montreal, "including many prominent citizens" (House of Commons Debates, 1911:2526).

Indeed, King had gone to such lengths in describing the problem that one member was prompted to imply that King was wasting Parliament's time in presenting the various briefs, noting; "I have not heard of anyone opposed to the Bill" (House of Commons Debates 1911:2527). In summing up his statements to the House, King suggested:

I hope the House will not feel that in quoting these documents I have any other purpose than to show how many different classes of people feel the necessity for legislation of this kind. (House of Commons Debates, 1911:2530)

This statement seems somewhat ironic when one considers that the people King had referred to hardly represented a broad cross-section of society. However, it is clear that a consensus over the evils of drug use had developed and that this agreement justified the punitive legislation that was enacted. King had been successful in creating a 'moral panic' over the issue of drug use. As Hall et al, suggest:

The moral panic appears to be one of the principal forms of ideological consciousness by means of which a 'silent majority' is won over to the support of increasingly coercive measures on the part of the state, and lends its legitimacy to a 'more than usual' exercise of control. (Hall et al., 1978:221)

The most debated aspect of the Bill was Section 14 which would have provided the Governor in Council the power to "from time to time, add to the schedule of this Act any substance, the addition of which is deemed necessary in the public interest".

Several members expressed concern over such a provision, one pointing out that certain substances in vogue, especially among the middle and upper classes at the time, might be subject to criminalization.

It seems to me that this legislation gives absolute power to the Governor in Council to say that tobacco is a drug, and ought to be treated in the same way as these here mentioned. That would create a situation which it is not intended to create, because every tobacco smoker would become a criminal. I presume alcohol might be treated in the same way.

(House of Commons Debates, 1911:2550)

King finally succumbed to the opposition to Section 14, and amended it by inserting the words "Alkaloids, derivatives and preparations of the drugs named in the schedule hereto" in lieu of the word substance.

Conspicuously absent in the debates over the Bill was any informed discussion on the actual effects - mental or physical - of the drugs to be included in the Act. Cocaine and morphine were added to the 1911 Act, with the realization that "as the opium traffic was suppressed other drugs equally as dangerous might take its place" (House of Commons Debates, 1911:2530). It was thus deemed necessary to pass effective legislation with respect to other 'habit forming drugs'.

Cook suggests that the early legislation clearly reflected power differentials in Canadian society, despite the "political passivity of those defined as deviant" (Cook, 1969:38). She maintains that the medical profession was probably just as much responsible for opiate addiction as the

Chinese opium peddlars of the time, yet no legislation was enacted to deal with this problem (Cook, 1969:39). Senator J.H. Wilson was the only member of Parliament to express concern that the Chinese were being singled out as the offenders rather than the medical profession.

The indiscriminate use of opium is a very deleterious habit, yet that is no justification for making the use of it a criminal offense. This habit is principally among the Chinese. Have we the right to make criminals of people, because they have learned the habit in their younger days and now desire to continue it? Much of the habit of using opiates, morphine or cocaine has been brought about by its indiscriminate use as authorized by physicians... Why not punish the physicians?

(House of Commons Debates, 1911:399)

The fact that it was decided that the deviants were to be Chinese opium users rather than doctors reflected the prevailing social stratification in Canadian society (Cook, 1969:39).

The changes encompassed in the 1911 Opium and Drug Act included penalties for the smoking of opium (maximum of a \$50 fine or three months), being found in an opium den, and for the possession of opium, cocaine, morphine and eucaine (S.C. 1911). The creation of offenses for opium use and possession were an important addition which facilitated police work in securing convictions. It was far easier to find people in opium dens than it was to detect traffickers in the drug.

The issue of drug use was not a pressing one during the next decade, with the First World War and issues arising from

it preoccupying the House. No significant amendments to the legislation were introduced until 1920, when the government proposed to "put into legislative form the conclusions embodied in the International Opium Convention signed at the Hague in January 1912" (House of Commons Debates 1920:557). The 1920's saw a great strengthening of Canadian drug laws. By 1929 there was a total of 28 offenses. The 1922 amendments allowed for the deportation of convicted aliens for trafficking and a maximum of seven years imprisonment. Selling or giving drugs to minors carried a minimum six months penalty, with whipping allowed, at the discretion of the court. The right to search premises for illegal drugs without a warrant was also introduced in 1923 and cannabis was added to the list of controlled drugs in the same year (S.C. 1923). Persons found in a building containing a narcotic drug were deemed to be in possession of the drug unless they were able to establish that the drugs were there without their knowledge, authority or consent (S.C. 1921). The Commons debates dealing with the subject of drug legislation in the 1920's reveal more of the the moralistic and racist attitudes that initially appeared some years earlier with the passage of the first legislation. There was also considerable agreement over the need for punitive legislation. In calling for stiffer penalties for those convicted under the Act, H.H. Stevens, a Vancouver member, noted:

It has been found in administering the original Act that light penalties and comparatively small fines had very really deterrent effect...



this deliberately conceived illegal distribution of drugs results in the ruination of scores of lives of young girls and young men from the best and by 'best' I mean morally good.

(House of Commons Debates, 1921:2897-2900)

One member suggested it would be useful to allow for the deportation of aliens convicted under the Act as it would facilitate the removal of Chinese from the country.

In view of the fact that of 835 convictions last year, 634 were of Chinese, would it not be advisable that all Orientals found trafficking in drugs shall be deported? This would help to some extent to solve the Oriental question in this country.

(House of Commons Debates, 1921:2894)

The amendment allowing for the deportation of aliens was clearly directed towards the Chinese population of British Columbia. As the Minister of Health, H.S. Beland noted in 1923, "We are deporting Chinamen as fast as we can" (House of Commons Debates, 1923:699).

Another influential figure in the increasing severity of Canada's narcotics laws was Mrs. Emily Murphy, a Police Magistrate and Judge of the Juvenile Court in Edmonton Alberta. Murphy was commissioned to write a series of five articles on the drug problem for Maclean's magazine in 1922, and from these articles she published a book on the subject, The Black Candle.

Although Murphy was probably sincerely interested in helping many of those who appeared before her, she had no sympathy for drug sellers or users.

Both the articles and the book were a blend of statistics, moral anecdotes, popular racial bias, fables and sensationalism. They were specifically written in a provocative manner to arouse public interest. (Solomon and Madison, 1976-1977:255)

At one point in The Black Candle, Murphy provided a picture of a young white woman lying on a bed beside a black man with opium smoking paraphenalia between them. The caption accompanying the picture stated; "When she acquires the habit, she does not know what lies before her; later she does not care" (Murphy, 1922:30).

The drug pushers, Murphy told her readers, were mostly non-white and non-Christian. Behind these outcasts, she maintained, was an international conspiracy of yellow and black drug pushers whose ultimate goal was the domination of the "bright browed races of the world" (Murphy, 1922:88).

All honest men and orderly persons should rightly know that there are men and women who fatten on the agony of the unfortunate drug addict - palmerworms and human caterpillars who should be trodden underfoot like the despicable grubs that they are. (Murphy, 1922:7)

Murphy was also careful to make the distinction between the dangerous drugs such as cocaine, and alcohol, the drug of choice of the middle and upper classes.

The users of alcohol represent the stronger side of human nature... The user of alcohol is no weakling, either in talk or action ... Alcohol may momentarily kindle the spark of genius. Dope never... It produces thoughts of crime, meanness, baseness, selfishness and degeneracy. (Murphy, 1922:59)

The public's profound ignorance of drug use and the lack of objective information to counter Murphy's claims enhanced her apparent expertise. Murphy became one of the "primary definers" (Hall et al ., 1978:58) of the topic of drug use and her writings were influential in creating a consensus image of drug users and a legitimacy for drug laws.

Murphy also advocated stricter law enforcement and harsher penalties to deal with drug offenders. Her recommendations included mandatory minimum sentences, whipping and the deportation of aliens (Murphy, 1922:192-199). Several of these recommendations were embodied in the legislation of the 1920's.

Of course, the mere existence of narcotic drug legislation itself does not specify its punitive content nor the energy with which it will be enforced and interpreted by the judiciary. The early case law and annual reports of the RCMP are valuable sources in indicating that drug use was deemed to be just as pernicious by the agents of the criminal justice system as by the legislators.

The annual RCMP reports for the 1920s and 1930s devoted substantial sections to drug enforcement in each province, and these were a major source of public information on the drug trade (Solomon and Madison, 1976-1977:258). The following statement from the 1922 report is reflective of the nature of drug use and the drug trade that the RCMP conveyed to the public.

It has been observed that Chinese

addicts to this vice continue to be devoted to opium, and to be little inclined to the use of the other drugs; but further that cocaine and the other noxious drugs usually are to be obtained in the Chinese opium dens, so that white addicts repair to these plague spots.

The difficulties of repression are exceedingly great, for several reasons. One is the ease with which these drugs, which are small in bulk, can be imported; numerous and very cunning devices are resorted to for the purpose of smuggling them, instances being known of their being most artfully concealed in shipments by apparently reputable firms from abroad... Yet another obstacle is the repulsive nature of the work of repression, entailing as it does contact with particularly loathsome dregs of humanity; our men greatly dislike it, and it is undertaken only in accordance with duty, and because of the knowledge that while unpleasant it is a service to humanity.

(Annual Report of the RCMP, 1922:16-17)

The annual reports also indicated that the enforcement of drug laws was directed primarily at minority groups. For instance, the Manitoba superintendent reported in 1926:

We were fortunately, able to convict perhaps the principal street peddler of opium (Chinese). Some dozen Chinese men were convicted during the year, most them for minor infractions. One Negro was convicted for the illegal possession of drugs, and it is known that his dive had been a particularly vicious resort for male and female addicts of all races.

(Annual Report of the RCMP, 1926:34)

The drug problem was seemingly confined strictly to Orientals, as virtually every case referred to in the reports

mentions them. In 1930, the Alberta superintendent wrote:

In southern Alberta, a series of convictions of Chinese extending over several months broke up a traffic which had existed among these people and some degraded whites in Lethbridge.

(Annual Reports of the RCMP, 1930:21)

While it is impossible to acquire information on differential rates of drug use among whites and Orientals in the early 1900s, it is obvious that enforcement efforts were primarily directed at the Chinese. The following table providing the race of those arrested under the Opium and Narcotic Drug Act from 1924 to 1936 gives further evidence.

RACE OF THOSE ARRESTED UNDER THE OPIUM AND NARCOTIC DRUG ACT

YEAR	WHITE	CHINESE	COLOURED	JAPANESE
1924	117	158	14	-
1925	168	280	2	-
1926	175	187	9	-
1927	88	160	-	2
1928	77	107	3	2
1929	45	255	2	-
1930	59	190	3	2
1931	92	127	4	1
1932		NOT AVAILABLE		
1933	104	184	-	8
1934	86	108	2	-
1935	74	47	-	3
1936	115	50	4	3

TOTAL 1200 1853 43 21  
(SOURCE: ANNUAL REPORTS OF THE RCMP)

The fact that Chinese comprised 60 percent of the convictions over this time period is even more notable when one considers that they were a very small portion of the overall Canadian population. It should also be mentioned that after 1936 the RCMP reports contain no more information on the race of those arrested under the provisions of the Act.

Interestingly, this is precisely the period when whites begin to overtake the Chinese in numbers of arrests. As Green suggests:

The conclusion that the increasingly severe nature of Canada's narcotic laws was politically facilitated by the assumption that their impact would fall mainly upon the Asiatic population appears impossible to avoid.

(Green, 1979:58)

The judiciary of the day also shared the legislator's concern over the drug traffic, meting out stiff penalties, often accompanied by diatribes deploring the traffickers. In increasing the sentence of a heroin trafficker from six months to three years, Justice Fullerton of Manitoba suggested that it was necessary for the Court to assist the government in stamping out the illegal drug traffic (R v Venegratsky (1928) 49 C.C.C. 298).

Similarly, in R v Mah Qun Non, Justice McPhillips of the British Columbia Court of Appeal indicated the court's backing the war against narcotics.

The illegal traffic in drugs is a large deleterious traffic, and one inimical to the health and mentality of our people. The policy of the law is that it shall be destroyed.

(R v Mah Qun Non (1934) 1 W.W.R. 78)

In one of the more serious early drug cases in Canada, the accused brought a reported quarter million dollars of narcotics into Quebec in 1930. The Chief Justice of the Quebec Superior Court delivered a bitter invective to the accused in sentencing him to several seven year sentences, ten lashes and

finer.

The burglar is a brave man compared with you. He takes at least his own life in his hands. The victim of a murderer as a rule has a fighting chance, but your victims have none. ... Ruined in body, weakened in mind, they are helpless against your attack. Acquiring the deadly habit they will commit any offence to secure the money with which to secure the longed for drug. Holdups, robbery, theft and even murder is chargeable to your traffic.

... The traffic in deadly narcotics must be stopped. Hopeless as it may seem, there is one way at least to aid in the process and that is... to put you and the pestilential vultures of your class beyond the reach of the drug.

(R v Davis (1933) 61 C.C.C. 90)

It is thus evident that the revulsion for the drug trade was shared by legislators, law enforcement agents and the judiciary. The public identification of opium smoking with a socially inferior Chinese population facilitated the passage of legislation which was initially directed at this immigrant culture, and was vigorously enforced against them. This legislation was passed with little opposition and virtually no discussion on the actual effects of the drug. The process of legislative revision had created a moral redefinition of narcotic drug use, and what once had been viewed as a private indulgence came to be considered a public evil (Green, 1979:43) with the potential to be devastating to the youth of the country. It is within this climate of fear and disgust towards drugs that the legal reaction to marihuana in the twentieth century must be considered.

## CHAPTER III

### MARIHUANA IN CANADA - THE EARLY YEARS

Cannabis was added to the schedule of controlled drugs under the Opium and Narcotic Drug Act in 1923, (S.C. 1923) and nowhere is the previously mentioned influence of Judge Emily Murphy more clearly illustrated. Murphy was the first to draw the Canadian public's attention to marihuana. In The Black Candle, she included a chapter on "Marihuana - The New Menace". Although there was very little evidence to suggest that a marihuana problem existed in Canada, Murphy had conducted extensive literature searches (Murphy, 1922:1-3) and drew on these sources to make her points. Citing Warnock, she described the hashish user in the following terms.

They are good for nothing lazy fellows who live by begging or stealing, and pester their relations for money to buy the hasheesh, often assaulting them when they refuse the demands. The moral degradation of these cases is their most salient symptom; loss of social position, shamelessness, addiction to lying and theft and a loose irregular life makes them a curse to their families.  
(As cited in Murphy, 1922:334)

Murphy also included the comments of Charles A. Jones, the Chief of Police of Los Angeles.

Persons using this narcotic, smoke the dried leaves of the plant, which has the effect of driving them completely insane. The addict loses all sense of moral responsibility. Addicts to this drug, while under its influence, are immune to pain... While in this condition they become raving maniacs and are liable to kill or indulge in any form of violence to other persons, using the most savage



methods of cruelty.  
(As cited in Murphy, 1922:332-3)

In her discussion of marihuana, Murphy chose to ignore some of the literature that existed at the time which suggested that marihuana was not necessarily a dangerous substance. The Indian Hemp Drugs Commission which had been appointed by the British Government to examine cannabis use in India concluded in its 1893 report:

On the whole, the weight of evidence is to the effect that moderation in the use of hemp drugs is not injurious... The temptation to excess is not so great as with alcohol. (Indian Hemp Drugs Commission, 1893: v.1, :186)



In regard to the physical effects of the drug, the Commission came to the conclusion that the moderate use of hemp drugs was practically attended by no evil results at all. "The excessive use does cause injury, but does not cause asthma. It may cause dysentery and may cause bronchitis" (Indian Hemp Drugs Commission, 1893: v.1, p.263). "The moderate use of hemp drugs produces no injurious effect on the mind" (Indian Hemp Drugs Commission, 1893: v.1, p.264). Similarly, Walsh had suggested in 1894:

It would seem that the moderate use of hemp drugs may be beneficial under certain conditions; at any rate such moderate use cannot be harmful... there is not, in my opinion, any specific property in hemp drugs which incites to violence or crime" (Walsh, 1894:23).

An editorial in the same Journal had reported: "apparently it is much less liable than alcohol to induce men to commit

violent actions. (Journal of Mental Science, 1894:107).

The idea that moderate use of cannabis was even possible, and that such moderate use was relatively harmless to the user, was a point that was obscured in much of the popular literature and uninformed debate over the drug that occurred in the first few decades of the twentieth century.

The fact that Canada did not support the Italian and American initiatives to include cannabis in the list of proscribed drugs at the 1909 Opium Conference in Shanghai (Abel, 1980:232) indicates how little importance Canada attached to marihuana during the early years of anti-narcotics legislation.

However, the influence of Murphy in the addition of cannabis to the schedule of drugs under the Opium and Narcotic Drug Act is clear. The image of marihuana users she portrayed corresponded with the previously established category of opium addicts. Behind the efforts to outlaw marihuana was the belief that this drug, like opium and cocaine, could potentially release the inner decadence of minority groups. The campaign against drugs in general was so powerful that all that was necessary to view marihuana as a threat was to brand it as a narcotic. Automatically, it too became a malevolent drug that could destroy a person's morality, turn him or her into a degenerate and lead them to crime and sexual promiscuity. Indeed, as the content analysis of periodical literature that follows will reveal, in many cases, marihuana was viewed as even more dangerous than opium or cocaine. ✓✓

Thus, in 1923, cannabis was added to the list of prohibited drugs under the Opium and Narcotic Drug Act with the words "There is a new drug in the schedule" (House of Commons Debates, 1923:2124). There was no indication on the part of the Government concerning the reasons for its action, and certainly no opposition members were going to object to placing cannabis under the Act, considering the attitude towards illegal drugs in general at the time. [By including cannabis in the Opium and Narcotic Drug Act without providing any basis, "either pharmacologically, psychologically, sociologically, or just plain logically" (Whitaker, 1969:67) as to why it should be there, the legislators of the 1920s inadvertently set us on a course that has sent thousands of people to jail in the ensuing sixty years.]

Despite the fact that marihuana was placed under the Act in 1923, it is clear that it was not a serious social problem in Canada in the early years, as there were only 25 convictions for marihuana possession in the country between 1930 and 1946 (Green and Miller, 1975:498). Further evidence that the drug was not a major problem is provided by the annual reports of the RCMP, which listed figures on the amount of each particular drug seized under the Act. Although it is reported that 110 grams of cannabis was seized in 1923 (Annual Report of the RCMP, 1924), seemingly to justify placing the substance under the Act, the next reference to marihuana is not until 1931, when the Manitoba District Commissioner suggested; "Marihuana has not yet made its appearance in this

city" (Annual Report of the RCMP, 1931:21). The drug does not appear in the seizure figures again until 1932, when it is reported that 13 ounces, 221 grams and 9 marihuana cigarettes were seized (Annual Report of the RCMP 1932), ostensibly all of this amount in Ontario.

The Ontario superintendent stated "A Chinaman named Joe Toy and a white man, one Lorne Stoneberg", had smuggled some of the drug into Walkerville Ontario from Detroit (Annual Report of the RCMP, 1932:29). Marihuana had also made its way to Ottawa, "where a young girl was used as one of the distributors" (Annual Report of the RCMP, 1932:32).

The appearance of cannabis prompted an editorial in the 1934 Canadian Medical Association Journal which indicated that marihuana cigarettes were being sold for \$1.00 each in Walkerville and that some thirty young people in Windsor were addicted to it (Canadian Medical Association Journal, November, 1934:545). This seems a phenomenal price to pay for one marihuana cigarette, considering that this was at the height of the depression, and probably reflects further the confusion surrounding cannabis. This price seems even more perplexing when one considers that the same editorial suggests that it was possible to purchase 370 grams of the loose weed for \$3.10 (Canadian Medical Association Journal, November, 1934:545).

Another article from the New York Times was included in the same edition of the Canadian Medical Association Journal, suggesting that "the poisonous weed which maddens the senses

and emaciates the body", was responsible for most of the crimes of violence in the western and southwestern United States (Canadian Medical Association Journal, November, 1934:561). The article also mentioned that "marihuana when mixed with hay causes death to the horses that eat it" (Canadian Medical Association Journal, November, 1934:561).

Despite the fact that marihuana was apparently being utilized for its psychoactive properties in Canada at least as early as 1931, the legislators of the country exhibited considerable confusion regarding the drug and its legal status in the early 1930s. In 1932, as the amendments to bring the Opium and Narcotic Drug Act into conformity with the 1931 Geneva Convention were being discussed, an interesting exchange took place.

Mr. Lapointe: "What is cannabis sativa?"

Mr. Cotnam: "I think it must be ultra vires."

The Minister of National Health and Pensions spoke, indicating that the use of marihuana would be allowable.

Hitherto this was a drug which was not included in the list which might be used. It is one form of the drug used in India, which I believe goes under the popular name of hashish... There is no objection to the use of it and therefore permission will hereby granted for its use.  
(House of Commons Debates, 1932:1793)

Needless to say, the fact that marihuana was already listed under the Opium and Narcotic Drug Act at this time prevented its legalization.

Cannabis became a source of increasing concern to RCMP

officials in the 1930s, especially with the realization that the plant was growing wild across the country. In 1936, cannabis was found growing on a vacant lot in Calgary. Nonetheless, the Alberta superintendent was confident that it was only utilized as a hedge or windbreak, suggesting that the use of marihuana was "negligible in this part of the Dominion" (Annual Report of the RCMP, 1936:107). The Quebec superintendent reported in 1938 that the drug trade was under control with the exception of cannabis sativa.

A dangerous situation exists in that the weed has been found growing extensively in areas surrounding Montreal. While all such patches discovered have been destroyed, it is, of course, impossible to eradicate such a widespread weed in the short space of time that has elapsed since its discovery in Canada. Should the method of use become widely known, this weed will present a serious menace.  
(Annual Report of the RCMP, 1938:66)

Marihuana was also found to be growing in Manitoba (Annual Report of the RCMP, 1938:66).

The year 1937 had also evidenced a comparative rash of marihuana cases in the RCMP reports. In the first reported British Columbia case, a man had smuggled a number of marihuana cigarettes from Seattle in the tires of his automobile (Annual Report of the RCMP, 1937:84). The plant was also found growing in a garden in Edmonton, and two court cases are reported from Windsor, one involving an American by the name of deBozy, who was believed to be one of the main sources of supply for the drug in that city (Annual Report of

the RCMP, 1937:153).

It is quite clear that this sudden interest in marihuana can be attributed to the influence of the media which provided a forum for the Commissioner of the Bureau of Narcotics in the United States and others to create a 'moral panic' over the drug. Indeed, the 1938 RCMP report had noted "the drug (marihuana) has recently received much attention in news reels and press" (Annual Report of the RCMP, 1938:51). The Quebec superintendent stated in the same year "I suggest that an effort be made to convince the press to curtail articles describing this weed or its uses" (Annual Report of the RCMP, 1938:66). However, it was very likely this same press attention was at least partially responsible for the increased police attentiveness to marihuana and the resultant increase in marihuana "crimes".

In 1932, Harry Anslinger, the first Commissioner of the United States Bureau of Narcotics seemingly did not see marihuana as a serious problem, but suggested that the media were overplaying the use of the drug.

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... and more attention has been focussed upon specific cases reported of the abuse of the drug than otherwise would have been the case. This publicity tends to magnify the extent of the evil and lends colour to an influence that there is an alarming spread of the improper use of the drug, whereas the actual use may not have been inordinately large.  
(As cited in Abel, 1980:241)

Nonetheless, Anslinger would soon express a markedly different attitude towards marihuana. In the midst of the depression, the United States Congress began to examine the budgetary requirements for federal agencies and the Bureau of Narcotics budget was reduced by \$200,000 (Abel, 1980:240). One obvious answer to this bureaucratic crisis was to create a new drug menace to justify the Bureau's existence, and marihuana suddenly became the new 'assassin of youth'.

At the 1936 Geneva Conference for the Suppression of Illicit Traffic in Dangerous Drugs, Anslinger urged that cannabis be included in any treaty adopted. The other delegates refused to agree since a subcommittee charged with examining cannabis indicated that there was insufficient knowledge of the physiological and psychological effects of the drug to warrant any such proposal (Abel, 1980:242).

Nevertheless, Anslinger was persistent in his efforts and began to supply community service groups and the popular press with information concerning the alleged atrocities committed by people under the influence of marihuana. It is evident from the content analysis of the popular literature of the late 1930's that Anslinger was extremely influential in generating an anti-marihuana campaign in the media that lead to the passage of the Marihuana Tax Act in the United States in 1937. There were 17 articles on marihuana listed in the Reader's Guide to Periodical Literature from 1935 to 1939. Ten of these articles either explicitly acknowledged the help of the Bureau in providing facts and figures or gave implicit evidence of



assistance by utilizing facts and figures that had appeared earlier, either in Bureau publications or in testimony before the Congress (Becker, 1966:62).

This sudden attention to marihuana in the United States did not fall upon deaf ears in Canada. In the first reported possession of marihuana case in Canadian case law, a County Court Judge in Yale, British Columbia, cited a recent article by H.J. Anslinger in sentencing the offender.

It deals in a graphic and arresting way with the ever growing menace attending the use of this deadly drug to which so many young men and girls of high school age in the United States are becoming rapidly addicted... The Commissioner states that murders, suicides, robberies, criminal sexual assaults, holdups, burglaries and deeds of maniacal insanity are yearly being caused by the use of this deadly narcotic drug. These drug tinctured cigarettes are promised by the dope peddlers who operate generally amongst the young to produce a new thrill, to accomplish wonderful reactions without any harmful after effects.  
(R v Forbes, (1937) 69 C.C.C.:140)

The accused was subsequently sentenced to eighteen months hard labour and a \$200 fine.

In light of the increasing press time being accorded the devastating effects of the drug and the realization that cannabis was growing in Canada, the government decided in 1938 that it was necessary to legislate against cultivation of marihuana. This period marks the first actual debate that took place over marihuana in the House of Commons, fifteen years after its use had been criminalized under the Opium and

Narcotic Drug Act. The discussion that ensued in the Commons in 1938 reveals considerable confusion regarding what marihuana was and why it had suddenly become a serious problem.

The then Minister of Pensions and National Health, C.G. Power, attempted to inform the House about marihuana, noting that "it was the reason there was an attack on Troy" (House of Commons Debates, 1938:772) and that "our modern word assassin comes from the name given to the people who were first known to have used it" (House of Commons Debates, 1938:772). One member of Parliament stated that he had read a report by Anslinger who had suggested that the drug was the "assassin of youth and that it was one of the greatest menaces which has ever struck that country" (House of Commons Debates, 1938:773). With such an introduction to cannabis it is not surprising that the proposed legislation would pass without considerable opposition. Nonetheless, one Parliamentarian took issue with the immediate implementation of the Bill, suggesting that the sudden attention to cannabis was somewhat unusual given that the plant had been growing in the country for some time.

Since this bill has been brought in I have received communications from certain persons in Lambton County who for over 24 years have been growing what is called Indian hemp for commercial purposes... with no complaint from the narcotics branch nor from any other source whatsoever. (House of Commons Debates, 1938:910)

Further, a Western member noted; "You can go for 800 miles or

so through the west and in probably every other garden you will find this weed" (House of Commons Debates, 1938:775).

Although there was some rather weak opposition to the passage of the Bill, it nonetheless passed through the Commons and the Senate where the messages of Anslinger were cited once again (Debates of the Senate, 1938:1174). Thus in 1938, unauthorized cultivation of hemp was made a criminal offence, subject on indictment from six months to seven years imprisonment and a fine of \$200 to \$1,000, and, at the discretion of the judge, whipping (S.C. 1938): all this for the cultivation of a plant that grows wild all over the world.

There was not a great deal of concern over marihuana in the next few years. It was not until the mid-1960's that concern arose again. In 1946, in response to a question of how much marihuana was being produced in Canada the Minister of National Health and Welfare reported that "None is manufactured and none can be carried out by a druggist. Some but not very much is used" (House of Commons Debates, 1946:1698). In 1952, the then Minister of National Health and Welfare suggested that marihuana was being used in Canada but not in large quantities (House of Commons Debates, 1952-53:5002). Furthermore, the 1955 Report of the Special Senate Committee on the Traffic in Narcotic Drugs delivered the following comments on marihuana:

No problem exists in Canada at present in regard to this particular drug. A few isolated seizures have been made but these have been from visitors to this country or in one or two instances from Canadians who have

developed the addiction while in other countries.  
(Debates of the Senate, 1955:693)

It is perhaps not surprising that the Senate Committee would reach such a conclusion, considering that there were only three convictions in all of Canada for marihuana in the previous year (Bureau of Dangerous Drugs, 1955). From 1947 (the first year for which judicial statistics are available) until 1955 inclusive, there was a total of only 36 marihuana convictions under the Opium and Narcotic Drug Act.

Nonetheless, the Opium and Narcotic Drug Act, under which marihuana was included, was amended from time to time in the 1940's and 1950's. This was largely in response to problems with heroin use. Although Canada's known addict population gradually decreased from 4,000 in 1946 to about 2,300 in the mid-1950's (Senate Committee on the Traffic in Narcotic Drugs, 1955:24) reports of increasing heroin use among the racial minorities of the American ghettos sparked concern over heroin use in Canada, particularly in Vancouver (Solomon, 1977:8). In 1953-54 the term 'trafficking' was first employed to describe an offence. At the same time the offence of possession for the purpose of trafficking, with its unique evidentiary and procedural provisions, was enacted (S.C. 1953-54). The maximum penalty for trafficking was increased from seven to 14 years, with some members of Parliament implying that the penalties should be even more Draconian. Future Prime Minister John Diefenbaker referred to trafficking as "murder by installments" (House of Commons Debates, 1953-54;5312), and

another member suggested that the maximum of 14 years should be made a minimum of 14 years (House of Commons Debates, 1953-54:5313).

The necessity of increased penalties for traffickers had also been expressed by the judiciary. In sentencing three offenders to long prison terms, whippings and fines for distributing drugs to minors, Sloan, the Chief Justice of British Columbia noted:

It is the considered opinion of this court that the present maximum penalties of imprisonment prescribed by the said Act should be increased to permit the imposition of more severe sentences against those engaged in selling or distributing drugs for gain.  
(R v Kazmer et al, (1953) 105 C.C.C. :153)

One of the first recorded sentencing decisions to occur after the new maximum penalty had been enacted took full advantage of the new law. In sentencing a heroin trafficker to 14 years in prison, the Chief Justice of Manitoba reiterated the need to deal harshly with drug distributors:

Trafficking in drugs is regarded by Parliament as a most serious offence. Obtaining evidence of trafficking is difficult. The unfortunate addict may be caught but those responsible for the addict may often evade justice.  
(R v Fieldhouse, (1956) 115 C.C.C.:358)

In 1960-61, the Opium and Narcotic Drug Act was renamed the Narcotic Control Act and was totally restructured into its present form (S.C. 1960-61). Among the changes to the legislation was the removal of the minimum of the six months

jail term for possession of a prohibited drug, although the seven year maximum was retained. In addition, importers would receive a maximum of a life term, with a minimum of seven years, given a realization that; "If it were not for the illicit importation of narcotics, there would be no trafficking problem, and correspondingly no problem of narcotic addiction" (House of Commons Debates, 1960-61:5980). As Solomon suggests, the repeal of the mandatory minimum of six months imprisonment for possession convictions was inconsistent with the other provisions of the Act (Solomon, 1977:13).

In the course of the debates over the Narcotic Control Act, there was even a proposal to allow for capital punishment of traffickers in narcotic drugs (House of Commons Debates, 1960-61:6216). In support of such an amendment one member noted:

According to me, the worst murderer is the person who is responsible for drug addiction, who sells drugs to people who will develop the habit which, in time, may become compulsive and possibly make criminals out of the addicts. He is the one who prepares murderers through his activities.

(House of Commons Debates, 1960-61:6217)

Although the proposed amendment did not pass, Hansard reveals that seven members voted in favour of capital punishment of traffickers.

Marihuana was still not perceived to be a serious problem in Canada at this time, although it was deemed necessary to

retain it as a prohibited substance under the Act.

The use of marihuana as a drug of addiction in Canada is fortunately not widespread. It however, may well provide a stepping stone to heroin and here again the cultivation of marihuana is prohibited.

(House of Commons Debates, 1960-61:5981)

Thus, marihuana remained under the Narcotic Control Act was governed by the same harsh penalties applicable to opium and cocaine. This is despite the fact that there had still not occurred any informed debate by legislators regarding the effects of the drug, a debate which had begun to materialize in some of the popular literature in the late 1930s and early 1940s. It is to a discussion of the images of marihuana users and the effects of the drug portrayed in the early periodical literature that this analysis now turns. The discussion will provide further evidence of the consensus over the issue of drug use that existed in society, and is of assistance in understanding why narcotics laws became increasingly severe in both Canada and the United States, with no effective opposition to their implementation.

## CHAPTER IV

### CONTENT ANALYSIS - THE EARLY YEARS

#### METHODOLOGY OF CONTENT ANALYSIS

Several studies have attempted to content analyze crime news, and these studies generally fall into two categories. The first involves studies which attempt to determine the sheer volume of crime news reported in various newspapers. From a review of these studies, Dominick concludes:

It seems that a typical metropolitan paper devotes around five to ten percent of its available space to crime news. Further, the type of crime most likely reported is individual crime accompanied by violence. Less than five percent of available space is devoted to covering the general issue of crime: its causes, remedies etc.  
(Dominick, 1978:108)

The second type of study questions whether newspaper coverage of crime is related to the actual incidence of crime in society. In a study of St. Louis newspapers over a five year timespan, Jones discovered that the press coverage of crimes gave a highly distorted version of the actual situation, tending to overemphasize the serious but infrequent violent crimes such as murder, robbery and rape (Jones, 1976:243). Similar findings, suggesting that newspapers are unrepresentative in their reporting of crime have been stated by Fishman (1978), Graber (1980) and Humphries (1981).

While the above-mentioned studies are useful, they are concerned more with the quantity of crime being reported than they are with a discussion of how crime and criminals are



portrayed. Although the sheer volume of marihuana incidents reported in the press will be of some interest in the analysis, the primary focus will be on the images of a particular type of "criminal", the marihuana user, and the effects of the substance he or she uses.

The content analysis of media sources on drugs has previously been undertaken by Reasons. In a sample from the Reader's Guide to Periodical Literature, the International Index and the United States Bureau of Narcotics Annual Report, Reasons studied a total of 99 articles on the "drug habit", that appeared in these sources from 1890 to 1970. In content analyzing these documents, Reasons tested for the presence or absence of what he termed "myths". These myths consisted of the following statements:

1. The drug addict is a violent criminal.
2. The drug addict is a moral degenerate.
3. The drug peddler wants to convert non-users into addicts.
4. The drug user wants to convert non-users into addicts.
5. The drug addict takes drugs because of an inferior and abnormal personality.  
(Reasons, 1976:136)

Reasons does not provide any explanation of why the categories he identifies are necessarily "mythical", with the exception of defining myth as "distortions of the nature of the effects of the drug and of those who use them" (Reasons, 1976:136). Reasons' content categories are extremely vague and lack a fundamental premise of content analysis, that of "objectivity" (Holsti, 1969:20). For instance, in order to fit in the category of "violent criminal" does the drug addict

have to be merely violent, merely a criminal, or both? How does one determine whether or not the drug user wants to convert non-users into addicts? What criterion was employed to establish whether or not an article portrayed an addict as having an inferior and abnormal personality? One can question whether an independent researcher would be able to reach the same conclusions as Reasons, given these rather vague content categories. Despite these methodological flaws, Reasons is able to reach the following conclusion: "The Federal Bureau of Narcotics was the most consistent and persistent presenter of myths, with 98% of its discussion of attributes containing a myth ... the Reader's Guide containing a myth 43% of the time and the International Index 52% of the time" (Reasons, 1976:141). Reasons also fails to explicate the relevance of these findings to any particular theory.

A more recent and methodologically more sound study is Himmelstein's content analysis of 121 articles on marihuana from 1890 to 1976. Employing the Reader's Guide to Periodical Literature as a source, Himmelstein content analyzed these articles on the following four variables; (1) Degree of Danger (2) Possibility of Moderate Use (3) Effects and (4) Users (Himmelstein, 1983:154-155). However, Himmelstein does not take into account the crucial variable of the source of the information being presented on marihuana. This oversight may cause considerable confusion in his findings. For instance, in several of the articles included in the content study appearing in this paper, conflicting opinions on marihuana

from various sources were contained within the same article. This presumably also occurred in Himmelstein's sample, as his source of articles was identical. To attempt to judge an article with a variety of opinions and place it into one content category introduces an element of unreliability into the analysis. Thus, in the content scheme employed in this thesis, specific note is made of the various sources of information on marihuana. "Who is saying what" is a crucial factor to consider. This is also of importance in the larger discussion of marihuana ideology, since whose views are presented on the marihuana issue is salient to how consensus is accomplished through the media. Himmelstein also fails to deal with the question of specific statements calling for changes in marihuana laws that appear in the periodical literature. This is despite the fact that such pronouncements are prominent in the 1960's and 1970's literature on marihuana. The inclusion of these categories will facilitate an understanding of why narcotics laws in Canada and the United States were altered in the late 1960's and 1970's.

The final problem with Himmelstein's analysis is that he fails to report any attempt to determine the reliability of his content scheme. It is not clear who performed the actual coding of the articles or whether an independent check of the articles utilizing his coding scheme was undertaken. Thus, the analysis contained in this paper will partially serve as a reliability check on Himmelstein's data, and will discuss several of his findings. (The analysis will also include a

reliability check - see Methodological Appendix A.)

The content analysis will use two sources of information on marihuana, the first being the Reader's Guide to Periodical Literature and the second the Simon Fraser University Library Subject Index of the Vancouver Sun. The analysis of the early years will reveal that the media was able to portray marihuana use in a manner that led to public disapproval of the practice. However, it is necessary to remain aware of the fact that the media accomplished this by assuming a consensus view of society. As Wirth suggests:

The fact that instrumentalities of mass communications operate in situations already prepared for them may lead to the mistaken impression that they or the content symbols which they disseminate do the trick. It is rather the consensual basis that already exists in society which leads mass communication to its effectiveness.

(Wirth, 1948:67)

The discussion of the analysis will focus on the periodical literature rather than the newspaper articles for two reasons. First, although the Index of the Vancouver Sun is reported to include all articles printed in the newspaper since 1900, the source contains no articles on marihuana prior to 1966. While the author has no information on how many articles on marihuana appeared in the Vancouver Sun prior to this period, it seems unlikely that there were none. In order to include an adequate historical discussion of marihuana it was thus necessary to use the Reader's Guide to Periodical Literature which listed articles on marihuana from 1900

onwards. It is the major index of articles in periodicals judged by most librarians to be the most useful and important (Himmelstein, 1983:152). This is not to suggest that the Reader's Guide necessarily listed all articles appearing on the subject from this year; however, it does yield a much larger sample of articles.

The second justification for focussing on periodical articles is that newspaper articles on marihuana usually report specific arrests or court cases rather than generally discussing the drug. (For instance, while 54% of the newspaper articles "triggers" from 1973 to 1980 arose from police or court cases, only 10% of the periodical articles in the same period had similar triggers.) (See Table 2 Appendix B).

The main problem in using the Reader's Guide to Periodical Literature as a source of articles is that it indexes primarily American periodicals, although in recent years Canadian publications such as MacLean's have been referenced in this source. Unfortunately, a Canadian version of the Reader's Guide was not published until 1938. Due to the fact that there are not as many periodicals published in Canada, using the Canadian Reader's Guide would not produce a large enough sample to content analyze. This, however, should not seriously jeopardize the findings from the content study. Where Canadian articles were referenced, they were employed in the analysis, and the messages portrayed in them were quite consistent with the views from the American sources. Also, there is little doubt that Canada is greatly influenced by

American opinions. There are several references in case law, Parliamentary and Senate Debates to indicate that Canadians were well aware of the views being expressed on marihuana by the American publications, particularly in the time of the "great marihuana scare" in the middle to late 1930's. Furthermore, the findings from the sample from periodical articles will be compared to those from the newspaper sample. This will serve to indicate that the views on marihuana being expressed in a major Canadian newspaper were consistent with those in the primarily American periodicals.

The final problem encountered in using the Reader's Guide as a source was that some of the articles referenced in it were from periodicals unattainable in the libraries at this author's disposal. For the early period, every attempt was made to include every article, although with the later material, a form of stratified sampling was employed (See Methodological Appendix A). Thus, for the first part of the sample, from 1900 to 1960, the Reader's Guide to Periodical Literature lists a total of 46 articles under the heading of marihuana, THC, and hashish. In the sample of articles to be discussed here, 30 of these articles, or 65% will be included. This should not seriously bias the findings of the content analysis, as the articles included are derived from a diverse collection of periodicals, and these portray rather consistent messages. Furthermore, several of the periodicals, such as Time and Newsweek were distributed in Canada.

The analysis will now turn to a discussion of the

portrayal of marihuana and its users as it was presented in the periodical literature of the 1930's.

## 1935-1939

Conflict, threat and deviancy all make news, both because information about these has a real importance to society, and because, for various reasons, people enjoy hearing about them... A second feature that makes events more newsworthy is their ability to be interpreted within a familiar framework or in terms of existing images, stereotypes and expectations.

(Hartmann and Husband, 1973:276)

Prior to 1935, marihuana was not a major concern in periodical literature, as only three articles dealing with the topic appeared from 1900 to 1934 in the Reader's Guide. However, a panic began to arise when the Commissioner of the Federal Bureau of Narcotics in the United States began to provide information on the dangers of marihuana to several media sources. From 1935 to 1937 four articles appeared on the topic and another 17 were listed from 1937 to 1939 (See Table 1 Appendix B).

From 1900 to 1935, there was a general consensus in the articles on marihuana that the primary users were minority groups, in particular, Mexicans. The effects of the drug ranged from "temporary elation" (Literary Digest, April 3, 1926:64) to "the most violent of all sexual stimulants... reason dethroning and causing its users to enter into criminal life" (Scientific American, November 1921:14).

From 1935 to 1939, of the 13 articles that identified the using groups, 46% suggested that the users of marihuana were minority groups (See Table 2 Appendix B). Another dominant



theme of this early literature was that the use of cannabis was spreading to the youth of the country. This is evidenced by the titles of some of the articles; "Marihuana Menaces Youth" (Scientific American, March, 1936) and "One More Peril for Youth" (Forum and Century, January 1939) and the fact that nine of the 13 articles identifying users indicated that minors were using the drug. However, marihuana was not seen as a "drug of youth" as in the 1960's, but as a "drug infecting youth". Young people were regarded as innocent victims who were seduced and destroyed by marihuana pushers. The Journal of Home Economics noted in 1938:

Marihuana use has been taken up by large numbers of the country's youth as a fad. The peddler is still hawking his wares from hot dog stands, in dance halls and pool rooms.

(Journal of Home Economics, September, 1938:79)

While concern focussed on youthful use of the drug in this early period, marihuana itself was seen as belonging to low-status groups, and accordingly was automatically perceived as dangerous and criminogenic. In Canada, use was identified in particular with blacks, where in Montreal, it was said to be smoked in "the tea pads of the Negro quarter". The MacLean's article of 1938 referred to a Negro drummer who used cannabis to enhance his performances, "but when it is all over he is as limp as a wet rag, and if his wife did not call for him every night at closing time he would most likely head straight for Harlem" (MacLean's, June 15, 1938:12).

The identification of marihuana with minority groups, similar to the earlier identification of opium use with the Chinese, buttressed by the contention that the minority groups were infecting youth, facilitated the implementation of the Marihuana Tax Act in the United States and was partially responsible for the increasing concern over the drug in Canada. Clearly, the marihuana user was categorized in terms of the "dope fiend", a stereotype which was based on opiate addicts. Because of this, certain items of information were more readily assimilated as truthful while others were more readily ignored. As Halloran et al. have suggested:

Events will be selected for news reporting in terms of their fit or consonance with pre-existing images - the news of the event will confirm earlier ideas. The more unclear the news item, the more likely it is to be reported in a general framework that has already been established.  
(Halloran et al, 1970:26)

Thus, the new "social problem" of marihuana use was distorted into the already normative category of the dope fiend.

### EFFECTS

Although marihuana was said to produce a myriad of effects, there were three prominent themes in the early literature, these being the ideas that marihuana lead to violence/crime, sexual immorality, and that the drug produced various adverse psychological effects. Contrary to some of the literature which appeared in the 1960's and 1970's, there is no mention in any of the pre-1940 articles that marihuana was

a stepping-stone that could lead to heroin or opium addiction. Indeed, such a connection was flatly denied by the chief architect of the campaign against marihuana, Harry J. Anslinger (Himmelstein, 1984:62). It was simply not necessary to view marihuana as a stepping-stone, as it was perceived to be "more dangerous than heroin or cocaine" (Scientific American, May 1938:283) and was "a new dangerous drug, most dangerous of all" (Journal of Home Economics, September, 1938:477).

At the same time as Anslinger's anti-marihuana campaign was being launched, Alfred A. Lindesmith, a sociologist, was criticizing the approach taken by the authorities to drug addicts. In the 1940 Journal of Criminal Law, Criminology and Police Science, Lindesmith argued, "If our addicts appear to be moral degenerates and thieves it is we who have made them that by the methods we have chosen to apply to their problem" (Lindesmith, July-August, 1940:240). However, in calling for alterations in the methods of dealing with drug abusers, Lindesmith was careful to restrict his arguments to users of opiate drugs. "The use of drugs such as marihuana or cocaine presents an entirely different problem from that of opiate abuse" (Lindesmith, December, 1940:914). Even Lindesmith viewed the use of cannabis as more dangerous than the use of opiates, further underlining the prevalent misconceptions about marihuana in the early years.

## VIOLENCE

Acts which pose a challenge to the fundamental basis of the social order itself, or its essential structures, almost always involve, or at least are signified as leading inexorably across, the violence threshold. This is the highest of the limits of societal tolerance, since violent acts can be seen as constituting a threat to the future existence of the whole state itself.

(Hall et al., 1978:225)

Of the 16 opinions expressed from 1935 to 1939 on the effects of marihuana, 12 suggested that marihuana caused violence/crime (see Table 3 Appendix B). Several of the articles prefaced their discussions of the drug with accounts of sensational crimes: "Victor Licata, while under the influence of marihuana, murdered his mother, father, sister and two brothers with an axe" (Survey Graphic, April, 1938:221). "Mrs. Ethel Sohl confessed to holding up and killing a bus driver while under the influence of marihuana" (Forum and Century, January, 1939:1). The lone Canadian article in this time period on the subject of marihuana also posited a causal relationship between marihuana and crime.

In February, Shorty Bryans shot and killed Norman Ford outside a Toronto Police Station. No motive for the crime could be found, but Bryans said that he was in the habit of smoking reefers and claimed he was "on the muggles" at the time the shooting occurred.

(MacLean's, June 15, 1938:11)

Yet another article reported:

The role of marihuana as a crime instigator is suggested by the report of the public prosecutor in New

Orleans who in 1930 found that of 450 prisoners he dealt with, 125 were marihuana addicts. Slightly less than half the murderers, about 20% of the larceny men, and about 18% of the robbery prisoners smoked what they called 'Merry Wonder'.  
(American Mercury, December, 1935:487)

These same figures were repeated in a 1936 Scientific American article.

It is notable that when one examines exactly who was portraying the image of marihuana as a crime instigator, it is clear that American Government Officials and reporters receiving information from them were far more likely to suggest violence as an effect of the drug. While all five of the articles citing American Government Officials and four of the five articles giving a reporter's point of view noted violence/crime as an effect of marihuana, only three of the six articles mentioning effects and citing medical opinion mentioned violence as an effect, with one specifically stating that marihuana did not lead to violence ( See Table 5 Appendix B). Dr. Walter Bromberg was quoted in a 1936 issue of Literary Digest stating that where 2216 criminals convicted of felonies in New York were examined, not one case of confirmed marihuana addiction was noted. "It is quite probable that alcohol is more responsible as an agent for crime than is marihuana" (Literary Digest, October 24, 1936:7). This may be a reflection of the fact that marihuana use was not as widespread as alcohol use at the time but it does indicate that some believed the substance was not as harmful as

reported. Overall, however, violence was seen as the essential characteristic of marihuana use in these early articles.

### SEXUAL IMMORALITY

Another predominant feature of marihuana in the early literature was the contention that it could potentially lead to sexual immorality, with 10 of the 16 opinions mentioning effects of the drug suggesting that this was possible. Some made this point through reference to sex crimes committed by marihuana addicts. "Lewis Harris, 26, arrested for the rape of a nine year old girl while under the influence of marihuana" (Survey Graphic, April, 1938:221). An article appearing in Forum and Century suggested that "hashish excites the mind and brings on temporary insanity, thus leading to robbery, rape, and murder" (Forum and Century, January, 1939:2). Other articles cited bizarre incidents committed by users in order to emphasize that marihuana could potentially lower sexual inhibitions.

A Negro was brought to a New York hospital because he had run after and threatened two women while under the influence of reefers, he said he had seen in his reefer dream 'a bunch of naked wimmin, some of 'em in bed, black an' white together, like dey was expectin' men'.  
(American Mercury, December, 1935:489)

The contention that marihuana could lead to sexual immorality was yet another mark against it which justified a punitive approach to the substance.

### ADVERSE PSYCHOLOGICAL EFFECTS

In 13 of the 16 articles from 1935 to 1939 presenting opinions on the effects of marihuana, adverse psychological effects were mentioned ( See Table 3 Appendix B). Perhaps the definitive version of these adverse psychological effects was provided by Anslinger himself, who was quoted in Scientific American in 1938.

1. Feelings of unaccountable hilarity;
2. Excitation and disassociation of ideas, the weakening of power to direct thoughts;
3. Errors in time and space;
4. Intensification of auditory sensibilities, causing profound dejection or mad gaiety;
5. Fixed ideas, deleterious conviction. This is a type of intellectual injury so frequent in mental alienation. The user imagines the most unbelievable things giving way to monstrous extravagances;
6. Emotional disturbance during which the user is powerless to direct his thoughts loses the power to resist emotions and may commit violence which knows no bounds when disorders of intellect have reached a point of incoherence. During this dangerous phenomenon, evil instincts are brought to the surface and cause a fury to rage within the user;
7. Irresistible impulses which may result in suicide.

(Scientific American, May, 1938:293)

This account of the psychological effects of marihuana or slight variations on it is included in several of the articles, including the piece from MacLean's, where it was suggested: "Plants growing right here in Canada could produce enough of this drug to send a large proportion of the Dominion's population to the insane asylum" (MacLean's, June 15, 1938:12).

There was thus a fairly broad consensus about marihuana in the late 1930's among those who discussed the substance. It was dangerous, it caused violent crime and sexual immorality and its use was accompanied by devastating psychological effects. This consensus was created by Anslinger and his Federal Bureau of Narcotics, which dominated public discussion of the issue. As Himmelstein notes, this happened precisely because of the fact that there was "no national menace" (Himmelstein, 1983:18) and hence few persons knew about the drug. Through the dissemination of the Bureau's information, the public was able to place the marihuana user in the pre-existing category of the "dope fiend", and users of the substance became just as despicable a group as those who used opium and heroin.

#### THE 1940's AND 1950's

The public discussion of marihuana as represented by periodical literature was altered somewhat in the 1940's, largely in response to the misinformation about the drug that had been generated in the previous decade.

Mayor La Guardia of New York City responded to the 1930's depictions of marihuana with some skepticism, and set up a Committee to perform research on marihuana. The studies emanating from this Commission sparked considerable debate within the pages of the American Journal of Psychiatry and the American Medical Association Journal.



Under the auspices of the Mayor's Commission, Allentuck and Bowman studied 77 subjects and concluded that "while exerting no permanent deleterious effects, marihuana gives rise to pleasurable sensations, calmness and relaxation and increases the appetite" (Allentuck and Bowman, September, 1942:249). The authors went on to suggest that marihuana did not itself give rise to anti-social behaviour, and was not a stepping-stone to opiate addiction, an issue which had arisen in the 1937 Congressional debates over the Marihuana Tax Act. Allentuck and Bowman went as far as to suggest that marihuana had potentially valuable therapeutic applications which merited future investigation (Allentuck and Bowman, September, 1942:249).

The initial response to the findings of Allentuck and Bowman was extremely positive, with a 1942 Journal of the American Medical Association editorial praising the study and suggesting "A more exhaustive study of the possibilities of these drugs as a means of relieving withdrawal symptoms in narcotic addicts would seem to be justified" (Journal of the American Medical Association, 120 December 1942:1129).

However, not all responses to the Allentuck and Bowman study were quite as favourable, with Anslinger being particularly critical. In a 1943 letter to the editor of the American Medical Association Journal, Anslinger voiced his concern over the study without addressing the evidence that had been presented by Allentuck and Bowman.

From that point of view we feel that it is very unfortunate that Drs.

Allentuck and Bowman should have stated so unqualifiedly that use of marihuana does not lead to physical, mental, or moral degeneration... More indiscriminating readers are perhaps likely to interpret the statement as the final word of the medical profession. Also there may well be some unsavory persons engaged in the illicit marihuana trade who will make use of the statement in pushing their dangerous traffic.  
(Anslinger, January, 1943:212-213)

It is certainly questionable whether "indiscriminating readers" would have access to or interest in the American Medical Association Journal in the first place, and even more doubtful that marihuana traffickers would. Nonetheless, Allentuck and Bowman's study did have some impact on the portrayal of marihuana in the popular literature of the period. Of the eight articles that appeared on the topic during this time period, six of them downplayed the deleterious effects of the drug. It is notable that only eight articles on marihuana are referenced in the Reader's Guide to Periodical Literature from 1940 to 1950, compared to 23 that had appeared in the previous decade. It appears that when marihuana was portrayed as being less dangerous than had previously been suggested, it was not as newsworthy a topic.

Further opposition to the Allentuck and Bowman study was presented by J. Bouquet, an "expert on the Narcotics Commission of the League of Nations", who was extremely critical of the methodology of the study. Bouquet noted that the subjects were prisoners and if they had been allowed to, they would have consumed much more marihuana. They could

become "wretched ragmuffins who are a danger and a burden to society." Bouquet also argued that after coming off marihuana, individuals experience "attacks of physical prostration and intellectual apathy, the patient remains in a corner, prostrated, refusing to move, neglecting to eat" (Bouquet, 1944:1010-1011).

Bowman responded to Bouquet's criticisms in a June 1944 letter to the editor of the American Medical Association Journal, noting:

Medical and popular literature is filled with old wives tales about the effects of various narcotic drugs. It is somewhat surprising to find objection to the publication of carefully worked out studies on the ground that it is improper and dangerous rather than to raise the one issue of science - was the study carried out in a proper scientific manner?

(Bowman, June, 1944:376)

Nonetheless, the Journal of the American Medical Association was to have the final say in a 1945 editorial, which Himmelstein suggests was written by Anslinger himself (Himmelstein, 1983:83).

For many years medical scientists have considered cannabis a dangerous drug. Nevertheless, a book called "Marihuana Problem" by the New York City Mayor's Committee on Marihuana submits an analysis by seventeen doctors of tests on 77 prisoners and, on this narrow and thoroughly unscientific foundation, argues sweeping and inadequate conclusions which minimize the harmfulness of marihuana.

(Journal of the American Medical Association, 127 (1945):1129)

Despite the fact that the New York studies were subject to criticism, they did contribute to the erosion of the consensus that marihuana was an extremely deleterious substance which automatically leads to crime and sexual immorality. Of the eight articles from 1940 to 1950 expressing opinions on the effects of marihuana, only two mentioned violence/crime, with another two denying that the substance could lead to violence. Similarly, the idea that marihuana leads to sexual immorality was no longer agreed upon, with three articles reporting that it did and another three suggesting that it did not. An article in Time noted:

Despite its lurid reputation, marihuana seems no more harmful than alcohol. Although habitual criminals often use it, psychiatrists and police experts have never been able to prove that it induces criminal tendencies in otherwise law-abiding people. It is less habit-forming than tobacco, alcohol or opium. The most confirmed vipers have no particular craving for the drug. They just enjoy its effects. Like alcohol, it can raise hell with ordinary living, release bad as well as good personality traits. But in spite of the legend, no case of physical, mental or moral degeneration has ever been traced exclusively to marihuana. (Time, July 19, 1943:54)

Nonetheless, adverse psychological effects were still attributed to marihuana. Newsweek suggested in 1946 that "the drug is more harmful than habit-forming opium in inducing fits of temporary insanity" (Newsweek, November 18, 1946:72). Six articles from the sample for this period noted that the use of marihuana led to various psychological problems.

With the increasing skepticism regarding marihuana's dangers, it became necessary for those discussing the drug to posit a new effect, the idea that marihuana could lead to opiate addiction. Although the idea of such an effect had not been prominent in the periodical literature prior to 1950, and had been rejected earlier by Anslinger, the idea gained increasing prominence as one of the deleterious effects associated with marihuana in the 1950's and 1960's. Although only five articles were referenced to marihuana in the 1950s, the two that expressed opinions on the effects of the drug indicated that it was a stepping-stone. Thus, the New Yorker noted in 1951; "Most dope addicts begin on marihuana, which though rarely habit-forming, is very apt to lure users of it on to the deadlier drugs" (New Yorker, August 11, 1951:18). Similarly, Newsweek stated; "Marihuana may not be more habit-forming than alcohol, but it makes the switch to heroin easy" (Newsweek, May 10, 1954:49).

Perceptions on the dangers of marihuana use and the legitimacy of employing the criminal sanction against it did not come into question until the early and middle 1960's. In what Himmelstein terms the "embourgeoisement" (Himmelstein, 1983:98) of marihuana use, it is clear that the consensus over the drug that had been established in the 1930's and largely survived into the 1950's, began to disintegrate when use became increasingly associated with students and the middle class in the 1960's. This created a crisis of "moral legitimacy" and led to reductions in penalties for use of the

drug. It is to a discussion of the attitudes towards marihuana in the periodical literature of the 1960's that the analysis now turns.

## CHAPTER V

### CONTENT ANALYSIS 1961-1980

If an enemy nation were to plan to undermine America's future, they could not think of a more effective strategy of poisoning our youth. Marihuana is such a poison. (Robert L. Dupont, as cited in Saturday Evening Post, September, 1980:101)

This statement, by Robert L. Dupont, the former director of the National Institute of Drug Abuse in the United States, is reflective of the fact that marihuana has still not attained full social acceptability. It also is reflective of the confusion and controversy surrounding the marihuana issue. Only four years earlier, Dupont himself had called for decriminalization of the drug (Science, May 14, 1976:649).

Beginning in the early 1960's, the consensus that marihuana was a dangerous drug broke down, the legitimacy of the criminal sanction against it was called into question, and penalties for use of the substance were partially reduced. This was primarily due to the fact that marihuana use had spread to middle class youth, giving these youth and their parents, including the legislators themselves, a direct interest in reforming marihuana laws. Users were no longer depicted as criminals, Mexicans, or minority groups, they were middle class students. This image was incompatible with an image of marihuana as thoroughly evil. As Duster suggests:

When it is part of the public view that the predominant perpetrators of the act come from the moral center,

that act cannot long remain immoral  
or deviant.

(Duster, 1970:3).

From the content analysis results this change in the portrayal of users is clear. While only one magazine article from 1935-1939 had identified the middle class as users, 39% of the opinions identifying users from 1961-1972 suggested the middle class were users (See Table 2 Appendix B). Thus, the association of marihuana use with the middle class created what Hall et al. term a "crisis in hegemony".

A crisis in hegemony marks a moment of profound rupture in the political and economic life of a society, an accumulation of contradiction. If in moments of hegemony everything works spontaneously so as to sustain and enforce a particular form of class domination while rendering the basis of that social authority invisible through the mechanisms of the production of consent; then moments when the equilibrium of consent is disturbed or where the contending class forces are so nearly balanced that neither can achieve that sway from which a resolution to the crisis can be promulgated are moments when the whole basis of political leadership and cultural authority becomes exposed and contested.

(Hall et al., 1978:217)

It is important to remain cognizant of the fact that the identification of marihuana use with middle-class youth provides only a partial explanation of the change in marihuana ideology. Marihuana itself, regardless of what people may believe about it, is simply not an extremely dangerous substance. Had marihuana actually caused violence and crime, it is probable that there would have been a call for stiffer



penalties rather than the reverse. Also, there were experts, primarily from the medical profession, who were willing to argue that marihuana use was relatively safe. If this had not been the case the media would not have been able to generate the scientific corroboration of the relative harmlessness of marihuana. The media also possessed a new source of information on marihuana. When users were believed to be from minority groups, they were not regarded as reliable sources of information on the subject. However, when the politically active middle-class were perceived as users, they were more quotable and more likely to be regarded as credible sources. It is notable that while none of the magazine articles from 1935 to 1939 cited users, nine of the articles from 1961-1972 and 12 of those from 1973-1980 did (See Table 2 Appendix B). In the newspaper sample, users were cited five times from 1961-1972, and five times from 1973-1980.

### **EFFECTS OF MARIHUANA 1961-1972**

The stereotypical effects of marihuana reflect the exaggerated ambivalence of the mass media towards drugs. Thus, they hold promise of uninhibited pleasure, yet plummet the taker into unmitigated misery. So we have a distorted spectrum ranging from extreme sexuality, through aggressive criminality, to wildly psychotic episodes. The informed journalist, more recently has found this model difficult to affix to marihuana usage. He has therefore switched gear and indicated how the innocuous pleasures of smoking are paid for by the sacrificial few who

escalate to the nightmares of heroin addiction.

(Young, 1971:187)

The conception of marihuana that had been portrayed in the media prior to 1960 was that it made its users violent, aggressive, and criminal. In the debate over the drug that occurred in the 1960's, these themes were largely denied, although a 1970 Today's Health article reported "One nineteen year old soldier who sampled a marihuana cigarette while on guard duty, shot and killed a fellow GI under the delusion he had fired at a Ho Chi Minh (Today's Health, August, 1970:71). Despite the periodic occurrence of such statements, seven of the opinions expressed on the effects of the drug in this time period specifically denied that marihuana caused violence. However, to take the place of the violence theme was the opposite contention that the drug led to indolence, and that it was a stepping-stone to opiate addiction. Thus, six of the opinions on the effects from 1961-1972 and nine of the opinions in newspaper articles posited a stepping-stone effect (See Table 3 Appendix B). (This is slightly lower than Himmelstein's finding that 16% of the articles from 1964 to 1976 mentioned stepping-stone (Himmelstein, 1983:125). A 1964 MacLean's article noted:

But the worst of it, according to the policemen I talked to, is that the teenager who begins smoking marihuana for the occasional kick winds up injecting heroin in his veins several times a day.

(Maclean's, January 4, 1964:4)

It is notable that both articles from this time period

providing a police point of view on effects suggested marihuana was a stepping-stone. Of course, there was no consensus on the idea that marihuana was a stepping-stone, with five opinions denying such an effect. The same MacLean's article quoted a doctor who suggested that marihuana use did not lead to heroin (MacLean's, January 4, 1964:5). Similarly, a 1967 Time article cited James Goddard, head of the United States Food and Drug Administration:

While it is true that most heroin users have smoked marihuana, it is also true that most heroin users have drunk milk. I have seen no proof that there is any connection.  
(Time, October 27, 1967:54)

Another prominent theme in the 1961-1972 literature was that marihuana led to indolence, or to a "dropping out of society". This idea was partially connected with the use of marihuana by "hippies" and was suggested by a Quebec judge in sentencing a young male marihuana trafficker:

The hippies never cease to affirm that they do not disturb anyone, that they lead a peaceful existence, that each individual has the right to live his life as he wishes. The Court does not share that opinion... because any life within a society requires an active and constructive participation on the part of the individuals the society is composed of. At a time when, in Canada and more than ever in Quebec, everyone is concerned that more and more advanced education is required for facing life and when enormous amounts of money are invested on this basis, these young hippies decide to do nothing, permit themselves to criticize everything, live in unhealthy environments, look for euphoria through the absorption of narcotics,

traffic in narcotics and affirm that consuming marihuana is not unhealthy per se and that they are free to dispose of their life and their persons as they see fit.

The Court can only condemn the deplorable way of life which these young people have adopted and it is convinced that there is a direct relationship between the absorption of these narcotics and this way of life ...

(R v Grandbois (1969) 6 C.R.N.S:187-188)

Similarly, a 1968 RCMP report noted:

The beat generation poses a police problem in that it serves as a host to persons prone to the abuse of marihuana... Perhaps the most serious and significant aspect of its abuse is the complete falling out from society which has already caused numerous tragic results such as non-productivity, a heavy burden on social welfare, the incidence of illegitimate births and venereal disease.

(Report of the RCMP, as cited in Canadian News Facts, January 31, 1968:15)

A 1967 Life article suggested "potheads tend to be irresponsible and uninterested in things like keeping a job or supporting a family" (Life, July 7, 1967:23). Similarly, Time, in citing Chief Justice Tauro of the Massachusetts Supreme Court noted:

Its use is not so much a symbol of dissent in order to effectuate change in our social system, but rather a manifestation of a selfish withdrawal from society.

(Time, December 29, 1967:33)

In citing the Director of the Bureau of Narcotics and Dangerous Drugs, Time suggested:

Pot can be psychologically habituating often resulting in an amotivational syndrome in which the user is more apt to contemplate a flower-pot than try to solve his problem.

(Time, May 31, 1971:65)

Overall, 14 of the opinions on the effects of marihuana suggested that it could lead to indolence.

The indolence theme was juxtaposed with the theme of rebellion, with six opinions in the magazine sample and four in the newspaper sample positing rebellion as an effect of marihuana. A 1965 Time article noted; "The increase in marihuana smoking represents not so much a search for new thrills as the traditional exhibitionistic rebellion of youngsters against adult authority" (Time, March 12, 1965:49). Life suggested a similar theme; "Seeing themselves in rebellion against the empty materialistic striving of their parents they turn the whole pot scene into a protest tool which they use to mock a middle class culture they disdain" (Life, July 7, 1967:18). As Kaplan has argued, a great deal of the objection to marihuana in the late 1960's and early 1970's was based upon the life style associated with it, not necessarily upon the actual effects of the drug." Radicalism, permissiveness and a lack of respect for authority were interspersed with the "drug problem" (Kaplan, 1970:11).

The idea that marihuana led to adverse psychological effects, a theme that had been prominent in the early literature on the subject, persisted in the 1960's and 1970's. Conrad Schwartz, a University of British Columbia

psychiatrist was quoted in a 1971 Vancouver Sun article as stating "the dysfunctions of marihuana use include the impairment of immediate memory, attention and concentration, interference with the sense of time, euphoria and increased paranoia" (Vancouver Sun, August 7, 1971:11). Twenty of the opinions cited in the magazine articles and 12 of the opinions in newspaper articles mentioned adverse psychological effects.

One of the most frequently cited studies was that of psychiatrists Kolansky and Moore, who examined 20 males and 13 females, all of whom smoked marihuana two or more times weekly. The authors posited several negative effects of marihuana suggesting; "the patients consistently showed very poor social judgement, poor concentration, confusion, anxiety, depression, apathy, passivity, indifference, and often slowed and slurred speech" (Kolansky and Moore, 1971:486). The authors also reported that four individuals attempted suicide and that one seventeen year old boy smoked marihuana and "simultaneously became homosexual" (Kolansky and Moore, 1971:488). Furthermore, several of the females showed an unusual degree of sexual promiscuity "which ranged from sexual relations with several individuals of the opposite sex to relations with individuals of the same sex, individuals of both sexes, and sometimes, individuals of both sexes at the same time" (Kolansky and Moore, 1971:488).

Three of the seven articles (Science News, April 24, 1971:277, Time, May 3, 1971:65, U.S. News, May 31, 1971:68) in the sample from 1971 cited Kolansky and Moore's findings and

offered no criticism of the rather questionable research methodology. Initially, it is notable that Kolansky and Moore studied only subjects that voluntarily came to see them, (Kolansky and Moore, 1971:486) which may indicate that these individuals had prior psychological problems not directly attributable to their use of marihuana. The authors provide very little background information on the subjects they examined. Furthermore, Kolansky and Moore did not explain the mechanisms by which marihuana caused the effects they mentioned. Their definition of sexual promiscuity is also questionable since it is not clear how many times a particular female would need to engage in sexual relations to be labelled sexually promiscuous. One would expect single females of the age of the subjects to be sexually active. Despite these shortcomings, the Kolansky and Moore research was received favourably. It is clear that certain sections of the press were highly selective in their use of the expanding research literature on marihuana. All too often, as Goode has argued, research findings were selected and presented not on the basis of their scientific validity, but in accordance with how effectively they could be pressed into the service of social control (Goode, 1970:26-28).

Despite the fact that there was a great deal of literature from 1961 to 1972 discussing the negative effects of marihuana, the most prominent theme of the 60 opinions on the drug was that marihuana was a relatively harmless substance, accounting for 28 of the opinions cited. However,

it is notable that "editorial opinion" was responsible for 10 of these, while only eight of the 26 medical opinions suggested marihuana was relatively harmless. Not surprisingly, four out of the five opinions expressed by users on the effects of marihuana suggested that the substance was relatively harmless (See Table 5 Appendix B). This underlines the importance of taking into consideration the source of information on the topic. When the Federal Bureau of Narcotics lost their monopoly on the presentation of information on marihuana, several diverse sources were cited. The nature of the effects of the drug being portrayed in the media consequently changed significantly. Of course, this is not to suggest that the actual effects of the drug itself changed.

The contention on the part of several commentators that marihuana was something less than the extremely dangerous substance that had previously been depicted to have been led to a call for changes in the laws dealing with the substance.

Prior to 1969, the offence of simple possession of marihuana could be accompanied by a seven year jail term in Canada, the prosecutor having no option but to proceed by way of indictment and the judge having no choice but to impose a term of incarceration or to suspend sentence. In the United States, the laws against marihuana in some states were even more Draconian than in Canada. In Colorado for instance, a second offence for the sale of marihuana to anyone under 25 years of age could be punished by death in the gas chamber (Whitaker, 1969:101). In Washington, a university student was sentenced



to 20 years in state prison in 1968 for selling marihuana to an undercover police officer (Whitaker, 1969:104). Timothy Leary was arrested for being in possession of less than one-half ounce of marihuana and was sentenced to 30 years imprisonment, along with a \$30,000 fine (Whitaker, 1969:104).

Such penalties were inconsistent with the emerging view of marihuana as a relatively harmless substance, and several of the periodical and newspaper articles from 1961 to 1972 called for changes in the laws dealing with marihuana. Thirty-five of the 39 opinions in magazines in this period called for a lessening of penalties with eight calling for outright legalization of marihuana (See Table 6 Appendix B). A similar picture is obtained from the newspaper sample, with 26 of the 38 opinions arguing for some form of a lessening of penalties. Those calling for legalization ranged from the British Columbia Medical Association (Vancouver Sun, October 13, 1967:30) to a Unitarian Church Minister who suggested that "marihuana should be legalized to the same extent as tobacco and alcohol" (Vancouver Sun, April 11, 1969:70).

The legislators in Canada and the United States were not immune to the views being expressed in the media, and debate over the legitimacy of the criminal sanction against marihuana began to occur in Parliament. In 1969, Arnold Peters, a Member of Parliament from Timiskaming questioned the validity of referring to marihuana as a narcotic.

Last night I picked up the paper and read of 15 or 20 offences in the city of Toronto which the RCMP were prosecuting. These cases involved

marihuana. Marihuana is not a narcotic... I would venture to say that in most cases it is not as dangerous as alcohol. It is less dangerous than LSD and it is probably not much more dangerous than smoking tobacco. (House of Commons Debates, 1969:5452)

John Munro, the Minister of National Health and Welfare was also cognizant of the marihuana "problem" in Canada, and suggested a change in the legal response to marihuana was necessary.

A great deal has happened in the field of drug abuse in the last two years. Possession offences increased between 1966 and 1968 from 493 to 1727. But in spite of the enormous variety of individuals involved in that number of cases, the relevant section of that Act provides very little scope for flexibility, either on the part of crown prosecutors or presiding judges or magistrates - there is no provision for the crown to choose to proceed summarily, it is obliged to proceed by way of indictment. There is also no provision for magistrates to impose a fine, they are obliged to impose a penal sentence, although they can suspend it... This rigidity has been the subject of increasing criticism from a wide variety of sources such as the addiction research agencies of several provinces, the John Howard Society, Elizabeth Fry Society and the United Church.  
(House of Commons Debates, 1969:7202-7208)

However, there was a lack of consensus on Munro's proposals to allow for summary convictions and the imposition of fines in possession of marihuana cases. John Gilbert, a Toronto area teacher and Member of Parliament cited the indolence and stepping stone themes in urging Parliament to

proceed with caution on the marihuana issue.

If marihuana is psychologically addictive it may be responsible for some of the changes taking place in high school students. Here I speak of some of the students in the Toronto area, of which I have some knowledge. It has been stated that the use of marihuana is bringing about a change in their personality and mental process. If so, it is highly important that we study it and do it quickly... It has also been indicated that the incidence of the use of marihuana among students getting poor grades is much higher than among students with higher grades. If that is so it may indicate there is a symptom among young people that must be immediately corrected, and attitude towards life... work and school and parents... Marihuana also may be a stepping stone to heroin.  
(House of Commons Debates, 1969:8710-8711)

Other Members of Parliament suggested that Munro's proposed amendments to the Narcotic Control Act did not go far enough in reducing the penalties for marihuana, arguing that the changes would result in lower class offenders being treated unequally before the law. Grace MacInnis, the Member of Parliament for Vancouver-Kingsway suggested:

We know the government has brought in amendments, which, to a certain extent, softens the penalties, providing for summary conviction. But we think it is wrong to provide for long jail sentences and heavy fines for first offenders. I have been reading the material by the John Howard Society... they have grave doubts whether clamping down by fines and jail sentences is the way to handle the matter. This provision is discriminatory in that young offenders from well-to-do families

will be able to pay fines, and offenders from low income families will have to take jail sentences because they will not be able to raise the money to pay fines.  
(House of Commons Debates, 1969:8710)

Despite the opposition to Munro's proposals, the Bill providing for summary conviction proceedings and the use of fines in possession cases under the Narcotic Control Act was passed on May 14, 1969. These amendments had a profound impact on the sentencing of marihuana offenders, a topic to be discussed in Chapter VII.

In 1969, the federal government appointed the LeDain Commission to examine the nature of the drug situation in Canada. Ian Campbell, one of the LeDain Commissioners was quoted in a 1969 Vancouver Sun article.

Any body of law that permits a man who is drunk to run down a kid in his car then gets sent to jail for only three months when a kid can get two years for passing a joint to his friend is obviously a very stupid and indefensible law.

(Vancouver Sun November 3, 1969:1)

The LeDain Commission issued their interim report in June of 1970, and recommended that illegal possession of any drug be subject to no more than a \$100 fine (Vancouver Sun, June 16, 1970:1). Marie Bertrand, a University of Montreal criminologist and LeDain commissioner argued that possession of marihuana should be no offence at all (Canadian News Facts, June 19, 1970:467).

The LeDain Commission Report on Cannabis appeared in May of 1972, with the recommendation that penalties for simple

possession of marihuana be eliminated, three of the commissioners urging outright legalization of the substance (Vancouver Sun, May 17, 1972:1). In July of 1972, a Vancouver Sun article reported that the federal government had decided not to legalize possession of cannabis but would transfer all offences and controls relating to the substance to the Food and Drugs Act (Vancouver Sun, July 31, 1972:1). Interestingly, over a decade later, this has still not occurred.

Rather than dealing specifically with the LeDain Commission's recommendations and altering the actual legal status of marihuana, the Canadian federal government made yet another move to increase the discretion of judges in sentencing drug offenders. The interim publication of the LeDain Commission included as one of its recommendations the use of absolute discharges for first offenders in cases of simple possession of psychotropic drugs (LeDain, 1970:252). Although this type of sentencing option had been under consideration for some time, Leon suggests that concern with the increasing number of young drug offenders facilitated the passage of the discharge provisions into law (Leon, 1977:39). Further support for such a contention is provided by the Parliamentary Debates of 1972. In a discussion of the discharge provisions, then Justice Minister Otto Lang stated:

Power to grant a conditional discharge will allow judges and magistrates discretion in dealing with cases where a certain course of conduct may be desirable as a result of the young offender. This may be particularly relevant in cases of simple transgression such as the

simplest of drug offences.  
(House of Commons Debates, 1972:1700)

John Gilbert, the NDP member from Broadview, suggested that the government's motive in introducing the Criminal Law Amendments Act was to prevent the stigma of criminalization on young middle and upper class offenders.

One may ask why we have advanced from the suspended sentence approach to the conditional discharge or absolute discharge approach. We have experienced so many convictions, more especially convictions affecting the children of middle and upper income groups, that the government was bound to act in this manner.

(House of Commons Debates, 1972:1705-1706)

Thus, the Canadian government's response to the debate over marihuana's effects and the association of its use with middle class youth was to allow judges to impose absolute or conditional discharges for marihuana possessors. However, this did not eliminate the possibility of such offenders receiving terms of incarceration. In the United States, the changes in cannabis laws were somewhat different. In 1973, Oregon became the first state to "decriminalize" marihuana by changing the penalty for possession from a felony prison sentence to a \$100 civil misdemeanor fine (Abel, 1980:257). Other states to follow suit included Alaska, California, Colorado, Michigan, Nebraska, New York, North Carolina, Ohio, and South Dakota (Abel, 1980:258). The change in the legal status of marihuana in several of the American states sparked further debate in the popular press over the effects of marihuana, with several new themes emerging, suggesting that the 1960's literature had

underestimated the harmfulness of marihuana.

## CONTENT ANALYSIS 1973-1980

There are several consistencies in the periodical literature on marihuana from 1961 to 1972 and 1973 to 1980 (see Table 2 and Table 3 Appendix B). For example, the middle class and youth were still portrayed as the primary users of the substance and adverse psychological effects were still seen as a principal consequence of the use of the drug, comprising 35% of the opinions on the topic. Andre McNicol, a "medical sociologist", reported that marihuana use resulted in the loss of critical and intellectual capacity; "Recent and immediate memory are blocked in favour of long term memory and eventually the user slips into a more primitive mental state... 20% of those who experiment with hashish or marihuana will develop a psychosis and require professional psychiatric care" (Vancouver Sun, August 15, 1978). Similarly, Dr. Jones of the Langley Porter Neuropsychiatric Institute reported that in 1975 42 volunteers showed tolerance and dependence after using marihuana for a month in a clinic ward. Such a result does not seem overly surprising when one considers the fact that each of the subjects in Jones' study received 210 milligrams of THC per day (Psychology Today, December, 1976:46) which approximates between 50 and 100 marihuana cigarettes per day.

One article relied on a form of sensationalism reminiscent of Emily Murphy's The Black Candle in emphasizing the dangers of marihuana. In suggesting that the practice of parents forcing their children to smoke marihuana was becoming



increasingly common, the Saturday Evening Post cited Edwin Moses, a drug information officer from the State of Missouri:

The youngest I have seen in a home was with a couple in their early twenties who got their nine month old baby high by 'shotgunning' the child. The father told me 'We like to get Annie high so she won't be afraid to walk'. I pointed out that she was so stoned she couldn't even crawl. The father said, 'Well that's cool, at least she's not afraid to try.' 'She boogies around when she gets high', the mother said laughing. This meant the baby bounced around a little while. Then she sat - spaced out.  
(Saturday Evening Post, August, 1980:34)

Just as the earlier theme of marihuana causing violence/crime had been denied and largely neglected in the periodical literature of the 1960's, so did the idea of marihuana as a stepping stone and leading to indolence or rebellion receive little attention in the 1970's. Table 3 Appendix B reveals that only two opinions in the magazine sample of 1973-1980 identified marihuana as a stepping stone, while six opinions had suggested such an effect in the 1961-1972 articles. The same pattern is revealed with respect to indolence and rebellion, the former being mentioned only six times, and the latter not at all in the 1973 to 1980 sample. However, similar to the manner in which the stepping stone and indolence themes had replaced the violence theme of the 1930's, the idea that marihuana could lead to various adverse physical effects became the prominent consequence posited in the 1973 to 1980 literature. Only two opinions in the periodical literature prior to 1973 mentioned adverse physical

effects attributable to marihuana use. However, 15 or 41% of the opinions on marihuana from 1973 to 1980 suggested such effects.

One of the first articles to suggest adverse physical effects was a 1973 Newsweek piece sarcastically entitled "Pot Bust", which reported that marihuana use led to the development of female breasts in males (Newsweek, April 2, 1973:66). Vince Stone, the President of the Marihuana Education Society of British Columbia expanded on this idea in suggesting:

The growing gay population is largely due to... the female estrogen in cannabis... Unless the data we have is soon transmitted to the public we will probably witness the decline of Western civilization as we have known it.

(Vancouver Sun, November 3, 1979:3)

Other adverse physical effects posited included sterility and impotence in men (Newsweek, April 29, 1974:57) birth defects and cancer (U.S. News, June 10, 1974:58) and chromosome damage (Science, August 23, 1974:683). It is useful to juxtapose the purported impotence and sterility effects of marihuana with the earlier idea that marihuana was an aphrodisiac.

Despite the emergence of literature arguing that marihuana use caused several adverse physical effects, ten of the 37 opinions in magazine articles noted that marihuana was a relatively harmless substance. This led to further arguments for a lessening of penalties for marihuana use. Among those endorsing the legalization of cannabis were the American Bar

Association, which proposed the total removal of criminal laws against marihuana (Time, September 10, 1973:67) and a group of Vancouver lawyers, including several federal drug prosecutors (Vancouver Sun, November 17, 1977:1). However, it is apparent that the newly posited long term adverse physical effects of marihuana had something of a "taming" effect on those calling for changes in the laws dealing with the substance. While most commentators expressing opinions on this topic argued for some form of a lessening of penalties, not as many were prone to come out in favour of legalization. While 21% of the opinions cited in magazines from 1961 to 1972 and 24% of those in newspapers had argued for legalization of marihuana, these figures declined to 7% and 4% respectively for the 1973 to 1980 samples (See Table 3 Appendix B). At the same time, those suggesting that marihuana should be decriminalized increased in both samples.

Once again, the Canadian government was not immune to changes being proposed by several commentators. In 1974, the Liberal government took another step to reduce the penalties for marihuana possession by introducing Bill S-19, an initiative which would have placed cannabis in its own special section of the Food and Drugs Act. The provisions of Bill S-19 would have resulted in prosecutors having no option but to proceed summarily in cannabis possession cases. Also, no sentences of incarceration would have been allowed except in cases of a fine default, and these would have been limited to three months for a first, and six months for a subsequent

offence. Finally, the maximum penalties would have been reduced to a fine of up to \$500 for a first offence and \$1000 for a subsequent one (Erickson, 1980:28). Bill S-19 was introduced in the Senate in December of 1974, and although there was some opposition to its passage, Senator F.W. Rowe discussed the absurdity of Canada's existing approach to marihuana.

Because our approach to marihuana has been characterized by emotionalism, irrationality, and hypocrisy, we have antagonized millions of our young people. This in turn has made them less inclined to take seriously the warnings about really dangerous drugs... We have given criminals the opportunity of cashing in on the demand for marihuana. The millions of young people whom we have branded as criminals for using marihuana - look around them and see their parents, some of their religious advisers and many of their political leaders - in short a significant portion of the respectable adult community - hooked on alcohol and tobacco and a variety of prescription drugs, all infinitely more harmful than marihuana. We then wring our hands in despair and puzzlement over the disrespect that our young people show for law and order... In so far as marihuana is concerned, our laws are indefensible on moral, medical, and social grounds."

(Senate Debates, 1974:335)

Bill S-19 passed the Senate in May of 1975 with amendments eliminating the seven year minimum penalty of incarceration for importing and reducing the maximum penalty for importing to 14 years less a day to allow for discharges (Canadian News Facts, 1975:1393).

However, the proposals to reduce the penalties for marihuana were not received as favourably in the House of Commons. Simma Holt, the Member of Parliament for Vancouver Kingsway referred to hashish as the "assassin's drug" and noted that cannabis use lead to heroin (House of Commons Debates, 1974-1976:1251). Holt also called for a review of the law on capital punishment to include "mass killers, which are what drug pushers are in our society" (House of Commons Debates, 1974-1976:1253). Otto Jelinek, another Member of Parliament suggested; "I for one would not hesitate to go as far as having trafficking in narcotics included as a capital offence (House of Commons Debates, 1974-1976:1257). As a result of this opposition, the Government appeared reluctant to reintroduce Bill S-19 to the House of Commons, although Minister of Justice Ron Basford announced in 1977 that he had been considering in what form the Bill should be presented and what changes should be made (House of Commons Debates, 1977:4374). In response to a question in March of 1977 as to when marihuana would be removed from the Criminal Code, Prime Minister Trudeau stated; "We made that policy very clear when we introduced a bill in the Senate, which was passed in its amended form by the Senate. That represents the policy of the government. We would gladly introduce it and pass it through the House if we could have unanimous consent to do so in half a day" (House of Commons Debates, 1978:3875). Trudeau was pressed on his position again two months later when he allowed for some more time to pass the bill. "If there is all-party

agreement to deal with this bit at all stages in one day, we will introduce it tomorrow" (House of Commons Debates, 1978:5145). When it was indicated by Member of Parliament Paul Dick that this would be possible and that Trudeau should present the bill, Trudeau did not reply (House of Commons Debates, 1978:5145).

Nothing more was heard on the marihuana issue from the federal government until the Throne Speech of 1980, when Trudeau reiterated his contention that possession of marihuana would be removed from the Criminal Code (Vancouver Sun, April 14, 1980:1). Erickson refers to this period as one of "malign neglect" to describe the inactivity of the parliamentary body while the police and courts continued to generate a high level of criminalization for cannabis use (Erickson, 1980:29). The Liberal and Conservative governments of the 1980's have failed as yet to take an official stance on the marihuana issue or to introduce legislation in order to alter the legal status of the substance. Surely the thousands of Canadians who are potentially effected by marihuana laws deserve more attention. Unfortunately, the Canadian legislative response to the expanding literature on marihuana that suggests the substance is relatively harmless has been to place the responsibility for changing the laws in the hands of the various agents of the criminal justice system. This has resulted in considerable disparities in enforcement of and sentencing for narcotics law violators across Canada and will be the subject of the following chapter.

## CHAPTER VI

### MARIHUANA CONVICTION STATISTICS CONSTRUCTING MEANING FROM DATA

#### THEORETICAL PERSPECTIVES ON CRIMINAL STATISTICS

The first published criminal statistics were those for the country of France in 1825, and these were introduced to their audience with the belief that they would "assist in determining the circumstances which cooperate in increasing the number of crimes" (Sellin and Wolfgang, 1964:8). The publication of criminal statistics spread to other European countries, and they were primarily employed as a reflection on the "moral health" of the community. During this formative period, criminal statistics were seen as documenting an essentially moral phenomenon, but one which was also a social problem which required political action (Bottomley and Coleman, 1976:4).

These earliest descriptions of the crime problem, although aware of the fact that not all crime could be measured, relied primarily on what Biderman and Reiss (1967:2) term a "realist interpretation" of criminal statistics - that is, they accepted that the data was a fairly representative measure of the real amount of crime that was taking place.

One of the first to attempt to interpret the meaning of criminal statistics was Quetelet, who in 1842 argued:

All we possess of statistics of crimes... would have no utility if we did not tacitly assume that there is a nearly invariable relationship between offenders known and adjudicated and the total sum of offences committed. (As cited in

Sellin and Wolfgang, 1964:25)

Despite the appreciation of some criminologists that a realist interpretation of criminal statistics was problematic, the discipline generally followed on a positivistic course, by virtue of treating crime statistics as observational terms, for most of its early history. Thus, virtually all of the major criminological research of the late 1800's and early 1900's was based on a prima facie interpretation of criminal statistics. This is true whether one discusses the biological theories of Lombroso, the ecological theories of Shaw and McKay, or Merton's anomie theory.

These and other criminological theories purported to have discovered that criminal behaviour was social-class based. However, with the rise of labelling theories and the appearance of self-report studies which suggested deviance was not necessarily restricted to the lower classes, it was recognized that official statistics were not providing a complete picture of the nature of deviance. Thus, Kitsuse and Cicourel argued in 1963:

The theoretical conception which guides us is that the rates of deviant behaviour are produced by the actions taken by persons in the social system which define, classify and record certain behaviours as deviant.

(Kitsuse and Cicourel, 1963:135)

Wheeler further suggested that criminal statistics should be conceived as the result of a three-way process of interaction between the offender(s), members of the community



and the official agents of law enforcement (Wheeler, 1967:318).

Such theories were beginning to recognize that crime itself was a social process that depended largely upon social definitions, and further served to emphasize that interactions of all those involved were legitimate variables to consider in the study of crime.

Some, such as Jason Ditton, have projected this argument even further, arguing that control operates independently of crime rather than within a mutually causal framework (Ditton, 1979:9). Ditton's "contrological" perspective emanates from early labelling theory, which had suggested that crime is not inherent in any behaviour, rather, it is a social status conferred on an individual by the court. For Ditton, the reaction to the act is the commission of the act. He reasons:

The central implication of these conceptual observations is that variations in the official crime rates are allowable as evidence of control waves: but never of crime waves.

(Ditton, 1979:24)

Ditton's contentions may seem appealing, but his argument is flawed in several respects. It is true that crime may be produced by control. But Ditton seems to imply that there is never any behaviour which precipitates an official response to it. For instance, it is clear in the discussion of the empirical data that follow in this paper that law enforcement activity has created an extremely distorted illustration of a change in social behaviour, namely, the use of marihuana.

Nonetheless, there is little doubt that a change in social behaviour in terms of the increased use of marihuana did precede the official response to it. To take a more extreme example, could Ditton possibly suggest that a murder or rape did not occur and that the response to these acts were the acts themselves? Ditton deals with such criticism rather perfunctorily, stating that "no 'crime' has been committed (in law and logic) until a court finds - ie. - creates for all intents and purposes - guilty intent" (Ditton, 1979:20).

One can also take issue with the empirical basis of Ditton's theory, the control of petty pilfering within a bakery. It is rather absurd to imply that control within such a setting would resemble control in the criminal justice system, a vastly more complex entity consisting of several interdependent segments.

Perhaps the most serious defect in Ditton's theory is that he operates from the same positivistic philosophy that he criticizes others for employing in their analyses. That is, while he states that official statistics are never reflective of actual criminal behaviour, he suggests that these very same statistics are a valid measure of control.

Despite these shortcomings, Ditton does provide some conceptual categories which will be of utility in the subsequent analysis of marihuana conviction statistics. These categories refer to the types of phenomena which can result in increases and declines in official crime rates, and they will be briefly outlined here.

Constructed Rises - These occur when more originally defined non-deviant acts are defined as deviant. Such rises can stem from either legislative or judicial moral enterprise (Ditton, 1979:12).

Fantasy Rises - These are precipitated when more of those acts originally committed are discovered. This may be the result when feelings of moral entrepreneurship infuse a greater degree of attentiveness in the deviant audience (Ditton, 1979:13).

Bookkeeping Rises - These occur when more originally or subsequently discovered acts are officially collated. These rises stem from differences in the way that criminal returns are recorded or compiled, or from alterations in the way that official statistics are collated (Ditton, 1979:13).

Reporting Rises - These result from more mass media coverage of deviant acts. Ditton argues that such rises do not directly effect criminal statistics, but they may indirectly sponsor legislative and judicial change and fuel and direct police enthusiasm (Ditton, 1979:17).

↑ The interpretation of the marihuana conviction statistics that follows will adopt what Lowman has termed an "interactionist" position, suggesting that the official statistics do not necessarily represent the "real" distribution of marihuana use. The statistics instead depend crucially on the operation of social control organizations in dealing with such actions (Lowman, 1983:178). |

The realization that criminal conduct has to be socially

perceived and socially processed before it becomes part of the official statistics stimulated numerous studies on the use of police discretion in the processing of "offenders". Most of these studies focussed on police discretion in their dealings with juveniles. Thus Goldman (1963) and Piliavin and Briar (1964) found evidence to suggest that police were somewhat discriminatory in their exercise of discretion, concentrating their attention on lower class youths.

Further research recognized that police did not happen upon all their cases themselves, and these studies attempted to identify the extent of citizen input into police activity. Black and Reiss (1967) discovered that in their study of patrol work in Washington, Boston, and Chicago, 87% of police mobilizations were reactive (Black and Reiss, 1967:11). Similarly, Terry, in a study of a midwestern American city, found that over 83% of the cases police dealt with were reported by persons other than the police (Terry, 1967). Findings of this nature have led commentators on the role of the police to conclude that "most police work is reactive", and that "it is the general public who decide what level of law enforcement they want from the police" (Morris, 1974:10-11). A more recent study by Ericson on the Metropolitan Toronto Police Force noted that the officers studied were "almost as often proactive as reactive" (Ericson, 1982a:83).

Part of the problem in the debate over the nature of police work is the attempt of many of the commentators to dichotomize police work into the proactive/reactive

categories, without a realization that in actuality the two are closely interconnected. As Lowman (1983:175) points out, the enforcement of prostitution laws, normally characterized as proactive, is reactive to the extent that waves of police interest in prostitution may be a reflection of campaigns by public pressure groups to "clean up the streets", or a response to local politicians who adopt a law and order platform and thus encourage police proactivity to make it appear as if something is being done about the "crime problem".

The enforcement of possession of marihuana laws provides another excellent example of the interrelationships between proactive and reactive policing. It is the classic case of the "victimless crime"; it appears as though the user of marihuana harms no one but himself or herself, and many commentators on the effects of the drug question whether even the user is harmed. Thus, there is seldom anyone with the necessary interest or inclination to complain of a violation of the law. While marihuana use may cause specific harm to the user and general harm to society, it does not cause or threaten specific harm to others of a nature that would lead to a complaint. (It should be noted however, that with the introduction of television and "Tips" programs which offer rewards for implicating criminals, it is possible that complaints about drug users and traffickers are leading to arrests.)

*no of  
costs  
hours*

This means in practice that law enforcement officers

receive comparatively little assistance from the ordinary type of complainant in their efforts to detect and prove the commission of offences of marihuana possession. Further compounding police problems is the fact that the prohibited behaviour of marihuana possession can be carried on in private and as such is extremely easy for the offender to conceal.

It would thus appear as though marihuana possession would be exclusively proactively enforced. However, it is necessary to remain cognizant of the fact that the police decision to proactively enforce these laws will be strongly influenced in greater or lesser degree by several factors, including organizational directives and constraints within police departments themselves, the willingness of Crown Attorneys to prosecute for these offences, judicial decisions, and the public's attitude towards the substance.

There is thus a need for a processual, interactional and historical understanding of the production of crime rates, one which places crime in a wider social context. It is this type of interpretation that will be employed in the analysis of marihuana conviction statistics.

## PREFACE TO AN INTERPRETATION OF THE STATISTICS

This chapter is primarily concerned with exploring trends in, and the characteristics of, possession of marihuana convictions. The most extensive and readily available statistics on this subject are those provided by the Bureau of Dangerous Drugs, which is a division of the Federal Ministry of Health and Welfare. Unless otherwise stated, the statistics employed in the analysis are those supplied by this agency.

There are, unfortunately, several discontinuities and inconsistencies in the statistics. For instance, one confronts a problem in attempting to deal specifically with possession of marihuana offences due to the fact that from 1956 to 1968 the figures are not categorized by section and drug. (The refinement of the statistics appears to be related to the sudden increase in marihuana convictions under the Narcotic Control Act in 1968.) It was thus necessary to include figures which indicate that the proportion of possession convictions under the Narcotic Control Act has consistently been greater than 70%, and indeed this ratio is usually much higher than this figure (See Table 12 Appendix B). This should allow for long-term comparisons of the overall statistics, suggesting that the figures being examined are primarily possession offences.

Similarly, the age data is based on figures for all drugs and all sections of the Act, but nonetheless allows for some intriguing observations. The other problem with the age variable is that changes in the categorization of age groups

in 1968 did not allow for the long-term comparisons that were desired. Thus the analysis concentrates on the fairly broad category of 24 and under age groups, although it may have proven more interesting to examine the younger age groups included under this heading.

There were also some discontinuities in the data, (for instance in several tables there is no data provided for the year 1971). When this occurs, it will be reported on the pertinent tables.

Perhaps the most critical problem with the data arose when it was discovered that there was a "lag" in the statistics. Specifically, the convictions reported in 1976 for that year were lower than those recorded for the same year in 1980, the first year that the statistics were compiled on a five year basis.

It was suspected that this lag was due to the fact that the Bureau of Dangerous Drugs was receiving the statistics on the basis of arrest rather than conviction dates, but not until the conviction was registered. This was confirmed by an RCMP official in Ottawa. This should not seriously damage the analysis to be described here, as the lags are fairly consistent over the years examined.

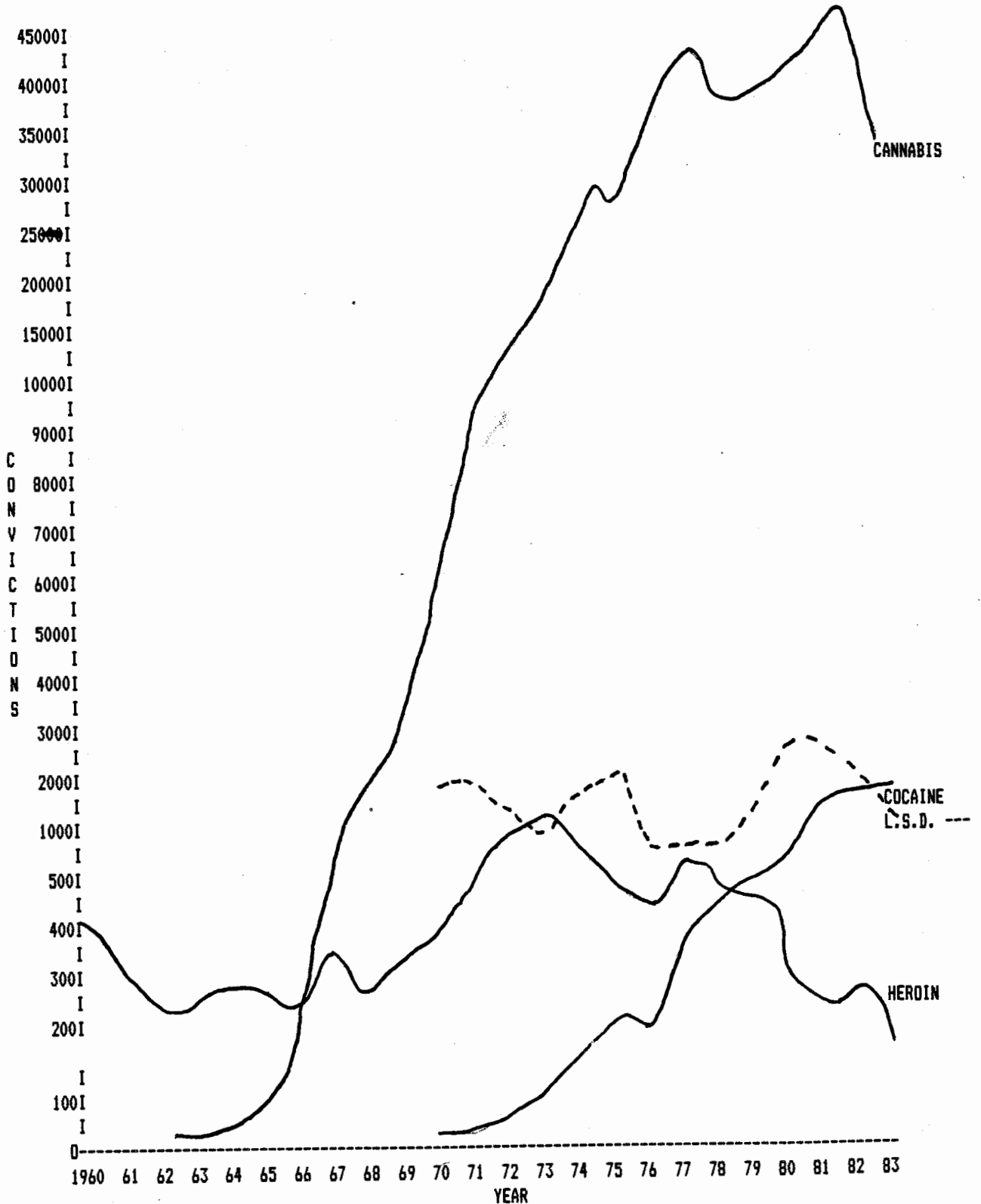


## MARIHUANA CONVICTION STATISTICS

From 1947 (the first year for which judicial statistics are available) until 1955 inclusive, there was a total of only 36 convictions for marihuana under the Opium and Narcotic Drug Act. Heroin was more of a concern in the 1950's and early 1960's, averaging close to 300 convictions per year from 1947 to 1956. Today, the situation is markedly different. In 1981, for instance, there were 227 convictions for heroin, or a decrease of 38% since 1956. At the same time, marihuana convictions under the Narcotic Control Act have increased from 13 in 1956 to 43,568 in 1981, an increase of 335,138% (See Table 7 Appendix B and Figure 1). While the number of marihuana convictions decreased significantly in 1982 and 1983, it is nonetheless an indisputable fact that Canada now has a marihuana "problem". In 1980, possession of cannabis offences accounted for 4.9% of the over 870,000 offences "cleared by charge" in Canada. In this year, possession of cannabis was the fourth largest single category of offences cleared by charge, falling below only Theft Under \$200, Break and Enter, and Fraud (Canadian Centre for Justice Statistics, 1980).

What precipitated this increase in both the numbers and rates of marihuana convictions? Was it a change in social behaviour or an alteration in the exercise of control on the part of state officials? The subsequent analysis will suggest that the response to this question is extremely complex, involving consideration of numerous variables. Although it is

FIGURE 1 - CONVICTIONS FOR SELECTED PSYCHOACTIVE SUBSTANCES  
1960-1983



virtually impossible to explain the exact cause of the increase in marihuana convictions, the issues raised in the discussion of the trends will provide valuable insights into the problematic nature of official statistics in general and marihuana conviction statistics in particular.

#### A DESCRIPTION OF THE OVERALL TRENDS

Table 8 Appendix B lists the total number of convictions for all marihuana offences by province from the year 1956 to 1983. From Table 8 it is clear that marihuana convictions did not begin to increase substantially until 1966, when there was a total of 144 convictions for the substance under the Narcotic Control Act. The drug (ostensibly) appeared first in the more populated provinces of Ontario and Quebec, and to a lesser extent, British Columbia. Soon, the other seven provinces began to evidence similar patterns.

Table 9 Appendix B illustrates the magnitude of these increases calculated as percentage changes by province by year. From 1965 to 1970, this increase averaged well over 100% per year overall, and for some individual provinces the percentage increases were in fact substantially higher than 100%. (For example in Alberta the increase in 1967 was 1066%.) For the years 1970 to 1974 the increases in convictions are not as great in terms of percentages; however, it is evident that in terms of actual numbers, they were substantial. The lower percentage increases are merely a reflection of the fact

that the base numbers on which the percentages were calculated were becoming extremely large.

During this time, the RCMP enlarged its own drug squad from about 185 officers in 1969 to nearly 300 in 1971 to respond to the increase in the availability of cannabis (LeDain 1972:244). The force also began to prepare municipal forces to recognize and deal with drug offences, and to turn over the responsibility of laying charges in simple possession cases to regular police officers. The resulting infusion of manpower into the drug enforcement field may have been a contributing factor, along with increased use levels, to the continued rapid rise in arrests and convictions for simple possession in the early 1970's. As Black suggests, "until a point of total detection is reached and holding all else constant, vice rates increase as the number of policemen assigned to vice control is increased" (Black, 1970:735). Similarly, McDonald has noted that increases in the crime rate for less serious offences were positively correlated with increases in the size of the police force (1969:212), with police force strength explaining 53% of all Criminal Code summary conviction offence increases (1969:226).

In 1975, there was an overall decrease of 6% in marijuana conviction statistics, this being largely a reflection of the decrease in the number of convictions in the larger provinces of Quebec, Ontario, and British Columbia.

Another substantial decrease occurred in 1978, and a smaller decline of 2% overall in 1979. In 1982, an overall

decrease of 28% occurs and a similar one in 1983, and these decreases are reflected in varying degrees across all provinces.

### RATES

By comparing the total marihuana convictions to the rates of convictions by province (Table 10 Appendix B) it becomes clear that while Ontario leads in number of convictions, this is largely a population size factor. There is perhaps some support in these presentations for the oft-heard fact that official crime rates increase as one proceeds west in Canada. It is clear that British Columbia and Alberta consistently have had the highest conviction rates for marihuana offences; and Saskatchewan and Manitoba are also quite high. In 1977, the conviction rate per 100,000 population in Alberta reaches 427. This is probably the result of the fact that Alberta has a "younger" population (Foot, 1982:23); and both use patterns and levels of law enforcement are disproportionate for younger age groups.

Another seemingly anomalous situation that emerges from the conviction rate figures is the extremely low rates for the province of Quebec. Quebec is the only province which does not reach the rate of 100 convictions per hundred thousand, the highest rate being the 1982 figure of 82. (Quebec has been previously identified as having a low conviction rate for criminal offences (Giffen, 1976:105).)

There is little doubt that cannabis use increased substantially during the early and late 1960's. With the

increasing availability of the drug, improved marketing techniques for it, the "hippie culture" and increasing reference to drugs in the popular music of the era, young people from all sectors of society began to experiment with marihuana. However, it seems rather dubious to suggest that the official statistics provide an adequate understanding of ~~the~~ nature of the rise in marihuana use across Canada.

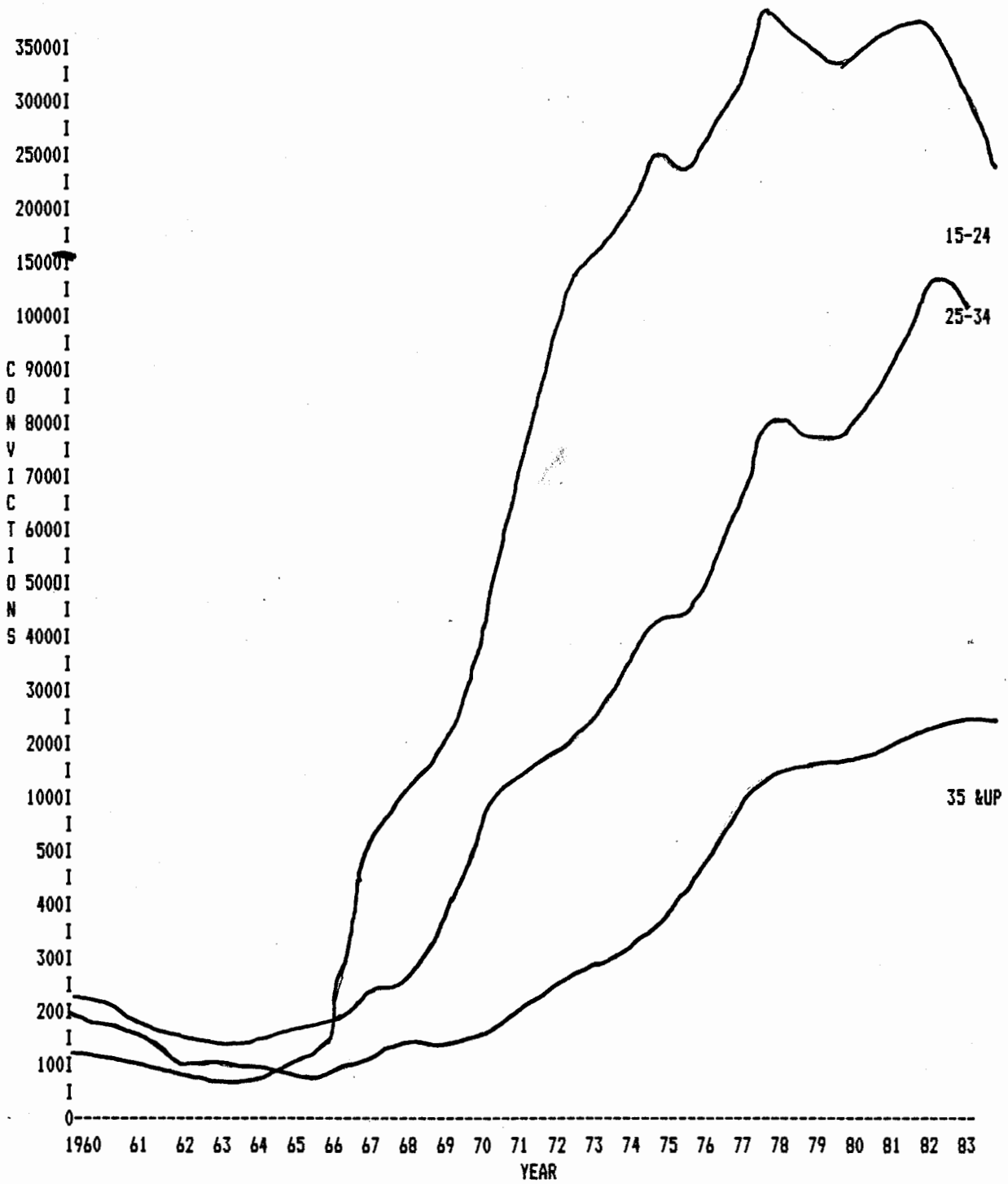
## AGE/SEX

Table 11 Appendix B presents data on the age and sex of convicted drug offenders from 1956 to 1983. These figures are for all sections, involving all drugs subsumed under the Narcotic Control Act. However, this should not significantly affect the argument to be followed in this section, as a substantial majority of the convictions under the Act are for possession of cannabis (See Table 12 Appendix B).

The distinction in age categories was in part a theoretical one, but more one of empirical convenience imposed by the changes in classification of age groups by the Bureau of Dangerous Drugs. The 15-24 age group represents those offenders who generally do not possess access to private space. The 25-29 category would consist of individuals who are beginning to or have gained access to private space, and those 35 and older would presumably have gained such access. The access to private space variable will become an important factor in explaining the increases in convictions, particularly for those in the 15-24 age group.

In 1956, the first year for which such statistics are available, it is evident that the two older age groups were fairly equal in terms of the number of convictions under the Narcotic Control Act, (See Figure 2) with the 15-24 age group representing only 16% of the total convictions under the Act. These statistics probably reflect the demography of drug use in the middle 1950's, as a Special Senate Committee on the the Traffic in Narcotic Drugs had noted in 1956 that of the 2364

FIGURE 2 - CONVICTIONS UNDER THE NARCOTIC CONTROL ACT BY AGE  
1960-1983





known criminal addicts in Canada, only 26 were under the age of 20 (Senate Debates, 1955:692).

It is also notable that in the early years, males outnumbered females by a factor of only 2 to 1 in convictions under the Narcotic Control Act (See Table 11 Appendix B). This is probably due to the fact that drug laws were being applied to control female prostitutes in the 1950's and early 1960's. The Special Senate Committee had noted that in Vancouver several addicts were known to engage in crime, including prostitution.

The Committee is not able to understand why the provisions of the **Criminal Code** dealing with vagrancy, prostitution, and living off the avails of prostitution cannot be more effectively invoked to uproot and break this concentration. (Senate Debates, 1955:692)

In the 1961 House of Commons Debates dealing with the restructuring of the Narcotic Control Act, Judy LaMarsh noted; "It is a fact, happy or otherwise, that the greatest proportion of women criminals in Canada are those who have by reason of addiction been drawn into prostitution" (House of Commons Debates, 1960-61:5987). Similarly, one of the first intensive studies of drug addicts in Canada by an RCMP constable, H.F. Price had suggested:

Of the females interviewed, all were white, and all but one were prostitutes. The sole exception was by occupation a nurse, and even here there were indications of promiscuous sexual relations. It may be suggested that prostitution is the only really lucrative occupation open to girls of

little training and limited mentality, and thus is the only choice for the female addict to support her costly habit.  
(Price, 1946:75)

In a specific case history of one female, Price described the addict as "a sullen foul-tongued girl, mentally dull and utterly lacking in any moral sense, she has been a prostitute for years" (Price, 1946:75).

Such morally suspect females were more likely to be charged by police officers for violations of the provisions of the Narcotic Control Act, since as Visher suggests:

In encounters with police officers, those female suspects who violate typical middle class standards of traditional female characteristics and behaviours are not afforded any chivalrous treatment during arrest decisions.  
(Visher, 1983:22-23)

Concomitant with the increase in marihuana convictions under the Narcotic Control Act in 1965, the 15-24 age group began to constitute an increasing proportion of the total offenders under the Act. In 1982, for instance, this group accounted for 84% of all convictions under the Narcotic Control Act. Although statistics are not readily available for Canada, in the United States, the 13-24 age group accounted for 57.8% of all arrests for violent crimes and 72.8% for offences against property in 1974 (Nettler, 1978:121). In 1979, about 33% of the persons arrested in the United States were between 15 and 20 years of age (Federal Bureau of Investigation, 1979:188).

While it is true that the proportion of offenders in the

older age groups convicted under the Narcotic Control Act has declined substantially since the 1960's, the actual numbers have not declined in the same manner. In 1982, both the 25-34 and 35 and over age groups reached their highest totals. Table 13 Appendix B reveals that there are substantial disparities in conviction rates per 100,000 population by age group and province. This table reveals that Saskatchewan and Alberta have consistently had the highest conviction rates for all age groups in the last decade, while Quebec has had the lowest rates. The 15-24 age group has consistently had the highest conviction rate for all provinces. The ratio of conviction rates between age groups has been approximately three to one for the 15-24 to 25-34, and 15:1 for 25-34 to 35 and over. The ratio for 15-24 to 35 and over has varied considerably, from a high of 112:1 in 1973, to a low of 39:1 in 1981.

The most intriguing aspect of this data is that it seems to indicate that marihuana possession is almost exclusively an offence committed by young people and that drug offences in general are even more age specific than other Criminal Code offences.

It is extremely difficult to obtain an accurate illustration of the actual extent and age distribution of marihuana use in Canada. While self-report studies indicate that marihuana use was indeed increasing in the late 1960's and 1970's, (See Smart and Jackson, 1969, Smart et al, 1970, Smart et al, 1977, as cited in Smart, 1983) from 6.7% of the sample population ever used in 1968 to 18.3% in 1970 to 25% in

1977; these studies, by selection of their samples, lead one to the same conclusion that the official statistics do: namely, that marihuana use is an offence primarily committed by young people. Unfortunately, there is a dearth of research on marihuana use by adults in Canada. What research does exist suffers from several methodological problems and does not allow for longitudinal comparisons between age groups.

The national study by the LeDain Commission is the only one providing information about cannabis use prior to 1970. The LeDain Commission estimated that only .6% of adults had used cannabis by 1966, but by 1970, use had increased by a factor of almost 6 to 3.4% (LeDain, 1972). In the same time period, convictions for cannabis under the Narcotic Control Act for cannabis increased from 144 in 1966 to 6270 in 1970, or a factor of 44. The major problem with the LeDain sample is that "adults" were loosely defined as those over age 18. This same problem applies to the most recent national study by Rootman, which indicated that 12.2% of adult males and 7.2% of adult females had used marihuana in 1978 (Rootman, 1979). The study also found that rates of use were higher among young people (23.8% of those under 30 had used in the past 12 months, while only 3.8% of those 30-49 had). Use rates for the provinces of Ontario and British Columbia were higher (11.5% and 15.2% in the last 12 months), and far lower in Atlantic Canada. Although use of marihuana in the "prairies" (Manitoba, Saskatchewan and Alberta) was reported at 8.4% in the past 12 months and 2.6% more than once weekly in the past 30 days (the

second lowest totals among all regions), it is clear from Table 10 Appendix B that the prairie provinces, especially Alberta, consistently have higher conviction rates than the other provinces. Although there are admittedly several methodological problems with self-report studies, it would be difficult to cogently argue that these shortcomings would be unequally distributed across provinces. It is apparent from the differences in conviction rates across provinces, age groups and sex that control activity is not equally distributed across these variables.

In 1972, the LeDain Commission made reference to the impact of control on drug offences, in a realization that the risk of detection for simple possession of marihuana was relatively slight.

Use is far too widespread and the methods of detection too unacceptable with respect to most of the using population to make it possible to enforce the law in any but a haphazard and necessarily discriminatory manner.  
(LeDain, 1972:299)

The Commissioners were also aware of the crucial distinction between public and private space for the enforcement of possession of marihuana laws:

Many, if not most cases of simple possession are uncovered in the course of some other aspect of law enforcement... If people are careful not to be in possession in public places... they are relatively immune from detection. The use of cannabis in private is, generally speaking, beyond the reach of the criminal law." (LeDain, 1972:289-90)

Recent research the author conducted on the circumstances of arrest for possession of marihuana cases in Vancouver and Toronto in 1983 supports this contention. In the 37 possession cases examined, 81% of the arrests for those under age 24 occurred in a public place or automobile. Similarly, in Erickson's sample of 95 cannabis offenders, 64% of the arrests occurred in a public place or automobile (Erickson, 1980:55). Johnson et al's research on marihuana arrests in three American cities also provides support for the importance of the private space variable in marihuana arrests (Johnson et al, 1977:693).

Glaser has provided a theoretical perspective that places drug law enforcement in a broader social context. He describes a process characteristic of efforts to suppress possession in which prosecutions of offences as consumption (that is, in private) shifts to prosecutions of them as performance, that is, only when acts are pursued in public are they dealt with (Glaser, 1971:23). The public context of marihuana law enforcement implies that variations in detection and apprehension should correlate with the distribution of access to private space. The lessened access to private space by younger age groups may provide a partial explanation of the discrepancies in convictions rates among the various age groups, differences that are apparently not as pronounced in the self-report studies.

Some have taken this argument even farther to suggest that as a result of differential access to private space, a

social class bias is created in marihuana arrests. Stinchcombe notes that private places are differentially distributed across various social groupings and that arrests dependent upon public discovery are correlated with the distribution of private places.

Since there is a rough correlation between social class and access to private places, individual public disorder is related to social class even if the behaviour of all social classes is the same.  
(Stinchcombe, 1963:157)

Similarly, Chambliss and Seidman argue:

The weight of the evidence indicates that to a significant degree the legal system's processing of law violators involves the prosecution of lower class persons for doing what middle and upper class persons do in private.  
(Chambliss and Seidman, 1971:334).

The public/private space distinction, however, appears to reveal only part of the story. It seems as though males and females of the same age group would possess fairly equal access to private space, although they arguably have differential rates of use of public space. Table 13 Appendix B indicates that the ratio of male to female convictions under the Narcotic Control Act stands at approximately 10 to 1. This relationship generally holds true for the 15-24 age group and the 25-34 age group for all provinces, although it is somewhat lower for the 35 and over age categories. This is despite the fact that the most recent self-report studies seem to indicate that males and females do not differ quite this

significantly in terms of their use patterns of marihuana. Rootman reported that 12.2% of adult males and 7.2% of adult females had used marihuana in the past 12 months, and 5.0% of males and 1.9% of females had used marihuana more than once weekly in the past 30 days (Rootman, 1979:429). Similarly, Smart et al discovered that among a sample of 4687 Ontario students in grades 7-13, 29.4% of males and 21.1% of females had used marihuana in the last twelve months (as cited in Smart, 1983:32). Once again, while there are methodological problems with these self-report studies, it is not clear how they would pertain specifically to the sex variable.

From the findings of such studies, one would expect that conviction rates for females would be higher than the official statistics indicate. It is notable that while male to female charge ratios are higher for virtually all offences under the Criminal Code, they are especially high for drug offences. While charges for violent crimes are generally in the ratio of nine to ten males for every female charged (Statistics of Criminal and Other Offences, 1973) it is generally agreed that males are more prone to commit violent crimes and one would expect such differences in charge rates. For instance, Hindelang, in examining national victimization data from 1972 to 1976 in the United States, found that the results for rape, robbery, personal larceny and motor vehicle theft paralleled arrest data in showing that male involvement in these crimes was much greater than the involvement of females (Hindelang, 1979:143).



Several commentators have argued that women are likely to receive "chivalrous" treatment from criminal justice system officials. In 1950, Pollak noted; "Men hate to accuse women and thus indirectly send them to their punishment, police officers dislike to arrest them, district attorneys to prosecute them, judges and juries to find them guilty, and so on" (Pollak, 1950:151). Similarly, Reckless asserted "female offenders have a much better chance than male offenders of not being reported, of not being arrested and of dropping out of the judicial process, that is, of remaining uncommitted" (Reckless, 1961:237). More recent studies also indicate that police are less likely to arrest women than they are men in identical circumstances (Haskell and Yablonsky, 1970:61). Johnson's research on arrest probabilities for marijuana users discovered that males have substantially higher arrest/use ratios than females - about five times (Johnson et al, 1977:690). He found that males, compared to females, were more often arrested by general patrolmen, often in vehicles, and were more often arrested alone. Conversely, the arrest of females more often involved proactive policing.

It is clear that a crucial variable to consider in the interpretation of marijuana conviction statistics is the behaviour of the primary agents of social control - the police. Matza suggests that "methodic suspicion" often operates in the enforcement of violations of drug offences (Matza 1969:180). Similarly, Ericson contends:

The patrol officer is more likely to watch closely and stop on suspicion a

young man in his 'shagwagon' than a granny in her stationwagon, because the former is more likely to have contraband and is deemed more in need of being kept in his proper place.  
(Ericson, 1982a:8)

It would be somewhat presumptuous to claim that the official statistics on marihuana convictions are reflective of the actual incidence and demographics of the offence. Because of the discretionary component of enforcement practices, the actual meaning of the law can only be understood in the context of police organization and function. As Davis suggests:

The police make policy about what law to enforce, how much to enforce it, against whom and on what occasions. Some law is always or almost always enforced, some never or almost never enforced, and some is sometimes enforced and sometimes not.  
(Davis, 1975:1)

Narcotics legislation is one of the principle resources available to social control agents in their primary task of "preserving the ranks in society" (Ericson, 1982a:7), and the police are able to utilize their discretion in ordering the streets. Relevant to this contention is Ericson's observation that in his study of the Metropolitan Toronto Police Force, 79 out of the 170 persons "further processed" (beyond initial police patrol activity) were charged on one or more counts under the Narcotic Control Act, all section 3(1) possession offences (Ericson, 1982a:157). This exercise of police discretion has resulted in the enforcement being focussed primarily on young male offenders. However, another area in

which considerable discretion is exercised is that of prosecutorial discretion, which results in further provincial and age/sex disparities in marihuana offences.

**CHAPTER VII  
PROSECUTORIAL AND JUDICIAL DISCRETION WITH DRUG OFFENCES**

**PROSECUTORIAL DISCRETION**

Another area where substantial disparities are revealed in the treatment of drug offenders is that of prosecutorial discretion. Under Canadian Criminal Law, crown attorneys are accorded enormous discretionary powers. These powers include: 1) the discretion to proceed by way of summary procedure or indictment in the case of hybrid offences, 2) the discretion whether or not to lay or proceed with criminal charges, and 3) the discretion to enter a stay of proceedings or to withdraw charges. The latter discretionary powers of the crown have led to substantial disparities in the treatment of narcotics offenders across Canada and will be the subject of this section. It is necessary to examine the withdrawal and stay of charges, as a 1979 University of Toronto Centre of Criminology study of 131 offenders in Toronto found that the withdrawal or dismissal of charges was the most common method of disposition next to conviction as the result of a guilty plea (Osborne, 1983:56-57).

Sections 508 and 732.1 of the Criminal Code provide that the Attorney General or the Attorney General's agent, crown counsel, has the discretionary power to suspend the proceedings in a criminal case. The crown attorney also possesses the discretion to withdraw a charge in any criminal case, although unlike the stay of proceedings, this power is not contained in the provisions of the Criminal Code, but is derived from common law (Salhany, 1978:178-179).

There are two major differences between a withdrawal of charges and a stay of proceedings. With a withdrawal of charges, it is necessary for the crown to initiate entirely new proceedings, while with a stay of proceedings it is not necessary to lay a new charge in order to recommence proceedings until one year from the date of entry of the stay. (Griffiths et al, 1980:159). Furthermore, while a stay of proceedings is not subject to judicial scrutiny, a crown attorney may not withdraw a criminal charge without obtaining permission of the trial judge, although as Osborne notes:

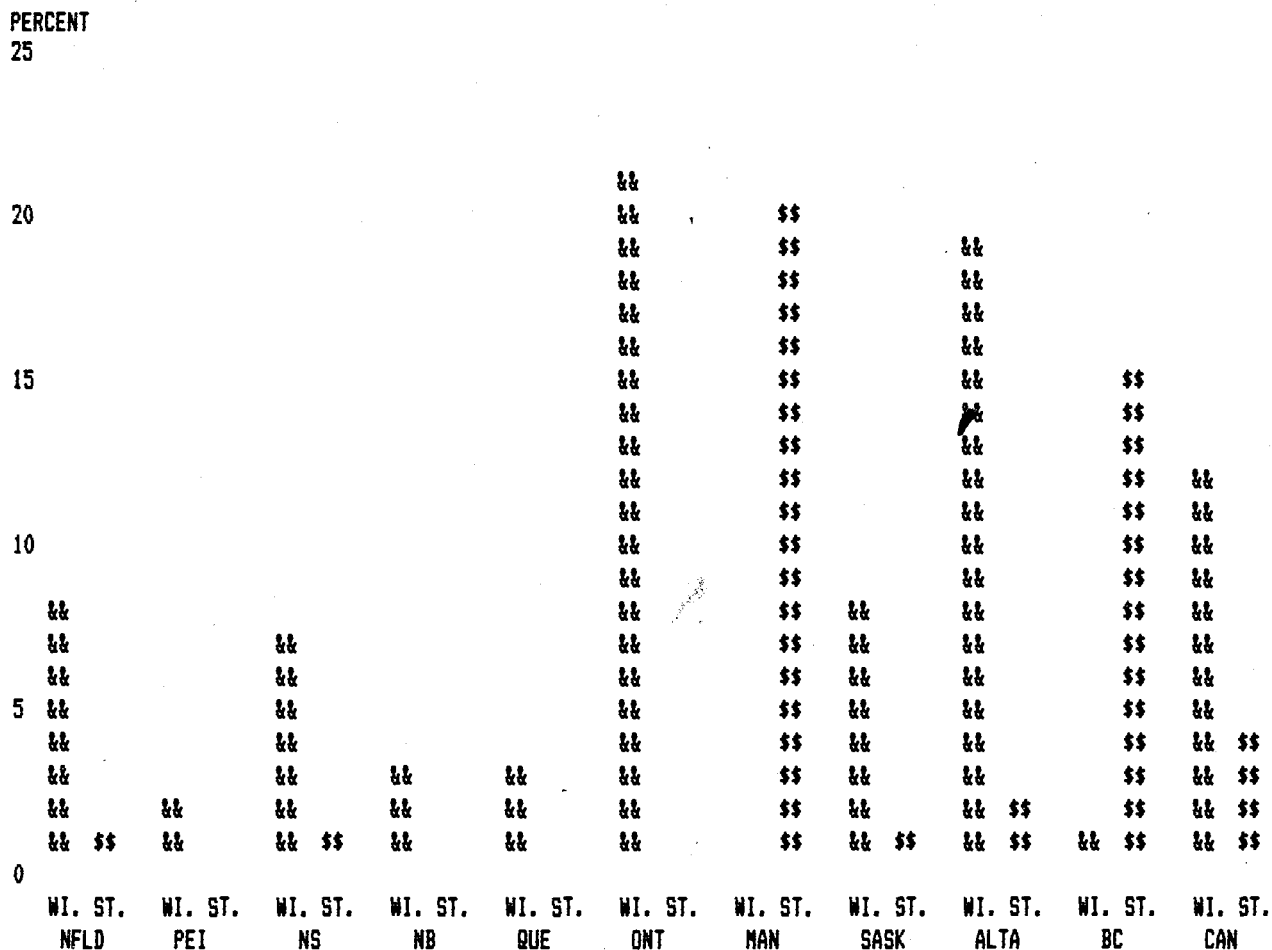
Terminating a case by withdrawal of charges is largely the result of a discretionary decision of the prosecutor rather than an initiative of the judge. While the judge must consent to the crown's application to withdraw charges, in practice, he will rarely question or refuse the application.  
(Osborne, 1983:58)

In his book The Prosecutor, Grosman suggested that prosecutors feel free to withdraw charges on their own initiative, and that this power provided some belated control over the decision-making processes of the police. He suggested that the discretionary decision to withdraw charges was limited in practice to two general situations: withdrawals for compassionate reasons and withdrawals for police investigatory purposes (Grosman, 1969:39). Osborne suggests that evidence gathered from a study of provincial courts in Toronto indicated that prosecutors tended to assume a cooperative rather than a controlling stance in their relationship with

the police (Osborne, 1983:72). This is not surprising when one considers that crown attorneys are dependent upon the police to provide evidence for the large numbers of cases they must process daily. An implication of Osborne's argument is that the police may be extremely influential in the ultimate decision to withdraw charges.

Table 14 Appendix B and Figure 3 reveal substantial provincial disparities in the withdrawals and stays of charges under the Narcotic Control Act from 1976 to 1983. From this table, it is clear that Ontario has consistently had the highest percentage of Narcotic Control Act charges withdrawn, averaging 20% over the last eight years. On the other hand, Manitoba has averaged less than 1% of all charges withdrawn over the same time period. The use of stays ranged from an average of 17% in British Columbia and 16% in Manitoba to less than 1% in Ontario. While recent judicial statistics do not provide figures on the use of stays and withdrawals for all criminal charges, there is some evidence to suggest that Manitoba and British Columbia have a history of employing these dispositions frequently. Sun discovered that from 1966 to 1970, Manitoba averaged 64.9 stays per 1000 charges and British Columbia 75.4 stays per 1000 charges (Sun, 1974:486). As Table 14 illustrates, the figures for narcotics charges in Manitoba and British Columbia during the last decade are more than double these figures. For instance, the 20% figure for Manitoba in 1983 would represent 200 stays per 1000 charges. Similarly, the 15% figure for British Columbia would represent

FIGURE 3 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT BY PROVINCE - 1983



WI. - INDICATES PERCENTAGE OF CHARGES WITHDRAWN

ST. - INDICATES PERCENTAGE OF CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

150 stays per 1000 narcotics charges. In a survey of Canadian prosecutors, Sun discovered that the most commonly stated criteria for the use of a stay of proceedings were:

When in the case of a misdemeanor, a civil action is pending for the same cause; when there has been an attempt to oppress the defendants as by repeatedly preferring defective indictments for the same offence; when the accused is unable to stand trial or it is undesirable that he or she do so due to some mental infirmity; when a similar case is on appeal to a higher court; when a witness is missing or has been intimidated; when there is insufficient evidence but a good possibility of new evidence coming to light within a short period of time. (Sun, 1974:488)

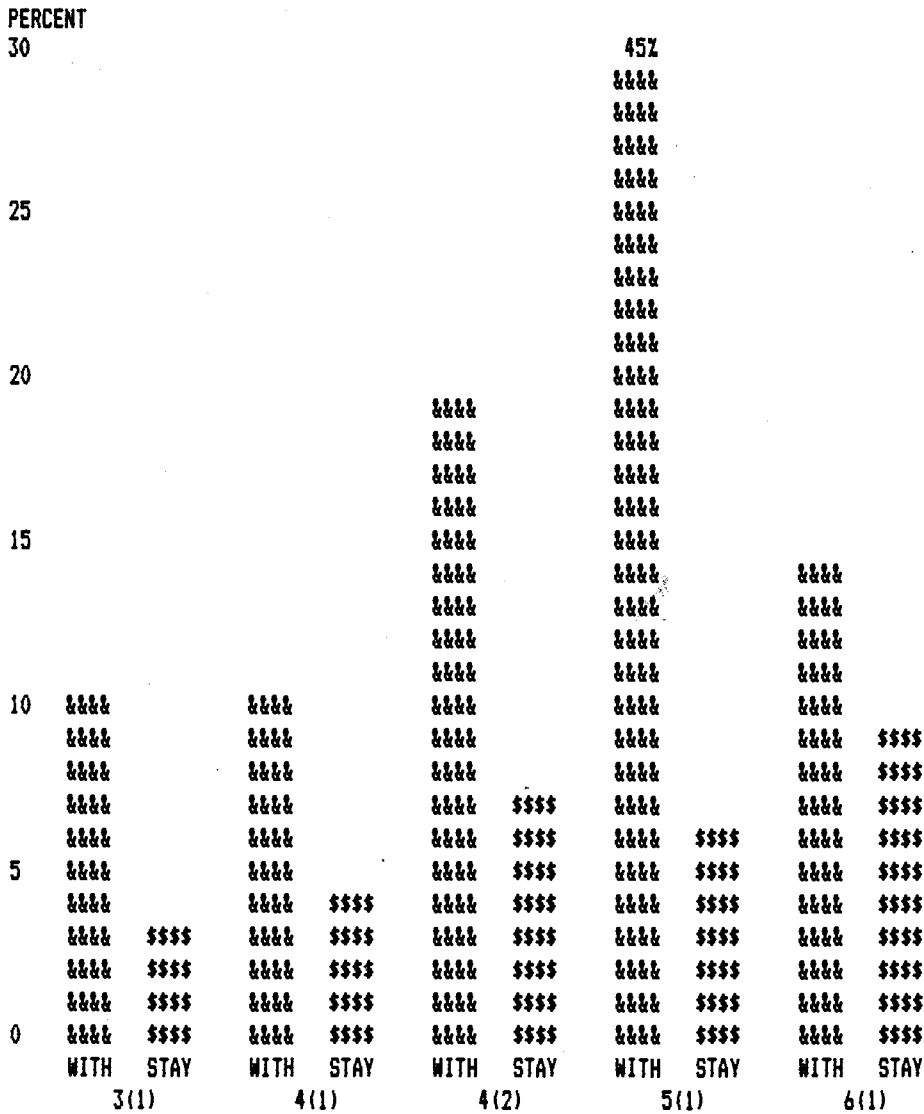
However, in addition to these commonly stated criteria, the prosecutors in Manitoba and British Columbia identified two other factors. "Where there is insufficient evidence but not necessarily any likelihood of a change in circumstances so as to allow for recommencement of proceedings; in plea bargaining situations" (Sun, 1974:488-489).

While the data for narcotics cases provided herein contain no information regarding the circumstances surrounding the withdrawal or stay of charges, the provincial disparities in the employment of these two dispositions is disturbing, especially when one realizes the simplicity with which stayed proceedings can be reinstated.

Tables 15 and 16 Appendix B and Figures 4 and 5 reveal disparities in the use of withdrawals and stays for different drugs and different sections under the Narcotic Control Act.



FIGURE 4 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT BY SECTION - 1983



WITH - PERCENTAGE OF CHARGES WITHDRAWN

STAY - PERCENTAGE OF CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

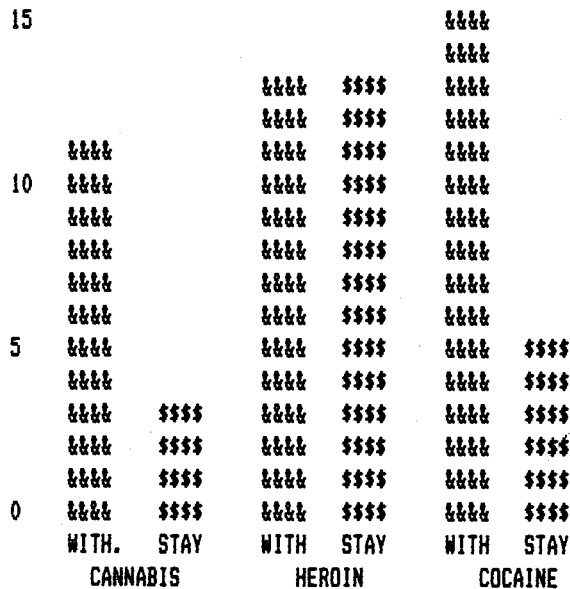
SECTION 3(1) - POSSESSION SECTION 4(1) TRAFFICKING

SECTION 4(2) - POSSESSION FOR THE PURPOSES OF TRAFFICKING

SECTION 5(1) - IMPORTING SECTION 6(1) - IMPORTING

FIGURE 5 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT BY DRUG - 1983

PERCENT  
20



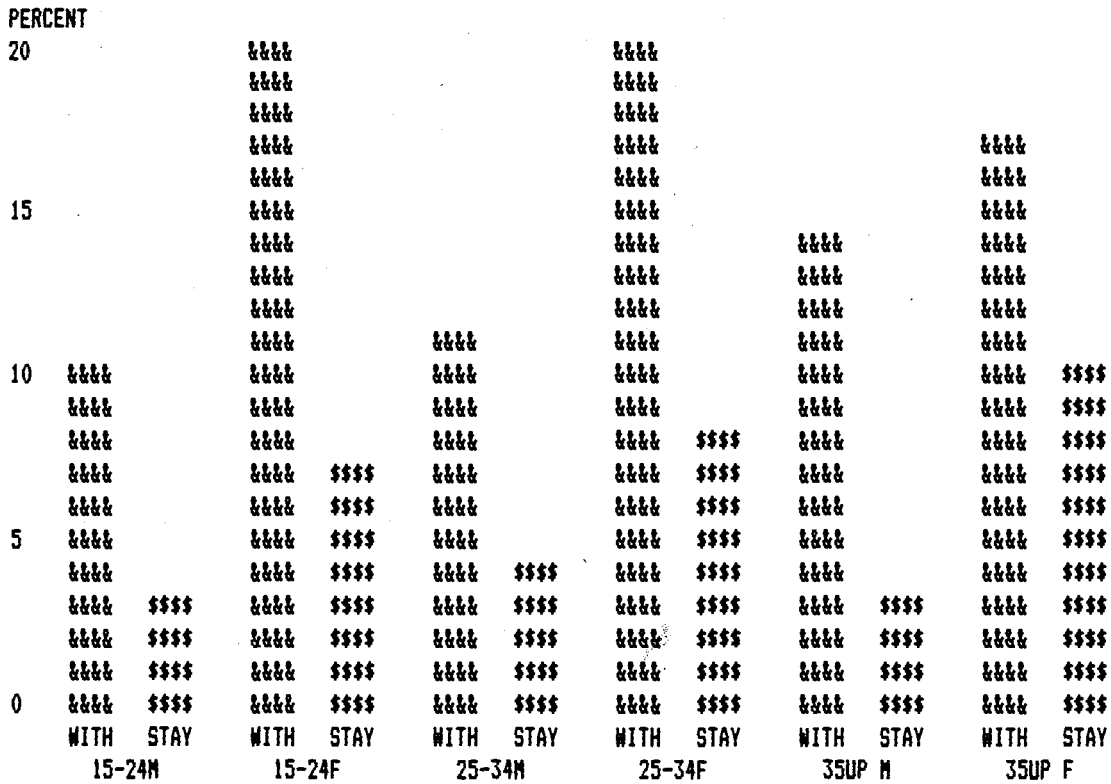
WITH - PERCENTAGE OF CHARGES WITHDRAWN

STAY - PERCENTAGE OF CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

It is clear that section 3(1) (possession) charges are far less likely to be stayed or withdrawn than trafficking offences and that importing charges are withdrawn or stayed in the highest percentage of cases. For instance, in 1981, 14% of possession offences, 16% of trafficking offences, 27% of possession for the purposes of trafficking offences, and 77% of importing offences were withdrawn or stayed. Although the data provide no evidence on this, the high withdrawal and stay figures for importing charges could be due to the reluctance of prosecutors to subject narcotics importers to the seven year minimum penalty provided for under the Narcotic Control Act. The high withdrawal/stay rate for importing charges may also reflect the willingness of offenders to plead guilty to the lesser offences of possession for the purposes of trafficking or trafficking in plea bargaining situations.

Table 16 Appendix B indicates that differences exist in the use of withdrawals and stays by drug. It is clear from this table that an individual charged with a cannabis offence under the Narcotic Control Act is far less likely to have the proceedings against him/her withdrawn or stayed than a person charged with a heroin offence. While no clear reason as to why this occurs emerges from the data, it could be suggested that cannabis offenders are more likely to plead guilty and have their case disposed of in this manner. This could also be due to the fact that the system is more concerned in apprehending traffickers in "hard" drugs, and charges might be withdrawn against hard drug possessors providing information on

FIGURE 6 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT BY AGE/SEX - 1983



WITH - PERCENTAGE OF CHARGES WITHDRAWN

STAY - PERCENTAGE OF CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

traffickers. As is the case with members of the judiciary (see below), it appears as though crown attorneys have made a distinction between the various drugs included under the Narcotic Control Act.

Table 17 Appendix B and Figure 6 provides evidence of the exercise of prosecutorial discretion with respect to the age/sex variable. From this table, it is clear that females have a much better chance of having charges stayed or withdrawn than males of the same age group. While 27% of 15-24 year old females had their charges withdrawn or stayed in 1983, only 13% of males experienced the same result. The only explanation for such differences is the apparent chivalrous treatment of females under the Narcotic Control Act, previously discussed in relation to police discretion and which is also revealed in the discussion of sentencing that follows.

Prosecutorial discretion is generally not a well-researched topic, and although the evidence provided herein is at best speculative, it is clear that such discretion has a profound impact on the treatment of drug offenders in Canada. Prosecutorial discretion leads to provincial, drug, section, and age/sex disparities in the use of withdrawals and stays. The uniformity in the exercise of discretion that was found to be lacking in terms of the police in the last section and exists with respect to prosecutors is also evidenced in the sentencing of drug offenders in Canada.

## JUDICIAL DISCRETION

Legislation pertaining to the sentencing responsibilities of the criminal courts in Canada provides the judiciary with enormous discretionary power in the sentencing of convicted offenders. The Canadian Criminal Code provides for high maximum penalties, an almost complete absence of mandatory sentences and a lack of criteria for the guidance of judges in their sentencing decisions. The result is a heavy reliance on the discretion of the individual sentencing judge, and marked disparities in sentencing.

Several studies have examined the extent of sentencing disparities in Canada. The first of these studies by Jaffary (1963) discovered that an offender convicted of theft was nearly five times as likely to receive a penitentiary sentence in Quebec as in Manitoba, Saskatchewan, or British Columbia. In examining provincial differences in sentencing for indictable offences in 1964, Hogarth found that the use of suspended sentence with probation ranged from a high of 28.7% to a low of 11.9%; a fine from 31.1% to 20.5% and incarceration from 53.5% to 32.4% (Hogarth, 1971:11). Although figures are not available for later years, in 1973, the use of imprisonment for summary conviction offences ranged from 12% in British Columbia to one percent in Newfoundland. The use of suspended sentence varied from 14% in Manitoba to three percent in Nova Scotia (Canada, Statistics of Criminal and Other Offences, 1973). Hogarth notes that in employing units of analysis as large as provinces, variations between judges

within provinces are obscured (Hogarth, 1971:11). Relevant to this observation are the findings of Jobson, who studied the sentences given by judges in New Brunswick and Nova Scotia in 1967. For the offence of theft under \$50, one magistrate in Nova Scotia gave sentences of imprisonment in 83% of his cases while another used it in only 11% of such cases (Jobson, 1976). While the sentencing figures for drug offenders that follows do not contain information on variations within provinces, they are consistent with the general finding that substantial sentencing disparities between provinces exist (See Tables 19 - 21 Appendix B).

Canadian narcotics legislation makes no distinction of any kind between heroin, morphine, opium, and cocaine on the one hand, and cannabis on the other. Under the provisions of the Narcotic Control Act of 1961, for possession of marihuana a person can be sentenced to seven years in prison, for trafficking one can be sentenced to imprisonment for life. For conviction upon an importing charge, the minimum penalty is seven years, and the maximum life. With the exception of importing, there are no mandatory minimum sentences prescribed under the Narcotic Control Act (Narcotic Control Act, S.C. 1961). It is on this basis that judicial flexibility in sentencing is possible and a consequent de facto interpretation of the seriousness of opiate versus marihuana offences, which statute law itself does not recognize. The sentencing disparity that this results in is extremely problematic.

## POSSESSION

There are two subcultures among prisoners today: the criminal and delinquent and the marihuana users. (Assistant Director of Corrections for British Columbia, May, 1969, as cited in Whitaker, 1969:95).

When the first influx of persons charged with simple possession of marihuana and hashish began to appear in Canadian courts in the middle 1960's, the prosecutor had no choice but to proceed by way of indictment under the Narcotic Control Act, and magistrates had no option in terms of sentencing other than a period of incarceration, or the imposition of a suspended sentence with probation. Some of the early case law dealing with cannabis offences reveals a judicial attitude which focussed on the need for a term of imprisonment with the goal of achieving general and specific deterrence.

In British Columbia for instance, a term of six months incarceration was considered an appropriate sentence for possession of marihuana. In R v Hartley and McCallum, the accused were two students of 18 and 21 years of age who were found guilty of possession of marihuana. In negating the idea of rehabilitation and providing an interesting perspective on how to reduce the traffic in marihuana, Davey, the Chief Justice of British Columbia suggested:

The predominant factor in this case is the deterrent effect upon others... because users must obtain supplies and the supply of the drug involves trafficking and that as the market increases, that traffic



becomes organized and the organized traffic tends to increase use of the drug. Substantial gaol sentences imposed upon people convicted of having possession of marihuana for their own use would reduce the number of users and consequently the trafficking necessary to supply the market.

(R v Hartley and McCallum (1967) 2 C.C.C.:187)

In R v Adelman, the Crown appealed a suspended sentence given to a 25 year old graduate student for possession of marihuana. In delivering his judgement that increased Adelman's sentence to six months, Tysoe J.A. noted:

A person of superior education and intelligence is, to my mind, more blameworthy than the less fortunate individual with little education or dull intellect. The former ought to know better than to deliberately disobey the law and set a bad example for others... Where the incidence of a particular type of crime has become so great, the court must punish it severely in order to assist in bringing it under control. Rehabilitation becomes secondary.  
(R v Adelman, (1968) 3 C.C.C.:314)

In these early cases, the amount of drugs possessed and the character of the accused was of secondary importance in factors to consider in sentencing. In R v Hobbs, a conviction for possession of one marihuana cigarette, the judge referred to the spotless record and reputation of the accused but came to the conclusion that the predominant factor to be considered was the deterrent effect upon others. He subsequently imposed a sentence of four months incarceration (As cited in R v Adelman (1968) 3 C.C.C.:314). Similarly, in the Alberta Supreme Court, a sentence of three months imprisonment was

imposed after judicial notice was taken of the serious situation as indicated by "Newspaper reports, magazine articles by informed writers and the law reports themselves" (R v Lehrmann (1968) 2 C.C.C.:200).

Jail terms for marihuana offenders were not restricted to western provinces. In a Quebec case, 24 year old Andre Grandbois was sentenced to two years in penitentiary for selling a cube of hashish to an undercover police officer. Although this is obviously a trafficking case, the judge's message in sentencing Grandbois reveals exactly what issues were at stake with the increase in marihuana use in Canada.

In an age where everyone in Canada, and particularly in Quebec is convinced that a higher and higher degree of education is needed in order to face life, here are these young hippies doing nothing, criticizing everything and everybody, living in unsavory neighbourhoods, searching for happiness through the use of narcotics.

(R v Grandbois, (1969) 6 C.R.N.S:313)

The judge also harboured some misconceptions about marihuana and its effects, noting that in New York, "one addict dies from this malady each day" (R v Grandbois, (1969) C.R.N.S.:313).

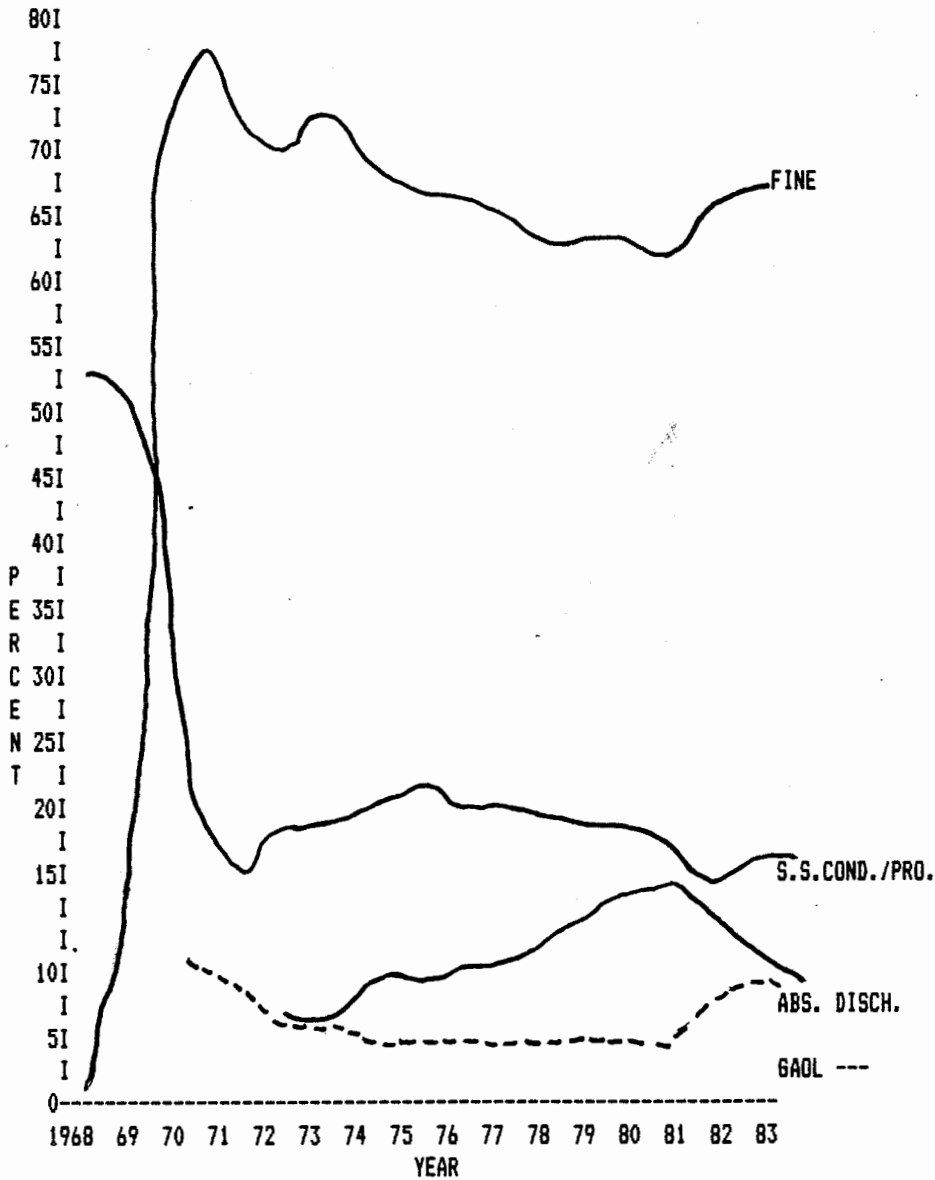
The early case law dealing with marihuana emphasized that the substance represented a grave and imminent threat to the well-being of Canadian society, and that the best way to combat the menace was to employ sentences of incarceration as a deterrent to the use of the drug. Prior to 1966, marihuana never constituted more than 15% of all offences under the

Narcotic Control Act, but in 1966, such offences began to assume increasing proportions of the total violations under the Act. There were 586 offences for marihuana in 1967, 1429 in 1968, and 2964 in 1969 (See Table 7 Appendix B). The theory of deterrence behind the jail terms for marihuana offenders was obviously not effective. Drug law which was originally directed at the immigrant Chinese in the early 1900's was now being employed to place a substantial number of young middle class offenders in jail.

In 1969, perhaps with benevolent intentions, Parliament amended the Narcotic Control Act and simple possession was defined as a hybrid offence (S.C. 1969). This effectively meant that summary proceedings could be conducted in possession cases and consequently allowed fines as a sentencing option for judges.

This change in policy had profound implications for sentencing in simple possession of cannabis cases, as is evidenced by Table 18 Appendix B and Figure 7. While figures are not available for earlier years, it is clear that the fine became an increasingly attractive option for sentencing judges in possession of marihuana cases, increasing from one percent of all dispositions in 1968, to 17% in 1969, to 68% in 1970, and to 77% in 1971. Concomitantly, the proportion of those being incarcerated for simple possession of cannabis declined from 44% in 1968, to 27% in 1969, to 10% in 1970, and to seven percent in 1971. However, the percentage figures can be misleading. Lest one believe that the benevolent intentions of

FIGURE 7 - SENTENCING TRENDS FOR SIMPLE POSSESSION OF CANNABIS 1969-1983



S.S. COND/PRO - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE AND PROBATION  
 ABS. DISCH. - INDICATES ABSOLUTE DISCHARGE

the legislators was resulting in substantially less offenders receiving imprisonment, it is notable that while the number receiving imprisonment dropped in 1970, it increased again in 1971, and remained well over 500 until 1973, when significant increases began to occur again.

It is also clear that the option of fine was not as popular among judges for possession of heroin, as only one percent received fines in 1969, four percent in 1970, and 15% in 1971. Terms of incarceration were still the most frequent disposition for heroin possessors, 89% receiving such penalties in 1969, 68% in 1970, and 56% in 1971 (See Table 18 Appendix B). This is despite the fact that the Narcotic Control Act itself did not distinguish between marihuana and heroin.

The introduction of fine only as a sentencing option led to what Whitaker terms the "lottery aspect" of sentencing (Whitaker, 1969:98). Faced with the unsettling phenomenon of large numbers of young people appearing before the courts, neither the courts themselves nor federal government officials were able to articulate clear and consistent sentencing strategies. This in turn led to marked disparities in sentencing for drug offences between provinces. Although there is no data available to support such a claim, it is also likely that such disparities exist between different cities within the same province.

Although it is not possible to determine sentences for marihuana possession specifically by province, Tables 19, 20

and 21 Appendix B) reveal that the proportion of marihuana offences under the Narcotic Control Act was over 90% in 1969 for all provinces with the exception of British Columbia, and that possession offences were most frequent. It is clear that the fine was used more frequently in the eastern provinces of Newfoundland, Prince Edward Island and Nova Scotia, reaching a high of 58% of all dispositions for offences under the Act in Prince Edward Island in 1969. The Prince Edward Island Supreme Court was one of the first to judicially recognize the distinction between the substances under the Narcotic Control Act. In reducing the sentence of a 21 year old convicted marihuana possessor from six months to two months, the Chief Justice of Prince Edward Island noted:

This Court is not competent to express any opinion on the merits or demerits of the use of the drug concerned except to take judicial notice of the fact that there is a wide divergence of public opinion on the subject, and that marihuana is recognized as one of the least deleterious of the drugs.  
(R v Joslin (1970) 3 C.C.C.:50)

This may provide some evidence of the fact that the media images of marihuana were having some effect on the Canadian judiciary in their sentencing of marihuana offenders. As Cohen suggests; "There is little reason to suppose that control agents are somehow immune to the messages transmitted by the media" (Cohen, 1971:344).

At the same time that the fine was becoming popular in some of the eastern provinces, it is clear that the use of

suspended sentence in narcotics cases was more frequent in Nova Scotia and Ontario, and was used to a lesser extent in Alberta and Saskatchewan. While imprisonment was utilized in 62% of the narcotics cases in British Columbia and 53% of the cases in New Brunswick in 1969, this is probably explained by the lower proportion of marihuana cases in the former province and the lower proportion of possession cases in the latter province.

The increasing use of the fine as a sentencing option reflects a sudden emphasis on "decarceration" for convicted narcotics offenders in Canada. However, it is clear from Table 18 Appendix B that the result of the changes in the law was osténsibly quite different from its implied intentions; more individuals became exposed to the criminal justice system. Rothman's observation that "innovations that appeared to be substitutes for incarceration became supplements to incarceration" (Rothman, 1980:9) and Cohen's notion of "thinning the mesh and widening the net" (Cohen, 1979:8) are particularly relevant to marihuana conviction statistics.

Scull (1977) and Chan and Ericson (1981) have provided fairly extensive analyses of decarceration in both the American and Canadian contexts. However, curiously absent from these accounts of decarceration is any consideration of the fine option. Chan and Ericson accept the following definition of decarceration; "The absorption of crime by the community, police screening of cases out of the criminal justice system, the settling of incidents at the pretrial level, or using

sanctions other than imprisonment in sentencing" (Law Reform Commission of Canada, 1975:3). Surely the fine sentence is subsumed under this definition. However, Chan and Ericson have chosen to ignore it in their analysis. This is even more perplexing when one considers that Chan and Ericson are relying to some extent on a fiscal interpretation of decarceration. It is obvious that the fine option is the most cost effective sentence that can be meted out by the state. Although there are still inevitable court costs and the possibility of fine defaulting, the state is at least receiving some recompense for all of its trouble.

It is this lack of consideration of the fine option and the failure to concentrate on the specific offences for which decarceration has been employed that has led Chan and Ericson to suggest that it is difficult to define the years which mark the beginning of the decarceration movement (Chan and Ericson, 1981:17). While it is indeed problematic to identify the beginning of this phenomenon in the criminal justice system as a whole, it is quite clear that in the case of narcotics offences, and quite specifically for marihuana offences, the decarceration movement began with the option of the prosecutor to proceed summarily in possession of narcotics cases. This in turn allowed judges to use fines in their sentencing of narcotics offenders.

It is entirely possible then, that certain officials within the criminal justice system, realizing that it was no longer imperative for young middle class offenders to go to



jail for simple possession of marihuana, were more prone to charge, prosecute and convict for simple possession. Partial support for such a contention is provided by an examination of the "clearance rate" (calculated as the percentage of charges that resulted in convictions) under the Narcotic Control Act (see Table 22 Appendix B). While in all other years the clearance rate for those charged under the Narcotic Control Act was at 75% or higher, in the years 1962 to 1970, the rate was significantly lower, being especially low in the years 1966 to 1968, suggesting that in these years, judges and crown attorneys may have been reluctant to convict for offences under the Act. While one can only speculate that these uncleared charges involved marihuana offences, since the earlier statistics do not provide data on charges by specific substance, it is notable that the clearance rates reached even higher levels with the various changes in sentencing options that occurred in 1968 and 1972. This also coincides with the substantial increase in marihuana offences under the Narcotic Control Act.

Of course, it is equally possible, although perhaps not as probable, that those individuals using marihuana recognized that imprisonment was not automatic for their offence and were not as likely to conceal their behaviour and thus became more likely to be apprehended by law enforcement officials. It is extremely difficult to unravel the complexities of this argument. However, one simple point is immediately evident; marihuana convictions increased significantly in the late

1960's and early 1970's.

In 1969, the LeDain Commission was appointed by the federal government to examine the nature of the drug situation in Canada, and in their interim report of 1970, the Commission recommended the application of an absolute discharge for first offenders in cases of simple possession of psychotropic drugs (Le Dain, 1970:252). Although this type of sentencing option had been under consideration for several years, Leon suggests that the concern over the increasing numbers of young drug offenders hastened the passage of the discharge provision into law (Leon, 1977:52). Thus, in 1972, partly in response to the interim report of the LeDain Commission, the federal government took yet another step in an apparent attempt to reduce the severity of penalties for those convicted of narcotic drugs by passing the discharge provisions.

Erickson suggests that this legislation had little effect, only reducing the waiting period before an offender became eligible to apply for a pardon from two years to one (Erickson, 1980:27). In the amendment, two types of discharges were allowed for, absolute or conditional, the latter resulting in a term of probation for the offender. Erickson recognizes this fact, but in her table on sentencing trends (1980:22) she groups the two discharges together. Since the conditional discharge is accompanied by a term of probation, it should conceptually be categorized with suspended sentence and probation. Under section 662(4) of the Criminal Code of Canada, it is clear that a person who is under a probation

order can have his or her discharge revoked and be convicted of the offence to which the discharge applied. The accused can also receive any sentence that could have been imposed had he or she been convicted of the original offence (Criminal Code of Canada, section 662(4)).

The analysis of sentencing trends in this paper separates the absolute and conditional discharges in recognition of this fact. The conditional discharge provision is included with suspended sentence and probation, since it is effectively the same thing. This results in a somewhat divergent illustration of the sentencing trends Erickson identified.

Although the law did not specify to which offences the discharge options were to apply, federal drug prosecutors received a policy directive from the Department of Justice instructing them to recommend absolute or conditional discharges in all cases of first offence simple possession of cannabis where there was not a previous criminal record, or a concurrent conviction for another offence (LeDain, 1973:955).

The effects of these sentencing options, which are obviously further examples of decarceration, were apparently different from their implied intentions. In 1972, the first year for which the absolute discharge was available, only 684 marihuana possessors received it as a penalty, representing six percent of the total convictions for marihuana possession (Table 18 Appendix B). Furthermore, the introduction of this option certainly did not result in lesser numbers of people being incarcerated for the offence. While the number of

individuals being incarcerated for possession of cannabis declined by one in 1972, an increase of close to 100% occurred over the ensuing three years. A similar trend had occurred after the introduction of the fine option, once again suggesting that a reduction in the severity of sentencing options available to judges can actually increase the number of people experiencing social control.

The highest percentage of possession of marihuana convictions that the absolute discharge provision attained was 15% in 1980. However, in the ensuing three years its use as a sentencing option has declined; in 1983, the absolute discharge was given in only nine percent of all marihuana possession convictions. This decrease may have resulted from concerns expressed by then Solicitor General Robert Kaplan in 1981 that this penalty was overused. The trends seem to indicate a propensity for judges, perhaps in tune with an economically restrained public purse, to use the fine option in more possession cases, and this is also true for the other drugs included under the Narcotic Control Act. The unfortunate aspect to consider here is that in default of these fines, (which, given the previously mentioned economic conditions seems more likely to occur) offenders could be subject to imprisonment.

The most disturbing component of the sentencing trends is the number of individuals being incarcerated for simple possession of marihuana. While some may legitimately argue that is necessary to consider the prior record of the accused

and the amount of drug involved in this equation, and the data contain no information on this, the fact remains that over 2,000 individuals were sent to jail in 1981, and the offence they were incarcerated for was effectively simple possession of marihuana. Moreover, the trends indicate that the percentage of convicted marihuana possessors being incarcerated is actually increasing. While this percentage remained at four percent from 1973 to 1980, in 1983, eight percent of all marihuana possessors were incarcerated (See Table 18 Appendix B).

The sentencing figures also reveal considerable variation between provinces in the use of the absolute discharge as a sentencing option. It is manifest that this option is particularly popular in Manitoba and Ontario reaching a high of 22% of all convictions under the Narcotic Control Act in Ontario in 1980 (See Table 20 Appendix B). In the same year, the absolute discharge was the sentence in 25% of all narcotics offences in Manitoba. There is some history in case law which may account for the apparent leniency of Manitoba judges in the sentencing of marihuana possessors. In 1968, the Manitoba Court of Appeal noted; "This court does not subscribe to the view that a jail term is the only appropriate sentence to be imposed upon an accused convicted for the possession of marihuana" (R v Falk (1968) 67 W.W.R.:215). Similarly, previous evidence of the relative leniency of Ontario judges in their drug sentencing behaviour has been provided by Whealy (1970) and Leon (1976).

The discharge option has not been used to any great extent in the provinces of Alberta, Quebec and British Columbia, where it has consistently been well below 10% of the total convictions. In Alberta, the fine has been employed most frequently; it comprised 85% of all convictions under the Act in that province in 1977 and has been consistently above 70%. In British Columbia, the conditional discharge is used more frequently, and in Quebec, incarceration is more prevalent, consistently comprising over 20% of all convictions, and reaching 32% in 1983. This appears to be due to the fact that charging practices are ostensibly different in that province. Quebec has consistently been below the national average in both marihuana convictions and possession convictions as percentage of total convictions under the Act. It appears as though police in Quebec are more likely to concentrate on traffickers in drugs, and given the perceived seriousness of trafficking as opposed to possession offences, a higher proportion of jail terms would be expected.

These disparities across provinces are the result of a lack of clear principles conveyed to judges as to when an absolute or conditional discharge is the appropriate sanction. In R v Derksen, a British Columbia provincial court judge made reference to this lack of sentencing guidelines.

It is nevertheless necessary that the Courts express the moral condemnation of the community for deliberate infractions of the criminal law. It is my opinion that the discharge... should never be applied routinely to any criminal offence, in effect labelling the act violable. It should

be used frugally, selectively and judiciously. If it is considered that an absolute or conditional discharge is the appropriate penalty for a first offence under this section, then Parliament should so declare. The Courts should not compromise or circumvent the law.

(R v Derksen (1972) 9 C.C.C. :101)

The result of this lack of explication of guidelines to be followed in sentencing drug offenders has been substantial disparities across provinces. While a person charged with marihuana possession in Manitoba is likely to receive an absolute discharge, in Alberta the same charge will probably result in a fine for the offender, and in default, a term of incarceration. Surely this was not the intent of the federal legislation. Judicial discretion, while an important and legitimate function, should not serve as a substitute for legislative reform.

The exercise of judicial discretion is also apparent when one examines the different sentences received by male and female offenders convicted under the Narcotic Control Act. There is some research to suggest that females receive more lenient sentences when convicted of offences. In a review of this literature, Nagel and Hagan conclude; "Clearly the research on sentencing practices produces the strongest evidence for the thesis that gender does effect court outcome decisions and that women receive preferential treatment" (Nagel and Hagan, 1983:134).

From Tables 23, 24 and 25 Appendix B, it is clear that females receive more lenient sentences under the Narcotic

Control Act. For instance, in 1983, while eight percent of males received absolute discharges for possession of marihuana, 15% of females received the same sentence. While 22% of females received conditional discharges for possession of marihuana in the same year, only 15% of males did. It is also evident that males are far more likely to be incarcerated for this offence, with eight percent of males and only three percent of females receiving such sentences in 1983.

These differences are fairly consistent across all age groups for the three years examined and also occur for trafficking and possession for the purposes of trafficking offences. The relationship also holds for possession of cocaine offences under the Narcotic Control Act.

While the data contain no information on previous record of the accused, it is apparent that females are more likely to be treated more leniently when convicted of offences under the Narcotic Control Act. This provides further support for the chivalry/paternalism hypothesis, and also underlines the disparities in sentences under the Narcotic Control Act.

The exercise of judicial discretion is even more apparent when one compares the penalties imposed for the same offence, but involving different substances under the Narcotic Control Act.

Table 18 Appendix B compares sentences for possession of marihuana, cocaine, and heroin under the Narcotic Control Act. From this table, it is clear that the judiciary of Canada has distinguished between the drugs under the Narcotic Control



Act, ostensibly in recognition of the fact that marihuana is a "soft drug". While the absolute discharge has been employed in as many as 15% of marihuana possession convictions (1980), it has never been utilized to any great extent in either possession of heroin or cocaine cases. For heroin, the highest total the absolute discharge reached was three of 630 convictions in 1972, for cocaine 14 of 685 convictions in 1981.

For possession of heroin, the majority of offenders received imprisonment, although since 1978 this percentage is declining with fines and conditional discharges being employed more frequently. Nonetheless, it is clear that for possession of heroin, an offender is much more likely to be imprisoned than for possession of either marihuana or cocaine.

For possession of cocaine, the fine is used as penalty in the majority of cases, and the proportion of cases where this disposition is utilized appears to be increasing, representing 75% of all convictions in 1983. The prevalence of the fine option as sentence in cocaine possession cases could reflect the fact that cocaine is generally considered to be a "rich man's drug". As such, it would be expected that most offenders would originate from upper-middle class backgrounds for whom the fine would represent an appropriate sanction.

Not only are convicted heroin possessors more likely than marihuana possessors to be incarcerated, it is clear from Table 26 Appendix B that they are likely to go to jail for longer periods of time than cannabis possessors. While from

1973 to 1983 well over 60% of those convicted under section 3(1) of the Narcotic Control Act for marihuana were sentenced to less than one month in jail, this figure for heroin has never reached more than 46% (1981) and has been well below this figure for the last decade. Although 12% of those convicted of marihuana possession received over six month terms in 1973, this percentage remained well below 10% for the following nine years. On the other hand, heroin possessors are much more likely to receive longer jail terms, in 1983, 55% received sentences of over one month. In the same year only 33% of marihuana possessors who were incarcerated received the same penalty.

It is evident that judicial discretion has created a marked distinction between the drugs included under the Narcotic Control Act, one that has lead to disparities in sentencing for possession offences involving different drugs. The rationale for this differentiation is explicated in the judicial decisions delivered in some of the trafficking cases of the 1970's.

## TRAFFICKING

Drug traffickers exploit the weak. Drug traffickers profit from the misery and crime of drug users. Drug traffickers live off the avails of other people's crimes and are thus social bloodsuckers. The drug trafficker is a pernicious criminal. (Justice Eugene Ewaschuk, as cited in The Globe and Mail, June 11, 1985:1)

In sentencing Robert Rowbatham, the kingpin of a massive marihuana importing operation to 20 years in prison, Mr. Justice Eugene Ewaschuk reflected the scorn that is held for drug traffickers by many members of the judiciary in Canada. Tables 27 and 28 Appendix B compare sentences for trafficking and possession for the purposes of trafficking in heroin, cocaine and marihuana under the Narcotic Control Act from 1969 to 1983, and provide further evidence of the judicial distinction between the drugs included under the Act.

While incarceration has been the norm for traffickers of all three substances, there are substantial variations in the use of other sanctions. For marihuana, the employment of jail terms in both trafficking and possession for the purposes of trafficking (hereinafter referred to 4(1) and 4(2)) has declined since 1969, especially since 1979 when it comprised 79% of all 4(1) offences and 67% of all 4(2) convictions. In 1983, the corresponding figures were 70% for 4(1) offences and 61% for 4(2) violations. At the same time, the fine has been increasingly used, representing 20% and 29% of all such convictions in 1982.

An examination of the case law from this period provides

a partial explanation of the difference in sentences involving the various substances under the Act, and the lack of consistency revealed in judicial pronouncements is of assistance in understanding the sentencing disparities that exist with respect to drug offences across provinces.

In 1970 the Ontario Court of Appeal had indicated that the various substances under the Narcotic Control Act were to be treated differently:

The framers of this Act regarded and presumably still regard both offences (importing and trafficking) as very grave, although I must confess at once that the Court takes a different view of the use or importation of marihuana as compared with the more serious drugs embraced by the Act such as heroin.

(R v Johnston and Tremayne (1970) 4 C.C.C. :64)

Less than one year later the same court had apparently altered its position. "To the members of this Court, there is no essential difference in the principle to be applied with respect to any of these prohibited drugs" (R v Robert, Shacher, Young and Smith (1971) 3 C.C.C. (2d):149). It is not surprising that given such conflicting messages from their superiors the lower courts would not be able to establish any sort of uniformity in sentencing the drug offenders who appeared before them.

The Ontario Court of Appeal reiterated its earlier position in 1973, emphasizing the necessity for a distinction between the different substances. In increasing the sentence of a heroin trafficker, Gale, the Chief Justice of Ontario

noted: "Having regard to the potentialities of trafficking in the 'hard drugs', one who engages in that exercise ought to be and is now alerted to the probability that he will be treated in a different manner than one trafficking in marihuana" (R v DiGiovanni (1973) 10 C.C.C. (2d):393-4). These suggestions from the Ontario Court of Appeal may provide some explanation of the generally more lenient sentences meted out to drug offenders in that province as outlined earlier.

The Alberta Court of Appeal voiced similar opinions when in 1975 it suggested: "While in recent years the simple possession of marihuana ordinarily attracts a fine, we think that a vast distinction must be made in the case of heroin and other addictive drugs" (R v Spicer (1975) 28 C.C.C. (2d):336). The court reiterated its position in a 1980 4(2) cocaine case stating:

This court has always distinguished between hard and soft drugs. For soft drugs, provincial time is usually fit unless the operation is on a large scale or the circumstances are unusual. This applies to the cannabis type drugs.  
(R v Maskell (1980) 58 C.C.C. (2d):411)

Several members of the judiciary did not share the Ontario and Court's view that the distinction between drugs should apply to trafficking cases. In increasing the sentence of an individual convicted for 4(2) in marihuana, the Nova Scotia Supreme Court argued:

Thus, the last year or so has undoubtedly shown a change in sentencing policy throughout Canada concerning mere possession of

marihuana, so that fines or suspended sentences have become common in cases where not long ago jail terms would have been imposed, but I don't believe this exists with possession for the purpose of trafficking and trafficking.

(R v Stuart (1975) 24 C.C.C. (2d):373)

In R v Bruckshaw, the British Columbia Court of Appeal echoed similar sentiments in hearing a Crown Appeal of a sentence of a \$200 fine and one year probation for 4(2) in marihuana: "This Court has laid it down again and again that trafficking in narcotics must be deterred by the imposition of prison sentences" (R v Bruckshaw (1972) 9 C.C.C.:136). Similarly, in R v Pope, MacDonald J.A. of the same court noted the continued need for general deterrence in all trafficking cases involving all types of drugs included under the Narcotic Control Act:

Previously law-abiding people who use marihuana but have no marks against their record and have led otherwise respectable lives must be made to realize that if they become involved in the distribution of marihuana they are committing an offence against the law of the land and forming part and parcel of a traffic which does nothing but harm, certainly no good to others. There are certainly others in the general public who need to realize that this offence will be met with a prison term.

(R v Pope (1980) 52 C.C.C. (2d):546)

Despite the indication from some members of the judiciary that marihuana trafficking was to be dealt with harshly, the most scorn continued to be reserved for those trafficking in heroin. Branca of the British Columbia Court of Appeal

justified increasing the sentences of two heroin traffickers to life imprisonment in the following statement:

There must be something highly sadistic in the mentality of these degenerate traffickers who deal in narcotics which are unquestionably the most deadly drugs to which people may become addicted. These traffickers know that very few people are able to climb back to the sanity of non-addiction and they know that their profits are reaped from an ever-expanding number of mindless wrecks after addiction.

(R v Ponak and Gunn (1973) 11 C.C.C. (2d):349)

The need to be especially strict with those convicted of trafficking in heroin is reflected in the sentencing figures for heroin traffickers. Although the use of fines and conditional discharges has increased somewhat in the past few years for these convictions, well over 80% of convicted heroin traffickers have received jail terms since 1969 (See Table 18 Appendix B) and well over 80% of these have been terms of imprisonment of over six months (See Table 26 Appendix B). In comparison, since 1978, less than 30% of cannabis traffickers have received jail terms of over six months for trafficking. Similar disparities are illustrated in the comparison of 4(2) convictions. While 4(2) offences for heroin resulted in jail terms of over six months for 84% of convicted offenders in 1983, only 34% of those convicted for the same offence for cannabis received similar terms.

In the last few years, a distinction between heroin and cocaine has also apparently materialized in the sentencing decisions of judges. While the majority of cocaine traffickers

receive sentences of incarceration, Table 28 Appendix B reveals that there has been an increasing use of the fine for both 4(1) and 4(2) offences for cocaine, especially with respect to the latter. While fines represented only four percent of the total convictions for cocaine trafficking and 11% of 4(2) convictions in 1977, these figures increased to 13% and 24% respectively in 1983. This increased leniency in the sentencing of cocaine offenders is reflected in judicial pronouncements in two relatively recent cases involving the drug:

I am prepared to proceed on the footing that cocaine is not to be equated with heroin. The risks to the user in the case of heroin are immediate and personal. In the case of cocaine there is not necessarily an immediate risk to the user; the risks to him and society seem to be farther off and are not as well known. So this is not a case for life imprisonment.

(R v Benger et al (1979) 52 C.C.C. (2d):110)

The Quebec Court of Sessions was even more explicit in distinguishing between the three prominent drugs under the Narcotic Control Act:

It is necessary to continue to treat the trafficking in significant quantities of cocaine with severity, without however, punishing trafficking with the same rigour as in the past when it was believed that cocaine was as dangerous as heroin... As cocaine is more dangerous than cannabis the penalty must be greater than a trafficking in the latter would receive.

(R v Libby (1980) 63 C.C.C. (2d):85-87)



A dangerous situation has arisen in Canada, one where the judiciary, who possess no real professional expertise in terms of the dangers of the various drugs under the Narcotic Control Act, have found it necessary to distinguish between these drugs in their sentencing decisions. While in many cases this has fulfilled the utilitarian purpose of rationalizing the Narcotic Control Act, resulting in less severe sentences for some convicted 'soft drug' offenders, this does not seem the manner in which legislative reform was meant to take place. The judiciary certainly does not represent a monolithic entity in Canada, and as such, their individual interpretations of the merits and demerits of the various drugs under the Narcotic Control Act has resulted in substantial sentencing disparities across Canada for drug offenders. This exercise of judicial discretion has also been detrimental in the sense that it has contributed to an easing of the pressure to reform the nation's marihuana laws, allowing the federal government to suggest that reform is not necessary since the majority of marihuana offenders receive fines or discharges. As former Justice Minister Jean Chretien has argued in the past: "They have improved the problem" (Globe and Mail, June 12, 1985:9).

One must question whether the problem has really been improved when one considers that over 5,000 people have been incarcerated for simple possession of marihuana in the the last three years, and that well over 100,000 have attained criminal records over the same time period.

## CHAPTER VII - THE NEED FOR LEGAL CHANGE

The law is the chief instrument of social policy. It provides the framework for all the others. Whether we should use the law at all, and if so, to what degree in attempting to reduce non-medical drug use is first of all a matter of principle, but it is also a pragmatic issue - whether we receive a return from the use of the law that justifies the cost. This turns on the relative effectiveness of the law in this field - the extent to which it is an effective deterrent of the behaviour involved in non-medical drug use - and also the price that must be paid for the use of it in terms of the various adverse effects on individuals and society as a whole.

(LeDain, 1973:47)

There are several reasons to argue for an alteration in the Canadian legal response to cannabis use. Initially, it is clear that the alleged deterrent effect of criminal prosecution has not significantly reduced cannabis consumption levels, even among those who have been convicted of marijuana possession (Erickson, 1980:124). The extent of use of the substance, as the LeDain Commission suggested, appears to be influenced more by other factors. These include availability, contact with other users, and the perceptions of users as to the risks or harm associated with drug use (LeDain, 1973:128). If there is no deterrent effect of a law, one of the fundamental intentions of the criminal law has been undermined.

Secondly, there is the possibility that the criminal prohibition of cannabis use can create disrespect for the law.

Cannabis users who find themselves defined as criminal for a practice which they believe to be pleasurable and relatively harmless may generalize their rebellion against the political and legal institutions of the country as a whole. Such a problem becomes even more salient when one notes the selective enforcement of cannabis laws and the disparities in sentencing practices across Canada.

Cannabis laws divert the police, prosecutors, and the judiciary from offences with far more serious social consequence. The sheer numbers of people involved in cannabis offences are such that the criminal justice system would have to employ an even larger number of officials to make a serious effort to systematically enforce the law. Also to be considered here is the enormous cost of enforcing and adjudicating the large numbers of cannabis offenders. The cost of the current marihuana control policy in Canada has been estimated at \$60 to \$100 million per year (Single et al, 1980:6). In California, where marihuana was decriminalized in 1975, it was estimated that police agency costs to enforce marihuana dropped from \$7.6 million in the first half of 1975 to \$2.3 million in the first half of 1976 (California State Office of Narcotics and Drug Abuse, 1977:4). Court costs in the same period were reduced from \$9.4 million to \$2.0 million (California State Office of Narcotics and Drug Abuse, 1977:5). Similarly, the authors of a report on the impact of decriminalization in the state of Maine noted: "From a strictly economic point of view, decriminalization of

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marihuana serves as a model of successful government reform because it turned a \$332,600 government expense into a \$16,000 profit" (as cited in Single et al, 1980:10). It would appear that there would be considerable criminal justice system savings in an altered approach to cannabis.

Another factor to be considered in terms of the costs of the present Canadian approach to marihuana is the adverse individual consequences faced by those convicted. Despite the fact that a relatively small proportion of those individuals convicted of marihuana possession are incarcerated for their offence, there still remains the negative impact of arrest, and exposure to the criminal justice system. Furthermore, there is the possibility that those convicted of cannabis offences will have employment problems.

The most immediate example of the effects of changes in cannabis policy comes from the experience in the United States, where several states have "decriminalized" the use of marihuana. (In most states this has involved changing possession of cannabis from a felony to a misdemeanor offence, resulting in the imposition of fines for violators of the possession laws.) A follow-up survey of users after decriminalization in California suggested that the reduction in penalties for possession of marihuana did not appear to have been a major factor in people's decision to use or not use the substance. Less than three percent of the individuals surveyed had first tried marihuana in the last year (after decriminalization) and only one in eight of these users

indicated more willingness to try marihuana because the legal penalties had been reduced (California State Office of Drug Abuse, 1977:11). A similar survey of users in 1975 in Oregon (a state which decriminalized marihuana possession in 1973) found that 87% of those smoking marihuana had been doing so for two years or more (Blackwell, 1979:92). As Single et al conclude; "The available data in the eleven states in the United States that have decriminalized indicate that no increase in rates of cannabis use can be attributed to decriminalization measures" (Single et al, 1980:8).

Several policy options have been offered as alternatives to the present cannabis control policy in Canada, and three of these will be considered here.

The "fine only" option, according to Boyd, should eliminate imprisonment, court appearance, and criminal record-keeping provisions for marihuana possession:

The introduction of a fine-only response to marihuana would increase the state's revenue from the illicit industry of use and simultaneously discourage possession as a matter of social policy. Powers of search and seizure would remain intact; the public use of marihuana could now be countenanced with a greater consistency; elimination of the stigma of criminal record-keeping would provide an opportunity for more effective enforcement of the oft-reported nuisance of public marihuana use.

(Boyd, 1984b:47)

Boyd does not explain how fine defaulters would be dealt with under such a policy, although he presumably would advocate

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non-incarcerative options, such as community work orders, or the use of later civil actions by the state.

A second option would be what Single et al term a "partial repeal of the possession offence". This policy could take two forms, either being restricted to possession of small quantities for personal use in one's own home, or could cover all consumption related conduct (Single et al, 1980:10). The authors argue that this option's major advantage lies in the elimination of most of the social costs and adverse individual consequences connected with the present policy. However, they do express some concern that such a policy could potentially increase the rates of use of marihuana (Single et al, 1980:10).

A final alternative would be the legalization of marihuana, with the government assuming responsibility for distribution of the substance, in a fashion similar to the alcohol distribution system now in existence. Single et al point out that such an approach has several advantages, including a minimization of enforcement costs, the generation of revenue for the government, and government regulation of the drug's potency and purity. The major disadvantage would be that the public may interpret such an approach as endorsement of cannabis, leading to increased use of the substance and its attendant health risks (Single et al, 1980:10).

All of the above policies have their advantages and disadvantages. However, Ericson and Baranek argue that none of

these approaches would lead to a fundamental change in the "ordering of justice".

Even if possession of cannabis were made as 'legal' as possession of alcoholic beverages, control under a cannabis control and licensing act would still bring underage persons, bootleggers and persons consuming in restricted places, etc. within the ambit of the police and courts in ways similar to the current operation of the Ontario Liquor Licence Act and Liquor Control Act.

(Ericson and Baranek, 1981:226)

While this may be true, it is clear that changes in Canada's approach to marihuana are long overdue; an immediate reconsideration of the laws against simple possession of cannabis by Canadian legislators is imperative. In examining alternatives to Canada's present legal approach to marihuana, it is necessary to consider what the purpose of the reform is. If the main objective is to withdraw the criminal sanction from mere consumers of marihuana, any new statute should be drafted in a manner that most accurately distinguishes between consumption related activity and commercial activity.

It would be possible to decriminalize possession of less than a specified amount, and to retain the criminal sanction for possession of any quantity exceeding that amount without regard to intent to sell. In most American jurisdictions that have "decriminalized" this amount has been set at one ounce of marihuana (Blackwell, 1979:92). However, this would have the effect of criminalizing those who required more than this amount for personal use and would not affect individuals

selling small amounts of the substance. It seems hypocritical to suggest that people will be allowed to consume marihuana, but will have nowhere to obtain their supplies of the substance. Given the arguments presented in this thesis regarding the origins of narcotics laws and the current disparities in enforcement and sentencing of cannabis offenders, it appears that the most logical approach to marihuana would be legalization. However, it must be remembered that with the current political climate such a change in legislation would not be feasible. It is clear from the debate over marihuana in the 1970's and early 1980's that a large number of Canadians, politicians included, are simply not willing to accept the legalization of marihuana.

The most politically pragmatic legal approach to possession of marihuana would seem to be the imposition of a fine for public use of the substance to deal with the problem of "second hand smoke" from it. There is a fairly extensive body of research which outlines the deleterious effects of second hand cigarette smoke. The available evidence suggests that the non-smoker may inhale the equivalent of up to .2 cigarettes per hour while sharing a closed room with a smoker (Shephard, 1981). Several papers have noted an increased incidence of respiratory disorders in individuals exposed to second hand smoke (Cameron et al, 1969; Cameron and Robertson, 1973; Colley, 1974) and Shephard notes:

There is little dispute that presently encountered ambient levels of cigarette smoke cause annoyance, irritation and visual symptoms in the



majority of normal non-smokers. A proportion of non-smokers also experience nasal discharge or stuffiness, cough and sputum in badly contaminated areas ... Exposure to cigarette smoke is thus harmful to health.

(Shephard, 1982)

As cannabis produces 50% more tar than the same weight of a popular tobacco brand and hence produces more carbon monoxide (Addiction Research Foundation, 1980) the effects of second hand marihuana smoke would presumably cause similar problems.

A fine for public consumption of marihuana should be limited to no more than the amount comparable for a serious traffic offence, perhaps \$100. There is no evidence that the deterrent effect will differ according to the amount of the fine once it reaches a certain level. For those pleading guilty, there would be the option of paying the fine by mail to remove these cases from overburdened courts. Any person who pleads inability to pay such a fine would have the alternative of performing some public service or perhaps entering into some form of drug education program. However, it is important to stress that there should be no provision for fine defaulters or repeat offenders to be subject to incarceration.

While several of the contradictions inherent in the present law would remain entrenched in legislation providing for a fine for public consumption of marihuana, there would at least be some reduction in the human suffering caused by the present law. It seems that it is simply not politically feasible to allow for the legalization of marihuana at the present time, given the current attitudes towards tobacco and

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alcohol in Canadian society. However, as Boyd suggests, "A government that continues to endorse the possibility of imprisonment for 20 percent of its citizenry is in some difficulty" (Boyd, 1984b:47). The elimination of jail terms, court appearances and criminal records would at least seem to be a start towards a more rational legal approach to cannabis in the 1980's.

## APPENDIX A - METHODOLOGICAL APPENDIX

The content analysis utilized two sources for articles on marihuana. The first of these sources was the Reader's Guide to Periodical Literature, which lists articles from major periodicals. This source was sampled for articles under the headings of marihuana or hashshish from 1900 to 1980. The second sample of articles was obtained from the index of the Vancouver Sun, a major Canadian newspaper. This sample consists of articles on marihuana from 1966 to 1980.

For purposes of discussion, the articles were split into three major time periods. The first of these was labelled "The Great Marihuana Scare", and consists of articles from 1935 to 1939. The second period was called "The Embourgeoisement of Marihuana", from 1961 to 1972, and coincides with the identification of marihuana use with the middle class. The third period was termed the "legal reaction" and consists of articles from 1973 to 1980. Although the year may appear to be an arbitrary cutoff point for the beginning of this period, it corresponds to the first decriminalization of marihuana by an American state, and the passage into law of the discharge provisions in Canada. There were also some significant changes in the media's portrayal of marihuana use in this time period.

For the 1935 to 1939 period, an attempt was made to include every article listed on marihuana. However, some of the periodicals were unavailable. The total sample attained

for this period was 15 of the 21 articles or 70% of those listed under marihuana or hashish in the Reader's Guide for these years.

Due to the volume of articles appearing in the two later time periods, it was necessary to employ a form of stratified sampling. For the newspaper articles, this was accomplished by selecting every fourth article listed in the index, which indexed the articles chronologically. This yielded a total of 125 reports. For the magazine sample this proved to be more difficult. Articles were listed alphabetically by the title of the article. Since several articles were listed in rather obscure periodicals which were not available to the author, it was not possible to select every nth article. An attempt was made to attain approximately one third of the articles for the later time period, with a focus on the major periodicals such as Time and Newsweek, although several other sources do appear in the sample. As a result, the 1961 to 1973 sample consisted of 73 articles or 34% of the total 210 listed, and the 1973 to 1980 sample contains 61 articles, or 32% of the total 194. This should not seriously jeopardize the objectivity of the findings from the magazine sample, as they are largely consistent with those from the newspaper sample, and those of Himmelstein. Furthermore, as Holsti notes, the uncertainty introduced into research by sampling error is random error in which deviations can be expected to cancel each other out. The larger the sample, and the one discussed herein is fairly large, the more certain the investigator can

be that the cancelling out process is operating (Holsti, 1969:135).

*and coded*

*category*

*Every article was examined for the following information*

**EXPLANATION OF THE CONTENT SCHEME**

"Triggerring of the Story" - This category is fairly straightforward, although it should be noted that it is possible to have multiple triggers. For instance, a court case where an individual was charged with cultivation of cannabis would be coded as having two triggers. Similarly, an article dealing with the establishing of the LeDain Commission to consider changes in the laws pertaining to marihuana would be coded as "Canadian Government", and "Proposed Change in the Law".

Points of View Represented - This category attempts to derive information on who was presenting their views on marihuana. "Medical Experts" would refer to psychiatrists, doctors, and psychologists. "American government officials" would include elected officials, and the directors of various federal agencies such as the Federal Bureau of Narcotics. "Canadian government officials" include only federally elected politicians in the governing party. Thus, the leader of the official opposition or provincial politicians would be coded under "other". Such a distinction was necessary in order to avoid confusion in government policy and opposition to it. The categories of police, judges, and marihuana users are fairly straightforward. "Editorial opinion" would include those situations where the author of an article is making statements

without specifically referring to some other source. If for instance, a reporter stated; "Psychiatrist Harold Kolansky suggested", this would be coded under "Medical Experts". The "Other" category consisted of the opinions of ministers/priests, teachers, defense lawyers, prosecution lawyers, parents, opposition politicians, etc.

Portrayal of Users - Under this category, "Minorities" would include Mexicans, Blacks, etc. "Lower class" would only be coded as such if an article specifically stated that lower class individuals were users of marihuana. With "Middle Class", some distinction had to be made when a story did not specifically state that the middle class were users. Thus, articles that stated that lawyers, doctors, or professors were users were coded as identifying middle class use, despite the fact that some may argue that these are upper class professions. It was felt that by classifying such occupations as upper class some argument as to the objectivity of the category may arise. Most would not disagree that such professions are at least middle class. For the "Upper Class" user to be identified, an article had to state these exact words. A similar practice was employed for the "Students" as opposed to "Youth" category, students had to be specifically identified as users.

"Effects of Drug" - The content analysis also sought information on the effects of marihuana being portrayed in the media. Articles were coded as suggesting marihuana was a "Stepping Stone", if they stated that the use of marihuana

lead to opiate use. The "Sexual Immorality/Aphrodisiac" category consisted of two types of information. The first of these was the suggestion that marihuana use led to rape or sexual promiscuity. Another was the statements of users that marihuana enhanced their sex life. Several articles indicated that marihuana use led to a "dropping out of society" or "amotivational syndrome", and were coded as suggesting "Indolence" as an effect of the substance. In some of the 1960s stories, marihuana was seen as a symbol of revolt by youth or "Rebellion". The "Adverse Psychological Effects" of marihuana was one of the most persistent themes over time, and these ranged from loss of memory to acute psychosis being posited as effects of marihuana. The "Adverse Physical Effects" idea included chromosome damage, sterility in males and cancer. The final heading under the category of effects was the idea that marihuana was a relatively harmless substance.

Legal Changes - Although the legal changes category is fairly unambiguous, it is important to note that an article had to state specifically that marihuana should be legalized or decriminalized to be coded as such. In order to ensure the mutual exclusiveness of these categories, an article that called for legalization of marihuana would not also be coded as arguing for a lessening of penalties.

#### **RELIABILITY OF THE CODING SCHEME**

In order to establish the reliability of the coding

scheme, an independent researcher coded a one in twenty sample of the articles. This consisted of every thirtieth newspaper article and every sixteenth magazine article, yielding a total of four newspaper articles and 10 magazine articles. The emphasis was on the magazine as opposed to the newspaper articles, as newspaper articles tend to contain less information.

The statistical check for reliability included only variables six to 40, excluding the basic identification information appearing at the beginning of the coding scheme. Including this information would tend to inflate the reliability since it is unambiguous information that both coders would almost definitely agree upon. In order to calculate the reliability, Holsti's scheme was employed (Holsti, 1969:140).

$$\frac{C.R.}{N1 + N2} = \frac{2M}{N1 + N2}$$

In this method, M is the number of coding decisions on which the two judges are in agreement, and N1 and N2 refer to the number of coding decisions made by judges one and two. Using this method it was discovered that the independent coder and the original coder agreed on 49 decisions, with the original coder making a total of 61 decisions and the independent coder a total of 71. This yields an overall reliability figure of 74%. However, as Krippendorff has argued, in a content analysis involving many variables, any variable could become the bottleneck for the trustworthiness of the data as a whole,



and reliability cannot be a single figure (Krippendorff, 1980:146). It was thus necessary to compute reliability figures for each of the major categories. The results follow.

CATEGORY	* #C1	& #C2	\$ #A	RELIABILITY
OVERALL	71	61	49	74%
TRIGGER	18	17	13	74%
POINTS OF VIEW	18	17	14	80%
USERS	12	9	7	67%
EFFECTS	14	9	8	70%
CHANGES IN LAW	9	9	7	77%

- \* - Indicates number of decisions by independent coder
- & - Indicates number of decisions by original coder
- \$ - Indicates number of decisions agreed upon by both coders

As the above table indicates, the reliability figures range from 67% for the "Portrayal of Users" category, to 80% for the "Points of view" category. It appears as though the source of unreliability is from the independent coder "overcoding" or the original coder "undercoding", as indicated by the fact that in all but one category the independent coder made more coding decisions than the original coder. However, the overall figure of 74% and the fact that none of the categories was under 67% reliability should allow one to conclude that the content scheme is fairly reliable.

APPENDIX B - CODING SCHEME

VARIABLE	NAME	COLUMN	CODE	EXPLN. OF CODE
1	Source	1	1 2	Magazine Newspaper
2	Date	2-3	01-31	Day
3	Month	4-5	01-12	Jan.-Dec.
4	Year	6-7	00-85	Last 2 #s
5	Article #	8-10	01-999	

TRIGGERING OF STORY

6		11-12	1	Amer. Govt.
			2	Cdn. Govt.
			3	Police
			4	Court Case
			5	Perceived increase in use
			6	General Interest
			7	Cultivation
			8	Proposed Change in Law

POINTS OF VIEW REPRESENTED

7	Medical Experts	13	1 2	Yes No
8	American Govt.	14	1 2	Yes No
9	Canadian Govt.	15	1 2	Yes No
10	Police	16	1 2	Yes No

VARIABLE	NAME	COLUMN	CODE	EXPLN. OF CODE
11	Judges	17	1 2	Yes No
12	Users	18	1 2	Yes No
13	Editorial Opinion	19	1 2	Yes No
14	Other	20	1 2	Yes No

#### PORTRAYAL OF USERS

15	Minorities	21	1 2	Yes No
16	Lower Class	22	1 2	Yes No
17	Middle Class	23	1 2	Yes No
18	Upper Class	24	1 2	Yes No
19	Students	25	1 2	Yes No
20	Youth	26	1 2	Yes No
21	"Hippies"	27	1 2	Yes No

#### EFFECTS OF DRUG

22	"Stepping Stone"	28	1 2	Yes No
23	Violence/Crime	29	1 2	Yes No
24	Sexual Immorality Aphrodisiac	30	1 2	Yes No
25	Indolence	31	1 2	Yes No
26	Rebellion	32	1 2	Yes No

VARIABLE	NAME	COLUMN	CODE	EXPLN. OF CODE
27	Adverse Psychological Effects	33	1	Yes
			2	No
28	Adverse Physical Effects	34	1	Yes
			2	No
29	Relatively Harmless	35	1	Yes
			2	No
CHANGES IN LAW SUGGESTED				
30	Status Quo	36	1	Yes
			2	No
31	Strengthen Law and Enforcement	37	1	Yes
			2	No
32	Lessen Penalties	38	1	Yes
			2	No
33	Decriminalize	39	1	Yes
			2	No
34	Legalize	40	1	Yes
			2	No

TABLE 1 - ARTICLES REFERENCED TO SELECTED PSYCHOACTIVE  
 SUBSTANCES IN THE READER'S GUIDE TO PERIODICAL LITERATURE  
 1900-1980

YEARS	SUBSTANCE			
	MARIHUANA	HEROIN	OPIUM	COCAINE
1900-1934	3	4	223	27
JULY 1935-JUNE 1937	4	1	14	0
JULY 1937-JUNE 1939	17	0	20	1
1940-1949	8	2	21	3
1950-1960	6	5	21	7
1961-1972	210	46	35	7
1973-1980	194	46	9	47

TABLE 2 - CONTENT ANALYSIS RESULTS

TRIGGERS	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
American Government	5(25)	11(22)	15(22)	0(00)	0(00)
Canadian Government	0(00)	0(00)	0(00)	5(05)	3(05)
Police	0(00)	4(04)	3(04)	8(22)	16(27)
Court Case	0(00)	0(00)	0(00)	22(24)	16(27)
Increase in Use	3(15)	15(17)	8(12)	12(13)	2(03)
General Interest	10(50)	27(30)	23(33)	25(27)	0(00)
Cultivation	1(05)	3(03)	7(10)	0(00)	4(07)
Change in Law	1(05)	18(20)	9(13)	21(23)	19(32)
TOTAL	20	89	69	93	60

POINTS OF VIEW	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
Medical Experts	8(33)	31(33)	28(35)	17(20)	7(23)
American Government	5(21)	7(07)	9(11)	0(00)	1(03)
Canadian Government	0(00)	0(00)	1(01)	4(05)	5(16)
Police	1(04)	4(04)	4(05)	9(11)	1(03)
Judges	0(00)	8(08)	2(02)	8(09)	0(00)
Users	0(00)	9(09)	12(15)	5(06)	5(16)
Editorial Opinion	10(42)	30(32)	17(21)	19(22)	5(16)
Other	0(00)	6(06)	8(10)	23(27)	7(23)
Total	24	95	81	85	31

USING GROUPS*	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
Minorities	6(33)	0(00)	0(00)	0(00)	0(00)
Lower Class	0(00)	0(00)	1(03)	0(00)	0(00)
Middle Class	1(06)	15(39)	7(37)	5(13)	3(43)
Upper Class	0(00)	2(05)	4(21)	1(03)	0(00)
Students	0(00)	12(32)	7(37)	6(16)	0(00)
Youth	10(56)	23(61)	12(63)	28(74)	5(71)
"Hippies"	0(00)	6(16)	0(00)	5(13)	0(00)
Relevant N	17	38	19	38	7

Figures indicate category as percentage of relevant N

\* Percentage figures may not add up to 100% as articles may have identified more than one using group

TABLE 3 - CONTENT ANALYSIS RESULTS

EFFECTS	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
Stepping Stone (yes)	0(00)	6(10)	2(05)	9(36)	2(29)
Stepping Stone (no)	0(00)	5(08)	4(11)	4(16)	0(00)
Violence/Crime (yes)	12(32)	3(05)	2(05)	1(04)	0(00)
Violence/Crime (no)	1(03)	7(12)	2(05)	0(00)	0(00)
Sexual Immorality (yes)	10(27)	6(10)	1(03)	1(04)	0(00)
Sexual Immorality (no)	0(00)	3(05)	0(00)	0(00)	0(00)
Indolence (yes)	1(03)	14(23)	6(16)	4(16)	1(14)
Indolence (no)	0(00)	0(00)	0(00)	0(00)	0(00)
Rebellion (yes)	0(00)	6(10)	0(00)	4(16)	0(00)
Rebellion (no)	0(00)	0(00)	0(00)	0(00)	0(00)
Ad. Psych. Effects (yes)	13(35)	20(33)	13(35)	12(48)	2(29)
Ad. Psych. Effects (no)	0(00)	3(05)	2(05)	2(08)	1(14)
Ad. Physical Effects (yes)	0(00)	2(03)	15(41)	0(00)	0(00)
Ad. Physical Effects (no)	0(00)	0(00)	2(05)	0(00)	0(00)
Relatively Harmless (yes)	0(00)	28(27)	10(27)	4(16)	2(29)
Relatively Harmless (no)	0(00)	0(00)	0(00)	0(00)	0(00)
RELEVANT N	37	60	37	25	7

PROPOSED CHANGE IN LAW

	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
Status Quo (yes)	0(00)	2(05)	0(00)	2(05)	1(04)
Status Quo (no)	0(00)	0(00)	0(00)	0(00)	0(00)
Strengthen Law (yes)	6(100)	0(00)	0(00)	1(03)	0(00)
Strengthen Law (no)	0(00)	0(00)	0(00)	0(00)	0(00)
Lessen Penalties (yes)	0(00)	20(51)	6(22)	11(29)	6(25)
Lessen Penalties (no)	0(00)	0(00)	0(00)	0(00)	0(00)
Decriminalize (yes)	0(00)	7(18)	16(59)	6(16)	11(44)
Decriminalize (no)	0(00)	0(00)	2(07)	1(03)	4(06)
Legalize (yes)	0(00)	8(21)	2(07)	9(24)	1(04)
Legalize (no)	0(00)	5(13)	2(07)	8(21)	4(16)
RELEVANT N	6	39	27	38	25

Figures in brackets indicate category as percentage of relevant N  
 Percentage figures may not add up to 100% as articles may have identified more than one effect or change in law

TABLE 4 - CONTENT ANALYSIS RESULTS - USERS BY POINT OF VIEW

POINT OF VIEW	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
<b>MEDICAL EXPERTS</b>					
Minorities	2(100)	0(00)	0(00)	0(00)	0(00)
Middle Class	1(50)	2(22)	0(00)	1(25)	2(100)
Upper Class	0(00)	0(00)	0(00)	0(00)	0(00)
Students	0(00)	3(33)	3(75)	1(25)	0(00)
Youth	1(50)	5(55)	2(50)	3(75)	2(100)
"Hippies"	0(00)	1(11)	0(00)	0(00)	0(00)
RELEVANT N	2	9	4	4	2
<b>AMERICAN GOVERNMENT</b>					
Minorities	2(100)	0(00)	0(00)	0(00)	0(00)
Students	0(00)	1(100)	1(100)	0(00)	0(00)
Youth	1(50)	0(00)	1(100)	0(00)	0(00)
RELEVANT N	2	1	1	0	0
<b>CANADIAN GOVERNMENT</b>					
Youth	0(00)	0(00)	0(00)	0(00)	1(100)
RELEVANT N	0	0	0	0	1
<b>POLICE</b>					
Students	0(00)	0(00)	0(00)	1(25)	0(00)
Youth	0(00)	2(100)	0(00)	4(100)	0(00)
RELEVANT N	0	2	0	4	0
<b>JUDGES</b>					
Youth	0(00)	1(100)	0(00)	3(100)	0(00)
"Hippies"	0(00)	0(00)	0(00)	1(33)	0(00)
RELEVANT N	0	1	0	3	0
<b>USERS</b>					
Middle Class	0(00)	2(100)	1(100)	0(00)	0(00)
Upper Class	0(00)	1(50)	0(00)	0(00)	0(00)
Youth	0(00)	1(50)	0(00)	1(100)	0(00)
RELEVANT N	0	2	1	1	0
<b>EDITORIAL OPINION</b>					
Minorities	1(14)	0(00)	0(00)	0(00)	0(00)
Lower Class	0(00)	0(00)	1(08)	0(00)	0(00)
Middle Class	0(00)	9(43)	6(50)	2(20)	0(00)
Upper Class	0(00)	1(05)	4(33)	0(00)	0(00)
Students	0(00)	5(23)	4(33)	3(30)	0(00)
Youth	7(100)	12(57)	7(58)	9(90)	2(100)
"Hippies"	0(00)	0(00)	0(00)	3(30)	0(00)
RELEVANT N	7	21	12	10	2
<b>"OTHER"</b>					
Middle Class	0(00)	1(50)	0(00)	1(17)	0(00)
Students	0(00)	0(00)	0(00)	1(17)	0(00)
Youth	0(00)	2(100)	1(100)	6(100)	0(00)
RELEVANT N	0	2	1	6	0



TABLE 5 - CONTENT ANALYSIS RESULTS - EFFECTS BY POINT OF VIEW

POINT OF VIEW	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
<b>MEDICAL EXPERTS</b>					
Stepping Stone(yes)	0(00)	2(08)	1(04)	3(25)	2(50)
Stepping Stone(no)	0(00)	3(12)	2(08)	2(17)	0(00)
Violence/Crime(yes)	3(50)	4(15)	1(04)	1(08)	0(00)
Violence/Crime(no)	1(17)	6(23)	1(04)	1(08)	0(00)
Sexual Immorality(yes)	3(50)	3(12)	0(00)	0(00)	0(00)
Sexual Immorality(no)	0(00)	0(00)	1(04)	0(00)	0(00)
Indolence(yes)	1(17)	8(31)	6(24)	0(00)	1(25)
Indolence(no)	0(00)	0(00)	0(00)	0(00)	0(00)
Rebellion(yes)	0(00)	2(08)	0(00)	2(17)	1(25)
Rebellion(no)	0(00)	0(00)	0(00)	0(00)	0(00)
Ad.Psych.Effects(yes)	4(67)	12(46)	11(44)	7(58)	2(50)
Ad.Psych.Effects(no)	0(00)	2(08)	2(08)	1(08)	0(00)
Ad.Physical Effects(yes)	0(00)	0(00)	12(48)	0(00)	0(00)
Ad.Physical Effects(no)	0(00)	0(00)	0(00)	0(00)	0(00)
Relatively Harmless(yes)	0(00)	8(31)	5(20)	2(17)	0(00)
Relatively Harmless(no)	0(00)	0(00)	0(00)	0(00)	0(00)
RELEVANT N	6	26	25	12	4
<b>AMERICAN GOVERNMENT</b>					
Stepping Stone(no)	0(00)	1(25)	0(00)	0(00)	0(00)
Violence/Crime(yes)	5(100)	0(00)	0(00)	0(00)	0(00)
Sexual Immorality(yes)	4(80)	1(25)	0(00)	0(00)	0(00)
Indolence(yes)	0(00)	1(25)	0(00)	0(00)	0(00)
Ad.Psych.Effects(yes)	5(100)	2(50)	1(50)	0(00)	0(00)
Ad.Physical Effects(yes)	0(00)	0(00)	2(100)	0(00)	0(00)
Relatively Harmless(yes)	0(00)	1(25)	0(00)	0(00)	0(00)
RELEVANT N	5	4	2	0	0
<b>CANADIAN GOVERNMENT</b>					
Stepping Stone(yes)	0(00)	0(00)	0(00)	1(100)	0(00)
Ad.Psych.Effects(yes)	0(00)	0(00)	0(00)	1(100)	0(00)
RELEVANT N	0	0	0	0	0
<b>POLICE</b>					
Stepping Stone(yes)	0(00)	2(100)	0(00)	0(00)	0(00)
Ad.Psych.Effects(yes)	0(00)	0(00)	2(100)	0(00)	0(00)
Ad.Physical Effects(yes)	0(00)	0(00)	1(50)	0(00)	0(00)
RELEVANT N	0	2	2	0	0
<b>JUDGES</b>					
Stepping Stone(yes)	0(00)	1(25)	1(50)	0(00)	0(00)
Violence/Crime(yes)	0(00)	0(00)	1(50)	0(00)	0(00)
Violence/Crime(no)	0(00)	1(25)	0(00)	0(00)	0(00)
Indolence(yes)	0(00)	2(50)	0(00)	0(00)	0(00)
Rebellion(yes)	0(00)	1(25)	0(00)	0(00)	0(00)
Rebellion(no)	0(00)	1(25)	0(00)	0(00)	0(00)
Ad.Psych.Effects(yes)	0(00)	1(25)	0(00)	0(00)	0(00)
Ad.Physical Effects(yes)	0(00)	2(50)	0(00)	0(00)	0(00)
Relatively Harmless(yes)	0(00)	1(25)	0(00)	0(00)	0(00)
RELEVANT N	0	4	2	0	0

CONTENT ANALYSIS - EFFECTS (CONTINUED)

POINT OF VIEW	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
USERS					
Stepping Stone(yes)	0(00)	0(00)	0(00)	1(50)	0(00)
Stepping Stone(no)	0(00)	0(00)	1(33)	0(00)	0(00)
Violence(no)	0(00)	0(00)	1(33)	0(00)	0(00)
Sexual Immorality(yes)	0(00)	1(20)	2(67)	1(50)	0(00)
Ad.Psych.Effects(yes)	0(00)	0(00)	0(00)	1(50)	0(00)
Ad.Psych.Effects(no)	0(00)	0(00)	0(00)	0(00)	1(50)
Relatively Harmless(yes)	0(00)	4(80)	1(33)	0(00)	1(50)
RELEVANT N	0	5	3	2	2
EDITORIAL OPINION					
Stepping Stone(yes)	0(00)	2(12)	0(00)	0(00)	0(00)
Stepping Stone(no)	0(00)	1(6)	1(33)	1(20)	0(00)
Violence/Crime(yes)	4(80)	0(00)	0(00)	0(00)	0(00)
Violence/Crime(no)	0(00)	3(18)	1(33)	0(00)	0(00)
Sexual Immorality(yes)	3(60)	0(00)	0(00)	0(00)	0(00)
Sexual Immorality(no)	0(00)	3(18)	0(00)	0(00)	0(00)
Indolence(yes)	0(00)	2(12)	0(00)	3(60)	0(00)
Rebellion(yes)	0(00)	3(18)	0(00)	1(20)	0(00)
Ad.Psych.Effects(yes)	4(80)	4(24)	0(00)	2(40)	0(00)
Relatively Harmless(yes)	0(00)	10(59)	3(100)	0(00)	1(100)
RELEVANT N	5	17	3	5	1
"OTHER"					
Stepping Stone(yes)	0(00)	0(00)	0(00)	3(43)	0(00)
Stepping Stone(no)	0(00)	0(00)	1(100)	1(14)	0(00)
Violence(no)	0(00)	1(50)	0(00)	0(00)	0(00)
Indolence(yes)	0(00)	0(00)	0(00)	1(14)	0(00)
Rebellion(yes)	0(00)	0(00)	0(00)	1(14)	0(00)
Ad.Psych.Effects(yes)	0(00)	1(50)	0(00)	0(00)	0(00)
Ad.Psych.Effects(no)	0(00)	1(50)	0(00)	1(14)	0(00)
Relatively Harmless(yes)	0(00)	0(00)	1(100)	4(57)	0(00)
RELEVANT N	0	2	1	7	0

Figures in brackets indicate category as percentage of relevant N  
 Percentage figures may not add up to 100% as spokespersons may have identified more than one effect

TABLE 6 - CONTENT ANALYSIS RESULTS - PROPOSED LEGAL CHANGE  
BY POINT OF VIEW

POINT OF VIEW	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
<b>MEDICAL EXPERTS</b>					
Strengthen Law(yes)	3(100)	0(00)	0(00)	0(00)	0(00)
Lessen Penalties(yes)	0(00)	7(64)	1(20)	3(43)	1(20)
Decriminalize(yes)	0(00)	4(36)	2(40)	1(14)	2(40)
Decriminalize(no)	0(00)	0(00)	1(20)	0(00)	2(40)
Legalize(yes)	0(00)	1(09)	0(00)	2(29)	0(00)
Legalize(no)	0(00)	4(36)	1(20)	1(14)	2(40)
RELEVANT N	3	11	5	7	5
<b>AMERICAN GOVERNMENT</b>					
Lessen Penalties(yes)	0(00)	4(100)	1(17)	0(00)	0(00)
Decriminalize(yes)	0(00)	0(00)	5(83)	0(00)	0(00)
Legalize(no)	0(00)	1(25)	0(00)	0(00)	0(00)
RELEVANT N	0	4	6	0	0
<b>CANADIAN GOVERNMENT</b>					
Lessen Penalties(yes)	0(00)	0(00)	0(00)	0(00)	2(100)
Decriminalize(yes)	0(00)	0(00)	0(00)	1(50)	0(00)
Decriminalize(no)	0(00)	0(00)	0(00)	0(00)	1(50)
Legalize(no)	0(00)	0(00)	0(00)	2(100)	1(50)
RELEVANT N	0	0	0	2	2
<b>POLICE</b>					
Lessen Penalties(yes)	0(00)	0(00)	0(00)	1(50)	0(00)
Decriminalize(no)	0(00)	0(00)	1(50)	1(50)	0(00)
Legalize(yes)	0(00)	0(00)	1(50)	0(00)	0(00)
Legalize(no)	0(00)	0(00)	0(00)	1(50)	0(00)
RELEVANT N	0	0	2	2	0
<b>JUDGES</b>					
Lessen Penalties(yes)	0(00)	1(100)	0(00)	0(00)	0(00)
RELEVANT N	0	1	0	0	0
<b>USERS</b>					
Lessen Penalties(yes)	0(00)	1(25)	1(20)	1(100)	0(00)
Decriminalize(yes)	0(00)	0(00)	2(40)	0(00)	4(100)
Legalize(yes)	0(00)	3(75)	2(40)	0(00)	0(00)
RELEVANT N	0	4	5	1	4
<b>EDITORIAL OPINION</b>					
Status Quo	0(00)	2(14)	0(00)	0(00)	0(00)
Strengthen Law	3(100)	0(00)	0(00)	0(00)	0(00)
Lessen Penalties(yes)	0(00)	8(57)	1(33)	1(33)	3(75)
Decriminalize(yes)	0(00)	1(07)	1(33)	0(00)	0(00)
Legalize(yes)	0(00)	2(14)	1(33)	2(67)	1(25)
Legalize(no)	0(00)	1(07)	1(33)	0(00)	0(00)
RELEVANT N	3	14	3	3	4

CONTENT ANALYSIS - PROPOSED CHANGE IN LAWS

POINT OF VIEW	MAGAZINE SAMPLE			NEWSPAPER SAMPLE	
	1935-1939	1961-1972	1973-1980	1966-1972	1973-1980
"OTHER"					
Status Quo(yes)	0(00)	0(00)	0(00)	2(13)	1(25)
Strengthen Law(yes)	0(00)	0(00)	0(00)	1(06)	0(00)
Lessen Penalties(yes)	0(00)	1(20)	1(17)	3(19)	0(00)
Decriminalize(yes)	0(00)	2(40)	5(83)	5(31)	2(50)
Decriminalize(no)	0(00)	0(00)	0(00)	0(00)	1(25)
Legalize(yes)	0(00)	2(40)	0(00)	5(31)	0(00)
Legalize(no)	0(00)	0(00)	0(00)	4(25)	0(00)
RELEVANT N	0	5	6	16	4

Figures in Brackets indicate category as percentage of relevant N  
 Percentage figures may not add up to 100% as spokespersons may have identified more than one change in law

TABLE 7 - CONVICTIONS FOR CANNABIS AND OTHER SELECTED  
PSYCHOACTIVE SUBSTANCES IN CANADA - 1956-1983

YEAR	CANNABIS	HEROIN	COCAINE	L.S.D.*
1956	13( 3.3)	365(93.0)	-	-
1957	6( 1.3)	425(93.6)	-	-
1958	19( 3.6)	477(91.4)	-	-
1959	14( 2.3)	564(94.5)	-	-
1960	15( 2.9)	472(92.7)	-	-
1961	7( 1.7)	384(95.5)	-	-
1962	15( 4.5)	286(86.4)	-	-
1963	37(11.0)	258(76.8)	2(0.6)	-
1964	28( 8.3)	272(80.7)	-	-
1965	60(15.4)	266(68.2)	3(0.7)	-
1966	144(32.2)	221(49.4)	1(0.2)	-
1967	586(58.9)	348(34.9)	-	-
1968	1429(80.3)	279(15.7)	2(0.1)	-
1969	2964(88.8)	310( 9.3)	1(0.0)	-
1970	6270(92.9)	383( 5.7)	12(0.2)	1558
1971	9478(93.0)	502( 5.0)	19(0.2)	1558
1972	11713(91.4)	923( 7.2)	44(0.3)	1161
1973	19929(92.8)	1290( 6.0)	123(0.6)	970
1974	29067(95.3)	798( 2.6)	237(0.8)	1482
1975	27367(95.2)	511( 1.8)	289(1.0)	1570
1976	39259(95.8)	438( 1.1)	265(0.9)	789
1977	41821(95.9)	636( 1.5)	420(0.7)	710
1978	35712(94.8)	580( 1.5)	500(1.1)	707
1979	36103(94.9)	509( 1.3)	592(1.6)	1236
1980	40721(95.3)	306( 0.7)	847(1.8)	1973
1981	43568(94.7)	243( 0.5)	1228(2.7)	1873
1982	34102(93.0)	266( 0.7)	1295(3.5)	1304
1983	26624(91.8)	196( 0.7)	1390(4.8)	1209

FIGURES IN BRACKETS INDICATE CONVICTIONS AS PERCENTAGE OF TOTAL CONVICTIONS UNDER THE NARCOTIC CONTROL ACT

\* L.S.D. IS INCLUDED UNDER THE FOOD AND DRUG ACT

TABLE 8 - CONVICTIONS FOR CANNABIS UNDER THE NARCOTIC CONTROL ACT BY PROVINCE - 1956-1983

YEAR	PROVINCE										
	NFLD.	PEI.	N.S.	N.B.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.	CAN.
1956	-	-	-	-	9	2	-	-	-	2	13
1957	-	-	-	-	4	2	-	-	-	-	6
1958	-	-	-	-	11	6	1	-	-	1	19
1959	-	-	-	-	4	10	-	-	-	-	14
1960	-	-	-	-	-	14	-	-	-	1	15
1961	-	-	-	-	3	4	-	-	-	-	7
1962	2	-	1	-	4	5	-	-	1	2	15
1963	-	-	-	-	13	12	-	-	5	7	37
1964	-	-	-	-	7	13	-	-	4	4	28
1965	-	-	4	-	11	30	1	-	2	12	60
1966	-	-	1	3	30	85	-	-	3	22	144
1967	-	-	-	3	111	252	19	14	35	149	586
1968	-	-	12	-	188	581	57	22	142	426	1429
1969	7	11	40	34	494	1037	133	66	298	842	2964
1970	24	9	109	85	1001	2426	189	317	568	1509	6270
1971	100	23	198	127	1341	4046	324	418	695	2165	9478
1972	125	33	304	131	1152	4968	450	556	1091	2798	11713
1973	229	49	564	297	2184	7563	652	1191	2280	4724	19929
1974	403	96	778	455	2823	10909	1020	1702	3923	6674	29067
1975	395	84	1139	553	2682	10116	1520	1464	3707	5498	27367
1976	579	120	1621	660	3135	10190	1889	2324	6555	5888	39259
1977	690	101	1594	839	4222	15529	2091	2306	8204	6114	41821
1978	762	113	1568	729	4240	13797	1662	1686	6384	4736	35712
1979	947	139	1718	735	4490	14827	1475	1546	6044	3994	36103
1980	965	184	1813	918	4340	16056	1621	1907	7213	5082	40721
1981	1161	159	1760	853	5501	16991	1947	2206	7191	5566	43568
1982	688	91	1466	584	5529	12680	1503	1418	4751	5183	34102
1983	555	83	977	472	5486	8574	1242	1309	3619	4122	26624

TABLE 9 - PERCENTAGE INCREASES IN MARIHUANA CONVICTIONS  
PER YEAR BY PROVINCE - 1965-1983

YEAR	PROVINCE										
	NFLD.	PEI	N.S.	N.B.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.	CAN.
1965	-	-	-	-	+57	+131	-	-	-50	+200	+114
1966	-	-	-75	-	+173	+183	-	-	+50	+83	+140
1967	-	-	-100	-	+270	+196	-	-	+1066	+577	+307
1968	-	-	+100	-100	+69	+131	+200	+57	+306	+186	+144
1969	+100	+100	+233	+100	+163	+78	+133	+200	+110	+98	+107
1970	+242	-18	+173	+150	+103	+134	+42	+380	+91	+79	+112
1971	+317	+61	+82	+49	+34	+67	+71	+32	+22	+43	+51
1972	+25	+43	+54	+3	-14	+23	+39	+33	+57	+29	+24
1973	+83	+48	+86	+127	+90	+52	+45	+114	+109	+69	+70
1974	+76	+96	+38	+53	+29	+44	+56	+43	+72	+41	+46
1975	-1	-12	+46	+22	-5	-7	+49	-14	-6	-18	-6
1976	+47	+43	+42	+19	+19	+1	+24	+59	+77	+7	+43
1977	+19	-16	-2	+27	+35	+52	+11	-1	+25	+4	+7
1978	+10	+12	-2	-13	-	-11	-21	-27	-22	-23	-15
1979	+24	+23	+10	+1	+6	+7	-11	-8	-5	-16	+1
1980	+2	+32	+6	+25	-3	+8	+10	+23	+19	+27	+13
1981	+20	-14	-3	-7	+27	+6	+20	+16	-	+10	+7
1982	-41	-43	-17	-32	+1	-25	-23	-36	-34	-7	-28
1983	-19	-9	-33	-19	-1	-32	-17	-8	-24	-20	-22

TABLE 10 - CONVICTION RATES PER 100,000 POPULATION FOR MARIHUANA  
BY PROVINCE - 1967-1982

YEAR	PROVINCE										
	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
1967	0	0	0	0	2	3	2	1	2	8	3
1968	0	0	2	0	3	8	6	2	9	21	7
1969	1	10	5	5	8	14	14	7	19	40	14
1970	5	8	14	14	17	31	19	34	35	70	29
1971	19	21	25	20	22	52	33	45	42	98	44
1972	23	29	37	20	19	63	45	61	66	124	54
1973	42	43	70	45	36	95	65	131	134	201	90
1974	74	82	95	68	46	134	101	187	227	276	130
1975	71	70	138	81	43	122	149	158	207	223	120
1976	111	102	209	103	59	163	194	252	401	264	145
1977	122	83	191	121	67	184	202	244	427	244	181
1978	131	93	186	104	68	163	161	177	327	186	153
1979	164	113	202	104	71	174	143	161	296	154	153
1980	192	144	212	129	68	192	157	196	340	191	169
1981	196	129	207	121	82	195	189	226	311	200	179
1982	106	74	166	79	79	136	139	134	189	176	139



TABLE 11 - CONVICTIONS UNDER THE NARCOTIC CONTROL ACT  
BY AGE/SEX - 1956-1983

YEAR	AGE-SEX GROUP						TOTAL
	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF	
1956	35(09)	27(07)	116(31)	62(16)	104(28)	34(09)	378
1957	NOT AVAILABLE						
1958	60(12)	38(08)	137(28)	77(16)	137(28)	43(09)	494
1959	76(14)	62(11)	150(27)	69(12)	162(29)	37(07)	556
1960	51(11)	62(13)	133(28)	68(14)	129(27)	30(06)	473
1961	39(10)	67(17)	100(26)	57(15)	101(26)	22(06)	386
1962	36(12)	43(14)	97(32)	48(16)	69(23)	11(04)	304
1963	35(11)	47(15)	86(28)	47(15)	80(26)	17(05)	312
1964	43(14)	39(12)	97(31)	42(13)	68(22)	24(08)	313
1965	61(17)	51(14)	105(29)	55(15)	69(19)	18(05)	359
1966	102(25)	40(10)	125(30)	47(11)	82(20)	14(03)	410
1967	448(49)	98(11)	185(20)	63(07)	91(10)	25(03)	920
1968	1084(66)	156(10)	212(13)	55(03)	119(07)	13(01)	1641
1969	2247(74)	267(09)	353(12)	69(02)	95(03)	11(00)	3042
1970	4717(77)	447(07)	721(12)	81(01)	137(02)	19(00)	6130
1971	NOT AVAILABLE						
1972	9096(74)	933(08)	1645(13)	208(02)	235(02)	32(00)	12332
1973	14674(75)	1344(07)	2599(13)	327(02)	260(01)	31(00)	19666
1974	21489(76)	1738(06)	3802(13)	414(01)	395(01)	34(00)	28434
1975	19509(74)	1608(06)	4063(15)	398(01)	430(02)	51(00)	26534
1976*	24770(72)	2164(06)	5342(15)	531(02)	620(02)	80(00)	34531
1977	31368(71)	2849(06)	7103(16)	765(01)	924(02)	89(00)	43972
1978	26489(70)	2358(06)	6780(18)	699(02)	946(02)	130(00)	37914
1979	26660(71)	2333(06)	6726(18)	678(02)	1021(03)	147(00)	37586
1980	29592(69)	2610(06)	8075(19)	762(02)	1158(03)	171(00)	42736
1981	30751(67)	2760(06)	9628(21)	961(02)	1538(03)	190(00)	45995
1982	22735(62)	2039(06)	9030(25)	946(03)	1612(04)	244(01)	36771
1983	16658(57)	1582(05)	8058(28)	848(03)	1626(06)	197(01)	28992

FIGURES IN BRACKETS INDICATE GROUP AS PERCENTAGE OF TOTAL CONVICTIONS  
PERCENTAGE FIGURES MAY NOT ADD UP TO 100% AS IN SOME YEARS AGE OF ALL OFFENDERS WAS NOT KNOWN

\* - THE 1976 FIGURE IS BASED ON A 1976 BUREAU OF DANGEROUS DRUGS PUBLICATION

TABLE 12 - CONVICTIONS UNDER THE NARCOTIC CONTROL ACT  
BY DRUG AND SECTION 1969-1983

CANNABIS						
SECTION						
YEAR	TOTAL	3(1)	4(1)	4(2)	5(1)	6(1)
1969	2964	2313(78)	454(15)	179(06)	6(00)	12(00)
1970	6270	5409(86)	436(07)	356(06)	26(00)	43(01)
1971	9478	8389(89)	476(05)	533(06)	22(00)	58(01)
1972	11713	10695(91)	290(02)	620(05)	33(00)	75(01)
1973	19929	18603(93)	299(02)	914(05)	27(00)	86(00)
1974	29067	27202(94)	429(01)	1281(04)	24(00)	131(00)
1975	27367	25056(92)	649(02)	1523(06)	34(00)	105(00)
1976	33281	30523(92)	886(03)	1709(05)	29(00)	134(00)
1977	41982	37305(89)	1562(04)	2910(07)	45(00)	160(00)
1978	35945	31031(86)	2014(06)	2701(08)	29(00)	170(00)
1979	36103	30894(86)	2317(06)	2712(08)	39(00)	141(00)
1980	40721	35191(86)	2368(06)	2976(07)	32(00)	154(00)
1981	43568	36915(85)	2831(06)	3650(08)	8(00)	164(00)
1982	34102	27687(81)	2929(09)	3342(10)	7(00)	137(00)
1983	26624	21547(81)	2475(09)	2429(09)	15(00)	158(01)

HEROIN					
YEAR	TOTAL	3(1)	4(1)	4(2)	5(1)
1969	310	219(71)	64(21)	23(07)	4(01)
1970	383	201(52)	145(38)	35(09)	2(00)
1971	502	378(75)	74(15)	47(09)	3(00)
1972	923	630(68)	174(19)	117(13)	2(00)
1973	1290	762(59)	289(22)	235(18)	4(00)
1974	798	445(56)	185(23)	167(21)	1(00)
1975	511	250(49)	127(25)	132(26)	2(00)
1976	438	204(47)	145(33)	82(19)	7(02)
1977	636	257(40)	261(41)	108(17)	10(02)
1978	573	253(44)	202(35)	110(19)	8(01)
1979	509	181(36)	238(47)	87(17)	3(01)
1980	306	97(32)	127(42)	73(24)	9(03)
1981	243	86(35)	105(43)	45(19)	7(03)
1982	266	100(38)	90(34)	68(26)	8(03)
1983	196	84(43)	66(34)	39(20)	7(04)

COCAINE					
YEAR	TOTAL	3(1)	4(1)	4(2)	5(1)
1977	420	209(50)	137(33)	73(17)	1(00)
1978	500	207(41)	202(40)	80(16)	11(02)
1979	592	324(55)	143(24)	98(17)	27(05)
1980	847	467(55)	243(29)	127(15)	10(01)
1981	1228	685(56)	307(25)	226(18)	10(01)
1982	1295	716(55)	300(23)	267(21)	12(01)
1983	1390	787(57)	297(21)	279(20)	27(02)

FIGURES IN BRACKETS INDICATE SECTION AS PERCENTAGE OF TOTAL CONVICTIONS  
SECTION 3(1) - POSSESSION SECTION 4(1) TRAFFICKING  
SECTION 4(2) - POSSESSION FOR THE PURPOSE OF TRAFFICKING  
SECTION 5(1) - IMPORTING SECTION 6(1) - CULTIVATING

TABLE 13 - CONVICTION RATES PER 100,000 POPULATION UNDER THE NARCOTIC CONTROL ACT BY AGE/SEX GROUP 1969-1983 (SELECTED YEARS)

1969											
AGE-SEX	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
15-24M	7	94	39	44	62	122	112	50	162	374	118
15-24F	0	10	3	3	8	12	20	5	22	55	14
25-34M	11	0	16	6	15	20	10	19	16	109	26
25-34F	0	18	0	0	2	3	0	0	3	30	5
35UP M	0	0	0	0	2	1	0	0	0	13	2
35UP F	0	0	0	0	0	0	0	0	0	2	0
1973											
AGE/SEX	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
15-24M	318	327	543	350	256	763	509	949	1128	1617	694
15-24F	13	36	40	21	20	67	50	113	106	183	95
25-34M	35	58	113	72	70	155	144	232	189	439	161
25-34F	3	0	13	0	8	18	15	26	22	71	21
35UP M	11	0	2	1	4	5	1	2	4	26	6
35UP F	0	0	0	1	0	0	0	0	1	4	1
1976											
AGE/SEX	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
15-24M	835	739	1486	739	341	1004	1429	1956	2537	1796	1095
15-24F	44	158	90	55	32	91	139	193	222	163	98
25-34M	142	145	424	210	142	229	394	538	525	598	293
25-34F	5	25	47	19	14	21	59	56	40	68	30
35UP M	5	13	17	5	9	10	12	7	26	34	15
35UP F	0	0	1	0	1	2	1	1	2	4	2
1981											
AGE/SEX	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
15-24M	1499	1025	1558	815	570	1503	1407	1711	2097	1582	1305
15-24F	44	34	112	56	63	141	136	154	206	137	120
25-34M	513	326	446	364	321	464	490	563	654	522	457
25-34F	42	10	37	27	30	52	43	73	57	52	46
35UP M	15	8	29	27	31	31	20	23	43	44	32
35UP F	0	4	2	2	4	4	4	2	2	4	4

TABLE 14 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT  
1976-1983

TOTAL	PROVINCE										
	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
1976	673	149	1945	817	4328	18748	2555	2668	8941	9492	50695
1977	768	123	1794	983	5192	21151	2687	2599	10531	9119	55268
1978	823	122	1707	796	5316	19029	2141	1952	8318	7058	47551
1979	1028	147	1857	828	5689	20472	1944	1747	7803	5865	47586
1980	1030	202	1975	1009	5570	22708	2100	2107	9423	7186	53496
1981	1265	165	1899	938	7006	23488	2518	2493	9631	7579	57254
1982	769	100	1612	652	7148	18141	2027	1615	6458	7105	45867
1983	645	88	1131	506	7059	12678	1694	1493	5087	5490	36086
*											
DIS.											
1976	19(03)	4(03)	54(03)	10(01)	15(00)	694(04)	19(01)	57(02)	182(02)	416(04)	1475(03)
1977	13(02)	2(02)	26(01)	9(01)	27(01)	719(03)	12(00)	38(02)	311(03)	443(05)	1605(03)
1978	10(01)	3(03)	33(02)	4(01)	25(01)	693(04)	17(01)	40(02)	196(02)	310(04)	1335(03)
1979	9(01)	2(01)	24(01)	10(01)	26(01)	618(03)	17(01)	26(02)	273(04)	214(04)	1221(03)
1980	13(01)	4(02)	34(02)	7(01)	47(01)	790(04)	7(00)	21(01)	419(04)	239(03)	1582(03)
1981	14(01)	2(02)	16(01)	11(01)	33(01)	834(04)	23(01)	13(01)	365(04)	189(03)	1505(03)
1982	16(02)	4(04)	22(01)	2(00)	34(01)	780(04)	9(00)	27(02)	297(05)	272(04)	1466(03)
1983	9(01)	1(01)	21(02)	2(00)	79(01)	584(05)	14(01)	13(01)	210(04)	215(04)	1152(03)
&											
WITH.											
1976	20(03)	13(09)	69(04)	39(05)	190(04)	3537(19)	16(01)	171(06)	855(10)	336(04)	5272(10)
1977	44(06)	9(07)	91(05)	53(05)	230(04)	4061(19)	7(00)	160(06)	1336(13)	406(05)	6408(12)
1978	37(05)	3(03)	63(04)	30(04)	270(05)	3741(20)	10(01)	169(09)	1352(16)	275(04)	5957(13)
1979	62(06)	4(03)	66(04)	48(06)	296(05)	4196(21)	7(00)	125(07)	1036(13)	122(02)	5968(13)
1980	37(04)	10(05)	92(05)	33(03)	254(05)	4524(20)	7(00)	121(06)	1207(13)	147(02)	6437(12)
1981	76(06)	3(02)	89(05)	41(04)	290(04)	4679(20)	3(00)	144(06)	1316(14)	111(02)	6761(12)
1982	47(06)	1(01)	76(05)	36(06)	227(03)	3671(20)	4(00)	106(07)	1015(16)	66(01)	5364(12)
1983	52(08)	2(02)	78(07)	15(03)	223(03)	2653(21)	6(00)	114(08)	967(19)	69(01)	4193(12)
§											
STAY											
1976	6(01)	4(03)	8(00)	8(01)	26(01)	208(01)	324(13)	18(01)	255(03)	1415(15)	2274(05)
1977	5(01)	5(04)	25(01)	7(01)	21(00)	258(01)	371(14)	59(02)	497(05)	1507(17)	2748(05)
1978	12(02)	0(00)	4(00)	1(00)	1(00)	85(00)	320(15)	26(01)	310(04)	1186(17)	1948(04)
1979	7(01)	1(01)	5(00)	0(00)	3(00)	72(00)	329(17)	17(01)	284(04)	963(16)	1687(04)
1980	9(01)	1(01)	1(00)	2(00)	9(00)	73(00)	321(15)	25(01)	345(04)	1325(18)	2114(04)
1981	7(01)	0(00)	0(00)	2(00)	5(00)	96(00)	408(16)	44(02)	401(04)	1293(17)	2266(04)
1982	9(01)	2(02)	1(00)	0(00)	12(00)	84(00)	381(19)	31(02)	160(03)	1132(16)	1819(04)
1983	7(01)	0(00)	6(01)	0(00)	3(00)	64(00)	341(20)	13(01)	81(02)	803(15)	1321(04)

\* - INDICATES CHARGES DISMISSED

& - INDICATES CHARGES WITHDRAWN

§ - INDICATES CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

FIGURES IN BRACKETS INDICATE OUTCOME AS PERCENTAGE OF TOTAL CHARGES

TABLE 15 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT  
BY SECTION - 1976-1983

	SECTION				
	3(1)	4(1)	4(2)	5(1)	6(1)
TOTAL					
1976	44008	2111	4201	123	217
1977	46830	2760	5565	151	248
1978	38942	3379	4995	148	269
1979	38462	3591	4806	193	204
1980	43606	3598	5627	200	223
1981	45518	4403	6490	170	236
1982	34682	4397	6109	119	190
1983	27168	3658	4535	119	218
*					
DIS.					
1976	1026(02)	106(05)	321(07)	10(08)	12(06)
1977	1104(02)	121(04)	365(07)	12(08)	8(03)
1978	934(02)	109(03)	295(06)	4(03)	6(02)
1979	829(02)	130(04)	228(05)	7(04)	8(04)
1980	1039(02)	139(04)	385(07)	12(06)	2(01)
1981	945(02)	173(04)	364(06)	5(03)	5(02)
1982	849(02)	203(05)	399(07)	6(05)	4(02)
1983	692(03)	157(04)	286(06)	4(03)	6(03)
&					
WITH.					
1976	4277(10)	205(10)	725(17)	32(26)	32(15)
1977	4959(11)	269(10)	1131(20)	38(25)	45(18)
1978	4564(12)	306(09)	944(19)	62(42)	52(19)
1979	4480(12)	318(09)	900(19)	74(38)	33(16)
1980	4818(11)	351(10)	1059(19)	99(50)	39(17)
1981	4864(11)	502(11)	1130(17)	90(53)	35(15)
1982	3527(10)	428(10)	1106(18)	60(50)	32(17)
1983	2721(10)	366(10)	864(19)	53(45)	32(15)
‡					
STAY					
1976	1662(04)	154(07)	412(10)	11(09)	21(10)
1977	1944(04)	191(07)	575(10)	26(17)	24(10)
1978	1223(03)	242(07)	468(10)	16(11)	35(13)
1979	1047(03)	156(04)	448(10)	17(09)	15(07)
1980	1248(03)	184(05)	629(11)	27(14)	25(11)
1981	1330(03)	237(05)	623(10)	40(24)	20(09)
1982	1048(03)	223(05)	514(08)	20(17)	11(06)
1983	813(03)	144(04)	335(07)	7(06)	19(09)

\* - INDICATES CHARGES DISMISSED

& - INDICATES CHARGES WITHDRAWN

‡ - INDICATES CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

FIGURES IN BRACKETS INDICATE OUTCOME AS PERCENTAGE OF TOTAL CHARGES

3(1)-POSSESSION 4(1)- TRAFFICKING 4(2)- POSSESSION FOR THE PURPOSE OF TRAFFICKING

5(1)- IMPORTING 6(1)- CULTIVATING

TABLE 16 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT  
BY DRUG - 1976-1983

	DRUG		
	CANNABIS	HEROIN	COCAINE
TOTAL			
1976	47691	1237	613
1977	52302	1190	753
1978	44807	1019	845
1979	44552	820	935
1980	50266	621	1384
1981	53519	457	1871
1982	41938	461	2019
1983	32620	317	1969

\*

DIS.			
1976	1307(03)	64(05)	54(09)
1977	1429(03)	69(06)	61(08)
1978	1186(03)	72(07)	47(06)
1979	1086(02)	46(06)	43(05)
1980	1379(03)	38(06)	100(07)
1981	1342(03)	28(06)	95(05)
1982	1270(03)	33(07)	122(06)
1983	983(03)	27(09)	102(06)

&

WITH.			
1976	4892(10)	126(10)	101(16)
1977	5922(11)	115(10)	159(21)
1978	5408(12)	105(10)	188(22)
1979	5370(12)	75(09)	187(20)
1980	5906(12)	50(08)	232(17)
1981	6112(11)	43(09)	315(17)
1982	4577(11)	65(14)	384(19)
1983	3547(11)	42(13)	304(15)

\$

STAY			
1976	1842(04)	305(25)	77(13)
1977	2280(04)	327(27)	94(12)
1978	1609(04)	255(25)	88(10)
1979	1398(03)	172(21)	81(09)
1980	1684(03)	215(35)	180(13)
1981	1891(04)	131(29)	178(10)
1982	1528(04)	80(17)	171(08)
1983	1135(03)	41(13)	120(06)

\* - INDICATES CHARGES DISMISSED

& - INDICATES CHARGES WITHDRAWN

\$ - INDICATES CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

TABLE 17 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT  
BY AGE/SEX - 1976-1983

	AGE/SEX GROUP					
	15-24M	15-24F	25-34M	25-34F	35-UP M	35-UP F
TOTAL						
1977	38144	4385	9102	1262	1282	146
1978	32260	3679	8630	1168	1264	216
1979	32098	3563	8536	1121	1383	230
1980	35532	4022	10294	1304	1580	261
1981	36653	4065	12209	1583	2075	345
1982	27111	3105	11407	1529	2132	373
1983	19769	2350	10066	1326	2113	301
* - INDICATES CHARGES DISMISSED						
DIS.						
1977	914(02)	196(04)	333(04)	66(05)	56(04)	17(12)
1978	764(02)	140(04)	284(03)	60(05)	57(05)	13(06)
1979	643(02)	137(04)	286(03)	58(05)	71(05)	4(02)
1980	830(02)	166(04)	392(04)	91(07)	66(04)	18(07)
1981	751(02)	178(04)	379(03)	85(05)	93(05)	18(05)
1982	682(03)	145(05)	432(04)	81(05)	93(04)	25(07)
1983	510(03)	93(04)	356(04)	81(06)	90(04)	18(06)
& - INDICATES CHARGES WITHDRAWN						
WITH.						
1977	3908(10)	837(19)	1062(12)	249(20)	177(14)	26(18)
1978	3589(11)	807(22)	1050(12)	245(21)	150(12)	51(24)
1979	3565(11)	766(21)	1046(12)	252(22)	183(13)	53(23)
1980	3780(11)	847(21)	1232(12)	276(21)	197(12)	46(18)
1981	3762(10)	823(20)	1445(12)	325(21)	282(14)	101(29)
1982	2634(10)	619(20)	1310(11)	321(21)	280(13)	75(20)
1983	1968(10)	463(20)	1133(11)	261(20)	300(14)	51(17)
\$ - INDICATES CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED						
STAY						
1977	1481(04)	390(09)	508(06)	156(12)	100(08)	10(07)
1978	964(03)	288(08)	419(05)	146(13)	86(07)	18(08)
1979	827(03)	256(07)	371(04)	103(09)	84(06)	23(10)
1980	944(03)	321(08)	512(05)	156(12)	122(08)	23(09)
1981	1024(03)	310(08)	604(05)	178(11)	106(05)	31(09)
1982	769(03)	245(08)	509(04)	159(10)	103(05)	25(07)
1983	560(03)	164(07)	383(04)	109(08)	64(03)	30(10)

\* - INDICATES CHARGES DISMISSED

& - INDICATES CHARGES WITHDRAWN

\$ - INDICATES CHARGES WHERE A STAY OF PROCEEDINGS WAS ENTERED

FIGURES IN BRACKETS INDICATE OUTCOME AS PERCENTAGE OF TOTAL CHARGES

TABLE 18 - SENTENCING TRENDS FOR SIMPLE POSSESSION  
OF SELECTED SUBSTANCES UNDER THE NARCOTIC CONTROL ACT  
1969-1983

	TOTAL GUILTY	FINE	S. S. COND. PROBATION*	ABSOLUTE DISCHARGE	GAOL
<b>CANNABIS</b>					
1968	1077	16(01)	583(54)	NA	478(44)
1969	2313	389(17)	1178(51)	NA	633(27)
1970	5409	3688(68)	1167(22)	NA	543(10)
1971	8389	6481(77)	1338(16)	NA	570(07)
1972	10695	7529(70)	1913(18)	684(06)	569(05)
1973	18603	13170(71)	3402(18)	1161(06)	870(05)
1974	27202	18648(69)	5271(19)	2284(08)	999(04)
1975	25056	16569(66)	5347(21)	2046(08)	1094(04)
1976	30519	20266(66)	6213(20)	2788(09)	1252(04)
1977	37305	24370(65)	7426(20)	3692(10)	1511(04)
1978	31031	19610(63)	5916(19)	3891(13)	1327(04)
1979	30894	19301(63)	5809(19)	4194(14)	1256(04)
1980	35191	21956(62)	6071(17)	5168(15)	1529(04)
1981	36915	23986(65)	5631(15)	4844(13)	2024(06)
1982	27687	18213(66)	4506(16)	2722(10)	1970(07)
1983	21547	14458(67)	3338(16)	1893(09)	1630(08)
<b>HEROIN</b>					
1969	219	3(01)	22(10)	NA	194(89)
1970	201	7(04)	58(29)	NA	136(68)
1971	378	55(15)	110(29)	NA	212(56)
1972	630	100(16)	150(24)	3(00)	377(60)
1973	762	128(17)	232(30)	0(00)	402(53)
1974	445	108(24)	135(30)	0(00)	202(45)
1975	250	57(23)	70(28)	1(00)	122(49)
1976	204	44(22)	40(20)	1(00)	119(58)
1977	258	88(34)	45(17)	1(00)	125(48)
1978	253	86(34)	54(21)	0(00)	113(45)
1979	181	66(37)	46(25)	2(01)	72(40)
1980	97	34(35)	24(25)	0(00)	39(40)
1981	86	36(42)	12(14)	0(00)	38(44)
1982	100	36(36)	25(25)	0(00)	39(39)
1983	84	41(49)	14(17)	0(00)	29(35)
<b>COCAINE</b>					
1977	210	128(61)	24(11)	1(00)	56(27)
1978	207	143(69)	20(10)	4(02)	40(19)
1979	324	217(67)	28(09)	8(03)	71(22)
1980	467	313(67)	53(11)	11(02)	94(20)
1981	685	470(69)	73(11)	14(01)	125(18)
1982	716	512(72)	83(12)	6(01)	121(17)
1983	787	590(75)	69(09)	10(01)	116(15)

\* - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE AND PROBATION



TABLE 19 - SENTENCE BY PROVINCE FOR ALL CONVICTIONS  
UNDER THE NARCOTIC CONTROL ACT - 1969 AND 1973

	1969										
	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
TOTAL	7	12	7	34	514	1078	139	72	323	1117	3338
FINE	2	7	12	3	83	151	19	5	25	116	423
%	29%	58%	30%	09%	16%	14%	14%	07%	08%	10%	13%
* COND.	1	3	23	13	182	603	53	32	142	314	1366
%	14%	25%	58%	38%	35%	56%	38%	44%	44%	28%	41%
GAOL	4	2	5	18	249	324	67	35	156	687	1549
%	57%	17%	13%	53%	48%	30%	48%	49%	48%	62%	46%
\$ MAR	7	11	40	34	494	1037	133	66	298	842	2964
%	100%	92%	100%	100%	96%	96%	96%	92%	92%	75%	89%
# POSS.	4	8	34	22	423	897	90	60	238	793	257
%	57%	67%	85%	65%	82%	83%	65%	83%	74%	71%	77%
	1973										
	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
TOTAL	229	49	574	297	2263	7783	688	1216	2465	5704	21469
FINE	139	21	379	227	1377	5283	299	531	1676	3503	13593
%	61%	43%	66%	76%	61%	68%	44%	44%	68%	61%	63%
* COND.	46	15	87	6	442	1372	191	320	377	972	3843
%	20%	31%	15%	02%	20%	18%	28%	26%	15%	17%	18%
& ABS.	20	0	29	5	91	396	127	214	62	230	1174
%	09%	0%	05%	02%	04%	05%	19%	18%	03%	04%	05%
GAOL	20	13	66	61	352	732	71	151	350	999	2859
%	09%	27%	12%	20%	16%	09%	10%	12%	14%	18%	13%
\$ MAR.	229	49	564	297	2184	7563	652	1191	2280	4724	19929
%	100%	100%	98%	99%	97%	97%	95%	98%	93%	83%	93%
# POSS	210	37	500	269	1963	7182	606	1108	2142	4409	18603
%	92%	76%	87%	90%	87%	92%	88%	91%	87%	77%	87%

\* COND. - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE, AND PROBATION

& ABS. - ABSOLUTE DISCHARGE (NOT AVAILABLE AS A SENTENCING OPTION IN 1969)

\$ - TOTAL NUMBER OF MARIJUANA CONVICTIONS

# - TOTAL NUMBER OF POSSESSION CONVICTIONS

PERCENTAGE FIGURES CALCULATED AS PERCENT OF TOTAL GUILTY

TABLE 20 - SENTENCE BY PROVINCE FOR ALL CONVICTIONS  
UNDER THE NARCOTIC CONTROL ACT - 1977 AND 1980

1977

	PROVINCE										
	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
TOTAL	703	107	1627	910	4790	16047	2134	2337	8332	6684	43792
FINE	303	39	1199	620	2863	7082	1082	1475	7094	3942	25922
%	43%	36%	74%	68%	60%	44%	51%	63%	85%	59%	59%
* COND.	189	43	154	64	607	4453	343	432	330	1575	8229
%	27%	39%	09%	07%	13%	28%	16%	18%	04%	24%	19%
& ABS.	30	7	54	9	41	2724	490	213	70	92	3735
%	04%	06%	03%	01%	01%	17%	23%	09%	01%	03%	09%
GAOL	175	21	219	216	1273	1714	198	198	746	975	5765
%	25%	20%	13%	24%	27%	11%	09%	08%	09%	15%	13%
\$ MAR.	690	101	1594	839	4222	15529	2091	2306	8204	6114	41982
%	98%	94%	98%	92%	88%	97%	98%	99%	98%	91%	96%
& POSS.	536	83	1437	749	3372	14391	1916	2142	7770	5622	38298
%	76%	78%	88%	82%	70%	90%	90%	92%	93%	84%	87%

1980

	NFLD	PEI	NS	NB	QUE	ONT	MAN	SASK	ALTA	BC	CAN
TOTAL	971	187	1825	955	5135	17092	1645	1929	7383	5437	42735
FINE	561	68	1354	632	2838	7148	726	1212	5933	3246	23848
%	58%	36%	74%	66%	55%	42%	44%	63%	80%	60%	56%
* COND.	154	66	180	77	513	3977	268	308	314	1062	6930
%	16%	35%	10%	08%	10%	23%	16%	16%	04%	20%	16%
& ABS.	63	36	82	28	85	3826	413	210	106	379	5235
%	07%	19%	05%	03%	02%	22%	25%	11%	01%	07%	12%
GAOL	188	17	204	220	1640	1956	213	192	959	589	6205
%	19%	09%	11%	23%	32%	11%	13%	10%	13%	11%	15%
\$ MAR.	965	184	1813	918	4340	16506	1621	1907	7213	5082	40720
%	99%	98%	99%	96%	85%	97%	99%	99%	98%	94%	95%
& POSS.	804	148	1597	794	3218	15005	1391	1683	6663	4661	36109
%	83%	79%	88%	83%	63%	88%	85%	87%	90%	86%	85%

\* - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE AND PROBATION

& - ABSOLUTE DISCHARGE

\$ - TOTAL NUMBER OF MARIJUANA CONVICTIONS

& - TOTAL NUMBER OF POSSESSION CONVICTIONS

PERCENTAGE FIGURES CALCULATED AS PERCENT OF TOTAL GUILTY

TABLE 21 - SENTENCE BY PROVINCE FOR ALL CONVICTIONS  
UNDER THE NARCOTIC CONTROL ACT - 1981 AND 1983

	1981										
	NFLD	PEI	NS	NB	QUE	PROVINCE ONT	MAN	SASK	ALTA	BC	CAN
TOTAL GUILTY	1166	160	1766	872	6483	17620	1977	2267	7475	5956	45996
FINE %	768 66%	72 45%	1293 73%	575 66%	3560 55%	8154 46%	999 51%	1364 60%	5691 76%	3724 63%	26385 57%
* COND. %	100 9%	46 29%	194 11%	65 8%	651 10%	3509 20%	320 16%	296 13%	293 4%	1018 17%	6505 14%
& ABS. %	29 3%	2 1%	59 3%	13 2%	109 2%	3493 20%	427 22%	353 16%	112 2%	307 5%	4910 11%
GAOL %	265 23%	40 25%	223 13%	217 25%	2024 31%	2373 14%	198 10%	246 11%	1329 18%	737 12%	7691 17%
\$ MAR. %	1161 99%	159 99%	1760 99%	853 98%	5501 85%	16991 96%	1947 99%	2206 98%	7191 96%	5556 94%	43569 95%
# POSS. %	902 77%	122 76%	1556 87%	691 80%	3850 60%	15472 88%	1730 88%	1943 86%	6492 87%	5042 85%	38019 83%
	1983										
TOTAL GUILTY	576	85	1016	486	6604	9231	1299	1345	3795	4365	28992
FINE %	328 57%	72 85%	700 69%	330 68%	4044 61%	4071 44%	575 44%	886 66%	2823 74%	2907 67%	16871 58%
* COND. %	78 14%	3 4%	69 7%	22 5%	800 12%	1719 19%	343 26%	188 14%	126 3%	649 15%	4012 14%
& ABS. %	16 3%	0 0%	28 3%	9 2%	110 2%	1240 13%	203 16%	123 9%	360 10%	150 3%	1918 7%
GAOL %	148 26%	10 12%	219 22%	122 25%	1508 23%	2169 24%	162 13%	145 11%	801 21%	575 13%	5896 20%
\$ MAR. %	555 96%	83 98%	977 96%	472 97%	5486 83%	8574 93%	1242 96%	1309 97%	3619 95%	4122 94%	26624 92%
# POSS. %	428 74%	72 85%	800 79%	397 82%	4265 65%	7334 80%	1124 87%	1221 91%	3210 85%	3734 86%	22731 78%

\* - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE AND PROBATION

& - ABSOLUTE DISCHARGE

\$ - TOTAL NUMBER OF MARIJUANA CONVICTIONS

# - TOTAL NUMBER OF POSSESSION CONVICTIONS

PERCENTAGE FIGURES CALCULATED AS PERCENT OF TOTAL GUILTY

TABLE 22 - DISPOSITION OF CHARGES UNDER THE NARCOTIC CONTROL ACT  
1961-1983

YEAR	TOTAL	DISMISSED	DISPOSITION		% CLEARED
			WITHDRAWN	STAY	
1961	525	49(09)	54(10)	19(04)	77%
1962	476	56(12)	39(08)	27(06)	70%
1963	500	80(17)	43(09)	35(07)	67%
1964	458	79(17)	34(07)	26(06)	68%
1965	584	79(14)	29(05)	66(11)	67%
1966	742	110(15)	80(11)	86(12)	60%
1967	1442	235(16)	135(09)	129(09)	64%
1968	2795	406(15)	434(16)	120(04)	64%
1969	4687	492(10)	585(12)	171(04)	71%
1970	9606	947(10)	1410(15)	193(02)	70%
1971	FIGURES NOT AVAILABLE				
1972	16871	693(04)	2787(17)	425(03)	76%
1973	27124	828(03)	3226(12)	1314(05)	79%
1974	38111	1130(03)	4248(11)	2024(05)	80%
1975	35237	1136(03)	3839(11)	1282(04)	82%
1976	50695	1475(03)	5272(10)	2274(04)	81%
1977	55575	1613(03)	6449(12)	2761(05)	79%
1978	47988	1352(03)	6016(13)	1984(04)	79%
1979	47586	1221(03)	5968(13)	1687(04)	80%
1980	53496	1582(03)	6437(12)	2114(04)	80%
1981	57254	1505(03)	6761(12)	2266(04)	80%
1982	45867	1466(03)	5264(11)	1819(04)	80%
1983	36086	1152(03)	4193(12)	1321(04)	80%

TABLE 23 - SENTENCE FOR CANNABIS AND COCAINE CONVICTIONS  
BY AGE/SEX 1977

SENTENCE	1977 3(1) CANNABIS						TOTALM	TOTALF
	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF		
FINE	17996(66)	1271(52)	3892(70)	324(56)	403(65)	36(53)	22291(67)	1631(52)
ABS.	2618(10)	377(15)	517(09)	83(14)	60(10)	12(18)	3195(10)	472(15)
COND.	5452(20)	705(29)	821(15)	165(28)	121(20)	20(29)	6394(19)	890(28)
JAIL	1072(04)	51(02)	304(05)	19(03)	34(06)	0(00)	1410(04)	70(02)
TOTAL	27350	2462	5537	593	618	68	33505	3123

SENTENCE	1977 4(1) CANNABIS						TOTALM	TOTALF
	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF		
FINE	135(12)	10(07)	34(12)	2(14)	8(21)	0(00)	177(12)	12(16)
ABS.	3(00)	0(00)	0(00)	1(07)	0(00)	0(00)	3(00)	1(01)
COND.	115(10)	25(42)	26(09)	4(29)	2(05)	0(00)	143(10)	29(39)
JAIL	846(77)	25(42)	234(80)	7(50)	28(74)	0(00)	1108(77)	32(43)
TOTAL	1099	60	294	14	38	0	1431	74

SENTENCE	1977 4(2) CANNABIS						TOTALM	TOTALF
	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF		
FINE	431(23)	33(29)	127(19)	14(24)	21(20)	2(50)	579(22)	49(28)
ABS.	16(01)	2(02)	2(00)	0(00)	1(01)	0(00)	19(01)	2(01)
COND.	242(13)	31(28)	55(08)	12(21)	8(08)	0(00)	305(12)	43(25)
JAIL	1174(63)	46(41)	492(73)	32(55)	73(71)	2(50)	1739(66)	80(46)
TOTAL	1870	112	676	58	103	4	2649	174

SENTENCE	1977 3(1) COCAINE						TOTALM	TOTALF
	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF		
FINE	55(56)	14(74)	41(57)	5(45)	10(48)	1(100)	106(55)	20(65)
ABS.	1(01)	0(00)	0(00)	0(00)	0(00)	0(00)	1(00)	0(00)
COND.	9(09)	4(21)	7(10)	4(36)	0(00)	0(00)	16(08)	8(26)
JAIL	33(34)	1(05)	24(33)	2(18)	11(52)	0(00)	68(36)	3(10)
TOTAL	98	19	72	11	21	1	191	31

ABS. - INDICATES ABSOLUTE DISCHARGE

COND.- INCLUDES CONDITIONAL DISCHARGE, SUSPENDED SENTENCE AND PROBATION

FIGURES IN BRACKETS INDICATE SENTENCE AS PERCENTAGE OF CONVICTIONS

TABLE 24 - SENTENCE FOR CANNABIS AND COCAINE CONVICTIONS  
BY AGE/SEX 1980

1980 3(1) CANNABIS

SENTENCE	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF	TOTALM	TOTALF
FINE	15603(62)	1081(50)	4246(70)	318(57)	513(67)	54(52)	20362(63)	1453(52)
ABS.	3698(15)	439(20)	744(12)	126(22)	123(16)	19(18)	4565(14)	584(21)
COND.	4543(18)	545(25)	699(12)	100(18)	90(12)	16(16)	5332(17)	661(23)
JAIL	1051(04)	41(02)	371(06)	6(01)	35(05)	3(03)	1457(05)	50(02)
TOTAL	25298	2153	6063	562	764	103	32125	2818

1980 4(1) CANNABIS

FINE	286(18)	22(20)	62(12)	7(27)	15(21)	3(15)	363(17)	32(20)
ABS.	6(00)	0(00)	0(00)	0(00)	0(00)	0(00)	6(00)	0(00)
COND.	179(11)	39(34)	28(05)	8(31)	5(07)	5(25)	212(10)	52(33)
JAIL	1105(69)	50(45)	420(82)	11(42)	39(55)	12(60)	1564(72)	73(46)
TOTAL	1594	112	510	26	70	20	2174	158

1980 4(2) CANNABIS

FINE	480(26)	36(21)	148(19)	11(18)	31(25)	4(27)	659(24)	51(21)
ABS.	12(01)	8(05)	5(01)	1(02)	1(01)	0(00)	18(01)	9(04)
COND.	189(10)	39(23)	28(04)	11(18)	5(04)	5(33)	222(08)	55(22)
JAIL	1127(62)	82(48)	594(77)	39(63)	86(70)	6(40)	1807(66)	127(51)
TOTAL	1822	170	776	62	123	15	2721	247

1980 3(1) COCAINE

FINE	124(65)	27(63)	120(71)	12(50)	26(84)	2(50)	270(69)	41(58)
ABS.	2(01)	5(12)	3(01)	1(04)	1(03)	0(00)	6(02)	4(06)
COND.	26(14)	7(16)	13(08)	6(25)	0(00)	1(25)	39(10)	14(20)
JAIL	40(21)	4(09)	33(20)	5(21)	4(13)	1(25)	77(20)	10(14)
TOTAL	192	43	169	24	31	4	392	71

ABS. - INDICATES ABSOLUTE DISCHARGE

COND. - INCLUDES CONDITIONAL DISCHARGE, SUSPENDED SENTENCE AND PROBATION

FIGURES IN BRACKETS INDICATE SENTENCE AS PERCENTAGE OF CONVICTIONS

TABLE 25 - SENTENCE FOR CANNABIS AND COCAINE CONVICTIONS  
BY AGE/SEX 1983

1983 3(1) CANNABIS

SENTENCE	15-24M	15-24F	25-34M	25-34F	35UPM	35UPF	TOTALM	TOTALF
FINE	8611(66)	646(54)	4010(73)	378(67)	722(73)	77(65)	13343(68)	1101(59)
ABS.	1122(09)	177(15)	406(07)	81(14)	85(09)	18(15)	1613(08)	276(15)
COND.	2233(17)	310(26)	543(10)	90(16)	105(11)	20(17)	2881(15)	420(22)
JAIL	985(08)	43(04)	514(09)	15(03)	71(07)	4(03)	1570(08)	62(03)
TOTAL	13122	1196	5476	564	983	119	19581	1879

1983 4(1) CANNABIS

FINE	305(21)	19(17)	129(19)	18(34)	19(44)	4(40)	453(21)	41(24)
ABS.	1(00)	0(00)	1(00)	0(00)	0(00)	0(00)	2(00)	2(00)
COND.	145(10)	24(22)	32(05)	9(17)	5(12)	2(20)	182(08)	35(20)
JAIL	997(68)	67(60)	524(76)	23(43)	19(44)	4(40)	1540(70)	94(54)
TOTAL	1472	111	686	53	43	10	2201	174

1983 4(2) CANNABIS

FINE	346(30)	31(26)	252(30)	27(34)	44(25)	11(42)	642(29)	69(31)
ABS.	4(00)	0(00)	1(00)	2(03)	0(00)	0(00)	5(00)	2(01)
COND.	116(10)	24(20)	30(04)	6(08)	9(05)	4(15)	155(07)	34(15)
JAIL	677(58)	65(54)	568(67)	43(54)	126(70)	11(42)	1371(62)	119(53)
TOTAL	1164	121	853	79	179	26	2196	226

1983 3(1) COCAINE

FINE	198(74)	41(76)	255(75)	28(67)	46(65)	8(80)	499(74)	77(73)
ABS.	2(01)	0(00)	5(01)	0(00)	3(04)	0(00)	10(01)	0(00)
COND.	25(09)	9(17)	19(06)	12(29)	2(03)	1(10)	46(06)	22(21)
JAIL	42(16)	4(07)	59(17)	2(05)	20(28)	1(10)	121(18)	7(07)
TOTAL	267	54	338	42	71	10	676	106

ABS. - INDICATES ABSOLUTE DISCHARGE

COND.- INCLUDES CONDITIONAL DISCHARGE, SUSPENDED SENTENCE AND PROBATION

FIGURES IN BRACKETS INDICATE SENTENCE AS PERCENTAGE OF CONVICTIONS

TABLE 26 - COMPARISON OF LENGTH OF INCARCERATION  
FOR MARIHUANA AND HEROIN OFFENCES 1973-1983

SECTION 3(1) - POSSESSION

YEAR	TOTAL	CANNABIS			TOTAL	HEROIN		
		< 1 MO.	1 TO 6 MO.	6 MO.+		< 1 MO.	1 TO 6 MO.	6 MO.+
1973	870	536(62)	227(26)	107(12)	402	72(18)	135(34)	195(49)
1974	999	681(68)	224(24)	94(09)	202	68(34)	55(27)	79(39)
1975	1094	795(72)	208(19)	78(07)	122	38(31)	35(29)	49(40)
1976	1252	860(68)	331(26)	45(04)	119	31(26)	65(55)	23(19)
1977	1511	946(63)	444(29)	98(06)	125	26(21)	64(51)	35(28)
1978	1327	888(67)	347(26)	73(06)	113	15(13)	70(62)	28(25)
1979	1256	855(68)	343(27)	48(04)	72	28(41)	24(35)	16(24)
1980	1529	1053(69)	393(26)	89(06)	39	18(46)	9(23)	12(31)
1981	2024	1466(72)	428(21)	130(06)	38	18(47)	13(34)	7(18)
1982	1970	1399(71)	450(23)	119(06)	39	12(31)	21(54)	6(15)
1983	1630	1086(67)	416(26)	118(07)	29	13(45)	10(34)	6(21)

SECTION 4(1) - TRAFFICKING

YEAR	TOTAL	CANNABIS			TOTAL	HEROIN		
		< 1 MO.	1 TO 6 MO.	6 MO.+		< 1 MO.	1 TO 6 MO.	6 MO.+
1973	246	18(07)	74(30)	154(63)	277	1(00)	1(00)	275(99)
1974	312	38(12)	110(35)	164(53)	179	0(00)	7(04)	172(96)
1975	507	105(21)	198(39)	204(40)	121	2(02)	6(05)	113(93)
1976	691	136(20)	403(58)	152(22)	137	3(02)	9(07)	125(91)
1977	1171	221(19)	553(47)	398(34)	229	5(02)	14(06)	210(92)
1978	1573	344(22)	717(46)	512(32)	188	9(04)	16(09)	163(87)
1979	1729	382(22)	936(54)	411(24)	205	5(02)	16(08)	184(90)
1980	1659	494(30)	779(47)	386(23)	110	3(03)	5(04)	102(93)
1981	2029	577(28)	931(46)	521(26)	88	7(08)	8(09)	73(83)
1982	2062	648(31)	942(46)	472(23)	77	1(01)	13(17)	63(82)
1983	1728	468(27)	821(48)	439(25)	55	6(11)	5(09)	44(80)

SECTION 4(2) - POSSESSION FOR THE PURPOSE OF TRAFFICKING

YEAR	TOTAL	CANNABIS			TOTAL	HEROIN		
		< 1 MO.	1 TO 6 MO.	6 MO.+		< 1 MO.	1 TO 6 MO.	6 MO.+
1973	672	93(14)	191(28)	388(58)	216	6(03)	11(05)	199(92)
1974	886	140(16)	338(38)	408(46)	146	8(05)	8(05)	130(89)
1975	1002	201(20)	413(41)	388(39)	107	3(03)	10(09)	94(88)
1976	1122	214(19)	617(55)	291(26)	69	1(01)	9(13)	59(86)
1977	1867	388(21)	826(44)	653(35)	94	4(04)	9(10)	81(86)
1978	1816	419(23)	795(44)	602(33)	100	3(03)	12(12)	85(85)
1979	1778	449(25)	787(44)	542(30)	75	1(01)	6(08)	68(91)
1980	1938	550(28)	865(45)	523(27)	56	5(09)	4(07)	47(84)
1981	2395	656(27)	968(40)	771(32)	35	4(11)	3(09)	28(80)
1982	2062	507(25)	816(40)	739(36)	53	2(04)	5(09)	46(87)
1983	1487	355(24)	621(42)	511(34)	31	4(13)	1(03)	26(84)



TABLE 27 - SENTENCING TRENDS FOR TRAFFICKING AND  
POSSESSION FOR THE PURPOSE OF TRAFFICKING MARIHUANA 1968-1983

YEAR	TOTAL	TRAFFICKING				POSSESSION FOR THE PURPOSE OF TRAFFICKING				
		FINE	S.S./COND.*	A.D.	GAOL	TOTAL	FINE	S.S./COND.	A.D.	GAOL
1968	211	-	46(22)	-	165(78)	131	-	32(24)	-	99(76)
1969	454	12(03)	119(26)	-	323(71)	179	8(03)	36(20)	-	135(75)
1970	436	19(04)	83(19)	-	334(77)	356	29(08)	53(15)	-	274(77)
1971	476	21(04)	89(19)	-	366(77)	533	39(07)	77(14)	-	417(78)
1972	290	15(05)	40(14)	2(01)	223(77)	620	67(11)	101(16)	4(01)	448(72)
1973	299	20(07)	33(11)	-	246(82)	914	132(14)	105(11)	5(01)	672(74)
1974	429	48(11)	67(16)	2(00)	312(73)	1281	226(18)	161(13)	8(01)	886(69)
1975	649	79(12)	63(10)	2(00)	507(78)	1523	313(21)	199(13)	7(00)	1002(66)
1976	886	87(10)	102(12)	5(00)	691(78)	1709	347(20)	228(13)	8(00)	1122(66)
1977	1563	200(13)	185(12)	4(00)	1171(75)	2910	650(22)	358(12)	21(01)	1867(64)
1978	1973	245(12)	191(10)	2(00)	1573(79)	2701	525(19)	331(12)	17(01)	1816(67)
1979	2317	386(17)	193(08)	4(00)	1729(75)	2712	655(24)	241(09)	16(01)	1778(66)
1980	2368	407(17)	273(12)	6(00)	1659(70)	2976	710(24)	280(09)	28(01)	1938(65)
1981	2831	526(19)	254(09)	4(00)	2029(72)	3650	865(24)	327(09)	22(01)	2395(66)
1982	2929	578(20)	256(09)	5(00)	2062(70)	3342	917(27)	321(10)	10(00)	2062(62)
1983	2475	494(20)	224(09)	2(00)	1728(70)	2429	713(29)	196(08)	7(00)	1487(61)

S.S./COND. - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE AND PROBATION

A.D. - ABSOLUTE DISCHARGE

FIGURES IN BRACKETS INDICATE SENTENCE AS PERCENTAGE OF TOTAL CONVICTIONS

TABLE 28 - SENTENCING TRENDS FOR TRAFFICKING AND  
POSSESSION FOR THE PURPOSE OF TRAFFICKING - HEROIN AND COCAINE  
1969-1983

YEAR	TRAFFICKING				<u>HEROIN</u> POSSESSION FOR THE PURPOSE OF TRAFFICKING			
	TOTAL	FINE	S.S/COND*	GAOL	TOTAL	FINE	S.S/COND.	GAOL
1969	64	1(02)	0(00)	63(98)	23	1(02)	0(00)	22(96)
1970	145	3(02)	3(02)	139(96)	35	0(00)	1(03)	34(97)
1971	74	1(01)	3(04)	70(95)	47	1(02)	2(04)	43(94)
1972	174	0(00)	4(02)	170(98)	117	0(00)	9(08)	108(92)
1973	289	5(02)	7(02)	277(96)	235	9(04)	10(04)	216(92)
1974	185	1(01)	4(02)	180(97)	167	10(06)	11(07)	146(87)
1975	127	0(00)	6(05)	121(95)	132	4(03)	21(16)	107(81)
1976	145	0(00)	10(07)	135(93)	82	5(06)	8(10)	69(84)
1977	261	10(04)	23(09)	228(88)	108	6(06)	8(07)	94(87)
1978	202	3(01)	20(10)	178(89)	110	5(05)	5(05)	100(90)
1979	238	4(02)	33(14)	201(84)	87	2(02)	10(11)	75(87)
1980	127	7(06)	10(08)	110(86)	73	5(07)	12(16)	56(77)
1981	105	1(01)	16(15)	88(84)	45	3(07)	7(16)	35(77)
1982	90	0(00)	13(14)	77(86)	68	7(10)	8(12)	53(78)
1983	66	4(06)	7(11)	55(83)	39	3(08)	5(13)	31(79)

YEAR	<u>COCAINE</u> TRAFFICKING				POSSESSION FOR THE PURPOSE OF TRAFFICKING			
	TOTAL	FINE	S.S/COND	GAOL	TOTAL	FINE	S.S/COND	GAOL
1977	137	5(04)	7(05)	125(91)	73	8(11)	6(08)	59(81)
1978	202	3(01)	9(04)	190(95)	80	13(16)	2(03)	65(81)
1979	143	11(08)	17(12)	115(80)	98	21(21)	3(03)	74(76)
1980	243	16(07)	22(09)	205(84)	127	24(19)	4(03)	99(78)
1981	307	34(11)	16(05)	257(84)	226	36(16)	7(03)	183(79)
1982	300	37(12)	10(03)	253(85)	267	49(18)	13(05)	205(77)
1983	297	40(13)	10(03)	247(84)	279	66(24)	17(06)	196(70)

S.S/COND - INCLUDES SUSPENDED SENTENCE, CONDITIONAL DISCHARGE AND PROBATION  
FIGURES IN BRACKETS INDICATE SENTENCE AS PERCENTAGE OF TOTAL CONVICTIONS

## BIBLIOGRAPHY

Abel, Ernest. (1980) Marihuana: The First Twelve Thousand Years. New York: Premium Press.

Addiction Research Foundation. (1980) Cannabis: Adverse Effects on Health. Toronto: Alcoholism and Drug Addiction Research Foundation.

Allentuck, S. and K. Bowman. (1942) "The Psychiatric Aspects of Marihuana Intoxication." American Journal of Psychiatry 99:248-250.

American Medical Association Journal. (1942) 120:1128-1129.

American Medical Association Journal. (1945) 127:1129.

American Mercury. "The Menace of Marihuana". December 1935:487-490.

Anslinger, H. (1943) American Medical Association Journal 121:212-213.

Auld, John. (1981) Marihuana Use and Social Control. London: Academy Press.

Becker, H.S. (1966) "Marihuana: A Sociological Overview". in David Solomon (Ed.) The Marihuana Papers. New York: Bobbs Merrill.

Biderman, A. and A. Reiss. (1967) "On Exploring the Dark Figure of Crime." Annals, American Academy of Political and Social Science 374:1-15.

Black, D.J. and A. Reiss. (1967) "Patterns of Behaviour in Police and Citizen Transactions." in Studies of Crime and Law Enforcement in Major Metropolitan Areas. Washington D.C.: Government Printing Office.

Black, D.J. (1970) "Production of Crime Rates." American Sociological Review 35:733-748.

Blackwell, Judith. (1979) "Decriminalization of Cannabis in the United States." in Frank Logan (Ed.) Cannabis: Options for Control. United Kingdom: Quartermaine House Ltd.

Bottomley, A. and C. Coleman. (1976) "Criminal Statistics: The Police Role in the Discovery and Detection of Crime." International Journal of Criminology and Penology 4:33-58.

Bouquet, J. (1943) American Medical Association Journal 124:1010-1011.

Bowman, Karl. (1944) "Psychiatric Aspects of Marihuana Intoxication." American Medical Association Journal 125:376.

Boyd, Neil. (1984a) "The Origins of Canadian Narcotics Legislation." Dalhousie Law Journal 8:102-136.

Boyd, Neil. (1984b) "Practical Reform for Marihuana." Policy Options March 1984:46-47.

Brecher, Edward. (1972) Licit and Illicit Drugs. Boston: Little, Brown and Co.

Bureau of Dangerous Drugs. (1956-1983) Narcotic, Controlled and Restricted Drug Statistics. Ottawa: Department of National Health and Welfare.

California. (1977) A First Report of the Impact of California's New Marihuana Law." Health and Welfare Agency State Office of Narcotics and Drug Abuse.

Cameron, P., et al. (1969) "The Health of Smokers and Non-Smokers Children." Journal of Allergy. 43:336-41.

Cameron, P., and D. Robertson. (1973) "Effects of Home Environment Tobacco Smoke on Family Health." Journal of Applied Psychology. 57:142-147.

Canada. Annual Report of the RCMP. Ottawa: Queen's Printer 1922:16-17. 1924:32. 1926:34. 1930:21. 1931:21. 1932:29,32. 1937:153. 1938:51,66.

Canada. (1972) Cannabis: A Report of the Commission of Inquiry Into the Non-Medical Use of Drugs. Ottawa: Information Canada.

Canada. (1973) Final Report of the Commission of Inquiry Into the Non-Medical Use of Drugs. Ottawa: Information Canada.

Canada. House of Commons Debates. 1911:399,2523-50. 1920:557. 1921:2897-2900. 1923:699, 2124. 1932:1793. 1938:772-775, 910. 1946:1698. 1952-53:5002. 1953-54:5312,5313. 1960-61:5980, 5981, 6217. 1969:5452, 7202-7208, 8710-8711. 1972:1700, 1705-1706. 1974-1976: 1251-1257. 1977:4374. 1978:3875, 5145.

Canada. (1970) Interim Report of the Commission of Inquiry Into the Non-Medical Use of Drugs. Ottawa: Queen's Printer.

Canada. (1908) Report on the Need for the Suppression of the Opium Traffic in Canada. Ottawa: Queen's Printer.

Canada. Senate Debates. 1938:1174. 1955:693. 1974:335.

Canada. (1955) Special Senate Committee on the Traffic in Narcotic Drugs. Ottawa: Queen's Printer.

Canada. (1973-1983) Statistics of Criminal and Other Offences. Ottawa: Statistics Canada.

Canada. Statutes of Canada. 1904, 1907-08, 1911, 1921, 1923, 1938, 1961. Ottawa: Queen's Printer.

Canadian Medical Association Journal. (1934) "Marihuana". November 1934:544-546.

Canadian Medical Association Journal. (1934) "The Increasing Menace of Marihuana". November 1934:561.

Canadian News Facts (1967-1980).

Carney, T. (1972) Content Analysis: A Technique for Systematic Inference from Mass Communication. Winnipeg: University of Manitoba Press.

Chambliss, W. and R.B. Seidman. (1971) Law, Order and Power. Reading Massachusetts: Addison Wesley.

Chan, J. and R. Ericson. (1981) Decarceration and the Economy of Penal Reform. Toronto: Centre of Criminology.

Chibnall, S. (1977) Law and Order News. London: Tavistock.

Cohen, S. (1973) Folk Devils and Moral Panics. London: Paladin.

Cohen, S. and J. Young. (1974) The Manufacture of News. London: Constable.

Cohen, S. (1979) "The Punitive City: Notes on the Dispersal of Social Control". Contemporary Crises 3:339-363.

Colley, J. (1974) "Respiratory Symptoms in Children and Parental Smoking and Phlegm." British Medical Journal. 2:201-204.

Cook, S. (1969) "Canadian Narcotics Legislation, 1908-1923: A Conflict Model Interpretation". Canadian Review of Sociology and Anthropology 6:36-46.

Criminal Code of Canada (1983) section 662.

Davis, K.C. (1969) Discretionary Justice. Baton Rouge: Louisiana State University Press.

Davis, K.C. (1975) Police Discretion. St. Paul: West Publishing Co.

DeFleur, L.B. (1975) "Biasing Influences on Drug Arrest Records: Implications for Deviance Research". American Sociological Review 40:88-103.

- Ditton, Jason. (1979) Contrology: Beyond the New Criminology. London: MacMillan.
- Dominick, J.R. (1978) "Crime and Law Enforcement in the Mass Media." in C. Winick (Ed.) Deviance and Mass Media. Beverley Hills California: Sage Publications.
- Duster, Troy. (1970) The Legislation of Morality. New York: The Free Press.
- Erickson, Patricia. (1980) Cannabis Criminals. Toronto: Addiction Research Foundation.
- Ericson, R. and P. Baranek. (1982a) The Ordering of Justice. Toronto: University of Toronto Press.
- Ericson, R. (1982b) Reproducing Order. Toronto: University of Toronto Press.
- Federal Bureau of Investigation. (1979) Crime in the United States: Uniform Crime Reports. Washington D.C.
- Fishman, Mark. (1978) "Crime Waves as Ideology." Social Problems 26:531-543.
- Forum and Century. "One More Peril for Youth." January 1939:1-2.
- Foot, David. (1982) Canada's Population Outlook. Toronto: James Lorimer and Co.
- Giffen, P.J. (1976) "Official Rates of Crime and Delinquency." in W.T. McGrath (Ed.) Crime and Its Treatment in Canada. Toronto: MacMillan.
- Glaser, D. (1971) "Criminology and Public Policy." The American Sociologist 6:30-37.
- Globe and Mail. (1985) "Marihuana Importer is Given 20 Years." June 11 1985:1.
- Goldman, N. (1963) The Differential Selection of Juvenile Offenders for Court Appearances. New York: National Council on Crime and Delinquency.
- Goode, Eric. (1970) The Marihuana Smokers. New York: Basic Books.
- Goode, Eric. (1972) Drugs in American Society. New York: Alfred A. Knopf.
- Graber, Doris. (1980) Crime News and The Public. New York: Praeger.

Green, M. (1979) "A History of Canadian Narcotics Legislation." University of Toronto Faculty of Law Review 49:42-79.

Green, M. and R.D. Miller. (1975) "Cannabis Use in Canada." in N. Rubin (Ed.) Cannabis and Culture. The Hague: Mouton.

Griffiths, C.T., S.N. Verdun-Jones and J.F. Klein. (1980) Criminal Justice in Canada. Scarborough: Butterworths.

Grosman, Brian A. (1969) The Prosecutor. Toronto: University of Toronto Press.

Hagan, J. (1977) The Disreputable Pleasures. Toronto: McGraw-Hill Ryerson.

Hall, S., S. Crutcher, T. Jefferson, J. Clarke and B. Roberts. (1978) Policing the Crisis. New York: Holmes and Meier.

Halloran, J. P. Elliot and G. Murdock. (1970) Demonstrations and Communications. Hammondsworth: Penguin.

Hann, G. (1973) Decision Making in the Criminal Justice System. Toronto: Centre of Criminology.

Hartmann, P. and C. Husband. (1973) "Mass Media and Racial Conflict." in S. Cohen and J. Young (Eds.) The Manufacture of News. London: Constable.

Haskell, M.R. and R. Yablonsky. (1970) Crime and Delinquency. Chicago: Rand McNally.

Himmelstein, Jerome. (1983) The Strange Career of Marihuana. Westport Connecticut: Greenwood Press.

Hindelang, M. (1979) "Sex Differences in Criminal Activity." Social Problems 27:143-156.

Hogarth, J. (1971) Sentencing as A Human Process. Toronto: University of Toronto Press.

Holsti, Ole R. (1969) Content Analysis for the Social Sciences and Humanities. Reading Massachusetts: Addison Wesley.

Humphries, Drew. (1981) "Serious Crime, News Coverage and Ideology." Crime and Delinquency 26:191-205.

Indian Hemp Drugs Commission (1893-1894) Sixmal, India.

Jaffary, Stuart. (1963) The Sentencing of Adults in Canada. Toronto: University of Toronto Press.

- Jobson, K.B. (1976) "Sentencing." in W.T. McGrath (Ed.) Crime and Its Treatment in Canada. Toronto: MacMillan.
- Johnson, W.T., R.E. Petersen and L.E. Wells. (1977) "Arrest Probabilities as Indicators of Selective Law Enforcement." American Journal of Sociology 83:681-699.
- Jones, E.T. (1976) "The Press as Metropolitan Monitor." Public Opinion Quarterly 40:239-244.
- Journal of Home Economics. (1938) "Marihuana." September 1938:477-499.
- Journal of Mental Science. (1894) 40:107-108.
- Kaplan, John. (1970) Marihuana - The New Prohibition. New York: World Publishing.
- Kitsuse I. and A. Cicourel. (1963) "A Note on the Uses of Official Statistics." Social Problems 11:131-139.
- Kolansky, H. and W. Moore. (1971) "Effects of Marihuana on Adolescents and Young Adults." American Medical Association Journal 216:486-492.
- Krippendorf, Klaus. (1980) Content Analysis: An Introduction to Its Methodology. Beverly Hills, California: Sage.
- Law Reform Commission of Canada.(1975) Sentencing.
- Leon, J. (1976) "Public Policy and Judicial Perspectives in Two Canadian Cities: The Case of Heroin." Journal of Drug Issues 6:172-181.
- Leon, J. (1977) "Drug Offences and Discharges in Canada: The Need for Reform." University of Toronto Faculty of Law Review 35: 50-68.
- Life. (1967) "Marihuana: Millions of Turned on Users." July 7 1967:16-23.
- Lindesmith, A.R. (1938) "A Sociological Theory of Drug Addiction." American Journal of Sociology 43:593-613.
- Lindesmith, A.R. (1940a) "Dope Fiend Mythology." Journal of Criminal Law, Criminology and Police Science 31:199-208.
- Lindesmith, A.R. (1940b) "The Drug Addict as a Psychopath." American Sociological Review 5:914-920.
- Literary Digest. (1926) "Our Home Hasheesh Crop." April 3 1926:64.



Literary Digest. (1936) "Facts and Fancies About Marihuana." October 24 1936:7.

Logan, Frank. (1979) Cannabis: Options for Control. United Kingdom: Quartermaine House Ltd.

Lowman, John. (1983) Geography, Crime, and Social Control. Unpublished Phd Thesis, Vancouver: University of British Columbia.

McDonald, Lynn. (1969) "Crime and Punishment in Canada: A Statistical Test of the Conventional Wisdom." Canadian Review of Sociology and Anthropology 6:212-236.

MacFarlane, B.A. (1979) Drug Offences in Canada. Toronto: Canada Law Book Limited.

Maclean's. (1938) "Look Out For Mary Jane." June 15, 1938.

Maclean's. (1964) "The Growing Acceptability of a Harmless Narcotic." January 4, 1964.

Matza, D. (1969) Becoming Deviant. Englewood Cliffs New Jersey: Prentice Hall.

Morris, Norval. (1974) The Future of Imprisonment. Chicago: University of Chicago Press.

Murphy, Emily. (1922) The Black Candle. Toronto: Thomas Allen.

Nagel, I. and J. Hagan. (1983) "Gender and Crime: Offense Patterns and Criminal Sanctions." Crime and Justice 4:91-144.

Nettler, Gwynn. (1978) Explaining Crime. New York: McGraw-Hill.

Newsweek. (1946) "Marihuana and Mentality." November 18 1946:72.

Newsweek. (1954) "Reefers on KPFA." May 10 1954:17.

Newsweek. (1973) "Pot Bust." April 2, 1973:65-66.

Newseek. (1974) "Pot and Sexuality." April 29 1974:57.

New Yorker. (1951) "Saw-Toothed." August 11, 1951:18-19.

Osborne, Judith. (1983) "The Prosecutor's Discretion to Withdraw Criminal Cases in the Lower Courts." Canadian Journal of Criminology 25:55-78.

Piliavin, I. and S. Briar. (1964) "Police Encounters With Juveniles." American Journal of Sociology 70:206-214.

Pollack, Otto. (1950) The Criminality of Women. Philadelphia: University of Pennsylvania Press.

Price, H.F. (1946) "The Criminal Addict." Annual Report of The RCMP. Ottawa: Queen's Printer.

Psychology Today (1976) "Marihuana." December 1976:45-47.

Reckless, Walter. (1933) Vice in Chicago. Chicago: University of Chicago Press.

Reasons, C.E. (1976) "Images of Crime and the Criminal: The Dope Fiend Mythology." Journal of Research in Crime and Delinquency. 13:133-142.

Rootman, Irving. (1979) "Recent Trends in Cannabis Use in Canada." Drug and Alcohol Dependence 4:425-434.

Rothman, David. (1980) Conscience and Convenience. Boston: Little Brown.

Roy, Patricia. (1976) "The Oriental Menace." in J. Triesen and H. Ralston (Eds.) Historical Essays on British Columbia. Toronto: McClelland and Stewart.

R. v. Adelman (1968) 3 C.C.C. 311.

R. v. Benger et al (1979) 52 C.C.C. (2D) 104.

R. v. Bruckshaw (1972) 9 C.C.C. (2D) 136.

R. v. Davis (1933) 61 C.C.C. 90.

R v. Derksen (1972) 9 C.C.C. (2D) 101.

R. v. Digiovanni (1973) 10 C.C.C. (2D) 393.

R. v. Fieldhouse (1956) 115 C.C.C. 358.

R. v. Forbes (1937) 69 C.C.C. 140.

R. v. Grandbois (1969) 6 C.R.N.S. 313.

R. v. Hartley and McCallum (1967) 2 C.C.C. 183.

R v. Johnston and Tremayne (1970) 4 C.C.C. 64.

R. v. Joslin (1970) 3 C.C.C. 50.

R. v. Kazmer et al (1953) 105 C.C.C. 153.

R. v. Lehrmann (1967) 2 C.C.C. 198.

R. v. Libby (1980) 63 C.C.C. (2D) 85.

R. v. Mah Qun Non (1934) 1 W.W.R. 78.

R. v. Maskell (1982) 58 C.C.C. (2D) 408.

R. v. Ponack and Gunn (1973) 11 C.C.C. (2D) 349.

R. v. Pope (1980) 52 C.C.C. (2D) 538.

R. v. Reynolds (1968) 66 W.W.R. 767.

R. v. Robert, Shacher, Young, and Smith (1971) 3 C.C.C. (2D) 149.

R. v. Spicer (1975) 28 C.C.C. (2D) 334.

R. v. Stuart (1975) 24 C.C.C. (2D) 370.

R. v. Venegratsky (1928) 49 C.C.C. 298.

Salhany, R.E. (1978) Canadian Criminal Procedure. Agincourt Ontario: Canada Law Book.

Saturday Evening Post. (1980) "Marihuana - The Myth of Harmlessness Goes Up in Smoke." July/August 1980:32+.

Saturday Evening Post. (1980) "Putting a Match to the Marihuana Myth." September 1980:12+.

Science. (1974) "Marihuana - The Grass May No Longer be Greener." August 23, 1974.

Science. (1976) "Marihuana - A Conversation With NIDA's Robert L. Dupont." May 14, 1976:647-649.

Science News. (1971) "The Continuing Battle Over Pot." April 24, 1971:277.

Scientific American. (1921) "From Opium to Hasheesh." November 1921:14-15.

Scientific American. (1936) "Marihuana Menaces Youth." March 1936:150-151.

Scientific American. (1938) "Marihuana More Dangerous than Heroin or Cocaine." May 1938:293.

Scull, A. (1977) Decarceration. Englewood Cliffs New Jersey: Prentice-Hall.

Sellin T. and M. Wolfgang. (1964) The Measurement of Delinquency. New York: Wiley.

Shephard, R. (1981) "Involuntary Smoking." Proceedings of the Conference: Smoking or Health in the 80s. Toronto.

Shephard, R. (1982) The Risks of Passive Smoking. New York: Oxford University Press.

Single, E., P. Erickson and R. Solomon. (1980) "Canadian Cannabis Control Policy: An Outline of Legislative Options Regarding Possession." The Journal November 1 1980:7-10.

Smart, Reginald. (1983) Forbidden Highs. Toronto: Addiction Research Foundation.

Solomon, R. and T. Madison. (1976-1977) "The Evolution of Non-Medical Opiate Use in Canada Part 1 - 1870-1929." Drug Forum 5:237-265.

Solomon, R. (1977-1978) "The Evolution of Non-Medical Opiate Use in Canada Part 2 - 1930-1970." Drug Forum 6:1-25.

Stinchcombe, A.L. (1963) "Institutions of Privacy in the Determination of Police Administrative Practice." American Journal of Sociology. 69:150-160.

Sun, Connie. (1974) "The Discretionary Power to Stay Criminal Proceedings." Dalhousie Law Journal 1:482-525.

Survey Graphic. (1938) "Danger." April 1938:221.

Terry, R. (1967) "Discrimination in the Handling of Juvenile Offenders by Social Control Agencies." Journal of Research in Crime and Delinquency 4:218-230.

Time. (1943) "The Weed." July 19 1943:45.

Time. (1965) "The Pot Problem." March 12 1965:49.

Time. (1967) "Pot and Goddard." October 27 1967:54.

Time. (1967) "Marihuana is Still Illegal." December 29 1967:38.

Time. (1971) "New Views on Pot." May 3 1971:65.

Time. (1971) "More Controversy About Pot." May 31 1971:65.

Time. (1973) "Grass Grows More Acceptable." September 10 1973:67.

Today's Health. (1970) "Pot Samplers May be Dealing with Psychosis." August 1970:71.

Trasov, C. (1962) "The History of the Opium and Narcotic Drug Legislation in Canada." Criminal Law Quarterly 4:274-290.

U.S. News. (1971) "Marihuana Harmful? - The Dispute Goes On."  
May 31 1971:68.

U.S. News. (1974) "The Perils of Pot Starting to Show Up."  
June 10 1974:58.

Vancouver Sun. (1967) "Prosecutor Says No to Marihuana."  
October 13 1967:30.

Vancouver Sun. (1969) "Controlled Sale of Pot Urged by City  
Minister." April 11 1969:70.

Vancouver Sun. (1969) "Pot Law Very Stupid, Indefensible."  
November 3, 1969:1.

Vancouver Sun. (1970) "No Jail for Marihuana, Hash Users."  
June 16 1970:1.

Vancouver Sun. (1971) "Submit to Lab Probes, Doctor Dares Pot  
Users." August 7 1971:11.

Vancouver Sun. (1972) "Legalize Simple Possession of Pot." May  
17, 1972:1.

Vancouver Sun. (1972) "Ottawa to go Easy on Pot Possession."  
July 31, 1972:1.

Vancouver Sun. (1977) "Legalized Pot Sought." November 17,  
1977:1.

Vancouver Sun. (1978) "Is Political Hay Being Made Out of the  
Ideology of Grass?" August 15, 1976:6.

Vancouver Sun. (1979) "Socreds Told Pot Smoking Makes You  
Gay." November 3, 1979:3.

Vancouver Sun. (1980) "Trudeau Makes Throne Speech U-Turn."  
April 14, 1980:1.

Visher, C.A. (1983) "Gender, Police Arrest Decisions and  
Notions of Chivalry." Criminology 21:5-28.

Walsh, J.T. (1894) "Hemp Drugs and Insanity." Journal of  
Mental Science 40:21-36.

Warnock, John. (1903) "Insanity From Hasheesh." Journal of  
Mental Science January 1903:101-112.

Whealy, A.C. (1969-1970) "Drugs and the Criminal Law."  
Criminal Law Quarterly 12:254-274.

Wheeler, S. (1968) Controlling Delinquents. New York: Wiley.

Whitaker, Reginald. (1969) Drugs and the Law: The Canadian Scene. Toronto: Meuthen.

Wirth, Louis. (1948) "Consensus and Mass Communications." American Sociological Review 13:1-25.

Young, Jock. (1974) "Mass Media, Drugs and Deviance." in Paul Rock and Mary McIntosh (Eds.) Deviance and Social Control. London: Tavistock.

Young, Jock. (1971) "The Role of the Police as Amplifiers of Deviancy." in S. Cohen (Ed.) Images of Deviance. Middlesex: Penguin.