

## The regulation and control of drugs: Part 1

In the first part of this briefing, Professor David Clark looks at factors that have influenced the development of laws regulating recreational drug use, in particular influential happenings in America.

Throughout history there have been all sorts of attempts to regulate or control the use of certain drugs. It is generally assumed and rarely argued that it is all done for the greatest good, to help reduce the health and social problems caused by drugs. However, a closer look at the origins of prohibition reveals a more complicated picture. Ideological, political and economic interests play a major role.

The earliest form of prohibitionist thought can probably be accredited to an Egyptian Priest who in 2000 BC wrote, 'I, thy superior, forbid thee to go the taverns. Thou art degraded like the beasts.'

The Prophet Mohammed's decision to outlaw the use of alcohol amongst his followers was probably the earliest large scale example of prohibition. The banning of alcohol was done to differentiate the followers of Mohammed from early Christians who had adopted alcohol as the official drug of their religion (wine as the blood of Christ). The banning of alcohol was for ideological reasons, and it created a unifying factor for his followers.

Numerous temperance organisations developed in the US during the early part of the 19th century. They proclaimed that the worst social problems could be traced to the 'demon rum' and 'ardent spirits'.

The cure for this problem was universal abstinence from alcohol.

Within a few decades, temperance organisations in the US attracted a great deal of political support and became a perennial election issue.

The temperance movement used violent language and supporters showed a great enthusiasm for warlike propaganda. Truth was the first casualty – unsupported claims, half-truths and bold-faced lies were propagated as divine writ or scientific fact.

The temperance mentality

extended to drugs that were identified as public enemies later in the 19th century: opium, cocaine and heroin.

Anti-alcohol, anti-drug and anti-German propaganda became intermixed. The New York Times told Americans of a fiendish plan to introduce 'habit-forming drugs' into German toothpaste and patent medicines that were to be exported to the US before World War 1, so that 'in a few years Germany would have fallen on a world which cried for its German



toothpaste and soothing syrup – a world of "cokeys" and "hop-heads" which would have been absolutely helpless when a German embargo shut off the supply of its pet poison.'

Drugs were seen as the cause of widespread ill-health and misbehaviour amongst men, the cause of sexual immorality in women, and as disgusting artefacts of unwelcome and inferior races. Two stock anti-drug images became US cultural archetypes. People who used forbidden drugs were

transformed into 'dope fiends', slaves to their drugs and a menace to society. They committed the most unspeakable of crimes with no remorse. 'Drug traffickers' converted innocent boys and girls into dope fiends.

There has been no consensus as to why Americans reacted to drugs in this way. Cocaine and opiates were widely used medicinally and recreationally, and whilst addiction and overdose did occur, these drugs did not cause problems for the vast majority of people.

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Two conclusions seem inescapable. Firstly, anti-drug policy was never a calculated policy decision imposed by a single controlling bureaucracy. It was the result of a collision of diverse social forces and special interest that collectively had great power. Secondly, the American movement was much stronger than elsewhere – most other countries reacted with more ordinary forms of regulation and with less violence.

The role of racial antagonism in the development of drug laws cannot be

argued. Anti-Chinese sentiment grew in the western states in the second half of the 19th century when Chinese labourers began to compete with Whites for employment. Jobs became sparse with the economic depression of 1875 and ill-feeling against the Chinese grew.

Racist myths led San Francisco to ban opium smoking in 1875. By the time the Harrison Narcotics Act came into effect in 1914 – prohibiting use of opiates and cocaine for non-medicinal purposes – 27 states had already banned opium. Fears of cocaine-induced rebellion among Black Americans were prominent in anti-drug rhetoric.

Harry Anslinger, Commissioner of the Federal Bureau of Narcotics from 1930 until 1962, played a major role in whipping up public outrage in America. His agency was not doing well in the 1930s and he needed a substance to arouse sufficient public horror to justify the funding of his Bureau. He developed a major federal initiative against marijuana.

Anslinger strongly believed that drug-trafficking could be eliminated if the law provided for compulsory imprisonment of users. The Boggs Act of 1951 had far reaching implications not just for the US but for international drug policy. It introduced mandatory minimum sentences: 2-5 years for first offenders with cannabis, cocaine or opiates; second offenders, 5-10 years; and third offenders, 10-20 years. Boggs opposed any legal distinction between possession and supply.

The Law raised penalties relating to cannabis on the basis that it was a gateway to opiate abuse, and ensured that marijuana was linked in law and the public mind with opiates. Americans called it a narcotic.

Anslinger was quoted in one of Hearst's papers telling people that: 'if the hideous monster Frankenstein came face to face with the monster marijuana he would drop dead of fright.'

Anslinger depicted the drug-user as an arch-deviant who committed crimes, would not work, and sought instant pleasurable gratifications, especially sexual ones. He did not denigrate heavy drinkers, or habitual users of tranquillisers and barbiturates, who depended on their preferred substance to cope.

His approach appealed to journalists who wanted sensational material.