



Lee Conklin

BOOK REVIEWS

MARIJUANA—THE NEW PROHIBITION
by John Kaplan. New York and Cleveland:
World Publishing Co., 1969, pp. 387, \$8.50.

John Kaplan was one of six professors of criminal law invited to draft a revision of California's antiquated penal code in 1966. By chance he was given the drug laws as his first important assignment. Previously he had served as an Assistant United States Attorney and prosecuted many violators of Federal drug laws, "many of whom," he admits, "are still serving their sentences." "Marijuana—The New Prohibition" is an outgrowth of the previously suppressed study done for the California Legislature, in which Kaplan draws on both his legal experience and his experiences with drug-control centers at the Stanford and Berkeley law schools.

Guests at a small dinner party high in the Berkeley hills observed the fog enveloped eucalyptus trees, checked their watches and began rearranging furniture in the living room. Some had brought stereo sound system components and TV sets to the house. They prepared for a mixed media experiment presented jointly by KPIX-TV, KGO-FM and K-101-FM. As the Chambers Brothers appeared on two color TV screens, quadriphonic sound filled the room. One of the guests, a psychiatrist, twisted the dials, changing colors in time to the music while the host passed a marijuana cigarette to an attorney who passed it on to an architect. Similar scenes were occurring simultaneously in thousands of San Francisco homes.

"Although, like many Americans of my generation," he says, "I cannot escape the feelings that drug use, aside from any harm it does, is somehow wrong, I am deeply moved by the consequences of our present policy. As a lawyer and teacher of law, I regard it as a matter of desperate urgency to repair the damaged integrity, credibility and effectiveness of our criminal law; and as one who is constantly in contact with students I am deeply upset by anything that increases their alienation from traditional American values."

One of the consequences of the marijuana laws is that an unknown number of Americans, estimated variously from 12 to 20 million people, are, by law, felons. These felons include not only the young, but an increasing number of business and professional people who otherwise lead conventionally productive, crime-free lives. Even the forces of "law and order"—perhaps that group especially—might wonder, as John Kaplan does,

whether a second crime is easier to commit than the first:

"The wisdom of a law should be determined in pragmatic terms by weighing the costs it imposes upon society against the benefits it brings. The purpose of this book is to apply this principle to the laws criminalizing marijuana."

The chartered United Airlines jet rolled to the end of the runway, revved its engines and took off. Immediately its passengers, bound for a conference at a Vermont college, brought out marijuana cigarettes and hashish pipes which they freely passed up and down the aisles. A cassette recorder playing rock music was hooked into the plane's P.A. system. Soon the cabin air filled with marijuana smoke while the plane and its occupants ascended.

"Marijuana—The New Prohibition" is the most thoroughly researched and best documented work yet produced by any authority in this field. Among other things, it considers the burden of prosecuting those arrested for marijuana offenses. We learn, for example, that in 1968 approximately one-fourth of all felony complaints in California were for violations of the marijuana laws. An overwhelming majority of those arrested (a third of whom were juveniles) had no previous record of serious legal difficulties. The estimated financial cost to California in that year was \$72 million. It also explores marijuana's normal effects on individuals. Its relation to aggression, to alcohol, to heroin and to other drugs are well covered in individual chapters. Liberal use is made of case histories and anecdotal materials as well as available scientific literature, some previously unpublished.

The more one reads about drugs the more one learns of the nature of "objective" studies. Judgments made about drug use and drug abuse involve, of course, not only scientific facts (when they are available) but highly subjective concepts of the limits of individual freedom. This in turn influences the emphasis placed on various effects of the drug, common or rare. Bad reactions to marijuana are not emphasized in Kaplan's book, though they are included.

Marijuana is a drug, and like all drugs will influence adversely some individuals. Transient psychoses induced by marijuana, though unusual, are being reported with greater frequency as its use continues to mushroom. Most often these reactions occur in "borderline" individuals ripe for a panic

reaction. A prolonged adverse reaction, however, is extremely rare and, in fact, I know of several cases in which marijuana was later used "successfully" by individuals who freaked out on first using the drug. There seems to be general agreement among psychopharmacologists that alcohol is demonstrably more harmful than marijuana. The recent drop in student infirmary admissions for acute alcohol intoxication has not been matched by a corresponding increase in marijuana bad trips.

If one intended to write a book proving marijuana was the menace to society most of us have assumed it was until recently, he could easily accumulate enough data; there are, of course, many examples of this. An equal number of writers have taken the opposite orientation. (The LSD-chromosome controversy was begun by a man who set out to prove LSD was harmful. Most subsequent studies have found no chromosome damage caused by that drug.)

"Marijuana — The New Prohibition," however, was written as a powerful argument against this kind of polarization. One chapter deals with marijuana as symbol. Kaplan believes alcohol prohibition resulted from pressure by white rural Protestants to make illegal a practice associated with a group considered somehow less American, namely urban Roman Catholics. Similarly, he says, one frequently finds those opposing changes in the marijuana laws connecting use of that drug with a life style emphasizing immediate experience, noncompetitiveness, disinterest in wealth and disregard for traditional conventions. Alcohol and marijuana prohibition have in common then the widespread and increasing use of an illegal drug, association of the drug with a definite life style, and an era of unprecedented lawlessness.

Kaplan also illustrates the hazards of forcing police to act as educators by a story, perhaps apocryphal, of a sheriff's deputy speaking to a high-school class about the dangers of marijuana. He passed around a "joint" on a tray so that the students might recognize and thus refuse one if it were offered. The tray returned bearing not one joint, but five.

In conclusion, Kaplan presents in detail several alternatives to the criminalization of marijuana, all of which acknowledge society's interest in controlling psychoactive drugs. One is the "vice model" under which trafficking in marijuana would remain criminal, but users freed of any threat of criminal punishment. A second is the "medical model" under which marijuana would be available by prescription. The third is the "licensing model" in which marijuana would be governed essentially by the same laws regulating alcohol. Kaplan apparently favors the licensing

model, but the committee of law professors working with the Joint (sic) Legislative Committee to Revise the Penal Code of the State of California recommended the vice model.

Shortly after releasing their findings they were all fired and replaced by an assistant district attorney.

Friends in high school, the group had not seen each other in nearly twenty years. As they reminisced and observed changes in girth and hairlines, one of them commented that at that moment he was reviewing a book about the marijuana laws. The others smiled. Leaving the table for a moment the host, a physician, returned with a small plastic bag containing leaf particles, seeds, and stems. . . .

Eugene Schoenfeld

Soma: Divine Mushroom of Immortality, by R. Gordon Wasson, New York: Harcourt, Brace & World, 1968, pp. 381, \$200.00.

Gordon Wasson's long-awaited work linking the mushroom *Amanita Muscaria* (fly agaric) with the ancient "Divine Plant," Soma, has already prompted more detailed studies of the role played by psychedelic plants in early religions. A recent advertisement in the *San Francisco Chronicle* (August 23, 1970) proclaims: "Is Christianity a Perversion of an Ancient Hallucinogenic Fertility Cult?" "Were the visions of the prophets really drug trips? Is the New Testament written in code?" The answers are presumably given in *The Sacred Mushroom and the Cross*, by John M. Allegro, author of *The Dead Sea Scrolls*.

The Sacred Mushroom and the Cross, says *Time* magazine, argues that Jesus was not a man but a hallucinogenic mushroom, *Amanita muscaria*; that the New Testament was concocted by addicts of the mushroom as a code for their mystical lore; and that the God of the Jews and Christians is ultimately nothing more than a magnificent phallic symbol.

Wasson's study is mostly pre-Judeo Christian. It begins with the soma-worshipping Aryans migrating from Northern Eurasia to Iran and Afghanistan, founding the Vedic Civilization (3000 B.C.). The Rg Veda is Wasson's primary source material in making a case for the *Amanita* as Soma. Of the Veda's 1028 hymns, 120 are devoted solely to the plant Soma. The book is a delight to read. Wasson obviously enjoys his explorations either in field or library. He does not overstate or strain at evidence. He doesn't have to. His thesis in inherently fascinating and the evidence, like Soma, "speaks for itself."

The Divine Element was not just a symbol of a spiritual truth as in the Christian communion: Soma was

a miraculous drink that spoke for itself. (p 4)

The history of the search for Soma is, probably, the history of Vedic studies in general, as the Soma sacrifice was the focal point of the Vedic religion. Indeed, if one accepts the point of view that the whole of Indian mystical practice from the *Upanisads* through the more mechanical methods of yoga is merely an attempt to recapture the vision granted by the Soma plant, then the nature of that vision—and of that plant—underlies the whole of Indian religion, and everything of a mystical nature within that religion is pertinent to the identity of the plant. (p. 95)

The *Satapatha Brahmana* declares, 'Soma is truth, prosperity, light; and *sura* (alcohol) is untruth, misery, darkness.' (p. 95)

Uralic (Finno-Ugrian) ceased to be spoken ca. 6000 B.C., or according to some authorities as recently as 4000 B.C. At that remote period there was not yet writing in the world; The Sumerians seem to have been the first to devise a method for making speech visible, and this they did shortly before 3000 B.C. . . . The use of the fly-agaric as an inebriant therefore dates back to the period when common Uralic was last spoken, but this is the minimum age. There is no reason to suppose that the peculiar virtue of this miraculous herb went for long undiscovered after it became common in the birch and pine forests as these spread over the Siberian plains in pursuit of the retreating ice cap of the last glacial age, ca. 10,000 B.C. . . . For a shamanic practice that has lasted six, or eight, or ten millennia, our soundings reach back only three centuries, ripples on time's surface. (pp. 207-208)

There is an interesting parallel to the present trend toward non-chemical spiritual disciplines following experiences with LSD. Wasson points out that Soma was no longer referred to in later Vedas although its use stayed alive in the inner circles of the Brahmans. Soma was replaced "with ritual and doctrine, with regulated austerity and mortification of the flesh." Law overshadows Gospel.

Unlike Northern Eurasians, who are mostly mycophiles, "Germanic, Celtic and Anglo-Saxon people have been infected with a virulent mycophobia since pre-history." References in early and modern literature link the "toadstool" with the toad and serpent — "a fruit of Christianity." Hostility toward the mushroom is undisguised, hence such terms as "mad mushroom" and "fool's mushroom." "In the Celtic World, the shamanic role of the fly agaric aroused such awe, fear and adoration that it came under a powerful tabu. The Enemy to the missionaries."

It is most unfortunate that this brilliant, highly readable book was published in a limited, very expensive edition (500 copies, \$200). Other than a few scholars, most copies are housed in libraries and must be read there.

—Robert Mogar.

The Pleasure Seekers: The Drug Crisis, Youth, and Society, by Joel Fort, M.D., New York: Bobbs-Merrill, 1969, pp. 255, \$6.50.

"The Pleasure Seekers" was written by a social psychiatrist-criminologist who does not himself use drugs of any kind, including tobacco and alcohol. In the Dedication, Dr. Fort says he hopes his book "reflects the qualities of individualism, rationality, and compassion which I cherish." Like his previous pronouncements on the drug issue in conferences, articles and Congressional hearings, Fort's book reflects a passion for factual accuracy, clear thinking and forthright presentation. Unlike the provincialism, hypocrisy and irrational biases which currently pervade the drug scene (quietly documented and refuted by Dr. Fort), a worldwide perspective of drug usage and the historical context in which it occurs permeates Fort's book. His presentation clearly lives up to his stated purpose and hope. The book like the man has integrity. The medium (personal style) is not only consonant with the message but gives it vitality and meaning—all too rare in current views on drugs. His "passionate detachment" leads to such deceptively simple conclusions as:

Knowing that there are some seven million college students, and about six million people in each of the young-adult groups, 18, 19, 20, etc., if we generalize from the several estimates of one-in-five to one-in-seven college students, . . . one is faced with the unpleasant fact that there are clearly millions of users (pot) in spite of, and because of, the drug laws and their enforcers, and the values of the older generations. (pp. 32-33)

The contents of the book include an incisive coverage of what has been empirically established concerning alcohol, nicotine tobacco, sedatives, stimulants, tranquilizers, marijuana, LSD-type substances, and narcotics. Dr. Fort has undertaken the unpalatable task of sifting through the mountain of written and stated verbiage on drug usage, describing only those findings that are clearly free of ax-grinding, transiency, and provincialism.

Fort's painstaking review of investigations by himself and others throughout the world of each drug group results in careful estimates of the frequency of usage among all age groups, a breakdown by use and abuse (clearly defined according to culturally-relative norms of enhancement and impairment), the amount, sources and logistics of underground traffic throughout the world, the current laws, cross-culturally, Federal and State, and their effects (generally negative and self-fulfilling prophecies):

A significant and growing segment of the costs of police, district public defenders, courts, jails, prisons,